

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, May 15, 2008**

Board Members Present: Terry McSweeney, Chair; Edward Weiner, Ph.D., Vice-Chair; Jim Dion; Catherine Read, Ph.D..

Staff Members Present: Sharon Walker Mastenbrook, Director of Public Health; Heidi Porter, Environmental Engineer; Marlene Johnson, Health Agent

Mr. McSweeney called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES:

▶ **April 8, 2008, April 22, 2008, and April 30, 2008**

MOTION: To approve the April 8, 2008, April 22, 2008, and April 30, 2008 minutes as submitted (Dr. Read; second: Mr. Dion).

APPROVED: 4-0-0

CITIZENS TIME

Meghan Gardner and Frank Gardner of Guard Up, Inc. were present to discuss a Summer Sword Adventures program they run in Burlington. Ms. Johnson said she met with Ms. Gardner prior to the BOH meeting and after much discussion as well as a review of the application, it was determined by both the Board of Health (BOH) Director and Health Agent that this program meets the definitions of a recreational sports camp and should be licensed as such. Ms. Gardner did not agree with this determination and asked to come before the BOH to discuss the determination.

Ms. Johnson explained to the Board that the registration application describes high-risk activities and includes a waiver from responsibility for injuries, etc. Also, she said, the program runs for six hours, five days a week. According to 105 CMR 430.000, this type of program requires it to be licensed as a camp.

Ms. Gardner explained that their insurance company required the waiver. She also stated that the license requirements would take too long to accomplish, and she wouldn't be able to start the program.

Dr. Read asked if their regular clients would be attending the summer program. Ms. Gardner replied that the majority are regulars. Dr. Read asked how many hours the participants would attend, and Ms. Gardner said some for an hour and others the entire day. Dr. Read asked what the difference was in the charges, and Ms. Gardner explained that it is based on how many hours they attend. Dr. Read asked if their regular instructors would also teach in the summer, and Ms. Gardner said they would. Dr. Read asked about certification, and Ms. Gardner replied that only the camp director is certified. The majority of instructors are part-time and they are all trained in CPR.

Dr. Weiner reviewed portions of the waiver and stated that if the parents are expected to sign a document explaining dangerous risks, then it is the BOH's obligation to the community to request that this program be licensed as a camp, to ensure that all safety precautions are in place.

Ms. Johnson said that with the license, 100 percent compliance is expected with respect to CORI checks, CPR training, a medical plan, health care supervisor/consultant, etc. Ms. Gardner was

still averse to being required to be licensed stating that the requirements would delay the start of the program.

Ms. Johnson added that summer sport programs/camps are also required to be licensed as a camp. She also stated that she could assist with required paperwork and names of medical consultants.

MOTION: To require Guard Up Summer Sword Adventures to license as a recreational sports camp for children since it meets the definition of a camp (Dr. Weiner; second: Dr. Read).

APPROVED: 4-0-0

HEARING:

▶ **Kennel License (7 Town Line Road)**

Jill Joyce, kennel owner, was present and said that she would be keeping up to four dogs for personal use. Ms. Johnson said that the town's Animal Officer did not have an issue with Ms. Joyce keeping up to four dogs at this address.

MOTION: To approve a kennel license for 7 Town Line Road for the purpose of keeping up to four dogs for personal use on the premises, with the BOH conducting future administrative review.

Discussion: Dr. Weiner explained that this is a one-time request and the Health Agent and Animal Control Officer would conduct annual inspections.

APPROVED: 4-0-0

VARIANCE REQUEST:

▶ **Quiznos, 75 Middlesex Turnpike – Exterior Grease Trap**

Shawn Landon introduced himself as the new owner of Quiznos, which will be located within the Burlington Mall in the Food Court. Mr. Landon is seeking a variance from the BOH regulation requiring an exterior grease trap.

Ms. Johnson explained that Quiznos sells sandwiches, soups, salads, and packaged foods. There will be no frialators, and an internal passive grease trap will be connected to the warewash sink. Because this establishment will be preparing foods containing fats, oils, and grease, Ms. Johnson recommended denying a variance. She added that if the Board decides to grant a variance, it should be granted for one year with the conditions listed on the Variance Request dated May 13, 2008.

MOTION: To approve a temporary variance for one year and after one year, if there are no issues, the proponent may come before the BOH to request a permanent variance (Dr. Weiner; second: Dr. Read).

APPROVED: 4-0-0

VARIANCE REQUEST:

▶ Pizzeria Presti, 101 Middlesex Turnpike – Exterior Grease Trap (one-year review)

Mladem Nikolov was present for his one-year grease trap review and was seeking BOH approval for a permanent exterior grease trap variance.

Ms. Johnson explained that In May 2007, the Board granted a temporary grease trap variance to operate Pizzeria Presti without an external grease trap. The log that has been kept regarding grease trap clean out was reviewed by the Board.

