

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, May 27, 2008**

Board Members Present: Terry McSweeney, Chair; Edward Weiner, Ph.D., Vice-Chair; Jim Dion; Catherine Read, Ph.D.; Wayne Saltsman, M.D.

Staff Members Present: Heidi Porter, Environmental Engineer; Andria Nemoda, Supervising Nurse

Mr. McSweeney called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES:

May 13, 2008

MOTION: To approve the minutes of the regular meeting of May 13, 2008 as submitted. (Mr. Dion; second: Dr. Read).

APPROVED: 4-0-1

PRESENTATION

- ▶ ***Burlington High School students concerning the84.org (kids who do not smoke)
Presented by Andria Nemoda, RN***

The Supervising Nurse, Ms. Nemoda, introduced high school students Chris Flaherty and Maham Nadeem, who were present to inform the Board of Health about the84.org and the visibility events. The first was held on April 2 and was successful. The second one is planned for May 29 and will be held at the high school. Chris Flaherty explained that the84 is a “movement” to make a change in society, and the youth are making healthy decisions by choosing not to smoke. Maham Nadeem added that the number “84” represents the percent of Massachusetts youth who have chosen not to smoke, and the final goal is to make smoking history. The program is affiliated with Burlington’s Drug and Alcohol Task Force, and all donations raised from raffles, etc. will be used to reward students who demonstrate a non-smoking, healthy lifestyle. Chris Flaherty assisted and acted in no smoking PSA’s created for BCAT.

The Board congratulated the students and wished them the best in their endeavors.

SITE PLANS

- ▶ ***Global Evangelical Church, 223 Middlesex Turnpike***

Erich Nitzsche, Commonwealth Engineering, was present representing Global Evangelical Church with regard to their redevelopment project. The proponents will be renovating the interior of the building, and improvements will be made to the front and rear parking lots, with the rear lot being reduced and brought further away from Vine Brook. Raised granite curbing, he said, is being proposed for the parking lots. Down spouts will lead rainwater to a crushed-stone swale. There will also be a berm to slow down the velocity of the water running to Vine Brook. A Stormceptor with a catch basin grate will be installed to collect drainage from the parking lot.

Ms. Porter explained that the proponents will be subject to a predemolition checklist for the interior of the building. At present the existing building does not have a storm water control plan, and the proposed changes will be a major improvement for this site.

MOTION: To approve the Site Plan and comments for 223 Middlesex Turnpike (Dr. Weiner; second: Mr. Dion).

APPROVED: 5-0-0

SITE PLANS

▶ **Oracle, 10 Van de Graaff Drive – Draft Comments - Amended Site Plan Application**

Mark Vaughn, Attorney, and Mark Wickstead of Reimer and Braunstein were present to address the Board of Health (BOH). Dan Chadwick, construction representative, was also present.

Mr. Vaughn explained that Oracle's original Site Plan Application to construct three buildings was approved in 2000. The buildings are being built in three phases. At this time, phase I is complete, and they are commencing work on Phase II. The entire square footage of the completed three buildings has not changed, but the Site Plans reflect amendments in the square footage of Phase II and III. The drainage design is similar to the original plan, and there is no increase in the impervious surface, but the green spaced has increased.

Ms. Porter stated that the original owner, High Voltage/Belofram, is still responsible for the ongoing, extensive remediation of contamination that was found many years ago in ground water at the site. The process of the underground remediation system was explained by Ms. Porter. The new Site Plan indicates where monitoring wells will be located, and the proponent is proposing an infiltration system for on-site storm water. BOH comments include requiring the proponent to work with the LSP of record to ensure that the wells continue to be properly maintained.

Mr. Vaughn requested the removal of the condition with respect to requiring the use of the LSP of record stating they would prefer an engineer contracted by Oracle. The Environmental Engineer and the BOH recommended working with the LSP of record, but they could hire their own LSP to work with the existing LSP. Mr. Vaughn agreed with the recommendation.

Ms. Porter next read one of the Planning Board's comments/conditions from the initial 2000 approval of this project:

All buildings within the campus shall be constructed with a vapor barrier or similar device or methodology if deemed necessary by the applicant's and/or property owner's licensed site professional, as defined under the Massachusetts Contingency Plan.

MOTION: To approve the Amended Site Plan Application, 10 Van de Graaff Drive, with the BOH's 20 Comments (Dr. Saltsman; second: Mr. Dion).

APPROVED: 5-0-0

HEARING re: Tobacco Sales to Minors

▶ ***Burlington Shell, 198 Cambridge Street***

Mr. Talic, Supervisor of the Burlington Shell and a clerk of the station were present. Ms. Porter explained that there had been a tobacco compliance check on May 12 at Burlington Shell on 198 Cambridge Street which is owned by Ghazi Saab. During the compliance check, the clerk sold tobacco to a minor. She added that retailers were recently sent a tobacco control reminder card. The recommendation was to fine the establishment \$50.00.

Mr. Talic explained that he constantly reminds his employees to check identities. Mr. McSweeney commented that stricter enforcements may need to be in place. Dr. Saltsman agreed stating that the current fine does not send a statement. He noted that this was the third offense against this owner and would, therefore, argue for a \$250 fine and the loss of the license to sell cigarettes for a number of days.

