

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, September 23, 2008**

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

Staff Members Present: Sharon Walker Mastenbrook, Director of Public Health; Heidi Porter, Environment; Andria Nemoda, Supervising Nurse

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

DRAINAGE PERMIT

▶ ***Gary and Elisa Reynolds, 1 Demone Drive***

Gary and Elisa Reynolds were present to address the Board. Also present were abutters, Todd and Karen Bowden, 3 Demone Drive.

The Board of Health (BOH) reviewed the drainage proposal, dated September 18, 2008, for 1 Demone Drive, with Mr. McSweeney commenting that it was an excellent proposal. Mr. Reynolds said it drawn up by his landscaper.

Ms. Porter agreed it was a good plan and said the proposal outlines placement of a perforated pipe along the property line skirting 35 Sandybrook. At intersecting corner, the piping will connect to a catch basin that will serve as a dry well. Crushed stone and fabric will be used to prevent silt from clogging. The drainage permit will include a permanent caveat stating that the home owners will have to come back before the BOH if the drainage plan fails.

Ms. Mastenbrook asked about groundwater levels. Mr. Reynolds was not sure, but he stated that his basement is dry. He added that the bottom of his basement is deeper than the bottom of proposed dry well.

The abutters, were satisfied with the plan.

MOTION: To approve issuance of a drainage permit for Gary & Elisa Reynolds, 1 Demone Drive, based on the drainage proposal dated September 18, 2008 (Dr. Weiner; second: Dr. Read).

APPROVED: 5-0-0

SITE PLAN

▶ ***Residential Town Houses, 129 Cambridge Street***

Applicants of record, Leonard Bouffard and Frank Fodera were present to review the drainage proposal for 129 Cambridge St.

Due to potential capacity issue with proposed infiltrators, the original plans were revised in accordance to recommendations by the Board of Health. The revised plans indicate that a 100 year storm would be contained and infiltrated on site.

Because of maintenance issues, rather than oil infiltration pillows being placed in the catch basins, the proponents stated that they will be installing a vortex chamber system. With this filtration system, the water automatically is cleaned when it reaches a certain depth. The condo association will be responsible for the maintenance of the vortex oil infiltration system.

To prevent water infiltration, the proponents stated that there would be an impermeable barrier with properly designed seep holes. Roof runoff will drain into the chambers of the barrier. There does not appear to be any standing water at the site.

Dr. Weiner asked about the drainage agreements for the town houses. It was explained the owners of each town house will be responsible for the maintenance agreements put in place. This will be included on their deed to the property. Dr. Weiner recommended that a condition be added that the ultimate owners are responsible for maintenance agreement.

Ms. Porter said that the standard comments regarding drainage and sweeping will be included in the BOH's recommendation to the Planning Board.

Other comments from the proponents included:

- A stockade fence will be installed atop the retaining wall for safety reasons;
- Vertical granite curbing will be installed around the site;
- The BOH will be contacted prior to the removal of the septic tank.

MOTION: To approve the Site Plan application for 129 Cambridge Street as amended per BOH's recommendations (Dr. Saltsman; second: Mr. Dion).

APPROVED: 5-0-0

STAFF REPORTS

► **Environmental Engineer's Report**

Household Hazardous Waste Day: Ms. Porter reported that the event was very successful and thanked those members who attended. She reminded residents to visit the DPW website for more information on scheduling a pickup of appliances, TV's, computer screens and more.

Northwest Industrial Park Meeting: Ms. Porter recently attended a meeting of this organization. The first site plan application is expected to be reviewed by the BOH in the near future. She stated that she is working with Nordblom's environmental consultant

Mosquito/West Nile Virus (WNV): Dr. Saltsman asked if there were greater concerns with mosquitoes this year after the rainy summer. Ms. Porter replied that there was a population upswing in certain areas and extra sprayings were done. A bird in Lexington was diagnosed with WNV, and as a result, a flyer was created for Burlington students on the subject. There have been no positive readings on any Burlington birds.

141 Cambridge St.: With respect to the soil evaluation and percolation tests done at this site, Dr. Weiner asked if the PCB's were extensive. Mr. Porter replied that it is not yet known. The contamination appears to be evenly distributed, and the potential source is still being examined because the history of the site does not match the contamination found. It is possible that contaminated fill was brought to the site in the past.

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

APPROVED: 5-0-0

► **Health Agent's Report**

Dr. Saltsman asked if there was cause for concern with regard to the reinspections taking place at the schools. Ms. Mastenbrook explained that the school issues had been taken settled. She added that Ms. Johnson would be giving the results of the Taste of Burlington at the next meeting.

MOTION: To approve the Health Agent's report as submitted (Dr. Read; second: Mr. Dion).

