



# ***Billerica Board of Health***

Town Hall  
365 Boston Road  
Billerica, MA 01821  
Phone: 978-671-0931  
Fax 978-671-0919  
Web Site [www.town.billerica.ma.us](http://www.town.billerica.ma.us)

Sandra Giroux, Chair  
Marie O'Rourke, Vice Chair  
Mike Grady, Secretary  
Robert Reader  
Elizabeth Villar, Ph.D.

Richard Berube, Director

## **BOARD OF HEALTH MINUTES January 8, 2018**

Sandra Giroux, Chair called the meeting to order at 7:00 p.m. Also in attendance were Marie O'Rourke, Vice Chair, Mike Grady, Richard Berube, Director and Joanne White, Recording Clerk. Robert Reader and Dr. Elizabeth Villar were absent.

### **OPEN MICROPHONE**

Mrs. Giroux asked if anyone was present for open microphone.

No one was present for open microphone.

### **ACCEPTANCE OF MINUTES**

Mrs. O'Rourke made a motion to accept the Meeting Minutes of December 4, 2017 as presented. Mr. Grady seconded. So voted unanimously.

### **BOARD OF HEALTH BUSINESS**

#### **Health Department Activity Reports**

Mrs. Giroux stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the month of December are included in the Board's package.

Mr. Berube explained that Christine West, Public Health Nurse has been very business with the Mass Department of Public Health (MDPH) and the Shawsheen Valley Technical High School Nurses on the reported Pertussis/Whooping Cough cases at Shawsheen Tech. As of January 2, 2018

there have been ten (10) reported cases. Christine has been working on these cases on her days off assisting doctor's offices on the protocol for testing.

Mr. Grady asked are the cases from any particular town.

Mr. Berube replied no, the cases are from different towns.

Mrs. Giroux asked the Board Members if they had any questions regarding Christine's report.

The Board Members did not have any questions.

Mr. Berube stated that the next report is from Health Agent, Phavy Pheng.

Mr. Grady stated that he has noticed a crew working on the house at 334 Salem Road. There is also a dumpster in the yard.

Mr. Berube stated that he has not approved a permit for the work to take place.

Mr. Grady stated that this is the second dumpster. I have seen a crew working on the place.

Mrs. Giroux asked the Board Members if they had any questions regarding Phavy's report.

The Board Members did not have any questions.

Mrs. Giroux stated that the last report is from Health Agent, Gary Courtemanche.

Mr. Berube stated Sal's Pizza has reopened. Suppa's Pizza has opened in the plaza at 99 Chelmsford Road that used to be Shaan's Kitchen.

Mr. Grady asked what is the status of the Thai establishment that was going into GiGi's, at 326 Salem Road next to Shop N Go.

Mr. Berube replied that the potential party has never come back for the paperwork. Mr. Berube stated that Pini's Pizzeria in Pinehurst is doing very well.

Mrs. Giroux asked the Board Members if they had any questions regarding Gary's report.

The Board Members did not have any questions.

**Billerica Substance Abuse Prevention Committee Update – Mike DeLucia**

Mrs. Giroux stated the next item under Board of Health Business is an update from the Billerica Substance Abuse Prevention Committee.

Mike DeLucia provided the Board Members with the Communities That Care Youth Survey.

Mike DeLucia, Board of Health representative on the Billerica Substance Abuse Prevention Committee, identified himself. Mr. DeLucia explained that our annual report describes the administration and findings for the Communities That Care Youth Survey administered in Billerica. This report presents findings in three separate areas: 1) risk and protective factors, 2) drug abuse and 3) other antisocial behaviors. This report does not include seniors because we could not coordinate a time with the teachers for the seniors to take the test. A new company was used because Mass Lowell took two (2) years last time to complete the report. We do not have past history in this report. Social values have been provided. The report includes 6<sup>th</sup> grade to the 11<sup>th</sup> grade. In the future we will be able to provide history of past findings. We dealt with some social issues that we have never dealt with before on the causes. In the future we will be more organized. Our primary focus is to educate parents and students from middle school through high school. We were able to negotiate with the Superintendent of Schools to hire a health teacher for the high school. Before we could only provide a health teacher for the students up to the 8<sup>th</sup> grade.

