



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

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**Board of Health Meeting Agenda
Wednesday, December 6, 2017
Ground Floor Conference Room
Arlington Senior Center
5:30pm**

- I. Accept November 1, 2017 Meeting Minutes
 - II. HEARING: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products
 - III. HEARING: Adoption of Food and Drug Administration (FDA) 2013 Food Code
 - IV. Update: Not Your Average Joe's- Exhaust Hood
 - V. Correspondence Received: Compost Pilot Program
 - VI. Environmental Updates
 - VII. Restaurant Updates
 - VIII. Public Health Nurse Updates
 - IX. Public Comment
- Adjourn



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D R A F T
Board of Health Meeting Minutes
Wednesday, November 1, 2017
BOH Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Kylee Sullivan, Health Compliance Officer; Padraid Martin, Lead Health Compliance Officer; Jessica Kerr, Public Health Nurse

Others in Attendance: Lauren Dexter, On-site Manager for Not Your Average Joe's, Seth Caplan, Regional Director for Not Your average Joe's, and Dan O'Boyle, CS Ventilation, (contractor for Not Your Average Joe's); Sarah Benson (Regis College)

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to accept the September 13, 2017 meeting minutes as submitted.

Vote: 3 – 0 (Unanimously) in favor of the motion

Hearing: Not Your Average Joe's – Repeat Violations – Exhaust Hood

Inspector Kylee Sullivan informed the Board that the exterior exhaust system at Not Your Average Joe's located at 645 Massachusetts Avenue has been actively leaking grease for approximately 6 months. She stated that this issue is a violation of the 1999 Federal Drug Administration (FDA) Food Code and Massachusetts Public Health Nuisance Law, additionally this issue poses a potential fire hazard. Inspector Sullivan stated she met with representatives of Not Your Average Joe's on June 5th regarding this matter. Continued contact throughout the summer did not result in any evidence of successfully addressing this issue, and an order letter was sent to the President of the organization on August 2nd requesting the violation be brought into compliance within fourteen days. Inspector Sullivan provided a copy of the order letter, as well as pictures of the violation.

Mr. Seth Caplan, Regional Director, addressed the Board and stated Not Your Average Joes has tried to do the best they can with an abundance of caution. He reported he became the Regional Director of this location on May 1st, 2017. He confirmed he met with Representatives from the Health Department in June and presented the e-mail chain with communications made. He stated this issue was first brought to the attention of the establishment due to Rodent Control issues in that area. He stated that Not Your Average Joe's worked with the town regarding the rodent issues, and removed a trash chute in the back at a cost of \$10,000, and increased and changed pest control companies at the recommendation of the Health Department. He further stated in an effort to seal the external leaks they worked with CS Ventilation to apply a Sealant to the external duct work which was an economical way to address the problem, but unfortunately it did not work. He stated they increased cleaning of the exhaust system from 4 times per year to 6 times per year, and said they are 100% committed to resolving this matter. Mr. Caplan stated he received several quotes for replacing the exhaust system, both internally and/or externally, and after an evaluation of the entire system, they have decided to replace only the exterior duct work, but stated that will resolve the violation. He informed the Board the cost of this work will be \$23,000 - \$25,000. He reported it will take 4-5 weeks to receive the custom duct work and materials to complete the job, and asked if the Board would consider an extension to January 2nd or 3rd, whereas it is a busy time of year, and the scope of work would require a shut down of 2 days to complete the project.

Mr. Kohlberg inquired that if grease can be a fire hazard, why it has taken over 6 months to resolve the matter. Mr. Caplan stated they clean the hoods regularly, and the grease is leaking externally, not internally.

Director Waden stated that she spoke with the Deputy Chief Jonh Kelly of the Arlington Fire Department, and he agreed that the matter, which was brought to his attention by the Health Department serves as a potential fire hazard. She further stated that this issue is a public health nuisance violation as the pooling of grease outside has the potential to attract rodents, insects, and cause foul odors.

A Motion was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg to support the recommendation of Inspector Kylee Sullivan to enforce a deadline of December 15, 2017 to complete the project to replace the exterior duct work at Not Your Average Joe's to correct the violation. Inspector Sullivan will provide an update to the Board as to the progress made at the December 6, 2017 Board of Health Meeting.

