TOWN OF BURLINGTON, MA
BOARD OF HEALTH
MINUTES
Main Meeting Room, Town Hall

TUESDAY, APRIL 10, 2018

Board Members Present: Wayne Saltsman, MD, PhD; Ed Weiner, PhD, Vice Chairman; David McSweeney; Libby Walendziewicz, RN, MSN; Maribeth Welch
Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; Marlene Johnson, RS, Health Agent; Sylvia Musoke RN, Supervising Nurse; Samantha Hardy, Associate Health Inspector

Dr. Wayne Saltsman called the Board of Health meeting to order at 7:00 pm followed by the Pledge of Allegiance.

Approval of Minutes

• January 23, 2018 Regular Meeting
  Motion: Mr. McSweeney moved to approve the regular meeting minutes of the January 23, 2018 meeting as submitted. Seconded by Dr. Weiner and approved. (4-0-1)

• February 13, 2018 Regular Meeting
  Motion: Dr. Weiner moved to approve the regular meeting minutes of the February 13, 2018 meeting with one change. Seconded by Ms. Welch and approved. (5-0-0)

• February 27, 2018 Regular Meeting
  Motion: Dr. Weiner moved to approve the regular meeting minutes of the February 27, 2018 meeting as submitted. Seconded by Ms. Welch and approved. (3-0-2)

• March 27, 2018 Regular Meeting
  Motion: Mr. McSweeney moved to approve the regular meeting minutes of the March 27, 2018 meeting as submitted. Seconded by Dr. Weiner and approved. (3-0-2)

Citizen's Time
Gene Rossi, a Burlington resident, came before the Board to report that his house was out of power for 54 hours. He was concerned that there was no place to go to get warmth and shelter. He stated that residents were offered to come to the Senior Center however, the stated he knew that it closed at 1pm. He recommended that Burlington open up the gymnasium in Human Services for such incidents.
Ms. Lumenello stated that the Emergency Director decides to open a local shelter based on the percentage of residents that are out of power. She also stated that the town has two emergency shelters that could be opened at 1) 61 Center Street or 2) Burlington High School. She stated that there was a warming center open on Thursday and extended hours until 4 pm on Friday. Dr. Saltsman asked what the threshold for the Emergency Director is to open up shelters.

Ms. Lumenello said the Emergency Director is privy to information from electric companies and bases his decision to open a shelter on that information. In addition, there are regional shelters that are open. The last storm, the regional shelter was based in Lowell because it was a central location to the areas that had the most residents out of power.

Dr. Saltsman said the BOH will have a discussion with the Emergency Management Director, however, Burlington is prepared to open a shelter if needed.

Chairman's Report: None.

Subcommittee Reports: Subcommittee on Proposed Tobacco Regulations, 3/12/18

I. Hearings

• Proposed Burlington Board of Health Regulations Restricting the Sale of Tobacco Products

There was a subcommittee meeting held on March 12, 2018. The Subcommittee was formed as requested during February 13, 2018 meeting. The Subcommittee reviewed the "Checklist for Policy Decisions" on the first page of the state’s model regulations.

The following on the checklist was recommended: definition of tobacco products, cessation sign requirement, no permit renewal for outstanding fines, minimum legal sales age of 21, banning blunt wraps, banning coupons, banning out of package sales, banning vending machines, banning sales in health care institutions, banning in educational institutions, and using may language in suspension of permits. The following was not recommended: minimum cigar package price, no permit renewal for two sales under 21, and banning of flavored tobacco products. Capping and reducing the number of permits was recommended with a modification from the model regulations. The proposed regulations include capping for permits for both “Regular” and “Adult Only” establishments and does not include a reduction in the number of permits.

One establishment will be affected by the banning of sales in health care institutions is Osco Pharmacy at Shaw Supermarket. Dr. Weiner and Marlene Johnson contacted the management at Shaws Supermarket to inform them that this could be happening. Shaws was familiar with this and has had to remove tobacco products in other towns.
David McSweeney gave a report of the Subcommittee. The subcommittee was in agreement that they wanted to raise the age from 18 to 21 and went through the checklist line by line. Dr. Saltsman stated that with the help of Attorney DJ Wilson, it was concluded that there should be a fair balance between protecting youth, respecting adults, and minimizing impact to retail businesses.

Attorney DJ Wilson stated that one of the remaining towns still reviewing the age for tobacco sales is the City of Woburn. Attorney Wilson handed out a page that listed what cities and towns have done regarding the sale of tobacco. He stated the only thing unique about the proposed regulations is the capping of adult only retail permits. He stated that other towns are also inquiring about such capping of adult only retail permits. This regulation will also affect private clubs.

Rosemary Pascale, a concerned resident and mother of 3 who resides in Burlington stated that she is speaking on behalf of concerned parents and teenagers. She is here to encourage the board to raise the age from 18 to 21 should the town require a vote. She stated that vape products are a large problem with teenagers in Burlington.

**Motion:** Mr. McSweeney moved to approve the regulation for proposed Burlington Board of Health Regulations Restricting the Sale of Tobacco Products. Seconded by Ms. Walendziewicz and approved. (5-0-0)

- **Rescind Regulations of the Burlington Board of Health Sale and Use of Non-Tobacco Nicotine Delivery Products**

  **Motion:** Dr. Weiner moved to rescind the Regulations of the Burlington Board of Health Sale and Use of Non-Tobacco Nicotine Delivery Products when the new proposed regulation becomes effective. Seconded by Ms. Welch and approved. (5-0-0)

- **Rescind Regulations of the Burlington Board of Health Sale of Tobacco Products**

  **Motion:** Dr. Weiner moved to rescind the Regulations of the Burlington Board of Health Sale of Tobacco Products when the new proposed regulation becomes effective. Seconded by Ms. Walendziewicz and approved. (5-0-0)

  Dr. Saltsman thanked Attorney DJ Wilson for his assistance.

