



TOWN OF BURLINGTON, MA
BOARD OF HEALTH
MINUTES
TOWN HALL MAIN MEETING ROOM

TUESDAY, JULY 25, 2023

Board Members Present: Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman; and Gayle Damore

Board Members Absent: Andrea Sheehan, and Maribeth Welch

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Michael Greene, Associate Health Director, Christine Mathis, Environmental Engineer, and Marlene Johnson, Health Agent

I. Open Meeting/Pledge of Allegiance

Dr. Weiner called the Board of Health meeting to order at 7:00 PM.

The Pledge of Allegiance was recited.

II. Approval of Minutes:

MOTION: Mr. McSweeney made a motion to approve the May 23, 2023 Board of Health minutes. The motion was seconded by Ms. Damore and voted 3-0-0.

III. Citizen's Time:

There were no citizen's coming forward.

IV. Chairman's Report:

Dr. Weiner stated that I want to thank those of you who responded to BCAT's video of the week. I received a lot of comments from that video. If you stop by the Board of Health office, you can pick up some information about preventing diseases carried by mosquitoes and ticks.

MOTION: Ms. Damore made a motion to take the following agenda items: 53 Skilton Lane – Keeping of Animals (hens) permit and 1 Terrace Hall – Keeping of Animals (hens) permit, out of order for discussion purposes. The motion was seconded by Mr. McSweeney and voted 3-0-0.

V. Permits:

53 Skilton Lane - Keeping of Animals (hens)



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Sadie Thompson of 53 Skilton Lane appeared before the Board.

Ms. Johnson stated that Ms. Thompson has applied for a permit for the keeping of six hens. An inspection was conducted by Ms. Hardy on June 29, 2023. The following were found to be in compliance with the Board of Health, minimum standards for the Keeping of Animals regulation: chicken coop design, manure management plan, turf management plan, and feed storage plan.

Dr. Weiner asked Ms. Thompson, why do you want chickens. Ms. Thompson replied that I want to be more self-sufficient, compost for my garden, and for pest control.

MOTION: Mr. McSweeney made a motion to approve the Permit for the Keeping of Animals (six hens) at 53 Skilton Lane. The motion was seconded by Ms. Damore and voted 3-0-0.

1 Terrace Hall – Keeping of Animals (hens)

Jessica Naguib of 1 Terrace Hall appeared before the Board.

Ms. Johnson stated that an inspection was conducted by Ms. Hardy on July 6, 2023. The following were found to be in compliance with the Board of Health, minimum standards for the Keeping of Animals regulation: chicken coop design, manure management plan, turf management plan, and feed storage plan.

Dr. Weiner asked Ms. Naguib, why do you want chickens. Ms. Naguib replied that her children want chickens.

MOTION: Ms. Damore made a motion to approve the Permit for the Keeping of Animals (six hens) at 1 Terrace Hall. The motion was seconded by Mr. McSweeney and voted 3-0-0.

VI. Application:

Application for Approval of Special Permits, 20 North Avenue, Phoenix Tailings

Kristine Hung of Riemer & Braunstein, and Michelle Chao of Phoenix Tailings, appeared before the Board.

Ms. Mathis stated that Phoenix Tailings is a metals reclamation company that is designed to use mine tailings as feed stock to extract rare earth metals. The target reclaimed materials are Neodymium and Dysprosium for use in clean technologies such as wind turbines and electric vehicles. Aqueous and organic solvent waste streams are recycled back into the process. No process waters are discharged into the sewer. The facility will be a small quantity generator of hazardous waste. Off gas streams from the thermal treatment and electrolysis processes are treated in a wet scrubber which vents a mixture of argon, air and water vapor to the atmosphere.



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Ms. Hung stated that Phoenix Tailings are moving into the property at 20 North Ave. They have current locations in Woburn and Somerville but will be closing their Somerville location to move into Burlington. The location is about 29,000 sq. ft. of which 16,000 will be office and then the balance will be for their R&D.

