

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, March 10, 2009**

Board Members Present: Ed Weiner, Ph.D, Vice-Chair, (Acting 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; Andria Nemoda, Supervising Nurse

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

CITIZEN'S TIME: Gregory Smith, 36 College Rd., commented on water collecting on Lexington Street. Ms. Porter replied that she would inform the Conservation Commission.

APPROVAL OF MINUTES

February 10, 2009

MOTION: To approve the minutes of the regular meeting of February 10, 2009 as submitted (Dr. Saltsman; second: Mr. Dion). **APPROVED: 4-0-0**

CHAIRMAN'S REPORT

Dr. Weiner reported that Mr. McSweeney would be in attendance at the Board's next regularly scheduled meeting.

SPECIAL PERMIT

▶ ***174 Middlesex Turnpike – Revision to Stormwater Treatment Plan***

Present to address the board were Connor Nagle, Vanasse Hangen Brustlin, Inc. and Todd Fremont-Smith, Nordblom Company.

The Board of Health reviewed the previously approved plan for drainage control at this location. Mr. Fremont-Smith explained that there was a need to revise the special permit application because of the higher than expected water tables.

He explained that the latest version of the plan included catch basins for storm drainage in the western portion of site. There will also be one lined bioretention basin along the southern site boundary and one lined grassed swale at the southeastern corner of the site. The on-site Stormceptor has been moved proximal to the southeastern portion of the site, in order to clean all stormwater leaving the site since the swale and bioretention basin will not remove the required total of suspended solids from the stormwater.

The town's consulting LSP for the NWP redevelopment's review of the plan has been submitted for review by the Board of Health (BOH). Ms. Porter recommended approving the revised drainage control plan as presented provided the proponent maintain full compliance with previously submitted BOH comments to the Planning Board dated September 15, 2008 as well as the March 4, 2009 SEA comments.

Ms. Porter explained that conditions require that the manufactured systems capturing water be cleaned in strict accordance to a pre-determined maintenance schedule. Mulch and grass materials will act as the first line of defense.

Dr. Weiner was concerned about the plume being disturbed and asked about the life expectancy of the system, specifically, the bioretention basin. Mr. Nagle said that with proper landscaping and replacement of the mulch, the industrial strength liner has a life expectancy of 30-50 years.

Dr. Weiner asked how long the system would hold water in a 25-year storm. Mr. Nagle replied less than thirty hours, upon which Dr. Weiner recommended that a condition be put in place indicating that if water is standing for more than twenty-four hours, the catch basins and swale would be treated for mosquitoes.

Dr. Weiner noted the steep bioretention basin and asked what safety precautions were being taken. Mr. Nagle replied that there would be a public sidewalk with a five foot grassed buffer area.

Mr. Dion expressed his concern with respect to the plume, and Ms. Porter replied that it would not be affected as there would be no water infiltrating at the site.

Ms. Porter reviewed the comments and conditions stating that compliance is expected with the original 23 conditions dated September 15, 2008. A 24th comment will be added with respect to mosquito control.

MOTION: To approve the revised September 15, 2008 Special Permit Application for stormwater treatment plan and Supplemental Comments pertaining to drainage, including the BOH's additional condition (#24): *In the event that storm water is present in the bioretention basin or grassed swale greater than 24 hours, these features shall be treated with appropriate mosquito control materials applied by a licensed pesticide applicator* (Mr. Dion; second: Dr. Saltsman). **APPROVED: 4-0-0**

HEARING

▶ ***Burlington Jade, 271 Cambridge St. – food code violations status report***

Peter Choi and Que Que Ma, owners of Burlington Jade, were present to address the BOH. Ms. Johnson explained that this was the conditional follow up to the BOH's hearing with Burlington Jade held on September 17, 2008 with respect to violations found on site.

At this time, she said, there is much improvement at the establishment. There are additional food managers and Mr. Ma re-certified his CFPM certification. Two refrigerators have been purchased, food is being cooled properly, and no food was found left out of temperature during inspections. There is correct signage at the warewash sink, and there was no sign that it was being used inappropriately.

