

**BOARD OF HEALTH MINUTES**  
**August 4, 2014**

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

**ACCEPTANCE OF MINUTES**

Mrs. Giroux made a motion to accept the Meeting Minutes of July 7, 2014 as presented. Mr. Grady seconded. Four (4) voted in favor, one (1) vote abstained (Robert Reader).

**BOARD OF HEALTH BUSINESS**

**Reorganization**

Mrs. O'Rourke stated the first item under Board of Health Business is Reorganization of the Board Members. Mrs. O'Rourke stated that she would turn the meeting over to Mr. Grady.

Mr. Grady made a motion to nominate Sandra Giroux as Chair.

Mr. Kane seconded. So voted unanimously.

Mr. Grady made a motion to nominate Daniel Kane as Vice Chair.

Mrs. Giroux seconded. So voted unanimously.

Mr. Grady made a motion to nominate Marie O'Rourke as Secretary.

Mr. Reader seconded. So voted unanimously.

Mrs. O'Rourke stated that she would turn the August 4, 2014 Board of Health Meeting over to the new Chairperson, Mrs. Giroux.

**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 July are included in the Board's package.

Mr. Berube stated that the Public Health Nurse, Christine West continues with the Communicable Disease Case Reporting/follow-up and out-patient activity. Christine is researching information regarding a Kiosk for the disposal of needles for residents. There has been an influx in volume of needles being dropped off and a Kiosk would be beneficial for the residents.

Mr. Berube asked the Board Members if they had any questions regarding Christine's report.

The Board Members did not have any questions.

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

Mr. Berube explained that a follow up inspection was conducted at 188 Allen Road and all the violations have been corrected. The court case was dismissed and the case has been closed.

Mr. Berube explained that the Hoarding Case at 483 Middlesex Turnpike has also been closed. All the violations have been corrected and the court case was dismissed.

Mrs. O'Rourke asked about the status of 78 Pinedale Avenue. Mrs. O'Rourke explained that she received a phone call from Ms. McLaughlin, 73 Pinedale Avenue and she informed me that Mr. Mitchell had installed an above ground swimming pool. According to Ms. McLaughlin Mr. Mitchell has not applied for a permit for the above ground pool or the sewer connection. I asked Health Agent, Phavy Pheng to see if the pool has been installed. Phavy verified that an above ground pool was installed at 78 Pinedale Avenue. Ms. McLaughlin complained that last weekend the smell from the failing septic system was so bad that her daughter got sick from it.

Mr. Berube replied that according to Mr. Mitchell he has contacted the Building Department about obtaining a permit for the above ground swimming pool.

Mrs. O'Rourke stated doesn't Mr. Mitchell have to submit paperwork showing the location of the above ground pool, so that it is not near his septic system.

Mr. Berube replied that Phavy checked it out and the pool is not near the septic system.

Mr. Grady asked if Mr. Mitchell is up to date with providing pumping records to the Board of Health.

Mr. Berube replied that all the current pumping records have been submitted. Construction for the sewer connection is supposed to be starting within three (3) weeks, if not they will be looking for a place to live.

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

Mr. Kane asked about the status of the property at 12 Jenkins Drive. What happened at the auction on April 3, 2014?

Mr. Berube explained that no one purchased the property. When they have a buyer they will be responsible for cleaning up the property. The owner has left the state and Coldwell Banker is not taking responsibility to clean up and maintain the property.

Mrs. Giroux asked how much money has Empire Recycling paid in fines.

Mr. Berube replied that he would have that information available at the next meeting.

Mr. Kane asked if the goats have been removed from 8 Nickerson Drive.

Mr. Berube replied that the Health Department has not been notified of the removal of the goats.

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

Mrs. Giroux stated that the owner of Jon Ryan's Pub has done a nice job in the fixing up the interior of the food establishment. However, it is very noisy.

Mr. Berube complimented the owner of Jon Ryan's Pub for the work that has been done inside the establishment. The place was dirty and needed renovations.

Mr. Berube explained that Wicked Cheesy has hired a food safety consultant and several trainings have been conducted. Gary conducted a special inspection and is very satisfied with the results.

