

Office of the
Board of Health
City Hall
166 Boulder Drive - Suite 108
Fitchburg, Massachusetts 01420
978-829-1870

A Conference Call was held on June 18, 2020 at 2:00 pm.

Present: Stephen Curry, Director; Sandra Knipe, R.N.B.S.N.; John Bogdasarian, M.D., Chairman; Ian Murray, Board Member; Stephanie Holinko, Food Inspector; Tina Rusak, Gardner Nurse; Chris Karras, AKS Recycling and James Connelly from Wheelabrator.

Dr. Bogdasarian opened the meeting at 2:17pm.

COVID-19 Update:

Mr. Curry stated as of June 18, 2020 there are 777 confirmed cases of COVID-19 in the City. 64 active cases. In the past week there has been a total of 8 cases which is much less than we were seeing at an average of 10-15 cases a day in April & May. The state did show a small spike in the numbers today. Mr. Curry stated he was concerned with that spike and doesn't know if it's a result in the Governors pretesting that is going on for people that were exposed and protesting. There are now 65 deaths most attributed to long term care facilities. There are 628 recovered people. The challenge now with the Health Department is the reopening stage. We are currently in Phase 2 step 1 of the Governors reopening Plans. The department is working diligently to help businesses in the city that can offer food service and outdoor seating.

Sandra Knipe made a motion to approve the update on COVID-19. Motion was 2nd by Ian Murray. All were in favor. Motion carries.

Meeting Minutes Review and Approval:

Sandra Knipe made a motion to approve the minutes of the June 4, 2020. Motion was 2nd by Ian Murray. All were in favor. Motion carries.

AKS Recycling, Inc. – March 2, 2020 Site Assignment Conditions amended to include 2006 Conditions:

Mr. Curry stated the BOH did approve the conditions of the site assignment in March however there has been confusion because of conditions set by the Board in 2004 when the original site assignment was assigned. There are also 2006 & 2008 amendments because of modifications to the facility in the respective years.

Mr. Curry stated Mr. Karras pointed out that some of the conditions are outdated which binds him on making sure that he does certain things to comply and many are no longer applicable today, so they need to be amended.

Conditions for discussion and review are as follow:

1. (Formerly 2006 Condition #2) AKS shall provide an employee of AKS to be a traffic controller at all times when the facility is open. This employee shall direct traffic, paying particular attention to AKS's obligation to comply with Condition #9 (above) in the Original Site Assignment (2004 Conditions) concerning queuing of trucks on Cobbler Drive, inspect waste loads and record relevant information regarding all loads.
2. (2006 Condition #3) Trucks shall be routed on the property in accordance with the letter dated May 2, 2006.

Mr. Karras stated originally when this permit was accepted in 2004 there was one scale and the concern was that the traffic was going to back up on Cobbler Drive and impede the flow. There was a further condition that when they hit a certain amount of tonnage AKS would be required to add a second scale. This condition has no bearing on the current operation. AKS did add a second scale 5 years ago.

Mr. Curry stated he will rescind condition #2 of 2006 conditions.

Mr. Murray made a motion to rescind condition #2 in the 2006 former conditions. Motion was 2nd by Ms. Knipe. All were in favor. Motion carries.

3. (Formerly 2006 Condition #4) Additional staging capacity shall be provided on Lots 1 and 2 in accordance with the Revised Plan of April 25, 2006 and the letter dated May 2, 2006.

Mr. Karras stated this condition had to do with the concern for queuing of the trucks on Cobbler Drive. This is not a problem now due to the double scales.

Mr. Curry stated he will rescind condition #4 of 2006 conditions.

Ms. Knipe made a motion to rescind the additional staging capacity as it's no longer needed with the second scale. Motion was 2nd by Mr. Murray. All were in favor. Motion carries.

4. (Formerly 2006 Condition #5) Employee Parking shall be in the vicinity of the Garage Building or elsewhere on the site so as not to interfere with truck routing, circulation and operations on the site.

Mr. Karras stated this condition can remain in place.

- ~~5.~~ (Formerly 2006 Condition #6) A second scale shall be installed when the total amount of solid waste entering the site averages 300 tons for four months. Such installation shall occur within 30 days of the fourth month where the average tons is 300 or greater.

Ms. Knipe made a motion to eliminate condition #6 as it no longer applies. Motion was 2nd by Mr. Murray. All were in favor. Motion carries.

- ~~6.~~ (Formerly 2006 Condition #7 and revised 6-18-2020) In the event AKS plans to move forward with the MSW Baling Minor Modification, **prior to operation** an application and approval for an addition **or expansion for the storage of baled MSW** to the solid waste building shall be made and received from the Department of Environmental Protection and the City of Fitchburg. within 30 60 days of the fourth month where the average tons is 300 or greater, as set forth in Condition 6 (#36 above) from the date of this amended Decision Construction shall commence on said addition/expansion within two months of Applicants receipt of the required DEP permit and shall be completed within 4 months of commencement of construction.

