

BOARD OF HEALTH MINUTES
June 4, 2012

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

ACCEPTANCE OF MINUTES

Mr. Kane made a motion to accept the Meeting Minutes of May 7, 2012.
Mr. Grady seconded. So voted unanimously.

BOARD OF HEALTH BUSINESS

Health Department Activity Reports

Mrs. O'Rourke 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 May have been included in the Boards package.

Mrs. O'Rourke stated the first report is from the Public Health Nurse, Christine West.

Mr. Berube explained that Christine continues with her routine activities and is preparing for the 2012-2013 Influenza Season. Camp inspections will be conducted in June. As part of the Employee Wellness Program, on May 25, 2012 a physical therapist from Blue Cross Blue Shield conducted a seminar on Preventing Back Injury for the Department of Public Works (DPW) employees. The seminar was very informative and went well.

Mrs. O'Rourke asked if the Board Members had any questions regarding Christine West's report.

The Board Members did not have any questions.

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

Mr. Berube explained that significant progress has been made with the property at 78 Pinedale Avenue. Mr. Mitchell hired Dresser, Williams & Way to design a sewer connection/septic system. The ownership issue is in probate court and should be resolved within the next couple of months.

Mrs. O'Rourke asked are they going to connect to town sewer or are they going to install a new septic system.

Mr. Berube replied that they are going to see which one is the most cost effective. The sewer connection would be a better long term solution.

Mrs. O'Rourke asked about 32 Sheridan Street.

Mr. Berube explained that the flood vents have been installed and the case is closed.

Mr. Berube explained that there has been only one complaint from Swanson Meadows regarding Empire Recycling since the last report. Ken Pynn and Martial Frechette, from Swanson Meadows Condominium Association stopped by the Board of Health office and indicated that they wanted to come before the Board because they felt that their side of the story is not being heard. Mr. Frechette explained that the reason the Board of Health office has not received any complaints is because they are frustrated with the lack of progress.

Mr. Reader asked is there any progress being made at Empire Recycling.

Mr. Berube replied that this case is in the hands of the lawyers and cannot be discussed.

Mr. Berube asked if the Board Members had any other questions regarding Phavy Pheng's report.

Mrs. O'Rourke stated the last report is from Health Agent, Gary Courtemanche.

Mr. Berube explained that Gary is present tonight to answer any questions the Board may have.

Mr. Grady explained that he has driven by the BP Getty Mart gas station and the door is open. What is being sold inside the kiosk?

Mr. Courtemanche replied prepackaged snacks, such as potato chips and candy bars.

Mr. Berube explained that the manager, Hafiz Johanni has called on several occasions to inquire if he could sell tobacco products under another name. I told him definitely not.

Mrs. O'Rourke asked what were the two (2) critical violations at Rick's Café.

Mr. Courtemanche explained cold food and a grease trap problem. The interior grease trap needed to be cleaned out.

Mrs. O'Rourke stated that she has received a couple of complaints that his buffet food is cold.

Mr. Courtemanche explained that when Rick Woo, the owner is not there, the wait staff is shutting the buffet down before they are through serving. The buffet temperature needs to be maintained until the time designated for the buffet has ended.

Mr. Courtemanche explained that the Farmers Market will be held from June 25th through October 22, 2012 from 3:00 p.m.-7:00 p.m at the Council On Aging. There are quite a few food vendors. On Monday, June 25th I will inspect all the food vendors and if everything passes I will issue their permit at that time.

Mrs. O'Rourke asked what do you look for when you inspect the food vendors.

Mr. Courtemanche explained that he inspects any food that has to be kept at time and temperature controls, the overall cleanliness and how they handle ready to eat foods.

Mrs. O'Rourke stated that she is concerned with how the fish and lobsters are kept.

Mr. Courtemanche explained that lobsters are kept on ice and the fish is kept in self-draining ice pans. They also have a panel truck with refrigerators on them.

Mrs. O'Rourke asked is that how they also keep the meat products.

Mr. Courtemanche replied yes.

Mrs. O'Rourke asked is anything pre-cooked.

Mr. Courtemanche explained bakery items, kettle corn and pizza. Expresso Pizza continually brings pizza up from their establishment.