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

**Bi-Annual Beaver Management – Report**

Mrs. Giroux stated the next item on the agenda is the Bi-Annual Beaver Management Report.

Mr. Berube explained that a lot of beaver trapping have been done along the Middlesex Canal. Water level control devices have been replaced in the Burnham Road area. Beaver activity has not been a problem in the Burnham Road area in quite some time. When the General Latex Solar project comes before the Board of Health Beaver Solutions will submit a report on the beaver activity on that site.

Mrs. O'Rourke asked why Beaver Solutions is monitoring a dam on Sarafina Drive in Wilmington, MA.

Mr. Berube explained that Sarafina Drive is a location marker. The dam is right on the border between Billerica and Wilmington. It is deep in the woods off Alexander Road.

Mrs. O'Rourke stated that the report reads that a lot of the areas are under control, nice job by Beaver Solutions.

Mr. Berube stated thanks to Mike Callahan, Beaver Solutions. Mr. Callahan is very conscientious and does a great job of monitoring the area.

#### **Mosquito Control Project Update**

Mrs. Giroux stated the next item on the agenda is the Mosquito Control Project Update.

Mr. Berube explained that a copy of the Central Massachusetts Mosquito Control Report (CMMCP) is included in the Board's package listing the dates that CMMCP personnel will be in Billerica to address any resident's complaints and request spraying. Massachusetts Department of Public Health Arbovirus Surveillance Report states that there are no reported human cases of the West Nile Virus (WNV) or EEE in this area. Information regarding the Caribbean Mosquito-Borne Chikungunya Virus has been posted on the Town of Billerica's website.

Mrs. O'Rourke asked about the Mosquito Surveillance Summary and the number of mosquito pools that have been tested.

Mr. Berube explained that Mosquito Surveillance testing is being done throughout the state. 1,912 is the number of Mosquito Pools that have been tested and out of that number 4 pools have tested positive for the WNV and EEE.

Mrs. O'Rourke asked where were these positive pools found.

Mr. Berube explained that if a positive pool was found in Billerica or the surrounding communities we would have been notified.

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

The Board Members did not have any questions.

**Tobacco Control Program Update**

Mrs. Giroux stated the next item is the Tobacco Control Program Update.

Mr. Berube explained that Ron Beauregard investigated the complaint regarding smoke migrating inside the building at 574 Boston Road. Mr. Beauregard sent a memo along with a flyer to the property management company that will be forwarded to all tenants in the building explaining that Massachusetts General Laws, Chapter 270, Section 22 (e) prohibits smoking in an outdoor area of a workplace if smoking in that outdoor area causes smoke to migrate to an interior portion of the workplace. The Massachusetts Tobacco Cessation and Prevention Program (MTCP) recently conducted a tobacco retail inspection/compliance check in Billerica as part of the Food & Drug Administration (FDA) contract with Massachusetts. The FDA found a violation at the North Billerica Gulf Station located at 80 Chelmsford Road in March 2014. A Warning Letter was sent in April, 2014. However, we just received notification. Mr. Beauregard will check on the Gulf Station when he does his compliance checks.

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 2014 Roadway Management – Modification to Waiver of Regulations**

Mrs. Giroux stated the first hearing is the Town of Billerica, 2014 Roadway Management Project requesting a modification to the Waiver of Regulations.

Ms. Conway showed the Board Members large scale drawings of the proposed modifications to the 2014 Roadway Management Project.

Kelley Conway, Town Engineer for Billerica, identified herself. Ms. Conway explained that the request is to include paving four (4) additional roads in the 2014 Roadway Management Project. The additional roads are Webb Brook Road, from both legs of Boston Road to the intersection of Allen Road. This work will consist of paving the roadway and minor grading. We will be modifying the intersection of Allen Road and Webb Brook Road and eliminating both islands and improving the site distance around the corner. Ms. Conway pointed to the two areas on the plans where the Green Engineering Flood Plain (GEFP) crosses the road.

Mr. Reader asked when Webb Brook Road will be paved.