Since all conditions were met, Ms. Johnson recommended to vote in favor of allowing Burlington Jade to continue to operate.

BOH members thanked the owner for his due diligence.

MOTION: To allow Burlington Jade to continue to operate (Mr. Dion; second: Dr. Saltsman)
APPROVED 4-0-0

HEARING

▶ ***Tobacco Sales to a Minor, Carli Convenience, 324 Cambridge St.***

Present representing Carli Convenience were John Fuccione, owner and John Cormier, employee. Ms. Mastenbrook explained that on February 8, 2009, an employee of the establishment sold cigarettes to a minor without checking for identification.

Mr. Fuccione apologized and stated that at the time of the sale, the store was very busy with many customers at the counter. Dr. Weiner suggested that a training session be held for the employees, and Mr. Fuccione agreed.

Mr. Cormier added that Carli Convenience is a conscientious, family-run establishment, and he is positive all employees will be more careful in the future.

The BOH stated that although they appreciate the comments and their efforts in the protection of minors, it is the standard practice to impose a fine for non-conformance.

MOTION: To fine Carli Convenience Store \$100 for selling cigarettes to a minor (Dr. Saltsman; second Dr. Read). **APPROVED 4-0-0**

HEARING

▶ ***Tobacco Sales to a Minor, Mobil on the Run, 123 Bedford St.***

Present representing Mobil on the Run was Manager, Maurice Neglawi. Ms. Mastenbrook explained that on February 8, 2009, an employee of the establishment sold cigarettes to a minor without checking for identification.

Mr. Neglawi apologized and stated that they are trying to be a good neighbor by assisting school events and drug prevention programs. He said that he watched the tape, and it appeared the sales person was distracted while on a cell phone. The employee did not follow the establishment's set of rules, and she no longer is employed there. The employees receive tobacco training, and there are signs at the register about sales to minors.

Dr. Weiner stated that he was satisfied that there are measures in place, but reminded the owner that it is his responsibility to conduct training sessions with the employees.

MOTION: To fine Mobil on the Run \$100 for selling cigarettes to a minor (Mr. Dion; second: Dr. Saltsman). **APPROVED 4-0-0**

VARIANCE

▶ ***Pizza Works, 222 Cambridge St., Temporary Exterior Grease Trap Variance Review***

Present representing Pizza Works were Kenneth Agahigian, owner, and David Agahigian.

Ms. Johnson reported that Pizza Works had received BOH approval for a temporary exterior grease trap variance on March 11, 2008 and were now present to request a permanent exterior grease trap variance. She explained that the menu has not changed, inspection and cleaning logs have been kept, and all routine

food inspections have been in compliance. She added that upon request, DPW reported no issues in that area. Ms. Johnson recommended that the BOH grant a permanent exterior grease trap variance using the same approved conditions from the temporary variance. She also recommended that an exterior grease trap be installed if restaurant undergoes future renovations.

MOTION: To grant a permanent exterior grease trap variance with the same conditions used on temporary exterior grease trap variance (Mr. Dion; second: Dr. Read). **APPROVED: 4-0-0**

VARIANCE

▶ ***Dunkin Donuts, 85 Wilmington Rd., Exterior Grease Trap***

MOTION: To postpone, at the request of Dunkin Donuts, the temporary exterior grease trap variance review until a future BOH meeting (Mr. Dion; second: Dr. Saltsman).

APPROVED: 4-0-0

VARIANCE

▶ ***True North Coffee, 204 Cambridge St., Temporary Exterior Grease Trap***

Owner, Paula Salvucci, was present to address the Board. Ms. Johnson explained that True North Coffee would be selling coffee drinks and baked goods made on site. An interior grease trap will be installed to the ware wash sink. She recommended that the BOH deny the variance because the food establishment will be preparing foods containing fats, oils and grease.

The standard conditions were reviewed, and Ms. Salvucci commented that she understood the conditions of the temporary permit. It was agreed to grant the variance with the stipulation that the proponent appear before the BOH in one year.