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

The Board Members did not have any questions.

Billerica Clean-Up/Green Up Day Report

Mrs. O'Rourke stated the next item is regarding the Billerica Clean-Up/Green Up Day.

Mr. Berube explained that a list of all the areas that were cleaned on May 5, 2012 is included in the Board's package. Health Agent, Phavy Pheng had recommended many of the areas that were cleaned up.

Mr. Reader asked where do they take all the stuff that they collect.

Mr. Berube explained that the stuff is bagged and then picked up by the Department of Public Works. Central Mass Mosquito Control (CMMC) also picked up tires and some other stuff.

Mrs. O'Rourke asked the Board Members if they had any questions regarding Billerica Clean-Up Green-Up Day.

The Board Members did not have any questions.

Mosquito Control Project Update

Mrs. O'Rourke stated the next item is an update regarding the Mosquito Control Project.

Mr. Berube explained that in the Board's package is a copy of the dates that Central Mass Mosquito Control will be in Billerica to investigate resident's complaints and spray the area for adult mosquito activity. Complaints about mosquitos may be made to the CMMCP office at 508-393-3055 between the hours of 7:00 a.m. to 3:30 pm. Monday through Friday. The CMMCP has reported that the aerial spraying has shown a 97% reduction in mosquito larvae in Billerica.

Mrs. O'Rourke asked the Board Members if they had any questions about mosquito control.

The Board Members did not have any questions.

Sharps Collection Program Update

Mrs. O'Rourke stated the next item is an update regarding the Sharps Collection Program.

Mr. Berube explained that he wanted to update the Board on the new Sharps Disposal Program. As you know we currently have a Sharps Collection Program. However, on July 1, 2012, a statewide ban on the disposal of needles, syringes and lancets (referred to as sharps) in household trash will take effect. A total of 224 Massachusetts communities either have an established disposal site option or accept sharps at household hazardous waste day events. We are looking to expand our program. We are talking to the Fire Department about allowing residents to drop off sharps containers at some of the Fire Stations. We are trying to negotiate with the Town's Solid Waste Disposal Company to allow residents to drop off containers at Household Hazardous Waste day. The Health Department has been receiving a large number of sharps containers, so in the near future we may have to charge a small fee to dispose of them. I will keep the Board apprised of any changes.

Mrs. O'Rourke inquired about the drop off that occurred at the Police Department.

Mr. Berube explained that a kiosk was placed in the lobby of the Police Station to drop off any unwanted prescription medication. Residents can bring in unwanted prescription medication at any time.

Envirotek USA, Inc.

Mrs. O'Rourke stated the last item under Board of Health Business is Envirotek USA, Inc.

Mr. Hadley passed out Envirotek pamphlets to the Board Members.

Mr. Berube explained that Envirotek is here tonight to give a brief presentation of their company and seek a license to haul offensive substances in Billerica. The exam is only offered in March and November. Mr. Hadley is requesting that the Board allow him to take the exam as soon as possible.

Richard Hadley, co-founder of Envirotek USA identified himself. Mr. Hadley explained that he is originally from Billerica and started the business approximately four (4) years ago. The plant is located in Tewksbury. We collect the used vegetable oil from restaurants all over New England and take it away to be purified. The purified oils are used for the production of biodiesel, SVO fuel, hydraulic oils, releasing agents and lubricating oils. We process it to help the environment. I have been working with the Director of Public Health, Richard Berube and Health Agent, Gary Courtemanche to come up with a plan to remove the grease from the residential homes and stop them from dumping the grease down the drains. One of the things I realized was that Envirotek USA, Inc. did not have a permit to haul the offensive substances (the grease trap waste) away. We have the ability to take the solids on the bottom of the traps and bring it to an energy plant where they reclaim methane gas from it and create electricity and sell it back to the grid. Then we take the reclaim fats, oil and grease (FOG) off the top layer. Then we take the regular wash water that comes out and run it to a universal facility who handles it and sends it to a FOG facility for the disposal of fats, oil and grease. We are trying to set up a drop off center for our customers. Our restaurant customers will receive a rebate on the used vegetable oils. The Town of Billerica will also receive a rebate for the oil we collect from the residents.

