

**Burlington Board of Health  
Minutes – Regular Meeting  
Tuesday, August 25, 2009**

**Board Members Present:** Terry McSweeney, Chair; Ed Weiner, Ph.D, Vice-Chair; 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, R.N., Supervising Nurse

The meeting was called to order at 7:00 p.m.

**APPROVAL OF MINUTES – July 28, 2009**

**Motion:** To approve the minutes of July 28, 2009 as submitted. Dr. Weiner commented for the record that he is pleased with the format of the minutes. (Dr. Weiner; second: Dr. Read).  
**Approved: 3-0-1**

**SPECIAL AWARD**

▶ ***Dr. Gary Goldfarb***

Dr. Goldfarb was present to receive a plaque in recognition of his many years of service to the BOH. He was formally thanked him for his assistance and support of the department.

**SITE PLAN**

▶ ***Memorial School, Proposal for Construction, 125 Winn Street***

Present were Attorney Tom Murphy, representing the Burlington School Committee; Kevin Buckley, KBA Architects; and Erin Joyce, Nitzsche Engineering. Mr. McSweeney stated that he was pleased with the submitted proposal for a new Memorial School. Mr. McSweeney asked if the name of the school will remain the same, and Mr. Murphy said that there were no plans to change the name of the school.

Ms. Joyce reviewed the proposed layout and explained that buses will be dropping off the students at the rear of the school, and those not taking the bus will be dropped off at the front of the school. The existing faculty lot will remain, but the existing fence will come down and trees will be planted.

Ms. Joyce continued that the plan shows that stormwater runoff from the paved areas will drain into shallow, landscaped, bioretention areas. Runoff not infiltrated will drain into the collection system on Winn Street. Existing soil in the proposed bioretention areas will be removed and replaced with a mix of water permeable soil mix and plants to create an organic filter. For roof runoff, there will be a catch basin on the north side by the fire lane with a Stormceptor and one underground infiltration system. Ms. Porter stated that one Stormceptor will require additional cleaning.

Roof runoff from the building will be infiltrated. Stormwater from the bus turn around area will be collected in a catch basin on the north side by the fire lane, pass through a Stormceptor and enter one of the underground infiltration system. Ms. Porter stated that one Stormceptor will require periodic cleaning.

Ms. Joyce reviewed the walkways to the main entrance and back plaza. In the bioretention area in the front parking area, safety precautions will be taken through the installation of a wooden guard rail to prevent walking or driving over the edge and to protect the bioretention from snow plows.

Mr. Buckley next commented that they would be identifying soil textures in the coming week, and Ms. Porter said she would be present for this sampling.

Dr. Weiner said that he would propose adding a guardrail and shrubbery along the entrance way, perpendicular to Winn St. in order to avoid walking within a depression area. He said he discussed this with Dr. Conti, and he agreed. Mr. Buckley also agreed with the recommendation and added that the area of concern will eventually be thick with plants and difficult to see.

**Motion:** To approve the Site Plan Application for the construction of a new Memorial School, 125 Winn Street, with the addition of additional guardrail fencing on the walkway perpendicular to Winn Street (Dr. Weiner; second: Dr. Read). **Approved: 4-0-0**

## **KENNEL LICENSE**

### **▶ 79 Macon Road**

Home owner, David Morrison, was present to request a Kennel License. Ms. Johnson explained that Mr. Morrison owns four dogs for his personal use, and will not have a kennel business. Dog Officer, Gerry Mills, had submitted a favorable review. Mr. Morrison stated that the dogs are friendly and their licenses are kept up to date.

**Motion:** To grant a Kennel License for 79 Macon Road (Dr. Weiner; second: Dr. Read). **Approved: 4-0-0**

## **HEARING**

### **▶ Gourmet India, 75 Middlesex Turnpike – On-Going Food Code Violations**

Yogan and Vishal Sood were present. Ms. Johnson reviewed the background of the establishment, her observations, and the 2009 food code violation history of Gourmet India. There are four CFPMs at the location. She stated that on July 21, August 13 and 14, food was not being cooled properly, even after receiving warnings. Their catering permit has been suspended since August 14. At this time, she said she was recommending that management and employees be re-trained on how to properly cool potentially hazardous foods.