Ms. Conway replied before November 15, 2014. The pump station removal project has just been completed. A work order has been submitted for sewer work to include several properties up towards Boston Road. A binder coat will be put down on the roadway. The final coat will not be paved until 2015.

Mrs. O'Rourke asked if they town would be taking any land for this project.

Ms. Conway replied no.

Mr. Berube stated that all the work would take place in the roadway.

Ms. Conway explained that the next area will be on Cook Street, the section that runs from Alexander Road to the town line. The road will be repaved and the existing guard rail will be replaced. Ms. Conway pointed to the plans and explained the area where the FEMA Flood Plain and the GEFP crosses the road. Webb Brook Road and Cook Street are the first priority that the work will be done in for this project. The additional roads are Springs Road and Concord Road. Springs Road will be within the buffer zone to the GEFP. On Concord Road there is one crossing where the FEMA Flood Plain comes up to the end of the road and the GEFP crosses the road. At the intersection of Springs Road and Concord Road the island will be eliminated. Ms. Conway pointed to the plans and gave the Board an update on the work that has been completed on River Street.

The Board complimented Ms. Conway on the work that the Engineering Department has done on River Street.

Mrs. Giroux asked Mr. Berube for his comments.

Mr. Berube replied that all the work will be taking place in the roadway so there will not be any impact to the flood plain. I recommend granting the modification to the 2014 Roadway Management Project.

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

The Board Members did not have any questions.

Mrs. O'Rourke made a motion to grant the modification to the 2014 Roadway Management Project Waiver of Regulations granted March 10, 2014 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, and as per plan submitted by the Billerica Department of Public Works, is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1)(2).
2. The Billerica Department of Public Works is seeking to include four (4) additional roads in the 2014 Roadway Management Project. The additional roads are Concord Road, Cook Street, Springs Road and Webb Brook Road. Work on portions of each roadway are within or in

proximity to the Green Engineering Flood Plain and or the FEMA Flood Plain. Work within these areas will be limited to pavement rehabilitation within the limits of the existing pavement.

3. 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 the original Waiver of Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

### **CONDITIONS**

The Order of Conditions for the original Waiver of Regulations shall remain in full force and effect.

Mr. Grady seconded. So voted unanimously.

### **7:30 p.m. Our Bakers Dozen – 131 Boston Road – Request a Waiver of Regulations**

Mrs. Giroux stated the next hearing is Our Bakers Dozen, 131 Boston Road, requesting a Waiver of Regulations.

Tara Savino, identified herself. Ms. Savino explained that she would like to open a commercial bakery specializing in artisan cakes, specialty desserts and assorted bakery items along with a take-out coffee service. There will be no fried foods. The baked goods will be made to order. I will do catering for companies in the area. I will be using an electric convection oven for baking. All food items will be properly deposited in the trash. The equipment will be cleaned with paper towels. I will answer any questions that the Board may have.

Mr. Berube explained that the Board has granted similar waivers to other bakeries such as MJ Sugars and West Side Café. This operation will not generate any significant grease discharge into the sewer system. If the Board should approve the waiver Gary recommends that the conditions relative to water testing and Best Management Practices for grease removal be included in the approval.

Mrs. O'Rourke asked are you baking the cakes in the establishment or are they coming in frozen and you are just frosting them.

Ms. Savino replied that she will be baking the cakes fresh on the premises in a large Duke commercial electric convection oven. The oven has five racks.

Mrs. O'Rourke asked how many cakes can you bake at one time.

Ms. Savino replied up to twenty (20) cakes at one time depending on the size of the cake. I can probably bake about one hundred twenty (120) cupcakes in fifteen (15) minutes. I believe that a cake should be made fresh for the customers.

Mrs. O'Rourke 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 to be located at 131 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 open a small bakery that specializes in cake decorating in the former location of Peak Coffee and Tea. All foods will be available for take out service only. There will be no seating. The limited menu will not generate any significant grease discharge nor there will 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. The interior grease interceptor 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 number 6, 10, 14, 15 and 25 in accordance with the Board of Health Regulations and Special Conditions:

- A) The interior grease trap/interceptor shall be equipped with a test port at the outlet to provide access for monitoring activities.
- 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) 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.
- E) 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.
- F) 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.
- 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.

