

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, November 25, 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, Environmental Engineer; Marlene Johnson, Health Agent; Andria Nemoda, Supervising Nurse

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

APPROVAL OF MINUTES:

October 14, 2008

MOTION: To table the minutes of the regular meeting of October 14, 2008 until the next regular Board of Health (BOH) meeting (Mr. Dion; second: Dr. Weiner). **APPROVED: 5-0-0**

CHAIRMAN'S REPORT

November 22, 2008 Pandemic Flu Clinic: Mr. McSweeney thanked everyone involved in the flu clinic for their hard work. He stated that the staff and volunteers did a fine job preparing and presenting the pandemic flu exercise.

SPECIAL PRESENTATION

▶ ***Erin Migausky, BOH Intern***

Ms. Migausky gave a Health Needs Assessment presentation and recommendations to help shape the future of the town's nursing program. The assessment was based on her experience while interning at the BOH office this past summer. Dr. Saltsman stated that Burlington is rich in many important resources for the community. The Board thanked Ms. Migausky for her work and for the report.

MOTION: That the Director of Public Health send a detailed letter of thanks to Ms. Migausky and to the Dean of Public Health at B.U. (Dr. Weiner; second: Mr. Dion). **APPROVED: 5-0-0**

HEARING

▶ ***Retail Sale of Tobacco to Minor, Burlington Mobil, 50 Middlesex Turnpike***

Danny Jouma, Mobil Manager, and Ghazi Saab, owner, were present. Ms. Mastenbrook explained that one sale to a minor was made during a recent tobacco compliance check at Burlington Mobil, 50 Middlesex Turnpike. It was reported that the clerk asked for the teen's ID and age. The teen replied that he was 15 and did not have an ID, and the clerk sold one package of cigarettes to the minor. Mr. Saab owns four service stations in town, and he has had four sales to minors since 2005. Mr. Saab explained that the clerks are continuously being trained, and sign an agreement after training. He apologized for the incident, and added that the clerk was terminated from the position. Ms. Mastenbrook recommended the owner be fined \$50.00 per the town's regulations, and the Board agreed.

MOTION: To fine Ghazi Saab, owner of the company, \$50.00 in accordance with the Town's *Regulations Affecting Smoking in Certain Places and the Retail Tobacco Sales Permit* (Dr. Weiner; second: Dr. Saltsman). **APPROVED: 5-0-0**

PRELIMINARY SUBDIVISION PLAN

▶ **Northwest Park, 6 Lots Proposed**

Discussion regarding a subdivision plan for six proposed lots at Northwest Park was postponed until the first regular BOH meeting in January.

SPECIAL PERMIT

▶ **174 Middlesex Turnpike, Revision to Stormwater Management**

Discussion regarding a special permit for a revision to the stormwater management plan at 174 Middlesex Turnpike was postponed until the first regular BOH meeting in January.

DRAINAGE PERMIT UPDATE

▶ **1 Demone Drive, Review of Certified Plan**

Gary and Elisa Reynolds, 1 Demone Drive and Todd and Karen Bowden, 3 Demone Drive were present to address the Board.

Ms. Porter explained that it was determined the calculations on the previously submitted drainage proposal were not sufficient for drainage control, and Mr. Reynolds was asked to consult a professional engineer. He hired Commonwealth Engineering to complete drainage calculations. Their report was sent with extensive backup and recommendations:

- Installation of interceptor trench to catch and dispel surface runoff
- Installation of a three Flo-well type catch basins to act as drywells to provide additional storage and exfiltration to the surrounding soil
- Rigorous maintenance of the drywells and interceptor trench.

The homeowner's landscaper will be installing the proposed system. A standard condition for approval will be maintaining drywells at least four times a year. Mr. Bowden was concerned that the plan does not specify where the trench and drywells would be located. Mr. Reynolds responded that Mr. Bowden was welcome to discuss any concerns with the engineer.

Mr. McSweeney said if the recommended system does not alleviate the problem, the BOH will be obligated to address the issue again.

MOTION: To accept the new calculations and specifications of the Drainage Permit application as prepared by Commonwealth Engineering for 1 Demone Drive with stipulation that the system be built according to submitted specifications (Dr. Saltsman; second: Dr. Weiner).

Discussion: the BOH invited Mr. Bowden to express his concern that the plan does not specify exactly where the trench and drywells were to be located, and Mr. Reynolds stated that Mr. Bowden could discuss this with the engineer. Mr. McSweeney added that if the recommended system does not work, the BOH will address the issue again.

APPROVED: 5-0-0

STAFF REPORTS

► Environmental Engineer's Report

5 Wall Street: Ms. Porter commented that after Occupancy Inspection and review of the Special Permit Application, it was determined that the proponent was compliant.

10 Van de Graaff Drive: During numerous pre-construction soil testing at the site of the 2ND building on the Oracle plan, a new hazardous compound was identified at three locations. The DEP and EPA are involved and there is an environmental consultant at the site. There has been continued cooperation with the Building Department and contractor, and they are ready to move forward.

62 Cambridge St., Herb Chambers: Application for irrigation well received. Ground water contamination was previously identified at the property. The Herb Chambers representative was informed that the BOH was not likely to approve the well installation application without extensive, periodic testing and LSP approval. The application was withdrawn. Groundwater clean up is on-going. Damaged monitoring wells have been replaced.

Northwest Park: At this time they are discussing revised installation for drainage. Ms. Porter has asked that the LSP be involved.

Wayside Road at Rt. 128 Ramp to Rt. 3 South: Dr. Weiner asked about the VOCs at this site. Ms. Porter stated that at this time, they regularly monitor the site with VOC concentrations remaining at lower levels than identified in the early remedial stages.