Vote: Motion Approved 3 – 0 in favor of the motion (Unanimously)

Discussion: Adoption of Food and Drug Administration (FDA) 2013 Food Code

Director Waden informed the Board that she would like to table this discussion to the December 6th meeting, to provide an opportunity to reach out to all food establishments and hold two (2) informational presentations which are scheduled for November 6th and 7th regarding changes to the 2013 Food Code. Any questions and comments can be submitted to the Board prior to the December 6th meeting, and comments will also be heard at the December 6th meeting. Director Waden stated it will take a full year to roll out the program to implement the 2013 Food Code.

Discussion: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products

Director Waden informed the Board that she held several discussions with D.J. Sullivan, and after taking into careful consideration information from the Mass Municipal Association regarding recommendations for data, Director Waden does not recommend reducing further the number of Tobacco and Nicotine Delivery Products Permits allowed within Arlington. Further discussion took place regarding a policy for removing waiting lists for permits

Discussion: Schedule of 2018 BOH Meeting Dates

- January 31, 2018
- April 11, 2018
- May 23, 2018
- June 20, 2018
- September 12, 2018
- October 24, 2018
- December 5, 2018

Meetings to begin at 5:30 pm

Location: Ground Floor Conference Room, 27 Maple Street, Arlington

Environmental Updates:

Inspector Sullivan informed the Board that she attended the Rodent Control Academy in New York City. She stated she is confident in what Arlington is doing to address the increase in rodent activity. Inspector Sullivan addressed the concern previously raised by Mr. Kohlberg that recycling may contribute to rodent activity. She stated that New York City does not believe there is a correlation to recycling, and just recently received \$32 Million to initiate a Rodent Control Plan. As part of this plan they will be rolling out plans to encourage residents to recycle more.

Restaurant Updates

Inspector Kylee Sullivan provided the following updates:

- Plan Review received for Dunkin Donuts – Conditional Approval
- Mamadous – No progress to report
- The Green Light – Plan Review Received – Pre-Operational Inspection on Friday November 3, 2017
- 478 Mass Avenue (formerly Eltons) – Plan Review Received
- Subway has closed – no information available

Public Health Nurse Updates

Jessica Kerr, Public Health Nurse, reported that flu clinic season is well underway. Flu vaccination clinics have been held at all senior housing buildings, as well as, 3 Elementary Schools. To date all clinics have been very successful, and should the remaining clinics will be completed by the end of November. This year electronic forms have been designed for all of the public schools, which takes the burden off the school staff and nurses in organizing the paperwork and clinics. Additionally, this year we have been able to offer vaccinations to all teachers and school staff, which has been well received. Although MRC volunteer number have been low this year, Ms. Kerr stated that the core group of volunteer nurses and our administrative team has been extremely strong.

Ms. Kerr reported that all flu clinics, are held as Emergency Preparedness drills.

Director Updates

Director Natasha Waden introduced Pdraig Martin as the new Lead Health Compliance Officer for the Health Department.

Public Comment

None

Meeting was adjourned at 6:42 pm



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MEMO

To: Board of Health Members

From: Kylee Sullivan, Health Compliance Officer

Date: November 30, 2017

RE: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products

During the last Board of Health meeting on November 1st, the Board decided, based on guidance from the Massachusetts Municipal Association, that the number of Tobacco and Nicotine Delivery Product Sales Permits will not be reduced through attrition. Instead, the Board agreed that the number of permits will be capped at the number of permits issued in the Town of Arlington and in good standing on January 1, 2015 (which is 19 permits). The waiting list that is currently referenced in Section (E) 13 of the Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products will be closed as of January 1, 2018. On January 1, 2020, this "first-come, first-serve" basis waiting list will expire.

