



Town of Arlington, Massachusetts
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January 31, 2007 Meeting Minutes

Board of Health Meeting Minutes
Wednesday, January 31, 2007
First Floor Conference Room
Senior Center
5:15pm

Board Members in Attendance: Dr. Carole Allen, Mr. Gregory Leonardos (Chair) and Dr. Michael Fitzpatrick

Staff in Attendance: Christine Connolly, Director of Public Health, Natasha Thorne Health Inspector, Joseph Carabello, Health Inspector, Mary Ann Jacobs, Secretary

I. The October 24, 2006 meeting minutes were accepted as written.

II. The December 12, 2006 meeting minutes were accepted as written.

III. HEARING: 1 Broadway, Erik Kondo

Mr. John Maher, Town Councilor, in attendance at this hearing.

Erik Kondo is requesting approval from the Board of Health for a certificate of occupancy to open a Kids Tumble Gym, an exercise and play gym, at this address for young children 0-6 years of age. This property was formerly an automobile dealership and there is contamination in the soil. In 2001 a deed restriction was placed on the property to limit the use as a daycare center among other uses. Two concerns raised by the BOH are children playing outside in soil and the vaporization of ground water into indoor air space. Plans submitted by Mr. Kondo indicate that the entire lot is covered with asphalt, there is no outdoor play area, and the HVAC system is placed on the top of the building. After reviewing the latest study of the property, the BOH Director will approve the certificate of occupancy contingent on devices being used to monitor the quality of air within the building and these reports be sent to BOH on a regular basis. Counselor Maher felt the certificate of occupancy could be issued under the guidelines set by the BOH. The Board voted to approve the certificate of occupancy.

IV. HEARING: Henry Oliveras, re: Massage Therapy Regulations

Mr. John Maher, Town Counsel, in attendance at this hearing

Mr. Oliveras requested a hearing in front of the Board of Health to discuss Arlington's Massage Therapy, Bodywork and Energywork Regulations. His request to the board was to recognize membership from the American Organization for Bodywork Therapies of Asia (AOBTA) as an acceptable requirement to obtain a massage license in the Town of Arlington. Arlington's current requirements state that an applicant must complete a minimum 500-hour course of study that leads to certification of a Massage Therapist as defined in Section 2.B or Bodywork Practitioner as defined in sections 2.E, or having passed a National Certification Exam. As outlined in a letter dated June 10, 2004 from the BOH, to Mr. Oliveras, proof of having passed the National Certification Exam was necessary for a permit to practice massage therapy. Furthermore, a letter dated on October 12, 2006 from the BOH outlined two types of national certification exams that are acceptable, those are: National Certification Commission for Acupuncture and Oriental Medicine (NCCOAM) and National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). This letter also stated that a practical exam from the AOBTA is not a national certification exam. Mr. Oliveras stated that when you obtain a certificate from AOBTA and have not completed a 500-hour course of study, you are required to take a practical exam, which he believes goes beyond national certification. This discussion has been taken under advisement and continued, so that the Board of Health can do further research into this matter.

V. VARIANCE REQUEST: Rosemary Candia de Pino

Present with Ms.dePino: Elizabeth Hermon owner of The Ninth House and Randall Ferrell, Holistic Chiropractor at The Ninth House.

Ms. dePino requested a variance in order to practice Manual Lymph Drainage (MLD) at The Ninth House at 89 Mass Ave. She has had extensive experience in Spain where she was both a massage therapist and a practitioner of MLD. Since her arrival in the U.S. she has trained at the Norton School of Lymphatic Therapy in NJ and has submitted letters of recommendations from various reputable sources in the US. Both Dr. Ferrell and Ms. Hermon gave testimony on Ms. dePino's behalf. In the course of the discussion it was learned that Ms dePino would be completing a national certification exam in the near future. The Board voted to wait for the results of this exam before granting her a massage license.

UPDATE: New Asia

The police department notified the BOH following a response to a false alarm at New Asia Restaurant that the restaurant was in a deplorable state. Natasha inspected the restaurant and found dirty dishes, food standing on counters and dirty overall. A broken dishwasher had been removed from the premises in December without a definite date for the installation of new one. Sally Loh ,the owner, agreed to voluntarily close down and meet with Natasha and Christine concerning future operation of the restaurant. As a result of the meeting, it was decided that a consultant would be necessary in order to continue operation of the restaurant. Sally Loh agreed to this and a consultant was hired. The BOH will proceed with continued surveillance of New Asia in the process.

VI. UPDATE: Food establishment changes

Natasha Thorne reported new ownership of Carberry's (no name change) 594 Mass Ave and Bella Motta Baking, 916 Mass Ave (formerly Ye Olde Bakery Shop). The Starbucks coffee shops are adding pre-packaged sandwiches to their menu. The following two restaurants will be opening in the near future. Rio Brazilian 473 Mass Ave (formerly Punjab's) and Broadway Diner, 117 Broadway (formerly The Olive Branch).

VII. DISCUSSION: 2007/2008 Permit Fee study

A list of BOH fees for permits and services is enclosed in your packet and many of these fees have not been increased in a few years. The Town is asking each department to assess their charges for service to make sure the fees charged cover the services provided and if they are comparable to other towns. Teresa has put together a list of towns and their charge for massage permits. The staff has started to put together their assessment of the fees charged, and we will provide a listing of proposed new charges at the next meeting. This will include restaurants, waste haulers, weights & measures, etc.

VIII. DISCUSSION: Arlington Housing Authority request for letter of support

The Housing Authority is asking for a letter of support for their proposal of a new home for the Dept of Mental Health and Dept of Mental Retardation clients. They are hoping to move a home to Chestnut Manor property (Senior Housing) and are looking for State funding. Christine will prepare the letter and send it out.

Adjourn