

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, October 14, 2008**

Board Members Present: Terry McSweeney, Chair; Jim Dion; Cathy Read, Ph.D, RN; Wayne Saltsman, M.D., 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:

September 9, 2008

MOTION: To approve the minutes of the regular meeting of September 9, 2008 as submitted. (Dr. Saltsman; second: Dr. Read). **APPROVED: 3-0-1** with Mr. Dion abstaining

September 23, 2008

MOTION: To approve the minutes of the regular meeting of September 23, 2008 as submitted. (Dr. Read; second: Jim Dion). **APPROVED: 4-0-0**

PRESENTATION

▶ ***Northwest Industrial Park – Draft General Environmental Management Plan***

Present to address the board was Attorney Robert Buckley of Riemer and Braunstein who reviewed the most recent General Environmental Management (GEM) plan for the Northwest Park (NWP) Redevelopment Project.

The plan, he said, addresses the well-defined contaminated areas at the site that impact town wells and describes Norblom's plan for environmental management during the entire process of construction and after construction.

Also present was Margaret Hanley, LSP, who explained that the LSPs for both the proponent and the town would be working together. She stated that the goal of the plan is to not create any additional environmental impacts at the site as a result of the development.

Ms. Porter explained that at this time she is awaiting comments from other Town departments.

The Board expressed their appreciation for the thorough, informative draft plan.

SPECIAL PERMIT

▶ ***New Office Building, 174 Middlesex Turnpike***

Attorney Robert Buckley of Riemer and Braunstein and Steve Logan, Sr. Vice President of Nordblom, were present to review the Special Permit Application.

Mr. Buckley commented that a new Special Permit Application was submitted to conform to the recently passed PDD. Mr. Logan explained that they would be cutting down on the size of the footprint by raising the construction from two stories to three. Their plans also call for a reduction of volume to the town drainage system to lower any possible contamination entering the site. Other issues addressed:

- Groundwater infiltration will not be conducted due to on-site contamination;
- Frontal green space preserved with a 100' buffer to Vine Brook;
- No change to parking layout or to sewer connections.

Of concern, Ms. Porter said, was infiltration because of down gradient issues, and the LSP of record was made aware of the development. Since contaminated groundwater may be impacted, the Massachusetts Contingency Plan will require that any excavation and development work be done under a Release Abatement Measure (RAM) Plan. During finalization of a General Environmental Management (GEM) plan for the entire Northwest Park, there will be a review to confirm that there are sufficient sentinel wells to assess any movement of contaminations from Northwest Park to the Town wells.

MOTION: To approve Special Permit Application for 174 Middlesex Turnpike (Mr. Dion; second: Dr. Saltsman). **APPROVED: 4-0-0**

HEARING

▶ ***Burlington Jade, 271 Cambridge St. – Food Code Violations***

Present to address the Board was Greg Kwan, Co-Owner of Burlington Jade. Ms. Johnson reviewed the recent history of food code violations and non-compliance issues with respect to raw meat being stored out of temperature control as well as there being no CFPM on site. A \$50.00 fine was issued on September 18, 2008.

She explained that there were large amounts of uncovered, raw meat waiting to be prepared. Also, refrigeration capacity was insufficient to handle the quantity of meats being prepared, but the owner had since purchased a new refrigeration unit. They are making steps to properly organize the store.

Mr. Kwan commented that they realize they have become negligent and are now making every effort to be in compliance.

Ms. Johnson read her recommendations which included, in part:

- Additional CFPMs;
- Five monthly sanitation reports, by independent food consultant, be provided to the BOH;
- Three additional successful inspections by the BOH;
- Appearance before BOH in March 2009;
- Revocation of food permit if all conditions are not met.

Mr. Kwan said he understood all the conditions, but asked if Ms. Johnson could conduct the monthly sanitation inspections. He was told that he must hire and pay a consultant and follow all the recommendations by the consultant and the health agent.

MOTION: To concur with the recommendations made by the Health Agent (Dr. Saltsman; second: Dr. Read). **APPROVED: 4-0-0**

VARIANCE

▶ ***Paradise Express, 5 Center St. – Exterior Grease Trap***

Jaya Yella, owner of Paradise Express, was present seeking a variance from the BOH regulation requiring an exterior grease trap. He expects the facility to open in two months.

Ms. Johnson explained that Paradise Express will be selling South Indian cuisine prepared on site. There will be seating for 22 customers. There will be frialators in the kitchen and an existing internal, passive grease trap will be connected to the ware wash sink. Her recommendation was to deny the variance because this establishment will be preparing foods containing fats, oils and grease. However, if the BOH grants the variance, she recommended a one year variance, and if there is compliance with the Grease Trap Regulations, the Board may grant a permanent variance, if they so desire.