E. TOBACCO AND NICOTINE DELIVERY PRODUCT SALES PERMIT:

1. No person shall sell or otherwise distribute tobacco or nicotine delivery products at retail establishments within the Town of Arlington without first obtaining a Tobacco and Nicotine Delivery Product Sales Permit issued annually by the Arlington Board of Health. Only owners of establishments with a permanent, non-mobile location in Arlington are eligible to apply for a permit and sell tobacco products or nicotine delivery products at the specified location in Arlington.
2. As part of the Tobacco and Nicotine Delivery Product Sales Permit application process, the applicant will be provided with the Arlington Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco and nicotine delivery product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.
3. Each applicant who sells tobacco is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a Tobacco and Nicotine Delivery Product Sales Permit can be issued.
4. The fee for a Tobacco and Nicotine Delivery Product Sales Permit shall be \$500.00, renewable on January 1.
5. A separate permit is required for each retail establishment selling tobacco and/or nicotine delivery products.
6. Each Tobacco and Nicotine Delivery Product Sales Permit shall be displayed at the retail establishment in a conspicuous place.
7. No Tobacco and Nicotine Delivery Product Sales Permit holder shall allow any employee to sell tobacco products or nicotine delivery products until such employee reads this regulation and federal and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state and federal laws.
8. A Tobacco and Nicotine Delivery Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco or nicotine delivery products must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
9. Issuance of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

10. Issuance and holding of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's on-going compliance with current Massachusetts Department of Revenue requirements and policies, including, but not limited to, minimum retail prices of tobacco products.

11. A Tobacco and Nicotine Delivery Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding permit suspensions.

12. Mandatory retailer training: As part of the Tobacco and Nicotine Delivery Product Sales Permit renewal process, permit holders are required to send at least one (1) employee who works on the premises to a tobacco retailer training conducted by the Arlington Board of Health once per year. The Arlington Board of Health will schedule the trainings and notify permit holders of the date (s). Failure of the establishment to send a retailer may result in suspension or revocation of a permit to sell tobacco and nicotine delivery products in the Town of Arlington.

13. Maximum Number of Tobacco and Nicotine Delivery Product Sales Permits: The maximum number of permits allowed shall be the number of Tobacco and Nicotine Delivery Product Sales Permits issued in the Town of Arlington and in good standing on January 1, 2015. No new permits shall be issued such that the number of outstanding permits would exceed the maximum number of permits. Any permit holder who has failed to renew an existing permit within 30 days of expiration will be treated as a first-time permit applicant. A purchaser of a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products and/or nicotine delivery products. An owner of a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit that intends to change the physical location of the business in Arlington must notify the Board of Health in writing thirty (30) days before such change of location occurs. The permit will be reissued reflecting the continuation of said business at the new address. Any permit holder who has failed to notify the Board of Health in writing thirty (30) days before changing the physical location of the business will be treated as a first-time applicant. New potential applicants for permits who are applying at a time when the total number of outstanding permits meets or exceeds the maximum number of permits allowed will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-serve" basis as permits are either not renewed or are returned to the Board of Health.

14. Waiting List: Any potential applicant that has been placed on the waiting list prior to January 1, 2018 will have an opportunity to apply for a permit when/if an existing permit is returned to the Board of Health. However, this opportunity will expire on January 1, 2020 and the Arlington Board of Health will no longer maintain the waiting list. As of January 1, 2018 the Arlington Board of Health will no longer add potential applicants to said waiting list.

15. Any permit holder who has failed to renew an existing permit within 30 days of expiration will be treated as a first-time permit applicant.

16. A purchaser of a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products and/or nicotine delivery products. An owner of a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit that intends to change the physical location of the business in Arlington must notify the Board of Health in writing thirty (30) days before such change of location occurs. The permit will be reissued reflecting the continuation of said business at the new address. Any permit holder who has failed to notify the Board of Health in writing thirty (30) days before changing the physical location of the business will be treated as a first-time applicant.



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MEMO

To: Board of Health Members
From: Kylee Sullivan, Health Compliance Officer
Date: November 30, 2017
RE: Adoption of Food and Drug Administration (FDA) 2013 Food Code

On Monday, November 6th and Tuesday, November 7th, the Health Department hosted meetings open to all food permit holders regarding the adoption of the 2013 FDA Food Code. Contracted food inspector Maureen Lee presented a power point presentation outlining the major changes that will occur with the adoption of the 2013 Food Code and also introduced the transitional plan for this adoption. In total, 37 permitted food establishments were present during the meetings.

Important transitional information that was provided during these meetings included the following:

1. The implementation of the Code will take place on January 1, 2019.
2. The Board of Health will have a hearing regarding this adoption on Wednesday, December 6th. (Food permit holders were encouraged to send the Health Department feedback on the adoption before this hearing).
3. Training sessions will be provided by the Health Department throughout 2018 to ensure that food establishments are equipped with the knowledge and tools to effectively transition to the 2013 Food Code.