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

APPROVED: 5-0-0

► Health Agent's Report

Food Permit Renewals: Ms. Johnson stated that all Food Permits are due for renewal the first of November. This year twenty-five establishments were late, and it appears to be consistent. They were allowed three business days to comply and all have been renewed, but Ms. Johnson would like the process to be stricter in the future. She asked the Board to consider bringing operators of food establishments whose renewals are late before the Board of Health at their regularly scheduled meeting in November (2nd Tuesday of November). The board may issue fines or vote not to renew the food permit. Mr. McSweeney suggested tabling this discussion and asked the Health Agent to submit these options to the Board to discuss at the next meeting.

Ginger Pad: The restaurant had a change in management, and the issues, with respect to rice acidification non-compliance, have been resolved.

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

APPROVED: 5-0-0

► Board of Health Nursing Report

Flu Clinics: Ms. Nemoda reported that there are three flu clinics scheduled to be held at the Nurse's Office: December 2, 11, and 16. For those unable to attend, appointments may be made.

Hepatitis A Shots: At the BOH September 23, 2008 meeting, a vote was taken to discontinue the Hep A shot program for Not Your Average Joe's. The establishment was contacted regarding this decision, and Ms. Nemoda has not heard back from the restaurant.

AED Units: Ms. Nemoda said that when the AED units are ready to be placed, she would like the Human Service Building's second floor unit to be outside the Nurse's Office. Further discussion needed about service updates and who maintains the units. Dr. Saltsman will be in contact with Jean Squires of the Town's Human Services Committee on these issues. Mr. McSweeney asked that follow up be made with respect to contacting the Town Administrator on the issue of training.

Burlington High School: Blood pressure clinics are being scheduled for the high school. The students will be invited to an evening clinic for flu shots.

COA: Ms. Nemoda attended the Wellness Fair and was able to use some vaccines that will be expiring shortly. She also conducted a wellness check at the COA.

Home Visits: Those who are homebound are eligible for a home visit for a flu shot.

Needs Assessment: Dr. Read suggested that the Needs Assessment recommendations of the summer intern be evaluated.

MOTION: To accept the Nurse's report as submitted (Dr. Read; second: Dr. Saltsman). **APPROVED: 5-0-0**

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

EDS Exercise/Seasonal Flu Clinic: Ms. Mastenbrook reported that the recent exercise and flu clinic held at BHS with Winchester and Lexington was successful and a great experience. She stated that she is proud of her staff and the MRC volunteers and thanked the citizens who attended.

Burlington Medical Reserve Corps: Burlington's MRC is very active and well organized. At this time the group's application for registration for independent status was denied because, according to the Program Officer for MRC Program Operations, Burlington is already covered by the Mass. Region 4A MRC. Ms. Mastenbrook is looking into this decision and will report further information to the BOH.

MOTION: To accept the Director of Public Health's report as submitted (Mr. Dion; second: Dr. Saltsman). **APPROVED: 4-0-1** (Mr. McSweeney abstained)

DISCUSSION

► ***Proposed New Regulation for Retail Sale of Tobacco***

Tobacco Regulation: The BOH reviewed the final draft of the Tobacco Regulation. Kopelman and Paige made one recommendation: change "shall" to "may" under Violations - J. 1. a. This change would give the Board more flexibility with respect to fines. After a brief discussion, the Board agreed to change the word to "may."

MOTION: On the final version of the Tobacco Regulation, to replace the word "shall" with "may" under Violations - J. 1. a. (Dr. Weiner; second: Mr. Dion).

Discussion: Dr. Read stated for the record that she was satisfied with "shall" but her vote would reflect that she is following the will of the body of the Board.

APPROVED: 5-0-0

MOTION: To accept the final revision of the Tobacco Regulation with changes as shown and discussed (Dr. Weiner; second: Mr. Dion). **APPROVED: 5-0-0**

For administrative and advertising purposes, the policy will not go into affect until December 31, 2008.

DISCUSSIONS

▶ ***Guidance Policy for Staff***

A vote is required to establish the date of the Guidance Policy for Staff.

MOTION: The effective date of the Guidance Policy for Staff was set for November 25, 2008 (Dr. Saltsman; second: Dr. Read). **APPROVED: 5-0-0**

▶ ***Burlington Science Center Animal Policy***

Ms. Mastenbrook explained that the Burlington Science Center created an Animal Policy which had been discussed and approved in the past by a former Burlington Health Agent and former BOH Supervising Nurse, and the policy was adopted. It is not a requirement that this policy be approved by the BOH.

Dr. Read and Dr. Saltsman agreed that this was a school issue. Mr. Dion questioned the necessity of it receiving BOH approval.

Dr. Weiner commented that since the Science Center sent it to the BOH for approval, it should be discussed. He added that it is quite antiquated, and there are a number of questions to be addressed before granting approval.

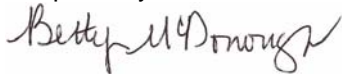
Mr. McSweeney suggested that further discussion on this policy be tabled.

MOTION: To table further discussion on the Burlington Science Center Animal Policy until such time as the public schools come before the BOH with specific concerns and/or request for review and approval (Dr. Saltsman; second: Mr. Dion). **APPROVED: 4-1-0** (Dr. Weiner against).

Mr. McSweeney requested the Director send correspondence to the Science Department explaining that the BOH does not see any reason to get involved with an animal policy at this point.

MOTION: To adjourn at 8:37 p.m. (Dr. Weiner; second: Dr. Saltsman). **APPROVED: 5-0-0**

Respectfully Submitted,



Betty McDonough
Recording Secretary