**7:40 p.m. Livingstone's Seafood and Deli – 265 Boston Road – Request a Waiver of Regulations**

Mrs. Giroux stated the next hearing is Livingstone's Seafood and Deli, 265 Boston Road requesting a Waiver of Regulations.

Frederick Livingstone, identified himself. Mr. Livingstone explained that he would like to open Livingstone's Seafood and Deli at 265 Boston Road formerly known as Chris's Ice Cream and DJ's Place. The establishment will have twenty (20) seats. 85% of my business will be take-out. There will be no dishwasher. We will be using all disposable products. I am requesting a waiver from the exterior grease trap.

Mrs. Giroux asked why are you requesting a waiver.

Mr. Livingstone explained that it would be too expensive to install an exterior grease trap. We discussed an alternative of installing two (2) interior grease traps side by side.

Mrs. O'Rourke asked who did you discuss using two (2) interior grease traps with.

Mr. Livingstone explained that he discussed his options with the Board of Health and the Plumbing Inspector. The Plumbing Inspector agreed with the decision to go with the two (2) interior plumber's grease traps.

Mrs. Giroux asked Mr. Berube to explain the situation.

Mr. Berube explained that when Mr. Livingstone first approached us with his intent to open a food service establishment at 265 Boston Road, we explained the requirements that were necessary for an exterior grease trap. Mr. Livingstone agreed to install the exterior grease trap. However we found out that the building was built in the 1950's and is on a slab foundation. In order to install the exterior grease trap the entire floor would have to be torn up. The cost would be approximately \$30,000, which would be economically unfeasible for Mr. Livingstone to pursue. I explained to Mr. Livingstone that he would have to appear before the Board and request a waiver for the exterior grease trap. We discussed several alternatives. We agreed that the best alternative was to install two (2) side by side plumbers grease traps. We also discussed the proposal with the Plumbing Inspector and he agreed with the proposal. I also explained to Mr. Livingstone that he would have to monitor and clean the grease traps every month. In addition, he would have to provide a copy of a maintenance agreement with a qualified service company to pump and maintain the interior grease traps every month or more often if necessary to ensure proper functioning of the grease recovery system. Maintenance records shall be kept and made available for inspection by the Board of Health.

Mrs. Giroux asked how often do you want the grease traps to be checked.

Mr. Berube replied that testing would be done like we have done with the other establishments that we have granted a waiver. We will pay closer attention to this establishment because he will be cooking a lot of fried foods. Mr. Livingstone has indicated that he will be doing nightly maintenance on the grease traps. That should help to prevent any type of a problem.

Mr. Reader asked who will be doing the maintenance.

Mr. Livingstone replied that he would be hiring a company.

Mr. Grady asked if the Board will get the receipts and the reports of the work that has been done.

Mr. Livingstone replied that he will inform the Board of Health when the company has cleaned the grease traps.

Mr. Reader asked is there an interior grease trap in the establishment now.

Mr. Livingstone replied yes.

Mr. Berube explained that we discussed the additional interior grease trap with the Plumbing Inspector and the second grease trap is the best alternative at this point.

Mr. Grady asked how many fryolators are you going to have.

Mr. Livingstone replied three (3).

Mr. Grady asked when you drain the fryolator where are you going to store the grease.

Mr. Livingstone explained how he planned on draining the fryolator and storing the grease in another container which will be located outside the establishment by the dumpster.

Mr. Berube explained that we have discussed how the grease from the pots and pans are going to be handled before the pots and pans are washed. It will limit the amount of grease that will go down the drain.

Mrs. O'Rourke asked why are you opposed to installing a dishwasher.

Mr. Livingstone replied that he does not need it. I will only be using paper products.

Mrs. O'Rourke stated if the Board grants the waiver and grease problem occurs you will have to install an exterior grease trap.

Mrs. Giroux stated you will have to install the exterior grease trap immediately.