Mrs. O'Rourke asked do you go to the restaurants and clean out the hoppers that are located in the kitchen.

Mr. Hadley explained that we clean out the hoppers, collect the oil from the fry-o-later and also clean the stove hoods.

Mrs. O'Rourke asked is there another company that currently cleans out the hoppers.

Mr. Courtemanche replied that Bakers Commodities also picks up oil from the establishments. We also have a couple of other offensive substance companies that pick up oil. The Health Department has been working with the Sewer and Wastewater Division to put together a plan for getting rid of the FOG. One of the consultants suggested that we send a pamphlet in the water bills explaining about the importance of FOG. A resident contacted us and informed us that he had ten (10) gallons of grease from

deep frying turkeys and wanted to know how to dispose of it. I then contacted Envirotek and Mr. Hadley told me that they would go over and pick up the grease. That is when we decided to put together a more formal program. Mr. Courtemanche explained that he did some research and contacted some other communities and the biggest benefit that they have seen is that it costs a lot less to clean out the sewer lines. It is a reduction of 20 times the amount of what they have spent in the past. He said they have not had a blockage in 3 to 4 years.

Mr. Hadley explained that since the town has sent out the pamphlets he has received numerous calls regarding the pickup. We have picked up grease from several Billerica residents.

Mr. Reader asked is there a fee to clean the stove hoods.

Mr. Hadley replied yes, there is a fee for cleaning stove vents and hoods in restaurants.

Mrs. O'Rourke asked can anyone call to have their grease picked up.

Mr. Hadley replied that we are trying to set up a plan for dropping off the waste oil. There has been some discussion about having the oil collected on the same day as the hazardous waste day event. A person from Envirotek would be there to collect the oil.

Mr. Courtemanche explained that the Health Department is working with Mary Delahanty, the Recycling Coordinator to come up with a plan to drop off the waste oil.

Mr. Berube explained that we are hoping to have a year round drop off site where residents can drop off oil at anytime. I think it would be beneficial to the public as well as to the town.

Mr. Hadley replied that most people just run hot water and dump it down the drain.

Mr. Courtemanche explained that hot water will liquefy the grease but as it travels through the pipes and cools down it then congeals. The water cools off quickly.

Mr. Hadley explained that grease turns solid when it hits ground temperature especially shortenings or lards will turn solid. Again that is when you get the blockages.

Mr. Reader asked if someone changes the oil in their car can they mix that oil with the household waste oil.

Mr. Hadley replied the two oils should be kept separate. We use the vegetable oil for non-petroleum based products. If petroleum products are mixed with household oil it is more work for us.

Mrs. O'Rourke asked if the Board Members had any questions.

The Board Members did not have any questions.

Mrs. O'Rourke asked for a motion for Mr. Hadley to take the exam at his convenience.

Mr. Reader made a motion to allow Richard Hadley, Envirotek USA, Inc. to take the exam at his convenience instead of waiting until November 5, 2012.

Mr. Grady seconded. So voted unanimously.

7:15 p.m. Stephen R. Dresser – Pleasant Street – Request a Variance for work within the Flood Plain

Mrs. O'Rourke stated the next item on the agenda is Stephen R. Dresser, Pleasant Street requesting a Variance for work within the Flood Plain.

Mr. Dresser presented a large scale drawing of the proposed dwelling located within the Flood Plain on Pleasant Street.

Mr. Berube stated that this hearing was postponed at the May 7, 2012 Board of Health meeting because changes were being made to the plan. The footprint of the house has been slightly increased. Mr. Dresser is present to explain the plan and the changes.

Stephen Dresser, Dresser, Williams & Way, Inc. identified himself. Mr. Dresser explained that the applicant is proposing to construct a single family dwelling within the Green Engineering Flood Plain (GEFP). I have submitted Cut/Fill calculations showing a net increase of twenty-six (26) cubic feet of flood storage. There is no FEMA Flood Plain on the lot. We are only referring to the GEFP. A FEMA study was done in 2010. The elevation would be at 116. The net calculations will compensate for the increase of the fill area around the house within the GEFP. Whoever buys the house will not have to purchase flood insurance.

Mrs. O'Rourke asked where is Pleasant Street located.

Mr. Dresser explained the location of Pleasant Street.

