

**Burlington Board of Health  
Minutes – Regular Meeting  
Tuesday, January 13, 2009**

**Board Members Present:** Ed Weiner, Ph.D, Vice-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

Dr. Weiner called the meeting to order at 7:00 p.m.

**APPROVAL OF MINUTES:**

**November 25, 2008**

**MOTION:** To approve the minutes of the regular meeting of November 25, 2008 as submitted (Mr. Dion; second: Cathy Read). **APPROVED: 4-0-0**

**October 14, 2008**

**MOTION:** To table discussion of the minutes of the regular meeting of October 14, 2008 (Dr. Read; second: Mr. Dion). **APPROVED: 4-0-0**

**SITE PLAN AND SPECIAL PERMIT**

▶ ***235-245 Cambridge Street – construction of 37 unit residential complex***

Addressing the board were Attorney Mark Vaughn, Reimer & Braunstein and David Romero, of Commonwealth Engineering. Mr. Vaughn reviewed the proposed construction of two residential buildings on Cambridge St. with a total of thirty-seven condominium units. Enclosed parking is being proposed.

The access road to the property will align with the signals at Skilton Lane and Cambridge St. Mr. Vaughn stated that drainage and engineering plans are in compliance with storm water management regulations. Two infiltration areas will handle storm water runoff. All comments from the BOH subcommittee, Mr. Vaughn continued, were incorporated into the proposal.

Dr. Weiner asked about specifics on the infiltration system, and Mr. Romero explained that there will be a small detention basin proposed for the base of the existing hill, which, he said, would handle a 100 year storm during which time it would contain no more than one foot of water for no longer than one hour. Any storm water overflow would be directed to the town's underground system. Town engineers requested that information with respect to the proposed basin be more specific, and Dr. Weiner requested that the specifics be included in the board's vote.

Ms. Porter said she was satisfied with the submitted drainage calculations.

**MOTION:** to accept the Special Permit and Site Plan for 235-345 Cambridge Street with the stipulation that during a 100 year storm, water in the detention basin would be no deeper than one foot and will remain in the basin for no longer than one hour (Dr. Saltsman; second: Mr. Dion). **APPROVED: 4-0-0**

▶ ***Outback Steakhouse – Food Code Violations***

Joseph Hebert, owner and Eric Braunstein were present to address the board. Ms. Johnson explained that during a routine health inspection on June 3, 2008, it was noted that sanitation standards for this food establishment were in need of correction. During that inspection, the manager was informed that improvement was necessary to improve poor sanitation standards.

During the next routine health inspection on December 4, 2008 it was noted that there was no improvement and there still was no system in place to monitor the cleanliness of the restaurant.

Mr. Braunstein explained that he only recently had transferred from New York to the Burlington restaurant. He added that Mr. Hebert had been proprietor for a couple of years, and there had been a great deal of turnover. The situation, he continued, is embarrassing, and they are working diligently to correct the situation.

Mr. Hebert stated that they have put together an internal inspection plan with the management team. Ms. Johnson stated that she inspected the restaurant today, and it appeared that there had been improvement.

The board agreed with Ms. Johnson's written recommendations, and they were read into the record:

- 1) Use past practice – follow Code Enforcement Model.
- 2) Allow Outback Steakhouse to remain open until July 28, 2009.
- 3) Outback Steakhouse shall provide additional certified food protection managers (CFPM) who are trained in food safety within sixty (60) days – by March 13, 2009. Documentation of enrollment and/or copies of the CFPM certificates shall be submitted to the Board of Health by March 13, 2009.
- 4) Outback Steakhouse shall provide a CFPM on site during all hours of operations once additional staff is certified.
- 5) Outback Steakhouse is to submit to the Board of Health five (5) monthly sanitation reports (February through June) from an independent food consultant at food permit holder's expense.
- 6) Three (3) additional inspections conducted by a Board of Health inspector at food permit holder's expense, February through June (\$50.00 for each initial inspection, \$25.00 for each re-inspection).
- 7) Have a successful routine health inspection before July 28, 2009 (no critical violations and improvement in the cleanliness, sanitation and maintenance of the restaurant).
- 8) Appear before the Board of health at the regularly scheduled board meeting on July 28, 2009 for a progress report.
- 9) The Board of health may vote at this meeting to revoke Outback Steakhouse's food permit to operate a food establishment if the above conditions are not met. If the above conditions are met the Board may vote to allow Outback Steakhouse to continue to operate.