Mr. Talic explained that the clerk was outside changing the receipt tape on a pump, and said that he saw an adult woman with the young person who requested the cigarettes. The clerk asked the minor if the cigarettes were for his mother, and the minor said they were. Mr. Talic continued that this individual was not being truthful which is against, he said, compliance check regulations. He brought a DVD of the event for the Board's review.

MOTION: To continue the public hearing to the next meeting on June 24 in order to review the supplied DVD (Dr. Weiner; second: Dr. Read)

Discussion: At the request of Dr. Read, the clerk repeated the events in his own words.

APPROVED: 5-0-0

STAFF REPORTS

▶ **Environmental Engineer's Report**

Mill Pond Water Treatment Plant: Ms. Porter reported that after recent occupancy inspections, there are some issues that still need to be resolved before the final sign off. Many safety improvements, however, have been completed.

Soil Analysis Class: Both Ms. Porter and Ms. Johnson have been attending soil analysis classes through Mass DEP.

90 Cambridge St.: With respect to the contaminated barrels found near wetlands at this site, work is being done under DEP protocols by an LSP. Construction work continues to in this area, and this is a good opportunity to get contamination cleaned up.

Eastern Middlesex Mosquito Program: Ms. Porter recently attended an Eastern Middlesex Mosquito Program meeting, and reported that there is no unusual upswing in mosquito activity expected this year. Nevertheless, warnings were given with respect to protecting oneself from mosquitoes.

Dr. Saltsman asked Ms. Porter if a positive find of EEE or West Nile Virus means that there will be an increase in the same the following year. She responded that this is not an indicator that there will be an upswing, because there are many contributing factors, including the severity of winter weather. The public can find more information on the BOH's and DPH's websites, she said.

Mr. Dion commented that tick activity appears to be extremely strong this year. Ms. Porter replied that DEET works well to discourage ticks. Pets and people should be checked as they come in from the outdoors.

MOTION: To accept the Environmental Engineer's report as submitted (Mr. Dion; second: Dr. Saltsman).

APPROVED: 5-0-0

► Health Agent's Report

Dr. Saltsman commented on the complaint on the Health Agent's report regarding a restaurant employee neglecting to wash their hands after using the restroom. He reminded the public to maintain proper hygiene by hand washing in order to prevent the spread of disease.

MOTION: To accept the Health Agent's report as submitted (Dr. Weiner; second: Dr. Saltsman).

APPROVED: 5-0-0

► Board of Health Nursing Report

BOH Nursing Projects: Ms. Nemoda thanked Dr. Saltsman for his recommendation to touch base with students about summer health safety. She said that she gave presentations to approximately 1,000 students at the Marshal Simonds Middle School about lime disease and other health issues. MDPH handouts and tick I.D. cards were also sent home with some students.

Dr. Read was very pleased that Ms. Nemoda had planned a program with the school and hopes there will be more in future. Ms. Nemoda she has asked the COA, Veterans' Services and Community Life Center to contact her office to discuss any health related projects with which she could assist. Dr. Weiner suggested hanging up flyers at the COA with respect to the health clinics. Dr. Saltsman reminded the public to properly protect their skin when out in the sun, to remain properly hydrated and to remember to use fans and air conditioners.

Not Your Average Joe's: Ms. Nemoda said that the Hep A Vaccine project with Not Your Average Joe's restaurant has been very successful. The vaccine is purchased by the restaurant.

MOTION: To accept the Nurse's report as submitted (Dr. Saltsman; second: Mr. Dion).

APPROVED: 5-0-0

► **Director of Public Health's Report**

Emergency Preparedness: Ms. Porter reported that much work has been done in the realm of emergency preparedness since 2004, but the state has cut grant funding by 22%. The department is currently studying ways to continue the program with the help of other types of subsidies.

Tri-City Flu Clinic: Plans continue for a flu clinic to be held in Burlington with Winchester and Lexington.

Smoking in the Workplace Education Campaign: The Metro West Suburban Tobacco Control Program is spearheading a new tobacco program to provide education to municipalities about state law prohibiting smoking in any workplace environment. Mr. Mercier and Ms. Faust have agreed to support this educational program, and Ms. Mastenbrook prepared a letter, for BOH approval, to be sent to department heads.

MOTION: To approve the draft letter to department heads for the purpose of showing BOH approval and support of the Smoking in the Workplace Education Campaign for the Town of Burlington employees (Dr. Saltsman; second: Dr. Read).

APPROVED: 5-0-0

MOTION: To accept the Director of Public Health's report as submitted (Mr. Dion; second: Dr. Saltsman).

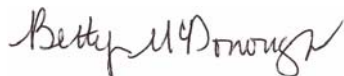
APPROVED: 5-0-0

DISCUSSION

Barbara Wye and Maham Nadeem came forward to inform the BOH that after the Burlington Shell hearing, the station's supervisor, Mo Talic, had stated to the students that he supports the work they are doing in their goal to end smoking. They asked for BOH approval to request that they set up a stand outside the Burlington Shell to show, in some fashion, their support of the84.org. The BOH asked for Ms. Nemoda's suggestion, and she said that she would have to discuss this issue with the Director, but perhaps they could look into this suggestion after they have completed their current project.

MOTION: To adjourn at time 8:45 p.m. (Dr. Saltsman; second: Dr. Weiner). **APPROVED: 5-0-0**

Respectfully Submitted,



Betty McDonough
Recording Secretary