Mr. Livingstone agreed.

Mr. Kane asked do you own this property or are you renting.

Mr. Livingstone replied I am renting the property.

Mr. Kane stated that he does not recall granting a waiver for an exterior grease trap to an establishment that has a fryolator.

Mr. Berube replied that Wicked Cheesy and Stephanie's both have fryolators and the Board has granted them a waiver.

Mr. Grady stated that both those establishments are following the Best Management Practices for grease removal.

Mrs. Giroux stated that she has three concerns. The first concern is that fried foods are your primary food business.

Mr. Livingstone replied that fried foods will only be about 40-50% of the business.

Mrs. Giroux stated the next concern is regarding the grease barrel outside the establishment and the size of the two (2) interior grease traps compared to the size of an exterior grease trap.

Mr. Livingstone replied that he does not know what the size of an exterior grease trap is.

Mr. Berube explained that an exterior grease trap is a minimum one thousand (1,000) gallon size. The interior grease trap is called a one hundred (100) pound grease trap. The Plumber has a formula that he applies for what size grease trap would be needed for this type of establishment. A one hundred (100) pound plumber's grease trap is rather large. They function similarly. Mr. Berube explained that an interior grease trap has a series of baffles within the trap that trap the grease. With an exterior grease trap the kitchen flows out there and the grease settles out.

Mrs. Giroux asked Mr. Berube if he was comfortable with the two (2) interior grease traps being sufficient.

Mr. Berube explained that he would prefer that Mr. Livingstone had an exterior grease trap however it is not feasible at this point. If Mr. Livingstone implements the Best Management Practices, that will go a long way to eliminating the grease going down the drain and what he is proposing might work. Mr. Livingstone has stated that he will be vigilant in maintaining the grease traps so that he will not have a problem.

Mr. Reader stated that if there is a problem then Mr. Livingstone will come back before the Board and he will have to install an exterior grease trap immediately. That will make him be more vigilant in maintaining the interior grease traps.

Mr. Grady asked if there are written procedures in place for your staff explaining the closing procedures and the maintenance of the interior grease traps.

Mr. Livingstone stated that he will be working there and closing all the time.

Mr. Kane asked do you have written procedures.

Mr. Livingstone replied that he does not have written procedures for the interior grease traps.

Mrs. Giroux stated that if the Board grants the waiver written procedures will be one of the conditions.

Mr. Berube explained that the Board of Health is currently supplying all food service establishments with a Fats, Oil and Grease Manual.

Mrs. Giroux stated that the Board would like to see something in writing from Mr. Livingstone so that he is committed to the cleaning procedures.

Mr. Grady stated in case Mr. Livingstone is not able to close because of an emergency there should be a procedure in place for the staff to follow. The Board is taking this seriously because fried food is your primary business.

Mr. Livingstone stated that he takes his business seriously.

Mrs. Giroux stated that she wants to make sure that Mr. Livingstone understands the seriousness of Fats, Oil and Grease in the sewer recovery system.

Mr. Grady stated you really don't know how much fried foods you will be selling. The Board does not want you to be surprised when Health Agent, Gary Courtemanche conducts a visit and the water tests fail two months in a row and you have to install an exterior grease trap.

Mr. Livingstone asked what kind of test is done.

Mr. Grady explained that Gary takes a water sample and if there is a certain amount of grease particles above a certain level you would be in violation.

Mr. Berube explained that Gary would test the water coming out of the plumbers grease traps and if it exceeds 100 milligrams per liter you would be in violation. Then you would have to install the exterior grease trap.

Mr. Livingstone asked how often and what type of maintenance do you want me to have done.

Mr. Berube replied you should inspect the grease traps on a weekly basis and clean them out as often as necessary.

Mr. Livingstone stated if the Board feels more comfortable I will have a maintenance company come in at least once a month and keep the records.

Mrs. Giroux stated that she would feel more comfortable with a maintenance company coming in once a month and Mr. Livingstone also cleaning the grease traps on a weekly basis.