Mr. Reader asked was there a house on that lot before.

Mr. Dresser replied not on this lot, there was a house next to this lot.

Mrs. O'Rourke asked does that area flood.

Mr. Dresser explained that area does not flood according to the FEMA calculations for the 100 year flood event.

Mrs. O'Rourke asked will this house be on town sewer.

Mr. Dresser replied yes.

Mrs. O'Rourke asked Mr. Berube for his comments.

Mr. Berube explained that the dwelling is not in the FEMA Flood Plain. The lot is being regraded to compensate for any potential loss of flood storage. The basement floor is above the GEFP elevation. Infiltration units will be installed to attenuate the roof runoff. I recommend granting the variance.

Mrs. O'Rourke asked if any abutters were present.

Bernard Hebert, 3 Waterview Street, identified himself. Mr. Hebert stated that when we had the 100 year flood event I have seen the water come up on that land and it goes across the street. Is the foundation going to be raised?

Mr. Dresser explained that the foundation is going to be raised up and the slab will be above the GEFP elevation. The lot has been shaved down to compensate for the flood storage.

Mr. Hebert stated that is what they did with my house. I am further up on the hill.

Mr. Dresser pointed to the plans and explained the location of the pavement and how the water would have to flow across the road and go up the hill to get close to the house. Mr. Dresser explained that the Board of Health has a regulation that is used to determine where the groundwater is. All the living space has to be two (2) feet above the estimated high groundwater table.

Mr. Berube explained that this house is not going to displace any flood water so it will not cause a problem someplace else.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mr. Kane asked is the proposed house going to be a slab or have a full foundation.

Mr. Dresser replied it will be a slab.

Mr. Kane asked what number will the house be.

Mr. Dresser explained that it does not have a number yet because there is no house on the lot. It is Map 22, Parcel 32.

Mr. Kane made a motion to grant a variance for work within the Flood Plain on Pleasant Street, Map 22, Parcel 32 based on the following findings of fact and pursuant 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 Billerica Health's Rules and Regulations, Chapter 5, Sections 5.5.005 (1).
- 2) The applicant proposes to construct a single family dwelling located in the Green Engineering Flood Plain (GEFP) as delineated on the GEFP Map #50. The site does not fall within the FEMA Flood Plain.
- 3) The lot of land will be regraded to provide compensatory flood storage in order to mitigate any loss of flood storage created by the proposed construction.
- 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 number 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15 and 25 in accordance with the Board of Health regulations and Special Conditions:

- A) All construction must be in accordance with plans submitted for review and approval, prepared by Dresser, Williams & Way, Inc. dated April 7, 2011 and revised to May 17, 2012 and stamped by Stephen R. Dresser RPE#49202.
- B) Erosion and sediment control measures shall be implemented and maintained in all areas disturbed by construction activity including but not limited to construction and waste material storage areas. Erosion and sediment control structures shall be installed prior to beginning construction.
- C) The basement floor elevation shall be above the Green Engineering Flood elevation 118.

Mr. Reader seconded. So voted unanimously.

7:30 p.m. Café 101 – 101 Billerica Avenue, Building 2 – Petition the Board of Health for a Variance from the State Plumbing Code

Mrs. O'Rourke stated the next hearing is Café 101, 101 Billerica Avenue requesting a petition from the Board of Health for a Variance from the State Plumbing Code.

Dana DeGennaro, Café 101, identified himself. Mr. DeGennaro explained that he was present tonight requesting a variance from the Massachusetts State Board of Plumbers and Gasfitters to permit

the use of a single unisex accessible toilet room for public use and a single unisex toilet dedicated for employees in the cafeteria. The building itself has many bathrooms. People that will be coming to the cafeteria will only be getting food and bringing it back to their office. We are requesting a letter to submit to the Mass State Plumbing Board stating that the Board of Health supports the variance.

Mr. Berube explained that the applicant is applying for a variance from the Mass State Plumbing Board. Café 101 is requesting a letter from the Board of Health stating whether or not they support this request before they can proceed to the State Plumbing Board. When this building was originally built it complied with the Mass State Plumbing Code but today these buildings are being occupied and renovations are being done. There are adequate bathroom facilities within the buildings. Health Agent, Gary Courtemanche has submitted a note commenting on his concern. Gary's biggest concern is if there will be changing rooms in the cafeteria area for the employees to use.

