

TEWKSBURY BOARD OF HEALTH

Minutes
April 16, 2015

Call of Meeting to Order

The meeting was called to order by Ms. Brothers at 6:00 PM. The meeting was held at the Tewksbury Senior Center. Present at the meeting were, Chairperson Kathleen Brothers, Vice Chairman Raymond Barry, Phillip French, Charles Roux, Christine Kinnon and Health Director Lou-Ann Clement.

New Business

Annual Re-organization of the Board

MOTION - Mr. Roux made a motion to appoint Raymond Barry as Chairman. The motion was seconded by Ms. Kinnon and unanimously approved by a vote of 5-0.

MOTION - Mr. Barry made a motion to appoint Charles Roux as Vice Chairman. The motion was seconded by Mr. French and unanimously approved by a vote of 5-0.

MOTION - Mr. Barry made a motion to appoint Christine Kinnon as Clerk. The motion was seconded by Mr. Roux and unanimously approved by a vote of 5-0.

Mr. French and Ms. Brothers are members. Outgoing Chairperson Kathleen Brothers handed the meeting over to incoming Chairperson Raymond Barry.

Annual Re-appointment of Health Agents

MOTION - Ms. Kinnon made a motion to appoint Lou-Ann Clement, Director of Public Health as a Health Agent. The motion was seconded by Ms. Brothers and unanimously approved by a vote of 5-0.

MOTION - Ms. Brothers made a motion to appoint Shannon Sullivan, Sanitarian as a Health Agent. The motion was seconded by Ms. Kinnon and unanimously approved by a vote of 5-0.

Annual Re-appointment of Special Health Agents

MOTION - Ms. Brothers made a motion to appoint Sarah Kinghorn, Public Health Nurse as a Special Health Agent. The motion was seconded by Ms. Kinnon and unanimously approved by a vote of 5-0.

MOTION - Ms. Kinnon made a motion to appoint Ron Beauregard, Tobacco Control as a Special Health Agent. The motion was seconded by Ms. Brothers and unanimously approved by a vote of 5-0.

MOTION - Ms. Brothers made a motion to appoint Denise Graffeo, Town Clerk as a Special Health Agent. The motion was seconded by Ms. Kinnon and unanimously approved by a voter of 5-0.

MOTION - Ms. Brothers made a motion to appoint the Funeral Directors from Farmer and Dee and Tewksbury Funeral Home as Special Health Agents. The motion was seconded by Ms. Kinnon and unanimously approved by a vote of 5-0.

Public Hearings

Variance of Tewksbury Board of Health Regulations, Chapter 9, Grease Tank and Grease Traps Requirements for Food Establishments – Located at Origins Thai 1699 Shawsheen Street, Tewksbury, MA – Applicant: Paul Rossi for Garret Nominee Trust, Owner

Mr. Barry read the public hearing notice.

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MOTION - Ms. Kinnon made a motion to open the public hearing for 1699 Shawsheen Street. The motion was seconded by Ms. Brothers and unanimously approved by a vote of 5-0.

Attorney Richard O'Neill, Paul Rossi, property owner Joseph Phelan, Paul Rossi representing Sewer Solutions and Robert Perry, representing Schier Products, appeared for the variance request at 1699 Shawsheen Street. Attorney O'Neill stated that Mr. Phelan has owned this property since 1995. A few months ago there were discussions about installation of grease traps at this property. This is an old building and the sewer lines are only 6'-7' deep in places. They have looked at three different designs. Mr. Rossi stated that they are proposing an engineered grease trap product in lieu of the 1,500 external grease tank. A plot plan has been provided showing the issues with this site. Last spring, Origin Thai applied for a building permit to remodel their space, which triggered an installation of a grease trap. This property is currently on sewer with no external grease tanks. Mr. Phelan hired Sewer Solutions and they put together several plan options. They proposed combining sewer and grease to come out of one pipe. There are several problems:

- This is a slab on grade creating a problem with separation of flow.
- The distance from the restaurant to the proposed external grease tank. In Plan 2, they are proposing moving the tanks from the back to the front but all the kitchens are in the back which means all interior floors would need to be torn up.
- In Plan 3, they are proposing an electronic grease trap as a temporary solution and this is not a positive option.
- In Plan 4, they are proposing installing an engineered product that will be used outside. They will break the slab and install an engineered grease tank. The grease goes into the tank and processes it, then goes into the combined line.

If the engineered product is approved, the first install would be at Origin Thai and then they would do one restaurant every year.

Mr. Roux stated that he is concerned with containment and with the removal of grease when a 24-hour detention period is required.

Mr. Perry stated that the Plumbing and Gas Board approve the electronic grease tank. These devices are more efficient than a concrete tank.