Mrs. O'Rourke asked is Mike Higgins, the Substance Abuse Coordinator involved with this committee.

Mr. DeLucia replied that Mike Higgins attends the committee meetings. He does not chair the meetings. The work he did with the Woburn Court System has helped us tremendously regarding social issues. The committee meets every Wednesday to discuss and prepare some tactics that we want to put into effect next year.

Mrs. O'Rourke asked is Mike Higgins an asset.

Mr. DeLucia replied Mike Higgins is more than an asset.

Mrs. Giroux asked what does attempting to steal a vehicle or carrying a handgun to school have to do with substance abuse.

Mr. DeLucia replied that most of the people that are substance abusers or are selling drugs need to protect themselves. Most of them are thieves. In Lowell 3.7% of the students carry a handgun to school. However they have a lot more students in Lowell.

Mrs. Giroux asked Mr. DeLucia to clarify the statement under Risk of Harm that states 69.4% of 6<sup>th</sup> grade students are binge drinkers.

Mr. Berube explained it isn't that they are deemed drinkers it is the perception of risk is 69.4%.

Mr. DeLucia explained that Billerica's number one problem is alcohol. Kids are stealing their parent's alcohol at the age of 12 years old. Marijuana is second. Most of the parents smoke marijuana so the kids think it is alright for them to smoke marijuana. Mr. DeLucia reiterated that in Billerica alcohol is the number one problem. Not the number one cause of death.

Mr. Berube stated so this survey takes a different approach than the last one. Is it the intent to follow this same approach in the future so that you can build upon it?

Mr. DeLucia replied yes. There have been eighty (80) reported Phentayl overdoses in Billerica in 2017.

Mr. Grady asked how many are repeat offenders.

Mr. DeLucia replied I do not have a number however the majority are repeat offenders. Fifty-nine (59) users have been brought back by Narcan and fifteen have died. Mr. DeLucia explained that there are also a lot of people in Tewksbury, Wilmington and Lowell using Phentayl.

Mrs. Giroux asked if there are more treatment beds available than last year.

Mr. DeLucia stated that there are forty (40) beds at the Tewksbury Hospital. We are still in a critical state. We have developed a program with Mike Higgins. Someone from the Police Department and someone from the Substance Abuse Committee will visit every family that has an overdose problem. We will educate them and offer counseling. We will teach them how to use Narcan and provide them with two (2) doses of Narcan.

Mrs. O'Rourke asked are they receptive to this program.

Mr. DeLucia replied so far we have not been turned down.

Mrs. Giroux asked are you seeing a decline in younger users.

Mr. DeLucia replied that all of the deaths are over twenty-two (22) years old. This is why we are spending so much money for middle school students. We do see signs that it is working. Lahey Hospital has donated \$100,000 to be used for a five (5) year plan. The committee members are volunteering a lot of their time to provide helpful tools and information to substance abusers. Mike Higgins has orchestrated and runs the BAR (Billerica Adolescent Recovery) program. Students attend a program once a month. The parents have to agree to the program and attend a meeting occasionally. We had thirty-seven (37) students in the program last year, twenty-nine (29) male and eight (8) female students. After the students have graduated from the program we follow-up with them on a monthly basis for six (6) months. There is a program in Waltham that we have sent a couple of students to. The school committee provides the transportation for the students that cannot afford it.

The Board Members thanked Mr. DeLucia for the update on the Substance Abuse Prevention Committee.

Mr. DeLucia reminded the Board that his term would expire in June 2018.

Mrs. Giroux asked Mr. DeLucia if he wanted to be re-appointed as the representative for the Board of Health.

Mr. DeLucia replied yes.

Mrs. Giroux stated that he will be scheduled to attend the meeting in May or June for the reappointment.

Mr. Berube reminded the Board that Matt Keough from the Police Department also needs to be reappointed as the Board of Health Representative also.

**End of 2017 Beaver Management Report**

Mrs. Giroux stated the last item under Board of Health Business is the end of 2017 Beaver Management Report.

Mr. Berube explained that in the last 6 months of 2017 the beavers were not very active. The three (3) problem areas were Middlesex Canal, Nutting Lake and Donna Road. Some water level control devices were replaced.

Mrs. Giroux asked the Board Members if they had any questions.