Ms. Knipe made a motion that when and if AKS decides to start baling the MSW that they make an application within four months after the baling to the City of Fitchburg and DEP and within twelve months of construction and expansion should then be complete and accepted by the DEP and the City of Fitchburg. Motion was 2nd by Mr. Murray. All were in favor. Motion carries.

7. (Formerly **2006 Condition #8**) MSW as used in 2006 Decision, and as permitted by the Major Modification hereby includes C&D. It is intended that the increase from 400 tons to 500 tons of MSW is and hereby shall be interpreted to include C&D.

Mr. Karras stated this condition will remain in place.

8. (Formerly **2008 Minor Modification Decision Condition #2**) AKS shall consider the Minor Modification a "Pilot Project" and be allowed to modify their hours of operation, per request, to 5:00AM to 5:00 PM Monday through Friday and Saturday from 5:00AM to 12:00 PM, noon. This condition shall take affect after DEP Authorization to Operate (ATO) is amended to allow this condition. No other modifications are allowed at this time.

9. (Formerly 2008 Minor Modification Condition #3) AKS shall keep a log of complaints received and on a monthly basis submit said log with the information of the substance of the complaint, the complainant (anonymous or verified), the complainant contact information (if possible) and the date and time the complaint was registered. The log shall also include a detailed report on how the complaint was rectified or resolved. If no complaints were received said log shall be submitted.

Ms. Knipe made a motion to accept the March 2, 2020 conditions based on the amendments that occurred at this meeting. Motion was 2nd by Dr. Bogdasarian. All were in favor. Motion carries.

AKS Recycling, Inc. to Wheelabrator Holdco Inc. Change in ownership:

Mr. Curry stated the reason why these conditions needed to be cleaned up is one of the conditions was if a transfer of sale or property changed that the Board require a public hearing. Mr. Curry recommends if there is a transfer that the transferee accepts the conditions that AKS originally is ordered to do.

Mr. Karras stated they have an opportunity to join Wheelabrator which will work out best for AKS and the City of Fitchburg. AKS assets are going to move to Wheelabrator and join there

assets list. The AKS team will still run daily operations. Mr. Karras will remain the head of the transfer station and the liaison between the city. Wheelabrator has incinerators and burn plants and when the landfill closes in a few years there will be a station within the city with more options for disposal.

Mr. Connelly introduced himself and informed the Board what Wheelabrator will offer.

Ms. Knipe made a motion that the Board acknowledges the purchasing of AKS by Wheelabrator and the forty one conditions are accepted by Wheelabrator. Motion was 2nd by Dr. Bogdasarian. All were in favor. Motion carries.

Dr. Bogdasarian made a motion that the requirement or continuing recycling activities in Fitchburg would accept the forty one conditions previously outlined by any entity purchasing a recycling entity in Fitchburg. Motion was 2nd by Ms. Knipe. All were in favor. Motion carries.

Tryst Lounge --Variance Request for Smoking Bar (Continued hearing):

Dr. Bogdasarian stated Tryst Lounge can't operate as a hookah bar unless they are a smoking bar which at this time they are not and are requesting to become a smoking bar.

Mr. Silveras stated since they can't move forward as a hookah bar they would like to become a smoking bar. They are looking for an exception from the Board to become a smoking bar.

Mr. Curry stated the regulations don't allow hookah bars in the City of Fitchburg. If we wanted to change that there would have to be a public hearing. Private clubs can remain smoking provided they provide a vote to the BOH on an annual basis whether they are smoking or non-smoking. They would need approval from the State of Massachusetts and prove to DOR that they would be fifty percent tobacco related and primary sales would have to be from tobacco. Mr. Silveras will talk to his lawyer and discuss his options.

The Board asked Mr. Silveras several questions and decided to table this discussion.

Mr. Murray made a motion to table the Tryst Lounge decision to a future meeting. Motion was 2nd by Ms. Knipe. All were in favor. Motion carries.

Hampton Fish Co., dba SS Lobster: correspondence and update:

Ms. Holinko stated they have made a lot of physical facility improvements. They organized the parking lot, replaced refrigerator units and has had no temperature violations. They have had only one audit with the consultant to date. They need to make some behavioral improvements with their employees on training in there next phase. They also need to address social distancing issues and they also added outside seating without approval. They are not cleaning and sanitizing high point areas.

Ms. Holinko recommends to require SS Lobster to continue with food safety consulting for 8 hours per week for a minimum of three weeks to train employees and continue to make corrections on the violations on today's inspection report and previous inspection reports. Eight hours of consulting must begin the week of June 21.

Ms. Knipe made a motion for the food consultant to spend eight hours a week for three weeks effective June 21, 2020 in order to conduct procedural changes and train employees on procedures in order to meet the requirements of the food code Motion was 2nd by Ian Murray. All were in favor. Motion carries.

Sandra Knipe made a motion to adjourn. Motion was 2nd by Ian Murray. All were in favor. Motion carries, meeting adjourned.