Ms. Johnson was asked by the Board if there had been any grease trap issues occurring at this facility, and she replied that there were none.

MOTION: To grant a permanent exterior grease trap variance to Pizzeria Presti, 101 Middlesex Turnpike (Mr. Dion; second: Dr. Weiner)

APPROVED: 4-0-0

Mr. Nikolov thanked Ms. Johnson for her assistance to him, and he thanked the town of Burlington for their patronage.

STAFF REPORTS

▶ Environmental Engineer's Report

Ticks: Ms. Porter warned the public that tick season was upon us, and a large population is expected this year. She explained that they carry disease, and proceeded to outline tick prevention techniques. Information, she said, is available on the BOH website.

Mosquito Control: Ms. Porter stated that the East Middlesex Mosquito Control Project is again working in Burlington this year, and the mosquitoes will be controlled in the neighborhoods of town beginning in early summer between dusk and 11:30 p.m. Truck mounted aerosol sprayers will be used. Pellet treatment will be conducted at catch basins. Aerial spraying of the Vine Brook to control spring mosquito larvae was done in April. Residents were reminded to empty and remove any type of container that could hold small pools of standing water where larvae grow.

MOTION: To accept the Environmental Engineer's report as submitted (Mr. Dion; second: Dr. Weiner).

APPROVED: 4-0-0

▶ Health Agent's Report

Ms. Johnson reported that the contracted Health Inspector conducted a routine inspection on April 9 at the Burlington Ice Palace. A re-inspection was done on April 23, and all violations, including two critical, were not corrected, and a \$50.00 fine was issued. They had been put on notice when

the violations were not corrected. She said that the manager understands that the ice Palace will be required to come before the BOH if this occurs again in the future.

Reverse 911: Ms. Johnson said that she attended a meeting for town employees regarding Connect CTY, a reverse 911-type program. Mr. Mercier explained that it will be available for any office that needs to get important information to the public.

Pool Seminar: Representatives from all, but four, public and semi-public pools attended the recent Swimming Pool Operator Seminar. Letters were sent to those pool representatives that did not attend. She explained that each year an attempt is made to discuss issues that may occur during the pool season.

Shaws: The Water & Sewer Department said they recently found grease in the sewer system line that is used solely by Shaws. The department cleaned the line and asked the BOH to conduct a follow up. Ms. Johnson said Shaws has both interior and exterior grease traps, but they were not keeping proper logs. They were instructed to keep logs on each trap and make copies of invoices and keep them on file. A report was made to the Water & Sewer Dept.

Bugaboo Creek: Mr. McSweeney asked about the status of Bugaboo Creek. Ms. Johnson replied that favorable reports have been received from their food consultant plus after a full inspection, it appears they have made great improvement.

MOTION: To accept the Health Agent's report as submitted (Mr. Dion; second: Dr. Weiner).

APPROVED: 4-0-0

‣ Board of Health Nursing Report

Ms. Mastenbrook, reporting for Ms. Nemoda, commented that the Hep A Vaccine program continues with Not Your Average Joe's Restaurant. The vaccine in storage will expire shortly.

MOTION: To accept the Nurse's report as submitted (Dr. Read; second: Mr. Dion).

APPROVED: 4-0-0

‣ Director of Public Health's Report

Mobile Ice Cream Vendors: Ms. Mastenbrook said that the mobile ice cream trucks are starting to come in for updated permits. Effective July 1 all mobile ice cream trucks will be required to have a blue permit.

Beaver Trapping: The residents in the vicinity of Mary Cummings Park are having beavers trapped at their own expense. Beaver Deceivers were also discussed as well as the upcoming plan to breach dam, with the permission of the Conservation Commission.

MOTION: To accept the Director of Public Health's report as submitted (Dr. Read; second: Mr. Dion).

APPROVED: 4-0-0

DISCUSSION

Ms. Mastenbrook said that with respect to occupancy inspections for massage establishments, the State now regulates massage therapists and establishments, and not local Boards of Health. Ms. Johnson was recently asked by the Building Department to do an occupancy permit for a massage establishment, but with no regulation, there is no enforcing strength. Ms. Porter added that if there are staff comments on reports to the Planning Board, then the BOH is asked to sign off. Mr. McSweeney stated that he would like to keep the Board's options open and suggested an opinion be requested of the Building Inspector.

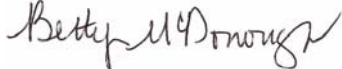
Principal Clerk: Mr. McSweeney reported that Paula Manzo of Woburn had been hired as the full-time Principal Clerk in the BOH office, and she will start on May 19.

Well wishes were given to Mr. Dion on the recent death in his family. Mr. Dion thanked the town for its support.

MOTION: To adjourn at time 8:00 p.m. (Dr. Weiner; second: Mr. Dion).

APPROVED: 4-0-0

Respectfully Submitted,



Betty McDonough
Recording Secretary