Mr. Dion asked how many CFPM's are in place at one time. Mr. Braunstein responded that there are now three but in the past there had been only one.

Dr. Saltsman expressed his deep concern about the sanitation issues and he stated, and the members agreed, that the restaurant must adhere to the Health Agent's and the Board's recommendations.

**MOTION:** to approve the recommendation by the Health Agent (Dr. Read; second: Mr. Dion). **APPROVED: 4-0-0**

**MOTION:** to take agenda item "Discussion" out of order (Dr. Read; second: Mr. Dion). **APPROVED: 4-0-0**

## **DISCUSSION**

### **▶ 1. Policy for Late Renewal of Food Permits**

This policy was created as many food permit holders consistently fail to return their renewal forms and permit fees prior to their expiration on November 1 of each year. The members agreed that this was a positive step and agreed with the recommended options.

**MOTION:** to approve the new Policy for Late Renewal of Food Permits (Dr. Saltsman; second: Dr. Read). **APPROVED: 4-0-0**

▶ **2. Board of Health Meeting Schedule for 2009**

**MOTION:** To approve the Board of Health Meeting Schedule for 2009 as submitted (Mr. Dion; second: Dr. Read). **APPROVED: 4-0-0**

▶ **3. Rescission of Regulations Affecting Smoking in Certain Place: 1993 and 2002**

As smoking is now fully covered under the Mass. General Laws, it is no longer necessary for Burlington to have its own policy.

**MOTION:** To rescind Regulations Affecting Smoking in Certain Places enacted January 20, 1993 and its amendment enacted January 1, 2002 (Dr. Saltsman; second: Dr. Read). **APPROVED: 4-0-0**

**STAFF REPORTS**

▶ **Environmental Engineer's Report**

Haz Mat Registration: Ms. Porter said that registration for businesses is due February 15.

Demo: Many pre-demolition inspections are taking place at this time. Demolition was approved for the Woodward's Liquor Store on Middlesex Turnpike. Dunkin' Donuts will be building on the site, and at this time are awaiting approvals from the Conservation Commission.

Promotion of Environmental Health: Ms. Porter stated that she is working with a Massachusetts environmental health organization and Hazmat subcommittee for the purpose of studying ways to implement hazardous material regulations into communities.

Household Hazardous Waste Collection: The next HHW collection day is scheduled for Saturday, April 25, 2009.

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

▶ **Health Agent's Report**

Anti-Entrapment Drain Covers:

Ms. Johnson reviewed the Virginia Graham Baker Pool and Spa Safety Act that was passed in December of 2007. This act requires all public swimming pools and whirlpool and hot tubs be equipped with anti-entrapment drain covers. Pools with a single drain, she said, are required to have an additional device or system to ensure no entrapment in order to comply with the Act. The Hilton Garden and Marriott are in full compliance. Pool operators and property manager companies have been sent a letter from the BOH regarding this matter, and no permits will be issued to outdoor public and semi-public pools until such time as they are in compliance.

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

▶ **Board of Health Nursing Report**

Flu Clinics: Clinics are ongoing with some being scheduled in the evening to better accommodate working hours of the public.

Communicable Diseases: The state has set up a system to record and report communicable diseases. It is the goal of the state that each town can view the types of cases being reported in other communities. Ms. Mastenbrook supports this goal and reported that both Ms. Nemoda and Ms. Piccolo are learning to use the system.

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

Programs: Ms. Mastenbrook and the BOH reviewed the presentations she had prepared regarding many of the programs in which the department has been involved.

Budget: Also reviewed was the FY2010 budget summary page. Dr. Weiner stated that the department is committed to level services.

Rabies Vaccination Clinic: The next clinic with Dr. Sarfraz Mian has been scheduled for Saturday, March 28, 2009 at the DPW highway barn on Meadow Road. The cash fee for Cats and dogs is \$15.00 and \$25.00 for ferrets. It is not necessary for those bringing pets to be a Burlington resident.

**MOTION:** To accept the Nurse's and Director of Public Health's Report as submitted (Mr. Dion; second: Dr. Saltsman). **APPROVED: 4-0-0**

**MOTION:** To adjourn at 7:30 p.m. **APPROVED: 4-0-0**

Respectfully Submitted,

Betty McDonough  
Recording Secretary