



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

TUESDAY, JANUARY 14, 2020

Board Members Present: Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman; Dr. Wayne Saltsman, MD, PhD; Libby Walendziewicz, RN, MSN; and Maribeth Welch

Not Present: None

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; and Marlene Johnson, Health Agent

Dr. Weiner called the Board of Health meeting to order at 7:00 PM followed by the Pledge of Allegiance.

Approval of Minutes: November 12, 2019 and December 10, 2019

MOTION: Dr. Saltsman moved to approve the Board of Health Meeting Minutes of November 12, 2019 as presented. The motion was seconded by Ms. Walendziewicz and unanimously approved. (5-0-0)

Dr. Weiner stated that in the December 10, 2019 minutes on the 3rd line down “Board Members Present” should be changed to “Not Present”.

MOTION: Dr. Saltsman moved to approve the Board of Health Meeting Minutes of December 10, 2019 as amended. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-2) Mr. McSweeney and Ms. Welch abstained from voting.

Citizen's Time: No one spoke.

Chairman's Report:

Dr. Weiner wished everyone a Happy New Year.

Subcommittee Reports:

Dr. Weiner stated that the minutes of the sub-committee for 164 Middlesex Turnpike will be discussed during the Application.

Applications:

• ***Application for Special Permits – 164 Middlesex Turnpike***

Attorney Kristine Hung from Riemer & Brunstein, LLP, Matthew Stellmaker and Ioana Knopf from Poly6 Technologies appeared for the Special Permit application for 164 Middlesex Turnpike. Attorney Hung stated that Poly6 Technologies is a spin off from MIT Lincoln Labs. They specialize in the global aviation



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industry and 3D printing. They are currently located in Boston but are looking to relocate their headquarters in Burlington. They have met with the sub-committee and have received the draft conditions and they are acceptable to the applicant.

Mr. Stellmaker stated that Poly6 started in 2016 and they now have 16 full-time employees. They have outgrown their space in Boston and Burlington is a good fit for our business. They work with material science technology working with organic polymers and manufacturing process technology. The proposed location will have 12,000 SF and will occupy the entire second floor of the building. They will also build small scale prototypes. They are currently working on higher efficiency jet engines to reduce global emissions.

Mr. McSweeney stated that the sub-committee had a very productive meeting and they are excited to have this company come to Burlington. They have hired an outside firm, Safety Partners, to handle the chemical and emergency action plan.

Ms. Welch stated that there is currently no tenant on the first floor, so will their security plan protect a new tenant beneath them. Mr. Stellmaker stated that we have the entire 2nd floor, they have a separate loading dock and entrances and the exterior doors are card access only. The chemical areas will only allow certain employees to enter. They have also hired Clean Harbors to do their waste management. They have also consulted with a fire safety firm. Dr. Weiner asked if there would be any concern if a daycare went on the first floor. Mr. Stellmaker replied no.

MOTION: Mr. McSweeney moved to approve the Special Permit for 164 Middlesex Turnpike. The motion was seconded by Ms. Welch and unanimously approved. (5-0-0)

Hearings:

● ***Adoption of the Burlington Board of Health Biological Safety Regulations***

Dr. Weiner thanked the staff and Board for all their hard work getting these proposed regulations ready for approval. This is one of the most important regulations that we have.

Ms. Lumenello presented a short PowerPoint presentation explaining Risk Group & Biosafety Levels, Prohibited Uses and the Permitting Process. There was a loophole in the zoning that if a biotech company moved into Burlington, the Board of Health may not have been required to approve them. These regulations will require that any biotech company coming into Burlington will require approval from the Board of Health even if the Planning Board approval is not required. These new regulations will also cover Recombinant DNA (RDNA) Technology so the existing regulations for RDNA will be rescinded.

Ms. Walendziewicz asked what will happen with the few RDNA companies that we have already approved. Ms. Lumenello stated that they will have to apply under the new regulations.

Ms. Lumenello stated that the RDNA facilities will still require a community member on the IBC, but other biotech companies will just require a representative from the Board of Health.



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Dr. Weiner stated that a new regulation was added in Section 11.E that if there is imminent danger, their permit will be suspended immediately.

Dr. Saltsman stated that now all biotech companies coming into Burlington will be reviewed and the Board of Health will determine if they are allowed. Ms. Lumenello replied yes, the Board of Health will now review and permit all biotech companies. Ms. Mathis added that she will conduct annual inspections on all permitted biotech facilities.

John Price from Northeastern University – Mr. Price stated that these regulations are very similar to the regulations Boston currently has. He is glad to see that the Board is being proactive. Mr. Price asked if they would like a community member of the IBC, the new language prohibits that. Ms. Mathis suggested that “shall not” be changed to “need not”. Mr. Price stated that Northeastern will probably be filing their paperwork early because they will be working with RDNA at Levels 1 or 2 in the future.

MOTION: Mr. McSweeney moved to approve the Burlington Board of Health Biological Safety Regulations with the change to Section 6.C.d, “shall not” to “need not”. The motion was seconded by Ms. Walendziewicz and unanimously approved. (5-0-0)

Ms. Lumenello stated that the new regulations will be effective as soon as they are published. She will also notify all Town departments of the approval.

Mr. McSweeney thanked Dr. Weiner for all his hard work on these regulations.