MOTION: To grant a temporary one year variance with the proponent appearing before the BOH in one year (Dr. Saltsman; second: Mr. Dion). **APPROVED: 4-0-0**

VARIANCE

▶ ***Café 105, 5 Burlington Woods, Exterior Grease Trap***

Ms. Johnson explained that Café Jazmin was being sold to Michael Vilarino, and the name would be changed to Café 105. The operation is located in an office building located at 5 Burlington Woods. The hours of operation are Monday-Friday for breakfast and lunch. Mr. Vilarino was present requesting approval for a variance to the Board of Health's regulation requiring an external grease trap. Ms. Johnson recommended to deny the variance because the food establishment will be preparing foods containing fats, oils and grease.

The Board agreed to grant the variance with the stipulation that the proponent appear once again in one year. Dr. Weiner reviewed the importance of complying with each of the conditions set forth on the variance. Mr. Vilarino replied that he understood.

MOTION: To grant a temporary, one year variance for an exterior grease trap for Café 105, 5 Burlington Woods with standard conditions (Mr. Dion; second: Dr. Saltsman). **APPROVED: 4-0-0**

STAFF REPORTS

► Environmental Engineer's Report

Household Hazardous Waste Collection Day: The next waste collection day will be held on Saturday, April 25 at Marshall Simonds Middle School from 8:30 am to 12:00 noon.

Radiological Emergency Training: Dr. Weiner asked if it was necessary for the BOH to have a Geiger counter in the event of a radiological emergency event. Ms. Porter responded that it is not because the fire department is the first responder to such an event.

Pharmaceutical Disposal: Ms. Porter stated that in order to control pharmaceutical pollution, the Office of National Drug Control Policy is recommending that medication be disposed of in the following manner: remove medication from container, mix with an undesirable disposable substance (such as coffee grinds), seal in an impermeable container, and toss into the trash. They do not recommend flushing or pouring them into drains.

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

► Health Agent's Report

Tanning Facility Inspections: Tanning facilities are inspected twice a year. Inspections were completed in February and all were in compliance.

Annual Pool Operator Seminar: Preparations are being made for the April 16 annual pool operator seminar. A main focus of pool inspections will be based on the Virginia Graeme Baker Pool and Spa Safety Act.

Recreation Camp Seminar and Inspections: Ms. Johnson said she will be attending a recreational camp seminar training provided by the MDPH – Division of Community Sanitation. Recreational camp applications will be mailed out the second week of April. Also, all Recreation camp programs will be inspected just prior to their starting dates.

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

► Board of Health Nursing Report

Flu Clinics: Ms. Nemoda said the clinics have been very successful and calls are still being received. Individuals from other communities have taken advantage of the town's program.

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

► Director of Public Health's Report

Update - 33 Newbridge Ave.: Ms. Mastenbrook reported that the owner of this residence installed the smoke detector, as directed by the BOH. The Fire Department has not yet signed off on the detector.

Ways & Means: Members of the Ways & Means subcommittee met with Ms. Mastenbrook to review the BOH budget and commented that the department is a model of efficiency and the members of the board and staff are “unsung heroes.”

Rabies Vaccination Clinic: The date for the next clinic for dogs, cats and ferrets is Saturday, March 28, 2009, with Ms. Johnson in attendance.

Summer Intern: A summer intern from BU, Vanita Tongbram, has been selected and some of the items she will be assisting with departmental documents and an EDS brochure. Ms. Tongbram received her degree in India and is attending BU to further her education.

Publicity: The staff continues to submit to the newspaper items pertaining to the BOH as well as program updates.

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


DISCUSSION/PRESENTATION – MAVEN Demonstration

A presentation was given by Ms. Nemoda on the electronic database, MAVEN. She explained that this is an on-going project and is part of a national effort to centralize infectious disease surveillance. The MDPH has developed an electronic database for this state which could eventually replace paper-and-pen reporting. The presentation demonstrated the system’s reporting efficiency and the ability of the state health department to stay more informed.

The members thanked Ms. Nemoda for the presentation.

MOTION: To adjourn at 8:20 p.m. (Dr. Saltsman; second: Jim Dion). **APPROVED: 4-0-0**

Respectfully Submitted,



Betty McDonough
Recording Secretary