- **Reorganization of the Board of Health**

  Dr. Saltsman congratulated Mr. McSweeney and Ms. Walendziewicz for being re-elected to the BOH.
Ms. Walendziewicz nominated Dr. Saltsman as Chairman of the Board of Health.

**Motion:** Mr. Walendziewicz moved to approve the Dr. Saltsman as the Chairman of the Board of Health. Seconded by Ms. Welch and approved. (4-0-1)

Mr. McSweeney nominated Dr. Weiner as Vice Chairman of Board of Health.

**Motion:** Mr. McSweeney moved to approve Dr. Weiner as Vice Chairman of the Board of Health. Seconded by Ms. Walendziewicz and approved. (4-0-1)

**Staff Reports**

- **Environmental Engineer**
  Ms. Mathis stated that Household Hazardous Waste Collection is April 21 from 8:30am - Noon at Francis Wyman and latex paint will not be accepted. There was a blackboard connect call last Friday and it was in the newspaper as well. There is a link to brochures on the town’s homepage, electronic posting near Simond’s park, banner in the center, in the school bulletin and on BCAT.

  Annual registration for Hazardous Materials is complete. Approximately 120 companies registered on time.

  **Motion:** Mr. McSweeney moved to approve the Environmental Engineer’s report. Seconded by Ms. Welch and approved. (5-0-0)

- **Health Agent**
  Ms. Johnson stated once the new regulation for tobacco is published, BOH will utilize our reverse phone call and email notification to notify the establishments. Ms. Johnson and the Associate Health Inspector will conduct announced inspections of all the tobacco retail establishments.

  Personnel in tobaccos establishments are trained and are given a handout so they know what they should look for with regards to identification.

  One another topic, Dr. Saltsman asked if variances the BOH had approved over the last several months had any issues, concerns from the establishments and if the BOH is making judicious decisions. With regards to variances, Ms. Johnson stated the BOH has a policy for variances where repeat violaters will be brought before the board.

  Ms. Johnson stated that there was an inquiry about liquid nitrogen products to open a kiosk in the mall with liquid nitrogen. “Dragon’s Breath” is a liquid nitrogen product that’s dispensed on food and when it is eaten, the heat of your mouth and coolness of the nitrogen creates a “smoke” out of the mouth. FDA classifies liquid nitrogen as a GRASS (Generally Recognized as Safe) food.

  Dr. Weiner thanked the Health Agent for the information on reptiles that she sent to the school department.
Motion: Ms. Walendziewicz moved to approve the Health Agent’s report. Seconded by Dr. Weiner and approved. (5-0-0)

• Supervisory Nurse

The Burlington Community Health Fair is at Burlington High School on May 5, 2018.

On May 1, 2018, the Board of Health in collaboration with the Fire Department and Police Department will be holding “Until Help Arrives” training that is open to all citizens in the community. “Until Help Arrives” training is designed to empower citizens to help save lives in an emergency. Blood Pressure Screenings are scheduled at the Library. Blood pressure screenings at the Council of Aging have been postponed until construction at the building is completed.

The flu vaccine has been ordered for next season. Influenza A has peaked however, there is a small uptick in influenza B. Residents continue to take precautions.

Dr. Weiner stated there were 137 pediatric deaths in the U.S. due to the flu this season and a prediction of 36,000 total deaths throughout the U.S. this season. Residents should continue to be vigilant in getting the vaccine.

Motion: Ms. Walendziewicz moved to approve the Supervisory Nurse’s report. Seconded by Ms. Welch and approved. (5-0-0)

• Director of Public Health

In collaboration with the Emergency Management Department, Psychological First Aid Training is scheduled on May 10, 2018. Volunteers and key town staff have been notified. Psychological First Aid Training provides training to assist those who have experienced a disaster.

The Recreation Department has informed the BOH that there will not be a farmer’s market this year.

Ms. Lumenello has been part of the Region 4A Executive Committee since 2012. The Department of Public Health has merged Region 4A and Region 4B, however, the merger is not yet been complete. Ms. Lumenello is working with the Region 4A Executive Committee to complete the merger between Region 4A and 4B to become Emergency Preparedness Region 4AB.

Dr. Weiner thanked the Director for her efforts on the tobacco regulations. Ms. Lumenello thanked Ms. Johnson for her assistance.
Motion: Ms. Walendziewicz moved to approve the Director of Public Health’s report. Seconded by Dr. Weiner approved. (5-0-0)

Adjourn

Motion: Dr. Saltsman moved to adjourn at 8pm. Seconded by Mr. McSweeney and approved. (5-0-0)

Respectfully Submitted,

Manisha Parwani
Recording Clerk
BURLINGTON, MA BOARD OF HEALTH

DOCUMENTS REVIEWED AT MEETING – Tuesday, April 10, 2018

- Agenda 4/10/18
- Minutes 1/23/18
- Minutes 2/13/18
- Minutes 2/27/18
- Minutes 3/27/18
- Subcommittee Report on Proposed Tobacco Regulations 3/12/18
- Hearings: Proposed Regulations Restricting the Sale of Tobacco Products prepared by Susan Lumenello, Director of Public Health
- Staff Reports: Environmental Engineer, Health Agent, Sylvia Musoke, Susan Lumenello