Ms. Kinnon asked how long has this product been in business. Mr. Perry replied about 17 years. Mr. Perry stated that a concrete tank relies on gravity to separate solids and water. The Shear products are ASME certified hydro-mechanical system. The cell separates grease from water and is more efficient. The proposed unit GB75 is equivalent to 2,500 lbs. of grease. Grease production in a restaurant is based on number of seats, if flatware is used and number of meals served. They are proposing a 90-day pump out cycle. If a restaurant is majority take out, it is a different number for pounds of grease. In this case, it would produce 454 lbs. of grease over a 90-day period. One GB75 unit could handle this but they are proposing two backup units.

Mr. Roux asked if the grease needs to be cooled. Mr. Perry replied no, warmer water is more efficient. Mr. Roux stated that a 24-hour set is needed to have the grease to rise, so how can this be tested. Mr. Perry replied, this can be tested and is 97% efficient and can be certified by an independent reviewer.

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Ms. Brothers asked if there have been any problems with the sewer. Mr. Phelan stated that he has the sewer line blown out once a year and has the interior traps cleaned three to four times a year and there have been no problems.

Mr. Perry stated that the Big Dipper was removed from the Massachusetts State approval list about two years ago.

Mr. Rossi stated that he understands the Board's concern of approving an unknown product but the product has been in use in Burlington at the Tuscan Kitchen plaza, in every Target and Wegman's stores. The Tuscan Kitchen plaza has 22 units buried outside for five restaurants.

Ms. Clement stated that the hot water solution requires 180° but the average temperature of this system is 140°. Mr. Rossi stated that it could be certified at 190°. Mr. Perry stated that each unit could be installed internally or externally.

Mr. Roux stated that he is concerned with approving an unknown product and asked if ammonia or bleach is used. Mr. Rossi stated that it is a polyethenol tank, when it is pumped out it is completely dry.

Mr. Phelan stated that in the past, things were not handled the best at this location but now we can install a good product.

Ms. Brothers asked how long would it take for the entire building to be in compliance. Mr. Phelan stated that there are four restaurants, so it would take four years. Attorney O'Neill added unless there is a change of owner, which will precipitate an immediate install.

Mr. Barry asked if there is an alarm or monitoring system if the tanks get filled. Mr. Rossi stated that there are no alarms but this system is sized to exceed the 90-day capacity. If not pumped, the 2nd tank will hold enough grease for an additional 90 days. Mr. Barry stated that if this were approved, a variance would be given to the new owner. Attorney O'Neill stated that they are proposing a phased construction schedule for each unit that would need a grease tank. Each unit would be granted a variance on their own and should be treated individually. Mr. Barry stated that if this concept were approved, then Ms. Clement would have the authority to approve this application on the other units. Mr. Barry asked if this were approved tonight, would the variance transfer to the new owner if the building were sold. Attorney O'Neill replied yes, the variance would go with the property. Mr. Phelan stated that the discussions he has had with the potential new owner, is that he wants these all installed before he buys the property.

Mr. Roux stated that we need to determine the viability of this new product. Mr. Phelan stated that if he sells the building, all units would be connected.

Mr. French stated that it is important to look at new ideas. We could approve this one and see how it works.

Ms. Kinnon stated that she is concerned but she is not an expert. The State removed the approval for the Big Dipper after we were told it was a great product and she is concerned they would do the same for this one. Mr. Rossi stated that the Big Dipper is not sealed, mechanical device and considered an open system. It exposes the public to health hazards, backups and manual errors.

Mr. Barry stated that the final destination of affluent from this product is the Lowell Treatment Plant and they should approve it. Mr. Roux stated that he is concerned there isn't enough time to cool and separate the grease.

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Ms. Brothers stated that she agrees with Mr. French. We should allow the install of one unit and see how it runs. Attorney O'Neill stated that this is for one unit, but a sale of the building would trigger all units be connected to a grease tank. Mr. Phelan stated that we are requesting approval of one unit and if ok, then the others would be connected. If this weren't approved, then the building would need to be shut down for six weeks to install the external concrete grease tanks.

Mr. Barry stated that with his civil engineering background, he is aware that technology has changed but he would not want to buy something sight unseen. To consider an approval on his part, he would want Ms. Clement and Mr. Roux to visit a site that has this system in working order, have approval from the water department and Lowell Water Treatment Plant that this would be acceptable and to have this system be independently tested to see if it is meeting the specifications of 150 mg/liter. Mr. Perry stated that perhaps Ms. Clement could reach out to her counterpart in Burlington.

Attorney O'Neill stated that they looked at the normal install of a grease tank and it would cost approximately \$355,000 and would shut down the restaurant for a month. Ms. Brothers asked how long would it take to get the proposed item up and running. Mr. Phelan replied within a day.

Mr. French stated that we could approve a 90-day variance for a trial period for this unit only. If there is a problem with meeting the standards then they could require the standard grease tank installation. Mr. French asked if there is a monitoring port. Mr. Rossi replied yes, there is a monitoring point at the clean out after the second unit.