The Board Members did not have any questions.

**7:15 p.m. Town of Billerica – Infiltration/Inflow Rehabilitation on Design Contract 2 Phase 3 – Request for Waiver of Regulations**

Mrs. Giroux stated the first hearing is Town of Billerica, requesting a Waiver of Regulations for Infiltration/Inflow Rehabilitation on Design Contract 2 Phase 3.

Peter Jandrisevits, provided the Board with large scale drawings of the proposed work areas.

Peter Jandrisevits, Technical Manager for Woodard & Curran representing the Town of Billerica, Department of Public Works (DPW), identified himself. Mr. Jandrisevits explained that this project will include replacing eleven (11) manhole frames and covers within the Green Engineering and FEMA Flood Plains. The existing manholes were built in the 1980's along the Shawsheen River. The proposed project is to access the manholes, replace the water tight frames and covers and repair inside the manholes. We have received approval and Order of Conditions from the Conservation Commission in December 2017. I am present tonight to explain the project and request a Waiver of Regulations from this Board. Mr. Jandrisevits pointed to the plans and explained the areas that would be involved. Small machinery will be used to access the manholes to replace the frames and covers. There will be no digging. It is maintenance work. There may be one (1) area that needs a TV camera because the Conservation Commission has requested that we investigate that area.

Mr. Berube commented it is a long overdue maintenance.

Mr. Jandrisevits explained that we are working with the town to provide access in the future. We will be assisting Abdul Alkathib, the DPW Director in setting up a maintenance plan.

Mr. Berube asked will you be looking to prevent infiltration.

Mr. Jandrisevits explained that there would be infiltration and exfiltration. The line gets surcharged. We are trying not to have any Sanitary Sewer Overflow (SSO) take place. That is one of our main goals.

Mrs. Giroux asked the Board Members if they had any questions.

Mrs. O'Rourke asked about one of the areas where the work will take place.

Mr. Jandrisevits explained the areas of the work.

Mr. Grady made a motion to grant a Waiver of Regulations for the Town of Billerica Infiltration/Inflow Rehabilitation Design Contract 2 Phase 3 and also include the standard conditions. This waiver was granted based upon the following facts and subject to the following conditions.

### **FINDINGS OF FACT**

- 1) The work described in the applicant's request, and as per the application submitted and prepared by Woodard & Curran, Inc., dated November 2017 is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1) and Chapter 6.
- 2) Proposed activities include but may not be limited to line cleaning, grouting, replacement of frames and covers as well as clearing for access. This work will occur in proximity to the following roadways: Abanaki Drive, Buckingham Drive, Sachem Street, Aynsley Circle, Bankside Drive and Shawsheen Road.
- 3) That portion of the sewer system along the Shawsheen River was installed in the 1970's and sections of the sewer line located within flood plain require repairs to prevent the infiltration of surface water during high water conditions which may cause sanitary sewer overflows.
- 4) It has been determined that the actions proposed by the applicant are adequate measures to protect public health and the environment and complies with the intent of the Board of Health's Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

### **CONDITIONS**

Standard Conditions #2, 5, 6, 10, 11, 12, 13, 14, 15,

- 1) All construction must be in accordance with the application submitted for review and approval, prepared by Woodard & Curran, Inc. and dated November 2017.

Mrs. O'Rourke seconded. So voted unanimously.

### **7:20 p.m. Lynnway Auto Auction – Sullivan Road – Request for an Extension of Stormwater Management Permit**

Mrs. Giroux stated the next hearing is Lynnway Auto Auction, Sullivan Road requesting an extension of the Stormwater Management Permit.

Jocelyn Mayer, Civil Engineer from vhb, Inc. identified herself. Ms. Mayer explained that she is representing the applicant Lynnway Auto Auction, Sullivan Road. A Stormwater Management Permit was issued on March 7, 2016 and will expire on March 7, 2018. We are requesting an extension for six (6) months. The Sullivan Road project is part of a larger master plan. We received approval from the Conservation Commission in October 2017 for the 400 Charter Way project. The reason for the delay is because Lynnway Auto Auction was waiting for approval for all their permits before proceeding with the site work. Given the weather conditions it is too late in the season to begin pavement work that is why we are requesting an extension for six (6) months. Ms. Mayer stated that she would answer any questions that the Board may have.