Mr. DeGennaro explained that there will be an employee unisex and a customer bathroom. However, there will not be a separate changing area.

Mr. Berube asked is the space limited.

Mr. DeGennaro replied yes, there will be an area outside the employee restroom where a locker could be installed.

Mr. Berube stated that a big concern is that everyone showing up for work will be looking to change their clothes in the restroom.

Mr. DeGennaro replied that there is a separate employee restroom for them to use.

Mrs. O'Rourke asked is the restaurant currently open.

Mr. DeGennaro replied no. The employee cafeteria will be located in an office park at 101 Billerica Avenue.

Mrs. O'Rourke asked Mr. Berube for his comments.

Mr. Berube replied that he did not have a problem with this request. It is not uncommon to have a unisex bathroom for use as an employee bathroom. As I mentioned earlier there is adequate bathroom facilities in other buildings located in the office park that should compensate for the bathroom situation. I do not have an issue with the Board supporting this request.

Mr. Grady asked will the unisex bathroom be handicap accessible.

Mr. Berube replied yes.

Mr. Kane stated that his only concern is that the regulations call for a total of five (5) toilets and

you are requesting to only have two (2) toilets. I am not concerned with only having one unisex employee restroom. My concern is that the cafeteria is open to the public and if there is a problem with that restroom then there would be no restroom facility available for the general public. I have an issue with the request to go from 5 toilets to 2 toilets. If there is a problem with the public restroom and you cannot fix it within five (5) minutes that would shutdown the cafeteria and you would have to notify the Board of Health.

Mr. DeGennaro replied he is aware of that.

Mr. Kane stated this is a big variance for what you are requesting.

Mr. Berube explained that the decision to grant the variance will be up to the State Plumbing Board.

Mrs. O'Rourke replied that Dan Kane has a good point.

Mr. Kane stated if you had to shut down the business because the toilet is not working will you call the Board of Health office to inform them.

Mr. DeGennaro replied that would be the incentive to get it fixed immediately.

Mr. Grady asked are you responsible for the toilets.

Mr. DeGennaro replied yes. There is a maintenance crew on site so if there are any issues they will take care of it.

Mr. Reader asked could the State Plumbing Board want more restrooms than what the applicant is requesting.

Mr. Berube replied that whatever the State Plumbing Board decides the applicant will have to comply with. I do not know how much of an impact the Board's decision will have upon the State Plumbing Board's decision. Café 101 is looking for the Board of Health's support.

Mr. Reader asked what is Café 101 looking for from this Board.

Mr. Berube replied a letter supporting or not supporting their request for a variance.

Mr. DeGennaro stated that he has contacted Tony Aurilio, the Billerica Plumbing Inspector. Tony is waiting for a call from the State Plumbing Board. After I receive the letter from the Board of Health I will submit an application for a permit from the State Plumbing Board and get on their agenda. Then the State Plumbing Board will contact Tony for his consent.

Mr. Grady asked was there a cafeteria at 101 Billerica Avenue before.

Amy Grey, present on behalf of the applicant, identified herself. Ms. Grey replied yes. At that time it was a single tenant building. There was one employee toilet. We will be relocating that toilet and creating one unisex restroom.

Mr. Grady asked is the building a two (2) story building.

Ms. Grey replied yes, it is an eight thousand (8,000) square foot two (2) story office building. They want to use this cafe for other tenants in the park as well. The majority of the business will come from Building 2. Currently, Building 2 has approximately 200-300 people. We want to open it up to the tenants in the office park to offset the business cost.

Mrs. O'Rourke asked will other employees from the other buildings in that complex come into the café for lunch.

Ms. Grey replied yes. We will also offer catering services. I think it will help the area a lot.

Mr. DeGennaro stated that we will also provide lunch delivery service to the other buildings.

Ms. Grey stated that we have received positive feedback for this café from the other tenants. There isn't anything else in the area except a Dunkin Donuts and a Subway shop. I think this café will also help to get other tenants in the park.

Mrs. O'Rourke asked is there anyway another bathroom can be constructed.

