



**BOARD OF HEALTH
MINUTES – REGULAR MEETING
MAIN TOWN HALL 2ND FLOOR MEETING ROOM
BURLINGTON, MA**

TUESDAY, DECEMBER 13, 2011

Board Members Present: Wayne Saltsman, MD, PhD, Chair, Jim Dion, Vice-Chair; Ed Weiner, Ph.D., Libby Walendziewicz, RN, MSN

Absent: Terry McSweeney

Staff Members Present: Sharon Mastenbrook, Director of Public Health; Susan Lumenello, Environmental Engineer; Marlene Johnson, Health Agent;

Dr. Saltsman called the Regular Meeting of the Board of Health to order at 7:00 p.m.

Approval of Minutes: None

Citizen's Time: None.

Chairman's Report: None.

Subcommittee Reports: Dr. Weiner congratulated Dr. Saltsman for being named by Boston Magazine as a regional Top Doctor in Geriatric Medicine. Those present also applauded this achievement.

Dr. Weiner commented that BOH member Terry McSweeney was not present because of medical reasons.

I. Applications

- **Application for a Minor Engineering Change – 3 McGinnis Drive, Mt. Hope Christian Center**

William Jackson, W. Jackson Associates and Katie Enright, Hancock Associates were present representing Mt. Hope Christian Center to review modifications that had been made to plans presented to the Board of Health (BOH) in December of 2010.

Ms. Lumenello explained that the original proposal included plans for two infiltration systems for the parking lot and roof top runoff. The modification is to replace one sub-surface infiltration system located to the rear of the new gymnasium with an aboveground infiltration basin. In addition, some piping from the other infiltration system will be removed.

Ms. Enright said the change was being requested for economic reasons. She reviewed the plans and said that they are also recommended that the Storm water Operation and Maintenance Plan be changed so that

the responsible party will be Mt. Hope. Ms. Lumenello said that the BOH would be receiving annual updates on adherence to the operations and maintenance plan.

Because this is a school, the Subcommittee recommended, and the petitioner agreed, to install a 4' chain link fence around the detention basin. The fence will be attached to the building with no access from within the building to the basin area.

Ms. Enright described the new storm water maintenance plan as recommended by the Conservation Commission. She said that the infiltration basin would take thirteen hours to drain in a twenty-five year storm. Dr. Weiner asked what would happen in a 100-year storm, and she replied that it would overflow.

Dr. Weiner stated that he understands the economy but he continues to be concerned about the use of detention basins, especially at a school, and warned that it is expected that the fence will remain locked at all times. Ms. Enright explained that the gate to the detention area will be padlocked and only authorized persons would be allowed to enter.

Dr. Saltsman asked how far the building would be from the proposed swale, and Ms. Enright replied ten feet. She also said that the basin is long and shallow. Because children may scale the fence, Dr. Saltsman recommended they raise the height of the fence from 4' to 6'. The other members agreed, and Ms. Enright replied that they would have 6' fence installed.

Motion: Mr. Dion moved to approve the Application for Approval of a Minor Engineering Change with the recommended four conditions and that the height of the fence surrounding the detention basin be increased from 4' to 6'. Seconded by Ms. Walendziewicz with all in favor. (4-0-0)

- **Application for Approval of a Special Permit – Off Second Avenue and Third Avenue**

Robert Buckley Riemer & Braunstein; Todd Freemont-Smith, Nordblom Cos.; Frank DiPietro, BSC and Katie Moniz, BSC were present. Mr. Buckley explained that they were present seeking approval of a Special Permit for the 3rd Avenue redevelopment project. He added that the petitioner agreed with the conditions and modifications put in place since the Subcommittee Meeting.

Mr. Freemont-Smith said that there are plans for a Third Avenue traffic light and a pavement top coating. Wegman's will be located adjacent to Route 3 with construction expected to start this summer. The plans are to remove the look of an industrial park and replace buildings as discussed with shops and restaurants. The project will continue through August of 2013.

Ms. Lumenello said that the main concern of the BOH is that the General Environmental Management (GEM) Plan for Northwest Park be followed. In the opinion of the Environmental Engineer, the disposal site located at the property has not been adequately delineated. She will work with the LSP for Nordblom and the LSP of Record for the Disposal Site to confirm that all GEM Plan conditions are met.