APPROVED: 5-0-0

► **Nursing Office Report**

Ms. Nemoda reported on the first blood pressure screening done at the high school in an effort to assist in early identification and screening of obesity and other health issues in children. Also taken at the screening were height, weight as well as vision and hearing tests. She said it went well, but because of time constraints and the large amount of students, only the high school seniors were screened.

Dr. Weiner said he appreciated the cancer registry and asked that it be put on the BOH website.

Dr. Saltsman asked for an update on the automatic defibrillators that were to be purchased and placed at the town buildings and schools. Ms. Mastenbrook replied that the equipment has been purchased and delivered to their respective locations, but more funding will be needed for the appropriate training. The training that is provided with the purchase is very limited. She added that she is awaiting a response from the Town Administrator on funding for this training. Dr. Saltsman said that he would write a letter to the town administrator and will inform the board of any response.

MOTION: To approve the Nursing Office Report as submitted (Dr. Read; second: Mr. Dion).

APPROVED: 5-0-0

► **Director of Public Health**

Ms. Mastenbrook reported that a water interruption would be taking place this evening at 11:00 pm that would affect Papa Gino's and the Korean Barbeque.

Burlington's volunteer Medical Reserve Corps gathering and presentation was a success. Ms. Mastenbrook thanked everyone. She said she appreciated Trisha Hicks' filming of the event for BCAT.

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

APPROVED: 5-0-0

DISCUSSION

► ***Nursing Policy on Hepatitis A Shots for Private Businesses***

The BOH Nurse's office started the Hep A shot program (giving shots to employees of Not Your Average Joe's) in November of 2006. This shot is a requirement of this particular restaurant. The paperwork is extremely time consuming. A total of 124 individuals have received at least one shot. The vaccine in stock will be expiring shortly. A survey was conducted on surrounding communities with the conclusion being that many communities ceased the program for various reasons. The vaccine in stock will be expiring in December, and Ms. Mastenbrook is recommending that the BOH not continue the program because it does not meet public health mandate but only satisfies the business plan of one business. Ms. Nemoda agrees with this recommendation.

Dr. Saltsman suggested charging a small fee. Ms. Mastenbrook replied the issues are scheduling and the time involved in the administrative process.

MOTION: To discontinue the Hep A shots for Not Your Average Joe's upon the expiration of the vaccine in stock (Dr. Weiner; second: Dr. Saltsman).

Discussion: This program will be reinstated only if the Hep A vaccine becomes a public health mandate.

APPROVED: 5-0-0

The Director stated that she would notify Not Your Average Joe's of the above decision.

DISCUSSION

▶ **Revision to Retail Sale of Tobacco Regulation**

Ms. Mastenbrook explained that Regulations Affecting Smoking in Certain Places was first approved by Burlington's BOH in January of 1993. In 2002 the board added an additional page to the original regulation concerning required permits to sell tobacco. In 2004 a new Massachusetts Smoke-Free Workplace law went into effect outlining specific regulations.

The state still wants a permit tobacco program to be in place. At this time, the regulations should be brought up to date. Ms. Mastenbrook put forward a proposal to adopt the state regulation for retail sale of tobacco products to minors. She reviewed thirteen decisions for the board to discuss. These decisions need to be made before a public hearing can be held on this issue, and they will strengthen the no smoking law.

Dr. Weiner agreed that this was an excellent start and that the Director continue in this endeavor and return to the Board when it is fully complete.

MOTION: To recommend that the Board of Health endorse all decisions for "Retail Sale of Tobacco Products to Minors in Burlington" as drafted (Dr. Read; second: Dr. Weiner).

Discussion: Upon completion of this portion of the regulation, the BOH will have a hearing to approve the final product.

APPROVED: 5-0-0

DISCUSSION

▶ **Guidance Policy for Staff and Board of Health Zoning By Law Reports and Decisions**

Ms. Mastenbrook thanked Ms. Porter for the fine job done on the above policy.

Ms. Porter explained that this policy would allow the staff to make decisions on certain applications and handle specific requests for reports that do not relate to BOH authority, without action by the Board or any Subcommittee.

Ms. Mastenbrook said that this after approval of the draft by the BOH, it would be forwarded to Kopelman and Paige for approval.


MOTION: To accept the draft Guidance Policy for Staff and Board of Health Zoning By Law Reports and Decisions and to send it to Kopelman and Paige for recommendations (Dr. Weiner; second: Mr. Dion).

APPROVED: 5-0-0

The Board thanked Ms. Porter for her help in finalizing the guidance policy.

MOTION: To adjourn at 8:15 p.m. (Dr. Saltsman; second: Dr. Weiner). **APPROVED: 4-0-0**

Respectfully Submitted,



Betty McDonough
Recording Secretary