Mrs. Giroux stated that there are three (3) different permits that are close to expiring.

Ms. Mayer explained that the permit for 400 Charter Way does not expire until October 2018. We plan to start the work on 400 Charter Way this spring.

Mr. Berube asked is the plan to do all the work concurrently or in series. How do they plan on doing the work and still be operating?

Ms. Mayer replied that to the best of her knowledge the plan is to do all the work at one time.

Mr. Berube asked will they start with Sullivan Road first. Mr. Berube recommended that if the Board grants the extension that they extend it for at least one year in case something happens.

Mrs. Giroux stated that her concern is that the Stormwater Management Permit approval for 400 Charter Way and 36 Sterling Road was never picked up and recorded.

Ms. Mayer replied that she did not know why they have not been picked up. However she would take care of it.

Mr. Berube reiterated that the paperwork for 400 Charter Way and 36 Sterling Road was never picked up and recorded at the Registry of Deeds. The original copies are in the Board of Health office.

The Board discussed the length of time for the extension for the Stormwater Management Permits.

Mrs. Giroux asked if the extension is granted and the regulations and requirements change do they have to meet the new requirements or what was granted under the original permit.

Mr. Berube replied the conditions do not change, they are grandfathered in.

The Board agreed to extend the Stormwater Management Permit to December 31, 2019.

Mr. Grady made a motion to grant the request for an extension of Stormwater Management Permit #16-37-11-3-004 for Lynnway Auto Auction, Sullivan Road until December 31, 2019. All conditions of the original approval shall remain in full force and effect.

Mrs. O'Rourke seconded. So voted unanimously.

**7:25 p.m. Indian Style Restaurant - 880 Boston Road – Request for a Waiver of Regulations**

Mrs. Giroux stated the last hearing is the Indian Style Restaurant, 880 Boston Road requesting a Waiver of Regulations.

Pardeep Saini provided the Board with a package for the Indian Style Restaurant Expansion and an oil recovery agreement.

Pardeep Saini identified herself and introduced her brother Randy Saini. Ms. Saini explained that in the audience is their parents who own the restaurant. Ms. Saini gave a little background about their parents and the experience they had before opening the Indian Style Restaurant at 880 Boston Road. Everything we serve we would eat, if we would not eat it we would not serve it. We serve vegetarian and vegan food. We do not use meat, fish or eggs. We only use a small amount of olive oil. We show our customers how the food is made. We have a high volume of customers who want the option to eat here instead of taking the food out. We do not have a dishwasher and do not plan on installing one. We will continue to use disposable utensils, plates and containers. We understand that we need another interior grease trap. Everything will filter through the first interior grease trap and then into a second interior grease trap insuring that the fats, oil and grease (FOG) do not pollute or enter the system. The reason we are present tonight is to explain our plan for preventing FOG.

Randy Saini, identified himself. Mr. Saini provided the Board with a diagram done by Cyprus Design. We have spoken with Health Agent, Gary Courtemanche regarding our proposal. We have also spoken with Warren Pearce, a licensed disposal works installer with the Board of Health and he informed us that it wasn't feasible to install an exterior grease trap. He told us that there could potentially be unknown factors involved with the property and it would be an unnecessary expense.

Mrs. Giroux asked how many booths are you requesting.

Mr. Saini replied seating for 30 to 35 customers.

Mrs. O'Rourke asked if they are going to break through the wall and carry food through a small opening.

Mr. Saini replied yes. There will be a doorway for them to enter into the area where the seating will be located.

Mrs. Giroux asked will there be any waitresses.

Mr. Saini replied no.

Ms. Saini stated that we have a lot of customers that would like to eat their food inside. We did a lot of research before we came to request the waiver. We do not use meats, fish or eggs. We use milk, soy milk, margarine, cream, olive oil and a very little bit of vegetable oil. The oil is disposed in an oil drum that is picked up. The pots and pans will be wiped down using a Dry Wipe method. There will be no deep fryer. The margarine that we use is for bread only.

Mrs. O'Rourke asked what is the difference between a vegetarian and a vegan.

Mr. Saini explained that a vegan does not eat any dairy products, no milk or cheese.