Mr. DiPietro explained how the site was laid out and said that six existing buildings were being razed. With respect to the disposal site, he explained that their survey had located wells and they had gone through the records of history to create a plan to delineate existing wells in the disposal area. He also discussed the areas of this site that had past ground water contamination.

Ms. Moniz reviewed the proposed drainage system plan which is expected to improve storm water management and water quality and described the proposed underground infiltration systems as well as the detention systems and infiltration systems and the use of hoods, pillows and Stormceptors.

Dr. Weiner asked if the contamination could be accelerated toward the water treatment plant. Ms. Lumenello explained that, in the Opinion of the LSP of Record and the LSP for Nordblom, because the amount of water entering the infiltration area (located close to Middlesex Turnpike) is so small there will be no effect on the migration of groundwater. Opinions received from the LSP's will include a discussion on this matter. Dr. Weiner asked if an engineering change would be required if it is accelerated, and Mr. Buckley said it would. Ms. Lumenello added that all the work will have to be done under a RAM plan.

Dr. Saltsman asked if the area would be greener, and Mr. DiPietro said that they are not increasing the green space, but there will be a public open space and a park.

Dr. Weiner noted that there appeared to be an error in the memo to the BOH regarding the application. In the paragraph labeled "History of Contamination at Site," it states "overall CVOC concentrations have increased over time when in fact it should state that the CVOC have decreased over time. Ms. Lumenello said she would make the necessary adjustment.

Dr. Weiner asked if a vapor barrier system would be used, and Mr. Freemont-Smith said that they would make that consideration. Ms. Lumenello said that the LSP's would be making a recommendation on the need for a vapor barrier.

Motion: Dr. Weiner moved to approve the Application for Approval of a Special Permit Off Second and Third Avenue. Seconded by Mr. Dion with all in favor. (4-0-0)

II. Permits

- **rDNA Permit – Dyax, 55 Network Drive**

Daniel Dransfield, Vice President Cell Biology and Biosafety Officer, Dyax Corp., was present seeking approval of an rDNA permit for Dyax Corp. and gave a PowerPoint Presentation about rDNA use at Dyax. He explained the company's products, and the Institutional Biosafety Committee of which Ms. Lumenello is a member. He explained rDNA project registrations, infection control, permits and timelines and showed the company's floor plans.

Ms. Lumenello said that she had a meeting at the Dyax facility in Cambridge and was pleased with the tour. With respect to the storage of waste in Burlington, she said that she would be seeking confirmation that the access to the rDNA laboratory area and hazardous waste storage locations be secured. Mr. Dransfield said these areas would be locked and access to certain areas of the department would have access only from the lab.

Dr. Saltsman said he was pleased Dyax was coming to Burlington, and Dr. Weiner thanked Mr. Dransfield for the presentation and/proposal. Dr. Weiner is hopeful that Dyax would get involved with the community, and Mr. Dransfield said that have assisted with science fairs in the past.

Motion: Ms. Walendziewicz moved to approve the 2012 rDNA Permit for Dyax Corp. Seconded by Dr. Weiner with all in favor. (4-0-0)

III. Hearings

• Ginger Pad, 4 Wayside Rd. – Food Code Violations Progress Report

Christine Chan, Owner was present to address the BOH. Ms. Johnson reviewed the history of violations at the Ginger Pad between May 26, 2009 and May 31, 2011 (full details in report):

- improperly trained employees working at the sushi bar for which a \$50.00 ticket was issued;
- no grease trap log on site;
- floor under frialator and wok range heavily soiled with grease;
- no CFPM on site for which a \$50.00 ticket was issued;
- incomplete grease trap log;
- wash gauge on dishwasher not replaced;
- baseboard below dishwasher not replaced.

Because of violations, representatives of Ginger Pad was requested to come before the BOH on June 28, 2011 at which time the BOH voted to use past practice (Code Enforcement Model). The Decision letter was dated June 29, 2011. July 2011 through November 2011 improvement was shown while the food consultant was working with the owner and employees. Ms. Johnson included with her report a copy of the food consultant's last Food Safety Assessment report.

Ms. Johnson suggested that the consultant continue to work with the owner and employees for the next six months with a routine health inspection taking place during this time period, at no charge to Ginger Pad.