During the meetings, food permit holders showed support of this transition. The only feedback received was from Blue Ribbon BBQ whose representative expressed interest in the training sessions that will be provided in 2018.



TOWN OF ARLINGTON
DEPARTMENT OF PUBLIC WORKS

51 GROVE ST, ARLINGTON, MASSACHUSETTS 02476
TELEPHONE (781) 316-3108 FAX (781) 316-3109
CHARLOTTE MILAN, RECYCLING COORDINATOR
CMILAN@TOWN.ARLINGTON.MA.US

Date: November 2, 2017
Memo to: Board of Health
From: Charlotte Milan, Recycling Coordinator, Public Works
Re: Pilot Food Scrap Drop Off Pilot

Public Works is initiating a pilot food scrap drop off program. The Board of Health is being contacted in order to assure that members of the board are aware that health considerations, specifically rodent access, are being prioritized in the program design.

Food Scrap Drop Off programs exist in Boston and other US cities. This free, voluntary waste reduction program is part of a larger set of programs and policies that communities undertake in order to provide waste reduction resources to all residents, regardless of ability to pay or ability to manage backyard composting.

Separating food scraps (for reuse and a primary ingredient of higher value compost) is considered a best practice in the field of waste management. As the city of Cambridge moves from a 600 household curbside collection pilot program to city-wide compost collection service, Arlington is taking this next small step towards building awareness and interest in this higher-level municipal waste reduction strategy. Already, the Massachusetts Department of Environmental Protection enforces mandatory food scrap diversion by entities that produce at least 1,000 tons of food scraps per week. These producers, primarily hospitals, universities and grocery operations, have been separating out food scraps since 2016. This new "waste ban" is helping generate investment (by design) in the food scrap management infrastructure needed for the long term sustainability of our ongoing waste management challenges.

Arlington's pilot program will begin with three 24-hour accessible drop off locations:

- DPW (51 Grove Street)- by customer service entrance, providing regular visual inspection and excellent promotional/educational opportunities- Confirmed location
- Teel Street dead end (outside Waldo Park), placed in parking spot outside the park, initiated by a neighborhood group- Confirmed location
- Ryder Street at the corner of the Recreation Department's ice rink, on an existing cement pad in an area easily accessible to bike path users- Proposed location

Program Details

Pest Control

The equipment being sourced to collect and hold the food scraps is animal proof, placing public health and safety at the top of any measure of program success.

Proposed Equipment from bearsaver.com:

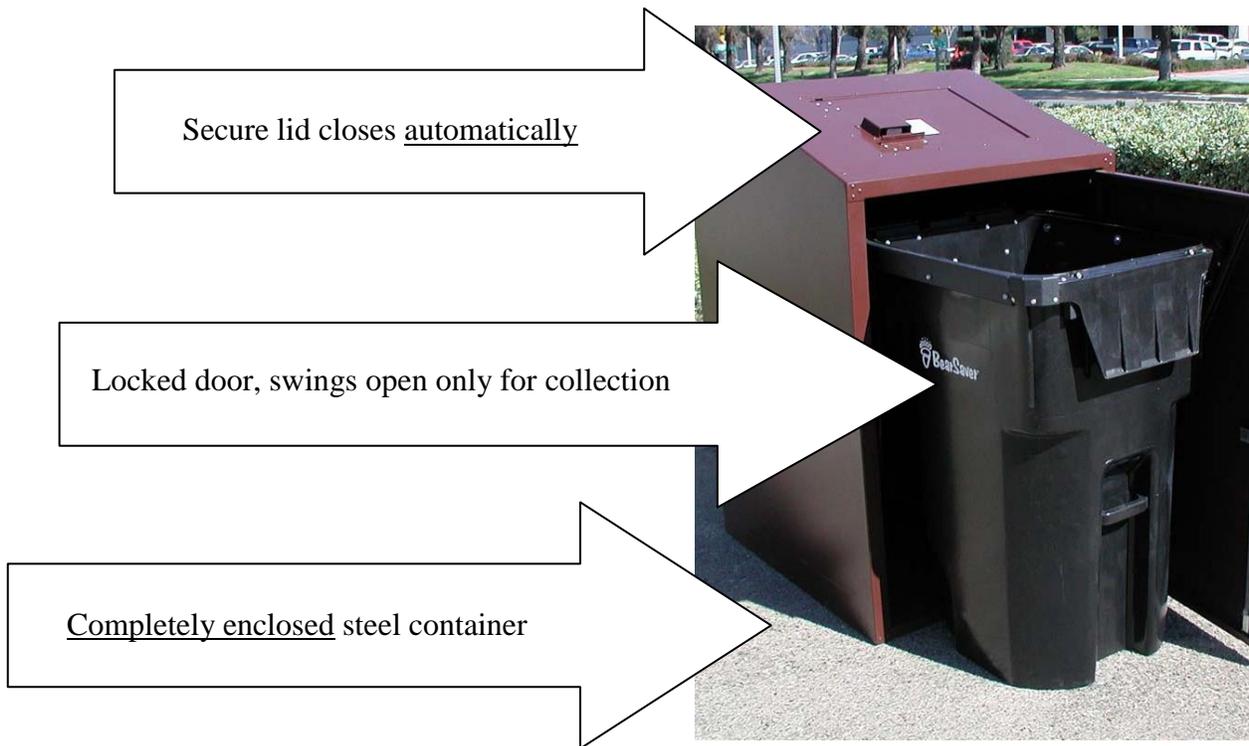
overview specifications

BearSaver Bearier™ - Residential Trash Cart Enclosure - RCE195F

Single 95 Gal Poly Cart Enclosure

The Bearier™ Bear Proof RCE195F holds (1) standard 65 gallon or 95 gallon poly cart (cart included). This enclosure features a flip open top lid for easy loading and a large door in front for effortless unloading. Both doors feature tried and tested BearSaver animal-proof latches.

Also rodent resistant, these rat proof trash / garbage cans and recycling bins will keep all animals out of the contents, large and small.



Collection by Trusted Hauler

The DPW has conducted an experimental, invitation-only food scrap drop off program since summer 2016. We also support a school-based food scrap collection program that has been running for a year. Each of these programs is serviced by one of two trusted, permitted waste haulers, Garbage to Garden and Black Earth Compost. DPW has confidence that either of these haulers would be a reasonable choice as a collection vendor.

Frequency of Collection

Collection of the food scraps will start weekly and can increase as needed. The day and frequency of collection can be revisited and adjusted. The plastic rolling bin would either be lined with a compostable liner by Bio-bag (the current method used at our schools), or would be swapped out for a power-cleaned tote each collection (the current method used at DPW drop off location). If smells become an issue, a new toter can be ordered. DPW has experience with both of these collection models and, after one year of experience, we have no smell complaints to date.

Response Protocol

Dumpster regulations will apply to the animal-proof storage equipment being used for this program. Health inspectors and the recycling coordinator can be called in to inspect and close down the operations if the dumpster regulations are out of compliance. Keeping the area clean will be the responsibility of the users and the recycling coordinator. Pest access prevention is the goal. If pest incidents are reported to and substantiated by health inspectors, then the food scrap drop off area can be closed and the contents emptied.

Program Maintenance

Public Works' recycling coordinator will be the manager of this program, with Recycling Committee members as backup. Users of this program will be the eyes on the ground. There will be DPW contact information on the container for users to report concerns or tampering. Primary two-way communication will be accomplished through town website resources, and DPW dispatch can be contacted during extended hours to report problems.

Weather

The equipment is not permanently installed, so containers can be moved or removed if changes are required. In snow conditions, users will be responsible for shoveling out access, and in extreme weather conditions the containers can be placed "out of commission" temporarily if the hauler reports trouble gaining access. If users do not shovel out access, then that container can be placed out of commission. The recycling coordinator is responsible for assuring that no food scraps remain inside the container at times of temporary or permanent closure.

Evidence of Interest

The 2016 Vision 2020 Census Insert Survey summary report, based on 2,963 responses, shows that if Arlington offers a food scrap drop off program, 585 respondents report they would participate, and 1,088 responded "maybe".

Definition of success

200 drop offs per location, per week will be the working definition of success. That amount would fill the containers to 3/4 capacity. We would work up to that level over two years. Having no pest concerns are a second measure of success. Drop off programs can be considered a preferred replacement system for some ineffective backyard composting activities.

Pilot Evaluation

The pilot program will be evaluated after two years, at which time the program may be recommended for continuation, expansion, or discontinuation. Health inspectors will be included in this evaluation process.

Drop Off Locations