Mrs. Giroux explained that a vegan does not eat anything that comes from an animal.

Mrs. O'Rourke asked what do they eat.

Mrs. Giroux explained they eat a lot of vegetables, rice, soy and tofu.

Mrs. O'Rourke asked what kind of paper products will you be using.

Mr. Saini replied disposable foam plates.

Ms. Saini explained that we have a contract to clean out the grease traps.

Mr. Saini gave the Board a copy of the grease trap and used vegetable oil contract. We will be using John's Sewer and Pipe Cleaning for disposal and pickup.

Mr. Grady complimented Pardeep and Randy Saini on their presentation. It is one of the more thorough presentations that he has seen since he has been on this Board.

Mrs. Giroux complimented the parents on raising a good family.

Mr. Berube stated that the Board granted them a waiver when they first opened and they have followed the Order of Conditions and implemented all the Best Management Practices to prevent any grease issues. They have come up with a very good plan that is feasible as compared to trying to install an exterior grease trap which would be a great undertaking and would be a huge expense. They are going to continue the same practices. All food will be served on paper products.

Mr. Grady made a motion to grant a Waiver of Regulations for the Indian Style Restaurant located at 880 Boston Road to expand the operation and install a second interior grease trap in series with the existing grease trap and the condition relative to water testing and Best Management Practices for grease removal be included in the approval based upon the following findings of fact and subject to the following conditions:

### **FINDINGS OF FACT**

1. The work described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 2.2.001.
2. The applicant proposes to expand a small Indian Style restaurant to provide seating for customers. The menu consists of vegetarian dishes. All foods will still be served on single-service articles. There will not be any equipment (e.g. fryolators, grills, etc.) that will contribute to any grease discharge into the sewer system.
3. There is an existing interior grease interceptor within the proposed food service establishment (FSE) that was installed by the prior FSE that occupied the space. A second interior grease trap will be installed in series with the existing grease trap. The interior grease interceptors will be monitored and cleaned every month. A maintenance record shall be kept and made available

for inspection by the Board of Health. In addition, the applicant agrees to implement the Best Management Practices (BMP's) provided by the Billerica Health Department.

4. The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

### **CONDITIONS**

Standard Conditions # 10, 14, 15 and 25.

- A. These conditions, imposed by the Board of Health, cannot be changed without the written approval by the Board of Health and only after a proper public hearing is held.
- B. The proposed interior grease trap/interceptor to be installed in series with the existing grease trap shall be equipped with a test port at the outlet to provide access for monitoring activities. All plumbing work is to be permitted by the Plumbing Inspector.
- C. The applicant shall provide a copy of a maintenance agreement with a qualified service company to pump and maintain the interior grease trap every month or more often to ensure proper functioning of the grease recovery system. The applicant shall keep all pumping and maintenance records and make them available for inspection by the Board of Health.
- D. The food service establishment (FSE) shall continue to work with the Board of Health to implement Best Management Practices (BMP's) to prevent or reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and the sewage disposal system. The FSE shall train the staff to ensure that the BMP's are followed. The owner and employees of the FSE shall sign an acknowledgement of BMP's for Food Service Employees and submit the acknowledgements to the Board of Health.
- E. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
- F. The Board of Health in conjunction with the Town of Billerica Department of Public Works (DPW) Wastewater Division shall periodically monitor the grease discharge from said Food Service Establishment for any violations of the Town of Billerica Sanitary Sewer Rules and Regulations and the Board of Health Rules and Regulations. All costs associated with the monitoring shall be paid for by the applicant.
- G. In the event of a grease blockage or other significant violations relative to the maintenance of the grease recovery system, this waiver shall be **immediately** revoked. The applicant shall be required to install an exterior grease trap to serve the food establishment. The exterior grease trap shall be designed and constructed in accordance with the State Environmental Code, Title 5.
- H. This waiver cannot be transferred from one person to another person, from one food establishment to another or from one type of operation to another.

- I. This approval shall supercede Waiver of Regulations #16-003 granted March 7, 2016 by the Board of Health.

Mrs. O'Rourke seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn. Mr. Grady seconded.

The Board adjourned at 7:55 p.m.

Respectfully submitted,

Mike Grady  
Secretary

Joanne M. White  
Recording Clerk