Mr. Reader 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 to be located at 265 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 open a small twenty (20) seat restaurant that specializes in deli sandwiches and fried seafood in the former location of DJ's Place and Chris's Ice Cream. Food will be served on single service articles to eliminate the need for a dishwasher which

would contribute to a grease discharge to the sewer system. The applicant originally intended to install an exterior grease trap. However, the installation was not feasible due to the physical limitations of the building.

3. The applicant proposes to install a second interior grease interceptor in series with the existing grease trap/interceptor within the proposed food service establishment. 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 number 6, 10, 14, 15 and 25 in accordance with the Board of Health Regulations and Special Conditions:

- A) The interior grease trap/interceptor shall be equipped with a test port at the outlet to provide access for monitoring activities.
- 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) 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.
- E) 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.

- F) 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.
- G) 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.

Mrs. O'Rourke seconded. So voted unanimously.

**7:45 p.m. JoAnn Jamison – 7 Woodbury Road – Enforcement Action Hearing – Demolition of Dwelling**

Mrs. Giroux stated the last hearing is JoAnn Jamison, 7 Woodbury Road, Enforcement Action Hearing for the demolition of the dwelling, located at 7 Woodbury Road.

Mr. Berube explained that at the July Board of Health Meeting the Board requested that JoAnn Jamison be present at the next public hearing. The Board is concerned because Ms. Jamison was supposed to sell the dwelling located at 7 Woodbury Road and it has been over a year and the situation remains the same.

Scott Jamison, JoAnn Jamison's son identified himself. Mr. Jamison stated that he could not legally represent his mother. Mr. Jamison explained that his mother has agreed to sign a Purchase and Sale Agreement with Joseph Turner. The closing is scheduled for September 19, 2014.

Mr. Berube stated that JoAnn Jamison is hospitalized. Mr. Berube asked Mr. Jamison if his mother will be able to go forward with the sale.

Mr. Jamison explained that if she cannot be present at the closing a family member will have Power of Attorney to be present at the closing.

Mrs. Giroux asked is someone looking into Power of Attorney as a backup plan.

Mr. Jamison replied yes. We already have a family member as the Health Care Proxy. We are now looking into the Power of Attorney.

Mr. Berube stated if something should happen to your mother and this matter is not resolved it will go to probate, unless she has a will. If this matter goes to probate it will take over a year to resolve this situation. We don't want to see that happen.

Mr. Jamison stated that he is working on this now. Instead of doing a formal closing we may do a deed transfer. Mr. Jamison stated if something should happen to my mother what will happen with the pending Purchase and Sale Agreement.

Mrs. Giroux replied that the pending Purchase and Sale Agreement would end up in probate court. Mrs. Giroux suggested that a Deed transfer or a quick closing be done as soon as possible.

Mr. Reader suggested that Mr. Jamison hire an attorney.

Mr. Berube recommended that Mr. Jamison discuss with an attorney what would be the best way to handle the estate. We are here tonight to discuss the situation and possibly move forward with the demolition of the house. If the town demolishes the house, that will affect the value of the property. If we demolish the house, the town will place a lien on the property. Any expenses incurred will be paid to the Town of Billerica before anyone else receives their money. If the sale is not completed and this ends up in probate it can take a long time. We have been waiting over a year and a half for your mother to sell. We have been receiving a lot of complaints from the neighbors regarding this property. If someone should get hurt or there is a fire there could be more problems. We can't let this house sit any longer.

Mr. Jamison explained that we are hoping to close sooner than thirty (30) days.

Mr. Grady asked is there any reason why you can't close sooner.

Mr. Jamison stated that Mr. Turner said he wanted to close in a few days.

Mr. Berube requested that Mr. Turner contact him.

Mr. Kane made a motion to stay the order of demolition until September 5, 2014 and continue the hearing until the Board of Health Meeting, September 8, 2014.

Mr. Reader seconded. So voted unanimously.

**Open Microphone**

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

No one was present for open microphone.

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



The Board adjourned at 8:00 p.m.

Respectfully submitted,

Marie O'Rourke  
Secretary

Joanne M. White  
Recording Clerk