

Scituate Board of Health Meeting
March 14, 2016
Scituate Town Hall – Selectman’s Hearing Room
6:00pm

MEMBERS PRESENT: Mr. Steven Pansey, Chairman
Mr. Russell Clark, BOH Member
Mr. Douglas Whyte, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health
Ms. Susan Tice, Health Department

Mr. Pansey opened the meeting at 6:00 PM

Acceptance of the Agenda

Scheduled Items:

Discuss/Vote: Addition of Walk-in Humidor, Hennessy News

Diane Pellitteri-Owner and Jason McGee-Manager, represented the establishment

Mr. Pansey confirmed that Hennessy News was appearing before the Board of Health to explain their plan for the addition of an eight foot by eight foot humidor to sell cigars. He confirmed that the owners understood that they were familiar with the local tobacco regulations because they currently sell tobacco. He asked Ms. Keefe if she had any problems with their proposed plan to install a humidor. Ms. Keefe stated that she had visited Hennessey News this past Friday to view the space where they plan to install the humidor and that she did not have any concerns. She said that Ms. Pellitteri emailed her the information regarding the mechanisms for security and how the humidor will be kept locked. Ms. Keefe asked Ms. Pellitteri what actually converts the space into a humidor. Ms. Pellitteri explained that they would be purchasing a humidor machine to regulate the proper humidity. Mr. Pansey asked where the humidor would physically be located in the store. Ms. Pellittieri explained that they have moved the checkout counter to the front entrance so that you approach it as you enter the store. She explained that the humidor would be located diagonally in the back right hand corner of the store and it would be enclosed with glass. The customers will be given a key to enter and exit the humidor. Ms. Keefe confirmed with Ms. Pellettieri that the store employees would be able to see the customers in the humidor. Ms. Pellitteri said that they would and that employees would always request identification before giving them access. Mr. Whyte asked whether minors would be permitted to access the humidor and Ms. Pellittieri said they would not. Mr. Pansey confirmed with the other Board members and Ms. Keefe that they were satisfied with Hennessey News’ plan. He stated that since Hennessey News has had a tobacco permit for several years, a vote to approve was unnecessary because the humidor is an extension of their establishment, which is already subject to the tobacco regulations. Ms. Keefe reminded Ms. Pellittieri that if they intended to change any of their outdoor signage regarding the humidor, they would need to consult the Planning Board.

Discuss/Vote: Fats, Oils and Grease (FOG) Regulations Variance Request, Ronnie Shone General Store

Kirit Patel and Dipen Patel, Owners, represented the establishment

Mr. Pansey confirmed that the owners of Ronnie Shone General Store were requesting a variance for a grease trap because of the limited amount of food prepared at this location. Mr. Clark asked if the establishment was connected to Town sewer and Ms. Keefe confirmed. She also indicated that there were no sewer blockages in that part of Town. Mr. Patel stated that hot dogs are the only grease producing item that they sell. He said the only other food items they prepare are cold cut sandwiches. Ms. Keefe asked if the hot dog machine was submersible. Mr. Patel explained that it was not and that it must be cleaned and sanitized on the counter. Mr. Pansey inquired about the status of the grease trap at Dad's, the other store owned by these gentlemen. They said they had scheduled a plumber to have it maintained. Mr. Clark informed the owners that if the Board granted the variance, it could be reviewed again at any time due to change in menu or Town sewer problems. Ms. Keefe said she spoke with the DPW Director and the department head of the Sewer Division and they have not had any problems in that part of Town. The Board was satisfied that as long as the hot dog machine was not submersible, they could grant the variance at this time.

Motion by Mr. Whyte to approve the variance requested for installation of a grease trap at Ronnie Shone General store as requested by the representatives for the establishment. The variance allows for operation of the establishment without installing a grease trap, based on current conditions and operations. The establishment is served by the public sewer system. This variance is granted; however, it can be reviewed, modified or revoked by the Board of Health at any time.

All in favor, unanimous

Discuss/Vote: Fats, Oils and Grease (FOG) Regulations Variance Request, Pete's Mediterranean Fresh

Greg Bukuras, Manager, represented the establishment

Mr. Pansey stated that Mr. Bukuras was also requesting a variance for a grease trap for his establishment on Front Street. Mr. Pansey discussed the menu and pointed out several grease producing products. He mentioned that the menu has significantly changed since the restaurant's opening last year and that is a concern for us as the Board of Health. An example of a new item on the menu was bacon, which produces grease. Mr. Bukuras said that when he cleans pans, he uses a spatula or wipes them with a paper towel and disposes of them in the trash. He also said he uses aluminum foil on the pans when he bakes the meats he uses and throws the foil away. Mr. Bukuras said he discards about two quarts of oil per week and discards it at the transfer station in Hingham. Ms. Keefe explained Scituate does not take food oils and only accepts motor oils. Most food establishments have fats, oils and grease picked up by outside companies. Mr. Sean Harris suggested having a discussion with the DPW regarding the recycling of cooking oils at the Transfer Station.

Mr. Clark said he was concerned about granting a variance because the menu keeps changing and says that the Town has had many sewer backups in that part of Town. He said the Board does not want to overtax business owners but the sewer system needs to be protected. Similarly to Ronnie Shone, Ms. Keefe said she reached out to the DPW and Sewer Department and according to them there have been three significant backups in the last three months on Front Street. The Board members discussed the pros and cons of granting a variance. Mr. Pansey explained that all of the businesses on Front Street have grease traps so it is difficult to grant the variance for this establishment. There are many concerns about a variance being granted in this part of Town. The Board members agreed on a forty-five to sixty day timeline for the installation of a grease trap at Pete's Mediterranean Fresh.

Motion made by Mr. Whyte to deny the variance requested for installation of a grease trap at Pete's Mediterranean Fresh as requested by the representative for the establishment. The denial is based on current conditions, operations, and food served by the establishment. In addition, the establishment is served by the public sewer system located on Front Street, which has experienced multiple grease blockages in recent months.

All in favor, Unanimous

Discussion: 101 Booth Hill Rd, Septic System Failure

Ms. Keefe explained that the septic system serving the residence has been in failure for quite some time. The former health agent worked with the current owner, occupants or bank in 2013 and 2014. It is a cesspool and it had been discharging to the ground surface. There are wetlands in the back of the house. Ms. Keefe initiated her efforts on the external and internal conditions of the house. The bank is planning to sell the house and the realtor is inquiring about what needs to be done to sell it. She has had several conversations with MassDEP on the requirements to sell it with a failed system. The bank is not required to fix the septic system prior to sale. However, the Board of Health has the authority to limit occupancy. Ms. Keefe said she expects this house will be auctioned because of the current condition. The bank must disclose the system is in failure and the buyer has two options to bring the septic system into full compliance. The first option would be to install a tight tank temporarily in order to occupy the home while working with an engineer to design a compliant system. The second option is to not allow occupancy until the septic system is in full compliance. The BOH could issue a superseding order to the order that Jennifer Sullivan had previously issued at that time so that one of the two options discussed with MassDEP would be completed. Mr. Clark asked if this order could be documented by the registry of deeds. Mr. Harris asked if a deed restriction could be issued regarding occupancy, as it would give the Board the assurance it needs. Ms. Keefe said she did not discuss that aspect with MassDEP but could ask about it. She further said the bank has been forthcoming with information and appears to be willing to do what is needed when selling it.

Discussion: Dana Farber's Mammography Van

Ms. Keefe said she would like to remind residents of the ability to sign up for their mammogram. Great efforts have been made to get the word out by Eileen Scotti, the Public Health Nurse, by

placing flyers all over Town. The Dana Farber Mammography Van will be arriving at Central Park on Branch Street on April 7, 2016 from 8:00am to 3:30pm. It will take about 30 to 40 minutes for each appointment. Dana Farber technicians and radiologists will be on site. Questions about Eligibility or Insurance requirements can be directed to Dana Farber at 617-632-1974. Scituate Community TV has been helping to get the word out about the available appointments. They have produced two public service announcements for the Dana Farber Mammography Van and they will be linked to the Board of Health website for viewing. If the residents have any questions regarding the van, please contact the Health Department. Ms. Keefe asked Mr. Harris if he could mention the van in the next Selectman's Meeting.

Other business:

Ms. Keefe explained that Mr. John Clarkeson of the Water Resource Committee requested she provide the Board members a copy of his memorandum for their review. She said she sent a copy by email and she provided a hard copy for the Board members at the meeting.

Administrative, Invoice Approvals

Administrative, Meeting Minutes Approvals

Mr. Clark made a motion to accept meeting minutes for February 1, 2016 and October 15, 2016
All in favor, Unanimous

Mr. Whyte made a motion to accept minutes for February 29, 2016 All in favor, Unanimous

Motion to adjourn meeting

All in Favor, Unanimous