The standard recommendations were reviewed for the record:

1. Permit holder shall hire a food consultant, at permit holder's expense, who will re-train management, chef and at least two other employees how to properly cool potentially hazardous foods.
2. Permit holder shall contact Health Agent and provide the name and business name of the food consultant no later than August 28.
3. Food consultant shall visit the food service establishment a total of four times from September 1 – September 25. These visits can be twice a week and not necessarily once a week and shall be determined by food consultant. The goal is to train management and employees how to properly cool foods from start to finish.
4. Permit holder shall provide a copy of the report from the food consultant to the Health Agent. The report shall indicate the dates of each visit and progress of training.
5. The Health Agent will conduct one routine inspection, at permit holder's expense, after training has been complete, wee of September 28. There shall be o critical violations and no violations with the cooling procedure.
6. The permit holder shall appear before the BOH at the regularly scheduled meeting on October 13, 2009 at 7:00pm for a progress report.
7. The board of health may vote at this meeting to revoke Gourmet India'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 Gourmet India to continue to operate.

Upon Mr. McSweeney's request for an explanation, Mr. Sood explained that when the chef was checking the temperature, he was not first mixing it. Dr. Read explained that incorrect temperatures can cause illness which is not trivial and it is a concern. Mr. Sood said they too are concerned, and they are serious about ensuring their food is safe.

Mr. McSweeney asked about the history of the chef. Mr. Sood said that he has worked on and off with Gourmet India a total of almost nine years.

The BOH agreed that re-training was required at this establishment.

**Motion:** That Gourmet India, 75 Middlesex Turnpike, abide by the recommendations of the Health Agent and to return to the BOH meeting of October 13, 2009 for a progress report (Dr. Weiner; second: Dr. Saltsman).

*Mr. Sood asked for an extension of time as he will be out of the country on that date, and the BOH agreed to amend the motion to extend the date to October 27, 2009.*

**Approved: 4-0-0**

## **STAFF REPORTS**

### **› Environmental Engineer's Report**

Hazardous Materials Inspections: Ms. Porter reported that annual inspections are ongoing, on those establishments storing hazardous materials.

Summer Intern: Ms. Porter reported that the summer intern, Renee McDonough, worked on a data base for compliance reports for stormwater operation and maintenance plans for properties in Burlington. She prepared compliance letters to be sent out to establishments which listed their requirements.

Household Hazardous Waste Day: Ms. Porter said that Principal Clerk, Paula Manzo, was assisting with preparation for Household Hazardous Waste Day which will take place on Saturday, September 26, from 8:30 a.m. to 12:00 noon, at the Marshall Simonds Middle School.

Mosquito Spraying: There has been a good response to this program, and Ms. Porter advised residents to continue to empty containers that collect water, avoid being out doors between dusk and dawn and if outside during these time wear long pant and long sleeve shirts.

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

### ► **Health Agent's Report**

Tanning Facilities: Semi-annual Inspections are complete.

Grease Trap Logs: Food businesses are keeping much better on-site logs.

Food Borne Illness: Dr. Saltsman commented that if one is feeling ill approximately fifteen minutes after eating, it is highly unlikely to be caused by a food borne illness. Four hours would, however, be appropriate.

At Dr. Saltsman request, Ms. Johnson explained when to use rubber gloves in restaurants.

**Motion:** To accept the Health Agent's report as submitted. (Dr. Weiner; second: Dr. Saltsman)  
**Approved: 4-0-0**

### ► **Board of Health Nursing Report**

Immunizations: Immunization availability has been expanded for adults to receive vaccines. However this availability is dependent upon prioritizing by health risks and for those who do not have insurance or are underinsured.