Ms. Grey replied the area is really small. There will be a person on duty at all times to maintain the restrooms and the facility.

Mr. Berube asked what does the existing toilet facilities in the café consist of now.

Mr. DeGennaro replied there isn't one right now. There was a bathroom but because of the installation of the grease trap they had to relocate the bathroom. They had to dig up the entire floor.

Mr. Grady asked how many common area bathrooms are in Building 2. Are there other restrooms accessible to the general public in the building?

Ms. Grey replied no there is only a single restroom accessible for the tenants.

Mr. DeGennaro stated the tenants in the building will be the majority of our business.

Mr. Berube asked how many bathrooms were there before.

Mr. DeGennaro replied one employee bathroom.

Mr. Berube asked was there a public restroom.

Mr. DeGennaro replied no. We are adding another bathroom to what was there before.

Mr. Berube commented you are adding one restroom to the one that was already there. So there will be an improvement over what was there before.

Mr. Grady asked is that mentioned in the letter that you are going to add another bathroom to what was there before. Is there any other office park in Billerica that has been renovated over the years?

Mr. Courtemanche replied not that he has seen since he has been in Billerica. There are some cafeterias that have an employee unisex bathroom.

Mr. Kane replied that he can not think of a variance request like this coming before the Board. We have only had a few State Plumbing Board requests.

Mr. Berube replied this is the first request of this kind. The proposed facility is an improvement over the current facility and there are adequate toilet facilities for the employees in the building.

Mr. Grady asked will the cafeteria hours be 6:00 a.m. to 2:00 or 3:00 p.m.

Mr. DeGennaro replied yes.

Mr. Reader made a motion to grant the Board's support for a Variance from the State Plumbing Code to Cafe 101, located at 101 Billerica Avenue, Building 2, North Billerica.

Mr. Grady seconded. Three voted in favor, one vote opposed (Daniel Kane).

7:40 p.m. Manolis Lantzakis – Sweet Liberty – 420 Boston Road – Request Waiver of Regulations

Mrs. O'Rourke stated the last hearing is Manolis Lantzakis, Sweet Liberty, 420 Boston Road, requesting a Waiver of Regulations.

Mr. Lantzakis provided the Board with a diagram of the proposed establishment.

Manolis Lantzakis, Sweet Liberty, identified himself. Mr. Lantzakis explained that he is requesting a Waiver of Regulations for a one thousand (1,000) gallon exterior grease trap.

Mr. Grady asked if the establishment was going to be located in the old sporting goods store.

Mr. Lantzakis replied yes. Mr. Lantzakis explained that he was going to sell soft serve ice cream and frozen yogurt. The customers will make their own ice cream cups and put on their own toppings. They will pay according to the weight of the cups.

Mrs. O'Rourke asked what the seating capacity will be.

Mr. Lantzakis replied there will be a seating capacity of forty (40) seats.

Mr. Berube explained that there will be eight (8) machines that will dispense soft serve ice cream or frozen yogurt. The Health Department has reviewed the plan for the establishment and the one remaining issue is the exterior grease trap. Mr. Lantzakis informed us that he will not be generating much fat, oil or grease that will require an exterior grease trap. The Health Department cannot recommend granting the waiver for an exterior grease trap. Gary and I met with Mr. Lantzakis to discuss this matter. Mr. Lantzakis explained that he has a number of actions that he is going to undertake to try to prevent fats from going down the drain.

Mr. Lantzakis explained that he will have an interior grease trap.

Mr. Reader asked how big will it be.

Mr. Lantzakis replied it will be a fifty (50) gallon grease trap. We will install whatever the State Plumbing Code requires.

Mr. Grady asked will that be similar to the one that Wicked Cheesy has.

Mr. Courtemanche explained no. Mr. Lantzakis will have more of a gravity fed grease trap. I have an issue with the automatic grease removal (Big Dipper). Mr. Lantzakis will have a standard gravity fed one similar to the one that is located in Liberty Bell.

Mr. Grady asked how that grease trap is working out.

Mr. Courtemanche explained that Liberty Bell also has an exterior grease trap. When I have inspected Liberty Bell there has never been an issue with the cleaning of the interior grease trap. Mr. Lantzakis runs a very clean operation at Liberty Bell.