MOTION: To approve a temporary variance for one year and after one year, if there are no issues, Mr. Yella may come before the BOH to request a permanent variance (Dr. Saltsman; second: Mr. Dion). **APPROVED: 4-0-0**

STAFF REPORTS

► Environmental Engineer's Report

EDS: Ms. Porter stated that she is currently preparing for the fall Emergency Dispensing Site (EDS) for emergency preparedness.

GEM: She also said she is heavily involved with the GEM plan review for NWP to confirm that the BOH comments and concerns are addressed.

Regional Emergency Planning Committee: Much work is being done with this committee, Ms. Porter said, to ensure that the proper grants for emergency preparedness programs are acquired.

Drainage/1 Demone Drive: It appears that the landscaper's drainage proposal submitted at the September 23 BOH may not be sufficient, Ms. Porter said, and it will be necessary for the property owners to request a plan from an engineer. There are discussions for additional infiltrators and possibly a retaining wall to help alleviate the flooding into a neighboring yard.

MOTION: To accept the Environmental Engineer's report as submitted (Dr. Read; second: Dr. Saltsman). **APPROVED: 4-0-0**

► Health Agent's Report

Massage Applications: Ms. Johnson stated that local massage establishments have been notified that the Commonwealth of Massachusetts' Board of Registration of Massage Therapy would be accepting Massage Establishment License Applications. Licensure is no longer under the jurisdiction of the BOH.

Taste of Burlington: The event went well with only a few establishments having issues that were easily corrected.

Fats, Oils and Grease Brochure:

A brochure created by Ms. Johnson on the proper disposal of fats, oils and grease was reviewed and approved. The DPW Director had indicated that it would be helpful to have the brochure readily available at his office to make the public aware of the procedures.

Requirement of CFPM/Failure to Pass Exam:

Ms. Johnson was asked about the CFPM letter concerning those who are unable to pass the CFPM certification course at Mrs. Field's Cookies. She explained that the test is in English but English is not the major language to many of those taking the exam. For low-risk establishments, if an employee cannot pass the exam, they may have an interview personally with Ms. Johnson where they are asked food safety questions relative to their operation. Ms. Johnson is able to determine if the individual is qualified for CFPM status and can then make the recommendation to the BOH.

MOTION: To accept the Health Agent's report as submitted (Dr. Saltsman; second: Dr. Read). **APPROVED: 4-0-0**

► **Board of Health Nursing Report**

PSA: Dr. Saltsman commented that he and Ms. Nemoda collaborated on a report as well as a PSA regarding safety. He urged the Board to approve her recommendations.

Food Pantry: Dr. Read suggested that plans continue for a blood pressure clinic to be held at the Food Pantry.

BOH Clinic Floor: Ms. Mastenbrook reviewed the procedures and expectations for weekly washing and sanitizing of the BOH Clinic Floor by the custodians, as recommended by the Supervising Nurse.

Pacific Islanders: As requested by the Board at their September 23, 2008 meeting, Ms. Nemoda included in her report an explanation of the US Census Bureau's reporting statistics for Pacific Islanders.

MOTION: To accept the Nurse's report as submitted (Mr. Dion; second: Dr. Read). **APPROVED: 4-0-0**

► **Director of Public Health's Report**

Policy on Decisions by BOH Staff: Ms. Mastenbrook stated that she looks forward to a final decision from the BOH on the guidance policy for decisions made by the BOH professional staff. When the full Board is satisfied with the policy as written, it will be submitted to Kopelman and Paige for review and recommendation.

Tobacco Regulation: The changes to the draft Regulations of the Burlington Board of Health – Sale of Tobacco to Minors were reviewed. Ms. Mastenbrook explained the comments made by DJ Wilson, MMA's Tobacco Control Director, on violations, fines and warnings.

MOTION: To accept the changes made to the Regulations of the Burlington Board of Health – Sale of Tobacco Products to Minors (Dr. Saltsman; second: Dr. Read). **APPROVED 4-0-0**

The next steps are as follows: 1) send BOH approved regulation to Mr. Wilson at MMA; 2) after MMA approval, send regulation to town counsel; and 3) if approved by town counsel, the regulation comes back to the BOH for consideration of a hearing to present the regulation.

MOTION: To accept the Director of Public Health's report as submitted (Dr. Read; second: Dr. Saltsman). **APPROVED: 4-0-0**

MOTION: To adjourn at 8:05 p.m. (Dr. Saltsman; second: Dr. Read). **APPROVED: 4-0-0**

Respectfully Submitted,

Betty McDonough
Recording Secretary