

Town of Concord
Board of Health

Minutes from the Meeting
Tuesday, June, 21, 2011

PRESENT: Dr. Alan Woodward, Chairman
JoAnn DinNardo
Kerry Diskin
Jack Bergman
Ellen Hutt, Esq

Susan G. Rask, Public Health Director
Stanley J. Sosnicki, Environmental Health Inspector
Gabrielle P. White, Public Health Inspector
Karen M. Byrne, Administrative Assistant

OTHERS: Marcia Rasmussen, Director, Planning & Land Management; Jack and Patricia Grant, owners, Walden Grille, 24 Walden Street; David Summers, Esq., 77 Franklin Street, Boston; Kevin Batt, Esq, Town Counsel, Town of Concord, Anderson Kreiger, Boston, MA

The meeting opened at approximately 7:00 p.m.

1. Introduction – New Public Health Director

Marcia Rasmussen, Director of Planning & Land Management was pleased to introduce the Town's new Public Health Director, Susan G. Rask to the members of the Board. Ms. Rask most recently was employed by the Barnstable County, Department of Public Health and comes with much experience in administering public health grants, regional health programs, and onsite wastewater management.

Dr. Woodward welcomed Ms. Rask and extended congratulations on her appointment as Public Health Director. Ms. Rask told the Board that she was "thrilled" to have the opportunity to work in the Town of Concord and noted that even though this was only her second day on the job, she could tell already that her new staff was very capable and that the issues being dealt with in the Health Department were going to be interesting and engaging; she said she was truly looking forward to the road ahead.

At this time, Dr. Woodward took a moment to thank Stanley Sosnicki, on behalf of the entire Board, for his "exemplary" service to the Town serving during the interim as the Acting Public Health Director; "yeoman's work", he called it. He also wanted the record to state the entire Health Department staff; Karen Byrne, Gabrielle White, and Mr. Sosnicki carrying out their normal duties, as well addressing many controversial issues over the past year. He stated that it was not an easy task and they exhibited true professionalism. He commended them all for a job well done; the entire Board reiterated Dr. Woodward's comments. Dr. Woodward said it was an exciting time in Public Health and the Board was very pleased to have the entire department finally at full compliment.

Agenda was taken out of order due to Executive Session scheduled for 7:15 p.m.

2. Septic Betterment Program

Karen Byrne reminded the Board that the Septic Betterment Loan program allowed homeowners to borrow up to \$30,000 at 2% interest and pay it back over a 10 year period of time; up until this point, loans have been granted for single family homes. Last week, a resident submitted an application because they system serving his property had failed – the system serves (2) separately owned condominiums. Therefore, she consulted the Finance Department about the possibility of each owner applying for their own separate loan since and each pays separate property taxes and owns a separate home. Deputy Treasurer Pat Robertson said she saw no reason why that couldn't be done, but suggested that Ms. Byrne run it by the Board because technically, it is the Board of Health authorizing the loans.

Ms. Byrne also noted that this particular replacement system is likely to be more expensive particularly because the entire property is located within the wetland buffer zone. Mr. Sosnicki concurred. Systems that require wetland variances and approval often times cost much more than the average system.

Following a brief discussion, the Board saw no reason not to authorize a separate loan for each unit owner and how the costs were divided would be between the parties and paid back to the Town accordingly.

At 7:15 p.m. Ellen Hutt moved that the Board of Health move into Executive Session to discuss possible litigation against the Board of Health. The motion was seconded by JoAnn Dinardo. All VOTED in favor to move into Executive Session. The Chair asked for a roll call vote:

Ellen Hutt – in favor	JoAnn Dinardo – in favor
Jack Bergman – in favor	Kerry Diskin – in favor
Dr. Woodward – in favor	

The open session of the meeting ended and the Board proceeded into an Executive Session.

At 7:45 p.m., the Board of Health returned to the Open Session of the Board of Health and the agenda resumed accordingly.

3. Food Service Establishment – Walden Grille (follow up)

Dr. Woodward advised audience members that this portion of the meeting would be recorded.

Jack Grant, owner, Walden Grille and his Attorney, David Summers met with the Board to discuss the ongoing enforcement at this facility. Specifically, that the Consent Agreement that the owner's agreed to sign at the May meeting had not been signed due to some issues Mr. Summer had with the language relating to a "Covenant Not to Sue".

Discussion

Attorney Summer reviewed Berger Food Safety's most recent report and stated that although there were (6) critical violations, most of those were corrected while she was on-site. The refrigeration unit was still an issue, but that the appropriate parts had been ordered and it would be corrected within 6-8 weeks. Other than that, Attorney Summers felt that his client was making every effort to comply with the Board's requests.

Kerry Diskin felt that the Berger report suggested the facility was moving backwards not forward. She advised Mr. Summer that the grade given this month was significantly lower than the May report. Mr. Sosnicki agreed that progress was moving at a much slower pace than he would like to see, but that he had witnessed a concerted effort by Mr. Grant, particularly in remedying the physical building issues. However, because staff turnover is such an issue, at this point, it is difficult to say whether the training given to the new staff will translate "to the floor". He said only time would tell.