Mrs. O'Rourke commented that you must generate more grease from Liberty Bell than you will from Sweet Liberty.

Mr. Lantzakis explained that he has given Richard a letter stating that there would be less than 2 ounces of residue leftover per machine when they are cleaned out. So over a three (3) month period there should only 1,100 ounces as opposed to a 1,000 gallon grease trap that holds 128,000 ounces.

Mr. Berube stated that this establishment can follow the same practices as some of the other establishments that the Board has granted waivers to for preventing grease, fat and oil from going down the drain and creating a problem in the sewer line.

Mr. Lantzakis stated that he would have the interior grease trap pumped every month. I will have it checked frequently. If it needs to be pumped out more often then I will have it pumped out whenever it is needed.

Mr. Reader asked who will check it out.

Mr. Lantzakis replied that he has hired someone to pump it out on a monthly basis and document the results. He will monitor it frequently and take care of it. The peak season will be June, July and August. The rest of the time it will not need to be pumped as often.

Mr. Grady asked will you be selling other snack items such as brownies and cookies.

Mr. Lantzakis replied no, there will only be self-serve frozen yogurt and soft serve ice cream available.

Mr. Grady asked how the Board has handled other ice cream stands such as Chris' Ice Cream.

Mr. Berube replied that Chris's Ice Cream has an interior grease recovery system.

Mr. Lantzakis explained that he has purchased all brand new equipment. There will be all new plumbing and brand new bathrooms. There is one existing bathroom for employees. Two (2) new bathrooms will be added for the general public.

Mr. Grady asked Mr. Courtemanche if he was okay with the gravity fed grease trap.

Mr. Courtemanche replied that ideally he would like all establishments to have an exterior grease trap because we have a situation with grease problems in this town and we are trying to control it.

Mr. Reader asked can this situation be monitored.

Mr. Courtemanche replied that Mr. Lantzakis can put an inspection port in the front and water samplings can be taken and tested similar to what is being done at Stephanie's.

Mr. Grady asked is Liberty Bell and Mangia Mangia tied into the same sewer line.

Mr. Berube replied that he is not sure how the sewer line runs. Mr. Berube stated that if the Board is willing to grant Mr. Lantzakis a waiver, a stipulation can be added that the trap needs to be pumped on a monthly basis. If a problem occurs then an exterior grease trap will need to be installed immediately.

Mr. Grady asked could you tie into the exterior grease trap that Liberty Bell already has.

Mr. Lantzakis stated that he asked that question but was told that it is not large enough.

Mr. Berube explained that he checked out the exterior grease trap at Liberty Bell and it does not have enough capacity.

Mr. Grady made a motion to grant a waiver of Billerica Health Regulation, Chapter 5, Section 2.2.001 that requires the installation of an exterior grease trap to serve the proposed food service establishment (FSE) Sweet Liberty, to be located at 420 Boston Road 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 construct an ice cream/yogurt shop with eight (8) self serve machines dispensing soft serve ice cream and yogurt. When the units are cleaned, there will be a small residue (approximately 2 ounces) of product left in each machine that may be washed down the drain.
3. The operation will not generate any significant fats, oil and grease (primarily, low fat and fat free yogurt and ice cream will be served).
4. The applicant proposes to utilize an interior grease trap within the proposed food service establishment (FSE). The interior grease trap will be monitored and cleaned every month. A maintenance record shall be kept and made available for inspection by the Board of Health.
5. 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 number 10, 14, 15 and 25 in accordance with the Board of Health regulations and Special Conditions:

- 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 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.

- C. The food service establishment (FSE) shall 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) and 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.
- D. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations. Fees will be assessed for any special inspections and testing.
- E. 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.
- F. Any change or expansion of the food service operation (e.g. menu change, etc.) requires prior approval of the Board of Health.
- G. This waiver can not be transferred from one person to another person, from one food establishment to another or from one type of operation to another.

Mr. Reader seconded. So voted unanimously.

Open Microphone

Mrs. O'Rourke asked if anyone was present for open microphone.

No one was present for open microphone.

Mr. Reader made a motion to adjourn. Mr. Kane seconded.

The Board adjourned at 8:00 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk