

MINUTES

ACTON BOARD OF HEALTH



DECEMBER 17, 1990

MEMBERS PRESENT: George Emmons (Chairman)

Joseph Glannon

Gerhard Heinrich

Marilyn Hotch

Jonathan Bosworth

STAFF PRESENT: Doug Halley

Sheryl Howe

OTHERS PRESENT: Lucille Saia

Maxine Carnahan

The meeting opened at 7:38 P.M.

MINUTES:

On a motion made by Mr. Glannon, seconded by Ms. Hotch, the Board unanimously voted to accept the minutes of November 26, 1990.

On a motion made by Ms. Hotch, seconded by Mr. Glannon, the Board unanimously voted to accept the minutes of December 3, 1990 following corrections.

NURSING SERVICE FEES:

The Acton Public Health Nursing Service hired a Certified Public Accountant, Joanne Kramer, in order to do the fiscal year 1990 cost report. Upon gaining input from Ms. Kramer, the Nursing Service was advised to raise their rates for services billable to Medicare in order to keep the rates consistent with the cost report and Medicare reimbursement levels. Ms. Kramer also stated that it would be advisable to do a cost report every six months in order to see what our pay back to Medicare will be. The Nursing Service recommends the following new fees:

Skilled Nursing	\$85.00 per visit
Physical Therapy	\$85.00 per visit
Speech Therapy	\$85.00 per visit
Occupational Therapy	\$85.00 per visit
Medical Social Worker	\$110.00 per visit
Home Health Aide	\$35.00 per hour

On a motion made by Ms. Hotch, seconded by Mr. Glannon, the Board unanimously voted to increase the nursing service rates as of January 1, 1991 to the above referenced fees.

MAXINE CARNAHAN - MASSAGE PRACTITIONER:

Ms. Carnahan seeks a massage practitioner permit to practice massage at Edgewater Offices, 532 Great Road. Edgewater Offices is presently licensed by the Town as a massage establishment. Ms. Carnahan has been previously licensed by the Town, however, time lapsed and her permit was never renewed. Ms. Carnahan has never been interviewed by the Board concerning

her massage application. The Board questioned whether New England Institute of Muscular Therapy is licensed by the State. The Board asked Mr. Halley to look into this matter and if the school was found not to be approved then the Board would discuss at a future meeting granting a variance to the Massage regulations.

On a motion made by Mr. Glannon, seconded by Mr. Bosworth, the Board unanimously voted to grant a license to practice massage subject to verification that the New England Institute School of Massage Therapy is licensed by the State.

FOOD ESTABLISHMENT FEES:

The Health Department feels that a revision to the food establishment fees is necessary. The Health Department feels that the fees charged to the establishment should reflect staff time for inspections, processing paper work, and for developing educational and informational programs and literature. The following fees reflect the proposed increase:

Food Service	0-40 seats	\$125.00
	41 and over seats	\$225.00
	under 10,000 sq ft retail	\$100.00
	10,000 and over sq ft of retail	\$150.00
	with salad bar/bulk food	\$25.00
Food Service Plan Review		
	new facility or use	\$100.00
	renovation	\$50.00
Utility Kitchen (microwave oven, refrigerator, vending machines or other facility.		\$30.00
Temporary Food	per event	\$30.00
	per year	\$50.00

Mobile Food (for six month permit)	\$50.00
Frozen Dessert	\$50.00
Sundries	\$30.00
Milk & Cream	\$15.00
Milk Dealers	\$5.00

Penalty Fees

Repeat violations after reinspection:

1/2 fee fined for voluntary closure
 full fee fined for forced closure
 nonclosure fines \$15.00 per non-critical violation
 \$25.00 per critical violation but no more than 1/2 fee

On a motion made Ms. Hotch, seconded by Mr. Bosworth, the Board unanimously voted to accept the above referenced fees.

51 HARRIS STREET - SPECIAL PERMIT:

The owners of the property located at 51 Harris Street seek a special permit for work in an aquifer. The property is located in Zone 3 of the aquifer and is approximately 4,500 feet to the nearest well. The Health Department has reviewed the proposed plans and found all to be in order. On a motion made by Mr. Glannon, seconded by Ms. Hotch, the Board unanimously voted to grant a special permit with the following conditions:

1. No underground fuel storage tanks shall be permitted on the site.
2. Septic tank shall be pumped a minimum of once every two years.
3. The site shall fully conform to the Town of Acton Hazardous Materials Control Bylaw.
4. The sewage disposal system for the proposed building at this site shall be approved by Acton Board of Health staff.

5. Leaching facility shall be designed and installed with pressure dosing of the system, said pressure dosing to be designed in accordance with State Environmental Code.
6. Floor cleaning procedures for the building shall use only nontoxic and biodegradable cleaning compounds.
7. Sewage disposal system shall be a minimum 100 feet from flood plain and/or wetlands.
8. Floor drains are not permitted.

CENTER STORE DELI & PIZZA - 494 MAIN STREET:

In 1988 the Center Store obtained permission from the Board of Health to allow eight seats based on their septic system capacity. In July 1990, the Board of Selectmen became aware that the Acton Center Store did not have a Common Victualers license. The Center Store was informed of this and applied for the victualers license. During the review process the Building Department noted that this use is a pre-existing nonconforming use in regards to Zoning and use of seats is prohibited. At that point the Center Store withdrew its application and the Building Department started legal proceedings. The Health Department during their review noted that the Center Store had seating for 20. They were ordered to remove the seats which they complied with. During a subsequent routine inspection the Health Department found that the seating had been increased again to a total of fourteen seats.

The Health Department feels that the Board should discuss the possibility of rescinding the food service permit. The Board stated that a warning should be issued before the Board would rescind the permit. The Board feels the issue of seating needs to be resolved with the Building Department. The extra seats that the Acton Center Store has provided on two occasions should be resolved by making sure that they do not go over the eight seats that the septic system allows.

On a motion made by Mr. Heinrich, seconded by Ms. Hotch, the Board stated that any additional violation of seating (more than eight seats) would constitute an immediate revocation of the Center Store's food service permit. The vote was four to one with Mr. Glannon casting the opposing vote.

HAZARDOUS MATERIALS CONTROL BYLAW:

The Board discussed some changes to the bylaw. The Board asked to have the amendments made and returned to them as soon as possible so each member could make individual comments and return to the Health Department prior to next meeting.

On a motion made by Mr. Heinrich, seconded by Mr. Glannon, the Board unanimously voted to adjourn at 10:40 P.M.

NEXT MEETING:

The next regularly scheduled meeting will be held on January 14, 1991 and the following meeting will be held on January 28, 1991.

Respectfully Submitted,

Sheryl Howe

Sheryl Howe, Secretary

Signed and Approved,

George Emmons

George Emmons, Chairman