Burlington Clinics: In addition to blood pressure clinics, a Pneumococcal clinic was also held. The blood pressure screening at the Food Pantry was a success with outreach being accomplished.

Sheltering: Ms. Nemoda was pleased to have participated in a sheltering exercise in Watertown and is looking forward to the after-action report.

2009 Stand Down: Ms. Nemoda said she would be joining other Massachusetts Association of Public Health Nurses for the Stand Down. She thanked Burlington service organizations and the Burlington Office of Veterans Services for the donations of socks, soap, etc.

Flu Mist: Ms. Nemoda was able to obtain another 100 doses of flu mist, and currently there are 1500 doses in stock.

**Motion:** To accept the Nurse's report as submitted (Dr. Weiner; Dr. Read). **Approved: 4-0-0**

## ► Director of Public Health's Report

Ms. Mastenbrook introduced Kip Thomas, Director of Boston University Healthcare Emergency Management Program and Jennifer Singer, Assistant Director. After reading about Burlington's MRC, she said that they had expressed interest in attending the EDS for evaluation and hot wash. A reference has been received from the Town of Sandwich, and there is no cost to the Town.

Mr. Thomas explained that the EDS would be filmed and made available to students as part of their education.

Dr. Read asked if any data they collected would be used for student research. Mr. Thomas replied that if they do, they would first ask permission.

The BOH agreed that they could attend the EDS as described, and Ms. Mastenbrook stated that she would be signing a contract with them.

**Motion:** To agree to enter into a contract with BU's Healthcare Emergency Management Program for the purpose of allowing that department to film and document Burlington's EDS event.

*Discussion:* Because of his past involvement as an adjunct professor at Boston University, Dr. Weiner stated that he would abstain from voting on this issue. (Dr. Read; second: Dr. Saltsman). **Approved: 3-0-1**

EDS: H1N1 vaccines may not be available in time for the EDS.

H1N1: Although it is necessary to register for the H1N1 vaccines for Medicare billing, registration information is not yet available.

MRC: Ms. Nemoda and an MRC volunteer attended the sheltering exercise in Watertown.

Radios: The BOH has received fourteen radios and the staff has been practicing with them.

GIS Project: Ms. Mastenbrook reviewed maps created by a specialist with MIT which could potentially be helpful in the event of a loss of communication during an emergency. The maps outline the location of the MRC volunteers and their proximity to the BOH office.

**Motion:** To accept the Director of Public Health's report (Dr. Saltsman; Second: Dr. Read).  
**Approved: 4-0-0**

## DISCUSSION

### ► 10 Harris Drive – Trash Collection

Maribeth and Joe Welch, residents, were present. Also present, as the Selectman liaison to the DPW, was Dan DiTucci.

Ms. Johnson explained that on August 20, the resident contacted a BOH member and stated that the trash hauler took away their unpaid totters, but left the trash behind on the resident's property. The trash hauler returned for the trash when the resident called DPW to complain.

Ms. Johnson said that she was informed by DPW that the trash hauler was following DPW's policy for unpaid totters. She added that DPW will no longer provide extra totters before payment is received which will avoid this situation from occurring again in the future.

Mr. Welch agreed that they had not yet paid for the totters because of their vacation and incorrect mailing addresses on the invoices. He was before the Board of Health because his rubbish bags were thrown onto his property, and he considered this to be a potential health hazard.

Mr. DiTucci explained that the trash hauler cannot enter a private property and had to until rubbish day to remove the extra totters. He added that he was told the rubbish bags were removed from the totters and placed next to the remaining totter.

Dr. Read stated that this is not a subject the BOH would adjudicate. Dr. Weiner noted that steps had been taken to avoid this as a repeat occurrence.

**Motion:** To adjourn at 8:35 p.m. **Approved: 4-0-0**

Respectfully Submitted,



Betty McDonough, Recording Secretary