Dr. Woodward addressed Mr. Grant directly and asked if it was true that the entire staff (head chef, general manager) that was present at the May Board meeting and who, along with Mr. Grant, assured the Board of Health that all compliance issues would be completed within the time frame allotted, were no longer employed at the restaurant. Mr. Grant confirmed that fact. But, stated that it was beyond his control if people he hires "walk" off the job; which is what he claimed the last chef did two weeks after the May meeting. He felt confident that the new chef would be able to handle the job.

Following a discussion, Board members told Mr. Grant that after further consideration, it decided not to require Mr. Grant to sign the Consent Agreement (that he had previously agreed to sign at the May meeting) as a condition of his permit to operate. However, in a tersely worded statement directed to Mr. Grant and his attorney, Board members said that the conditions clearly outlined in a letter dated to Walden Grille (4/21/11) would be listed on any future permits to operate a food facility within the Town of Concord and that was non-negotiable. Failure to comply with the conditions would result in suspension of Walden's permit until such time the Health Department was completely satisfied that all necessary corrections and/or actions were taken to abate.

Mr. Grant asked Karen Byrne if the permit renewal application he submitted on 5/24/11 would be issued following this meeting. Ms. Byrne explained that permit was not processed to date pending the resolution of the consent agreement issue. She noted that in addition to the conditions listed by the Board, he still needed to provide copies of Food Serve Safe Certifications (of his kitchen personnel), Allergy Awareness Training Certifications, and Choke-saver Certifications. Mr. Grant claimed he had never received those letters. Ms. Byrne said she'd email it to him in the morning and once that information was received, the permit would be released.

Dr. Woodward moved that the Health Department staff issue Walden Grille's permit to operate contingent upon the conditions outlined in the letter dated 4/21/11¹ and the submission of the food safety certifications required. Ellen Hutt seconded it. All VOTED in favor.

¹ Walden grille letter 4/21/11
BOH Minutes 6/21/11

4. Discussion Item – WR Grace

A proposal for Institutional Controls(submitted by TetraTechGeo) for areas impacted by the contaminant plume in Acton and Concord; as well as a letter from Acton's Public Health Director were reviewed as it related to the WR Grace Superfund site in Acton. Susan Rask will attend a public meeting scheduled before the Acton Board of Health on July 18, 2011 and provide an update at the July meeting.

5. Staff Reports

Stan Sosnicki, Environmental Health Inspector provided the Board with a brief update on the ongoing housing inspection/enforcement at 1679 Main Street. Both the owner and the tenants had been in contact with him over the past month and they do not seem to be any closer to resolution. Mr. Sosnicki believes this case will be filed in Housing Court and will update the Board accordingly.

6. Chairman's Report and Reports from Other Board Members

Dr. Woodward updated the Board on the following issues that were discussed at the Public Health Council Meeting this past month:

- Increase in reported measles cases in Massachusetts (being followed carefully by MDPH)
- Changes in the Maven Reporting Software
- Discussion on implementation of guidelines pertaining to Head Injuries relating to extracurricular athletic activities at schools

Kerry Diskin reviewed the comments that were submitted by the 2229 Main Street Committee to Melissa Taylor, Remedial Project Manager, EPA as it relates to the Draft Baseline Human Health Risk Assessment Report (December 2010).²Comments will be addressed in the revised Baseline Human Health Risk Assessment Report. The Baseline Human Health Risk Assessment identifies existing or potential risks to human health, providing valuable input into the next phase in the process , the feasibility study. The feasibility study is used to identify potential treatment and containment technologies to address contamination at NMI and to screen the technologies based on effectiveness, feasibility, and cost. Once potential technologies have been indentified, a detailed analysis is performed and a remedy selected. The clean up of NMI may be designed to meet residential or commercial standards.

Ellen Hutt asked Karen Byrne to investigate why she and the Board have not been kept apprised and/or notified about the Youth Advisory Committee meetings. Since Ms. Duggan's initial meeting with the Board, Karen Byrne noted she has not had any response to emails, etc., but would follow up on the issue.

7. Minutes and Calendar

² Town of Concord 2229 Main St Oversight Committee; Comments on Baseline Human Health Risk Assessment 12/10
BOH Minutes 6/21/11

Dr. Woodward noted that he had a conflict in September and asked whether the meeting could be moved to September 13th. Board members agreed and Ms. Byrne will secure a meeting room and email the Board with the change of venue if necessary.

Jack Bergman moved to approve the minutes from the May 17, 2011 meeting as submitted. Kerry Diskin seconded it. All VOTED in favor to approve.

The meeting adjourned at approximately 9:20 p.m.

Respectfully submitted by,

Karen M. O'Keefe-Byrne, Administrative Assistant
Concord Board of Health

Dr. Alan Woodward

Jack Bergman

Kerry Diskin

Ellen J. Hutt

JoAnn DiNardo