Ms. Chao stated that Phoenix Tailings is a clean metals production company founded by MIT scientists. Ms. Chao continued by stating that right now the demand for these metals is only increasing as electric vehicles and wind turbines are continuously being generated. The challenge is that as demand increases, the supply is not, and there's already a 10% shortage in the market, not to mention the way it's conventionally produced, which is really wasteful. Every ton of rare earth metal produced generates 2,000 tons of waste. This is toxic byproducts that's just dumped in giant landfills and really not sustainable. Our production process is unique in that it produces zero waste, zero direct carbon emissions, and zero toxic chemical byproducts. We plan to work with the Burlington Area of Chamber of Commerce for professional development and to drive regional economic growth, especially in the advanced manufacturing sector, and participate in Burlington High School's Career Pathways program by offering internships to build computer science and other in-demand skills.

Mr. McSweeney asked how many employees do you have. Ms. Chao replied that there are 20 full-time employees. We also have about 10 contractors or part-time consultants that will work with us on an hourly basis that'll be moving as well. We've been at our Somerville location for one year. Mr. McSweeney then asked if VulcanForms Inc. (which currently occupies 20 North Ave) is moving out. Ms. Hung and Ms. Chao replied yes.

Dr. Weiner asked if any of the tailings are radioactive. Ms. Chao replied no. Dr. Weiner then asked are you involved in any mines in Massachusetts. Ms. Chao replied no (upstate New York). Dr. Weiner then asked about waste. Ms. Chao replied that it will be taken off-site by a company.

MOTION: Mr. McSweeney made a motion to approve the application for approval of Special Permits, 20 North Avenue, Phoenix Tailings. The motion was seconded by Ms. Damore and voted 3-0-0.

VII. Variance:

Corporate Chefs, 55 Blue Sky Dr, 95 Blue Sky Dr., 1 Burlington Woods Dr., 1 Van de Graaff Dr, 1 Wall St., 5 Wayside Dr. – unattended food establishment

David MacDonald of Corporate Chefs, appeared before the Board.

Ms. Johnson stated that there are six variances at six different locations for Corporate Chefs. To approve the unattended food establishment variances for Corporate Chefs, there are the following conditions:

- Corporate Chefs shall follow their approved written plan for “Minimum Requirements for an Unattended Food Establishment.”



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- This variance is for the locations noted above. Any additional proposed UFEs within the Town of Burlington will require a separate written plan and variance.
- Violations of this variance may result in an appearance before the Board of Health and may result in a temporary suspension of the food permit. Continued violations may result in the revocation of the variance by the Board of Health
- In the event of an imminent or threat of a health hazard, the Board of Health may suspend the food permit without a prior hearing as outlined in 105 CMR 590.014 (A)
- Corporate Chefs shall notify the Board of Health within 24 hours if there was an imminent health hazard, food tampering, and/or food injury.

Mr. McSweeney asked who is the point person to ensure that the food's expiration date doesn't go by as well as restocking. Mr. MacDonald replied that I have three different people who will be at each market probably three times a week.

MOTION: Mr. McSweeney made a motion to approve the Variance for unattended food establishment for Corporate Chefs at 55 Blue Sky Dr. with conditions. The motion was seconded by Ms. Damore and voted 3-0-0.

MOTION: Mr. McSweeney made a motion to approve the Variance for unattended food establishment for Corporate Chefs at 95 Blue Sky Dr. with conditions. The motion was seconded by Ms. Damore and voted 3-0-0.

MOTION: Mr. McSweeney made a motion to approve the Variance for unattended food establishment for Corporate Chefs at 1 Burlington Woods Dr. with conditions. The motion was seconded by Ms. Damore and voted 3-0-0.

MOTION: Ms. Damore made a motion to approve the Variance for unattended food establishment for Corporate Chefs at 1 Van de Graaff Dr. with conditions. The motion was seconded by Mr. McSweeney and voted 3-0-0.

MOTION: Ms. Damore made a motion to approve the Variance for unattended food establishment for Corporate Chefs at 1 Wall St. with conditions. The motion was seconded by Mr. McSweeney and voted 3-0-0.

MOTION: Ms. Damore made a motion to approve the Variance for unattended food establishment for Corporate Chefs at 5 Wayside Dr. with conditions. The motion was seconded by Mr. McSweeney and voted 3-0-0.

VIII. Discussion:

The Treasury Restaurant, 4 Wayside Road – Modifications to Risk Control Plans



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Dev Patil (attending remotely) appeared before the Board.