MOTION - Mr. French made a motion to grant the variance for 1699 Shawsheen Street for the installation of the system as proposed with the following conditions:

1. The approval of installation is for this unit only, Origin Thai.
2. There will be a 90-day review of performance.
3. An independent company will perform tests through the monitoring port to test outbound discharge with the results provided to the Board.
4. A letter from the Lowell Municipal Waste Water Treatment plant is required stating that they will accept the discharge from these units.
5. This system will be setup for a 90-day pump schedule as per the required regulations.
6. Any other proposed units would need approval from the Board of Health.

The motion was seconded by Ms. Brothers and unanimously approved by a vote of 5-0.

MOTION - Ms. Kinnon made a motion to close the public hearing for 1699 Shawsheen Street. The motion was seconded by Ms. Brothers and unanimously approved by a vote of 5-0.

Approval of Minutes – September 18, 2014 and October 16, 2014

September 18, 2014

Ms. Clement stated that there were some minor changes: On page 1, in the paragraph regarding the award for fluoridation should add that they have received the award "in a row". On page 2, change "October 15" to "October 14".

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MOTION - Ms. Brothers made a motion to approve the Board of Health minutes of September 18, 2014 as amended. The motion was seconded by Mr. French and unanimously approved by a vote of 5-0.

October 16, 2014

MOTION - Mr. French made a motion to approve the Board of Health minutes of October 16, 2014 as submitted. The motion was seconded by Ms. Brothers and approved by a vote of 4-0. Ms. Kinnon abstained because she was not present at that meeting.

Board Members Reports

Ms. Clement stated that she would like to have the Animal Inspectors appointed for the year.

MOTION - Ms. Kinnon made a motion to appoint Lou Ann Clement, Shannon Sullivan and Pamela Thomas as Animal Inspectors. The motion was seconded by Ms. Brothers and unanimously approved by a vote of 5-0.

Other Business

Tobacco Regulations

Ms. Brothers stated that she would like to look at the Tobacco Regulations and update the violation sections to include mandatory training after the second violation. Mr. Barry asked what other Towns do with fines. Ms. Clement stated that she would like to look at requiring the establishments to have an employee agreement, which would require training. Mr. Roux stated that employees should be trained before they are allowed to sell tobacco. Mr. French stated that we should look at this on case-by-case bases. The last two violations had legit excuses. One had already had training and the other was setting it up. Ms. Clement stated that we should look at the entire regulation in June.

Goals and Objectives

Mr. Barry stated that we should look at goals and objectives for the upcoming year. Ms. Clement replied yes, and she has included three goals.

Subcommittees

Mr. Barry stated that we should try to get a subcommittee made up of residents. Mr. French stated that respectively, it wouldn't work. People get mad about a subject and they get involved for an hour and then nothing. They pulled information from the old police station and some of the issues that they were trying to address years ago are the same issues they are dealing with now.

Ms. Brothers stated that there is a meeting with the Town Manager and Mr. Sadwick and since she is not the Chair perhaps Mr. Roux should attend. Ms. Clement stated that regardless of who goes, this is a great opportunity to get credibility for the Board of Health. This Board has more authority and power than most elected Boards.

National Substance Abuse and Mental Health Prevention Week

Mr. Barry stated that from May 17th to May 23rd is National Substance Abuse and Mental Health Prevention Week and asked that a link be added to the website. Ms. Clement stated that she would sit down with Officer Welch and the Public Health Nurse to see if we can do anything specific for this week.

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Board of Health Regulations

Mr. Barry stated that our administrative regulations state that this Board meets every 1st and 3rd Thursday but we now only meet on the 3rd Thursday, these regulations should be updated.

Announcements

Ms. Clement stated that they would have a new intern, Jill Adams. She is pursuing a Master's Degree in Public Health. She will be focusing on cancer awareness, research and developing a food-recycling program and developing livestock regulations. She will be working between 8-10 hours a week.

Ms. Clement stated that they are interviewing six people for the secretary position. They hope to have someone in house within three weeks.

Ms. Clement stated that the Farmer's Market would be starting with pre-packaged food items.

Ms. Clement stated that she met with the Town Manager and Town Counsel regarding 71 Washington Street and they will need to hold an Executive Session to discuss this and finalize the options. Ms. Clement will look at maybe holding a meeting next Thursday.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 9:10 PM. The motion was seconded by Ms. Kinnon and unanimously approved by a vote of 5-0.

Approved On: July 16, 2015

List of Documents for 4/16/2015 Agenda

Documents are located in the Board of Health's Office

Public Hearings:

Exhibit #4

Variance of Tewksbury Board of Health Regulations Chapter 9 Grease Tank and Grease Traps Requirements for Food Establishments

Located at Origins Thai 1699 Shawsheen Street, Tewksbury MA

Applicant: Paul Rossi for Garret Nominee Trust, Owner

Exhibit #3 E-mail dated March 4 2015 from Town Engineer

Minutes for:

Exhibit #1 - September 18, 2014

Exhibit #2 - October 16 2014