Recommendation

Based on the five inspections conducted by the food consultant, Mr. Konn, and two inspections by the Health Agent, it is recommended that the BOH vote to:

1. Extend the order for six more months
 - o allow Ginger Pad to remain open;
 - o Ginger Pad shall continue using their Food Consultant who shall conduct health inspections and train employees for six months - December 2011 through May 2012. Copies of reports shall be submitted to the health Department each month.
 - o Ginger Pad shall continue to show improvement in cleanliness and food safety knowledge before June 1, 2012; and
 - o representatives from Ginger Pad shall appear before the BOH at their scheduled June 2012 meeting for a progress report. Food permit may be revoked if improvements have not been made by this time.

Some of the issues the restaurant will continue to focus on are cross contamination, training, pH testing, and checking temperatures.

Motion: Mr. Dion moved to approve the Health Agent's recommendation as read. Seconded by Ms. Walendziewicz and passed. (4-0-0)

● **Hearing: Rima's Pantry, 85 Wilmington Rd. – Food Code and BOH Regulation Violations**

Ramez Alsafadi, Owner, was present to address the BOH. Ms. Johnson reviewed the history of violations at Rima's Pantry between May 26, 2011 and December 13, 2011 (full details in report). Many violations were found during a May 5, 2011 routine inspection, and the critical violations were reviewed with the owner. There were cleaning and maintenance issues and habitual issues of the hand wash sink behind food preparation not being in compliance. She said she had been told in May that an employee would be taking the CFPM class and exam, but there is still only one CFPM at this site. During November of this year all violations were corrected except for three maintenance items. Mr. Alsafadi was requested to come before the BOH.

Ms. Johnson's recommendation to the BOH is to:

1. Allow Rima's Pantry to remain open
2. The owner shall hire a professional Food Consultant and shall provide the name of the consultant and name of the consultant's business to the health Agent by December 30, 2011.
3. The food consultant shall provide basic food safety training to the owner and current employees. Owner shall work with the food consultant to schedule the training accordingly. Training shall be completed by February 3, 2012.
4. The consultant shall provide a letter to the Health Agent Before February 2, 2012 stating dates training took place and a list of training topics covered along with the name of the owner and employees who attended the training.

5. The owner shall provide at least two additional CFPM's, besides himself, for proper coverage by February 12, 2012. Copies of certificates or document showing completion of the course shall be provided at the February 14, 2012 BOH meeting.
6. Three remaining maintenance items on the inspection reported dated November 16, 2011 shall be completed by February 14, 2011 for the inspection that day.
7. The owner shall appear before the BOH on February 14, 2012 for a progress report. The BOH may vote to suspend or revoke the food permit for non-compliance.

Dr. Saltsman commented that this is a good location for this type of store and noted that it has declined since being taken over from the previous owners. He said that the BOH cannot advocate for the store if it is in violation of the BOH's regulations.

Dr. Weiner said that this type of establishment cannot run with only one CFPM. He said he is willing to agree with the recommendation of the Health Agent but added that they need to come under compliance.

Dr. Weiner asked if a food consultant would be needed after the completion of the food safety program. Ms. Johnson did not think it was necessary, and the owner should train any new employees.

Dr. Saltsman asked the owner if he understood the seven conditions, and he said that he did.

Motion: Ms. Walendziewicz moved to accept the recommendation of the Health Agent. Seconded by Mr. Dion and was unanimously approved. (4-0-0)

- **Hearing: Café 105, 5 Burlington Woods – BOH Regulation Violation (CFPM)**

Michael Vitarino, owner, was present. Ms. Johnson said that this food service establishment is located inside an office building at 5 Burlington Woods and is open Monday through Friday from 7:00 am to 2:30 pm. The owner's father, Altamiro Vilarino, is the on-site manager/person in charge. Ms. Johnson reviewed on-going history of attempts to have Altamiro Vilarino receive CFPM certification. Starting in December 20, 2010 through December 1, 2011 there were repeated discussions about his training and examination and in the last conversation, it was discovered that he did not pass the exam. There were no other violations.

Ms. Johnson's recommended the BOH vote to:

1. Order the owner to provide a CFPM during all hours of operation within 60 days, provide a copy of the letter showing the employee has passed the exam or provide a copy of the certificate and appear before the BOH with the information at their meeting on February 14, 2012. At least one CFPM must also take the allergen awareness training and a copy of that certificate shall be submitted to the BOH at this meeting as well.

Michael Vilarino said that he thought that his father had passed the test. Dr. Saltsman explained that the BOH takes food safety very seriously. Dr. Saltsman explained that the town takes food safety very seriously. M. Vilarino agreed with the Health Agent's recommendations.

Ms. Johnson said she spoke with Michael Vilarino and recommended he assist his father study and M. Vilarino explained that the study materials are in the father's native language, but the test is not. She suggested that he ask if there is someone to translate.

Motion: Ms. Walendziewicz moved to accept the recommendation of the Health agent. Seconded by Mr. Dion and unanimously approved. (4-0-0)

IV. Variances

- **Ritu Ki Rasoi, 207 E. Cambridge St. – External Grease Trap – One Year Review**

Pradeep Kedia, Manager, was present to address the BOH. Ms. Johnson explained that Ritu Ki Rasoi was granted a temporary grease trap variance on May 11, 2010 to operate this food establishment without an external grease trap. The store opened for business in December of 2010, and Mr. Kedia was present seeking approval for a permanent external grease trap variance. There have been no menu changes, the grease trap is properly maintained and logged and the log is kept on site; there has been compliance on all routine food inspections, and there have been no reported issues with F.O.G. in the town sewer.

Dr. Saltsman asked how his business was doing, and he said it was doing well. Dr. Weiner noted that Mr. Kedia had done everything he promised since being granted the temporary variance.

Motion: Dr. Weiner moved to approve a permanent grease trap variance to operate the food establishment without an external grease trap. Seconded by Ms. Walendziewicz and unanimously approved. (4-0-0)

Staff Reports

► Environmental Engineer's Report

Dr. Saltsman thanked Ms. Lumenello for her involvement with Dyax and other applications.

DPW: Ms. Lumenello said she had an interesting tour of the Lexington DPW facility to view Best Management Storm water Practices which involves rain gardens, re-use of rooftop water, etc. with Aberjona River Watershed BMP Project participants which includes members of other departments in Burlington.

174 Middlesex Turnpike: Demo has started at this location, and Ms. Lumenello said she was present for a tank removal that had just taken place.

Motion: Mr. Dion moved to accept the Environmental Engineer's report. Seconded by Dr. Weiner and unanimously approved (4-0-0).

► **Health Agent's Report**

New Restaurants: Ms. Johnson said many new restaurants were opening requiring inspections.

Cheesecake Factory: Dr. Weiner asked about the spill that took place at this location, and Ms. Johnson replied that grease had spilled on the pavement at the outside grease waste bin. Members of this establishment had attended the grease trap seminar, and they informed her that the area had been appropriately cleaned.

Not Your Average Joe's: Dr. Saltsman asked about the fire issue and Ms. Johnson said it was a small fire and the issue had been resolved.

Motion: Ms. Walendziewicz moved to accept the Health Agent's report as submitted. Seconded by Mr. Dion and unanimously approved. (4-0-0)

► **Nurse's Report**

Motion: Ms. Walendziewicz moved to postpone the Supervising Nurse's Report to the next meeting. Seconded by Dr. Weiner and unanimously approved. (4-0-0)

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

Cancer Registry: Dr. Weiner noted that it appeared from the cancer incident report that Burlington is within the range of expectancy. Copies of the report are available upon request.

Vaccine Update: Ms. Mastenbrook's vaccine supply report stated that 239 doses of vaccine were lost due to the power outage, and there are 572 total usable doses remaining.

E-Cigarettes: Due to regulations requiring a permit to sell, there are now eight stores who have purchased a permit to sell e-cigarettes.

2011 Region I/II Training Summit, Avon, CT: Ms. Mastenbrook reported on the conference she attended and described the Firefighter Rehab Tags for 3 Step Carbon Monoxide Exposure Assessment which can be used with volunteers to assist fire fighters and EMT's. Burlington's MRC has expressed interest in this program but it is not available to Burlington at this time.

Motion: Dr. Weiner moved to accept the Director of Public Health's report as submitted. Seconded by Ms. Walendziewicz and unanimously approved. (4-0-0)

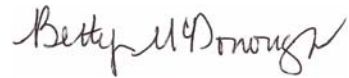
Discussion

Upcoming Meeting: The BOH's next meeting will take place in January. The Board will not have a quorum for the regularly scheduled meeting on January 10, and it was agreed to meet on January 17, 2012.

Adjourn:

Motion: A motion was made and seconded to adjourn at 8:40 p.m. with the motion being unanimously approved. (4-0-0).

Respectfully submitted,



Betty McDonough
Recording Clerk