Ms. Johnson stated that there were some issues with refrigeration which resulted in a temporary suspension of the food permit. Those violations were corrected, the suspension was lifted, and they were allowed to reopen. In August, a food consultant will come in and do retraining with management and staff. Then, from September through December, the food consultant will do a food audit once a month. We felt that they needed to modify their risk control plan as we identified some issues with the cold holding at the last inspection. Three refrigeration units were not holding food cold, and so, in order to make sure that doesn't happen again, we worked with Mr. Patil and his manager to come up with some items that they are going to meet.

Mr. Patil stated that we signed a preventive maintenance contract with an individual who is going to come every three months to check to make sure that everything is cleaned up, temperatures are right, and all the refrigeration is working fine.

Mr. McSweeney asked if the consultant was there to train the staff on food preparation. Mr. Patil replied yes. Mr. McSweeney then stated that I guarantee you that people who have eaten at your restaurant have gotten sick, and we have zero tolerance for that in this town.

Ms. Johnson stated that the consultant reached out to me and is aware of what areas need improvement. Ms. Hardy and I will continue our routine inspections according to schedule (3x year).

Rashod Blades, RN, Tri-ton Collaborative Public Health Nurse

Mr. Blades stated that he is the part-time public health nurse servicing under the Public Health Excellence Grant through our shared services initiative. I'm happy to serve the communities of Burlington, Lexington, and Wilmington. I have been a registered nurse for about three years. I obtained bachelor's degrees from Northeastern University in nursing and health sciences. My primary focus has been on investigation of diseases reportable to our local boards of health using the Maven system. It's an essential part of our commitment to safeguarding public health in this community.

IX. Staff Reports:

Environmental Engineer

Ms. Mathis presented her report.

- Next Household Hazardous Waste Day is scheduled for September 23 at the Fox Hill Elementary School
- Mosquito Activity: Low for West Nile Virus (WNV) and Remote for Eastern Equine Encephalitis (EEE)



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Dr. Weiner asked about the fire damage at Lord Baron Apartments. Ms. Mathis replied that it was one unit. The fire affected the water damage from putting out that fire.

MOTION: Mr. McSweeney made a motion to approve the Environmental Engineer's report. The motion was seconded by Ms. Damore and voted 3-0-0.

Health Agent

Ms. Johnson presented her report.

- Inspecting the outdoor pools
- Mobile Food Establishments had their renewals

Mr. McSweeney inquired about the incident at Total Wine & More where a customer alleged underage individuals were sold flavored vape products. After investigation, no violations were found. Ms. Johnson replied that it might have been a disgruntled employee or customer. This is an upscale liquor store that doesn't even sell those types of products.

MOTION: Ms. Damore made a motion to approve the Health Agent's report (includes Associate Health Inspector's report). The motion was seconded by Mr. McSweeney and voted 3-0-0.

Associate Health Director

Mr. Greene presented his report.

MOTION: Ms. Damore made a motion to approve the Associate Health Director's report. The motion was seconded by Mr. McSweeney and voted 3-0-0.

Director of Public Health

Ms. Lumenello presented her report.

Mr. McSweeney asked about the housing issue on Ledgewood Drive. Ms. Lumenello replied that we got in contact with the occupant and did a re-inspection. Some things were corrected, and some things were not corrected.

Mr. McSweeney inquired about beaver dams. Ms. Lumenello explained that if someone owns land and they want to get rid of a beaver, they can do that during the regular hunting season, or if it's an emergency, they can get a permit from the Board of Health. If the entire road is flooded and it's a public health emergency, we would investigate the situation, but we may or may not be able to say the cause of it was a beaver.



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Mr. McSweeney asked whether mosquito spraying also addresses ticks. Ms. Mathis replied that right now there's no area method to control ticks, it's really just personal protection.

MOTION: Ms. Damore made a motion to approve the Director of Public Health's report. The motion was seconded by Mr. McSweeney and voted 3-0-0.

X. Adjourn:

MOTION: Mr. McSweeney made a motion to adjourn the Board of Health meeting at 8:28 PM. The motion was seconded by Ms. Damore and voted 3-0-0.

*Respectfully Submitted by Eric Bergeron,
Recording Clerk*