- **Rescind Regulations for Use of Recombinant DNA Technology**

MOTION: Ms. Walendziewicz moved to rescind the current regulations for Use of Recombinant DNA Technology. The motion was seconded by Mr. McSweeney and unanimously approved. (5-0-0)

- **Amendments to the Board of Health Fee Schedule**

Ms. Lumenello stated that the last time the Board of Health fee schedule was updated was 2010. They did a survey of surrounding towns and provided a redline version of the proposed changes. Ms. Lumenello noted that all fees collected go into the general fund for the Town.

Mr. McSweeney stated that it should be noted that some fees were raised, some were reduced and some were deleted. This streamlines the permitting fees and makes them more in line with what is happening now.

MOTION: Ms. Walendziewicz moved to rescind the current regulations for Use of Recombinant DNA Technology. The motion was seconded by Dr. Saltsman and unanimously approved. (5-0-0)

Staff Reports

Environmental Engineer

Ms. Mathis presented her report:

- They met with the Building Department to setup triggers in the Viewpoint permitting software to notify the Board of Health when any biotech company applies for a permit.



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- They participated in a mock emergency operations center exercise with other departments at the Burlington Mall for an active shooter.

MOTION: Dr. Saltsman moved to approve the Environmental Engineer's report. The motion was seconded by Mr. McSweeney and unanimously approved. (5-0-0)

Health Agent

Ms. Johnson presented her report:

- A new Statewide tobacco regulations are in place that prohibits flavored vaping including Methanol. On June 1st, all flavored tobacco including Methanol will be banned. The fines have been increased to \$1,000 for the first offense, \$2,000 for the second offense with a suspension of 1-7 days and \$5,000 for the third and subsequent offenses with a suspension of 7-30 days.
- They will be hosting a Food Code Review seminar on February 19, 2020 at Burlington High School for the food service establishments. This will address chemicals in the workplace, grease traps and common violations of the food code.
- They received word of a food truck operating in Burlington that is not licensed. All permits should be displayed and if anyone sees an unlicensed food truck they should let the office know.

Dr. Weiner asked under the Investigations, how can a label be put on a product with a therapeutic claim. Ms. Johnson stated that the product is made on site and they created a label for it. They have been told that they cannot do that and they did remove the product.

MOTION: Ms. Walendziewicz moved to approve the Health Agent report. The motion was seconded by Mr. McSweeney and unanimously approved. (5-0-0)

Director of Public Health

Ms. Lumenello presented her report:

- The MRC, Region 4A has agreed to a funding formula for the next year. It will be \$4,500 + population but that formula cannot go under \$5,000.
- They are working on a training plan for a full year for the MRC.

Ms. Walendziewicz asked what occurred with the meeting with the DPW on Ray Ave. Ms. Lumenello stated that they are still seeing grease at the Café Escadrille side. There is a sub-committee meeting this week to decide on what the next steps will be. Dr. Saltsman stated that this has been going on for 2 years.

Dr. Weiner stated that we need to determine our responsibility vs. what the school is requiring for vaccinations. Ms. Lumenello stated that we provide the vaccines for under or uninsured children. She received an email from the Head School Nurse asking if they could bring children to the Board of Health or having the Board of Health going to the schools to give vaccines to children without a parent or guardian present. She spoke to Town Counsel and a form was drafted that would require a parent or guardian to sign the form before any vaccines. There needs to be a protocol created with the school. She reached out to the



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School Administration but has not heard back. Dr. Saltsman is concerned about administering vaccinations without the parents present. Dr. Saltsman stated that we will support these children but they need a policy and protocol in place before anything is done. Ms. Lumenello stated that there is another issue with interpretation of students' records. Mr. Lumenello will forward the draft protocol to Dr. Saltsman.

MOTION: Dr. Saltsman moved to approve the Director of Public Health's report. The motion was seconded by Ms. Welch and unanimously approved. (5-0-0)

Dr. Saltsman reminded residents that the influenza is here and residents should wash their hands. If you become ill, stay isolated if sick, drink fluids, and see their health professional.

Adjourn

MOTION: Dr. Saltsman moved to adjourn the Board of Health meeting at 8:10 PM. The motion was seconded by Ms. Walendziewicz and unanimously approved. (5-0-0)

Respectfully Submitted by Dawn Cathcart,
Recording Clerk



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DOCUMENTS REVIEWED AT MEETING – TUESDAY, JANUARY 14, 2020

Agenda

Minutes: November 12, 2019 and December 10, 2019

Chairman's Report: None

Subcommittee Reports: Minutes of Subcommittee – 164 Middlesex Turnpike

Applications:

- ***Application for Special Permits – 164 Middlesex Turnpike:*** Memo from C. Mathis dated 1/14/20, Memo from Riemer & Brunstein, LLP dated 12/19/19, Application (Includes GIS Map and Floor Plan), Public Hearing Notice dated 1/9/20

Hearings:

- ***Adoption of the Burlington Board of Health Biological Safety Regulations:*** PowerPoint Presentation, Draft Regulations, Risk Group Agents, Select Agents, Letter to Certain Burlington Businesses and Legal Ad
- ***Rescind Regulations for Use of Recombinant DNA Technology:*** Legal Ad
- ***Amendments to the Board of Health Fee Schedule:*** Comparisons, Proposed Fee Changes, Legal Ad

Staff Reports: Environmental Engineer's Report; Health Agent's Report; Director of Public Health's Report