



TOWN OF BURLINGTON, MA
BOARD OF HEALTH
MINUTES

Town Hall Main Hearing Room

TUESDAY, JANUARY 11, 2022

Board Members Present: Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman (Remote Access); Dr. Wayne Saltsman, MD, PhD; and Andrea Sheehan

Board Members Absent: Maribeth Welch

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; Michael Green, Associate Health Director; and Sarah Courtemanche.

Dr. Weiner called the Board of Health meeting to order at 7:00 PM. This is a remote meeting and they are always a challenge to run these types of meetings. All motions will be done by roll call.

The Pledge of Allegiance was recited.

Approval of Minutes: 12/8/21 Subcommittee

MOTION: Mr. McSweeney moved to approve the Board of Health subcommittee minutes of December 8, 2021 as submitted. The motion was seconded by Ms. Sheehan unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.

Citizen's Time:

There were no citizen's coming forward.

Chairman's Report:

Dr. Weiner stated that there have been 61,000 new COVID cases that do not include home tests. Our positive percentage rate is 22.39%. Burlington has about 84% of our residents with at least one dose and 75% are fully vaccinated. Dr. Weiner continued to thank the Board of Health staff, board members, Town departments and BCAT staff for all their hard work. Dr. Weiner encouraged everyone to get vaccinated, get the booster and to get the flu shot and reminded people to keep social distance, wash your hands and if you have symptoms, stay home and get tested.

Applications

Application for Special Permit – Life Science and Biotechnology Laboratory Use – 3 Van De Graaff Drive

Attorney Mark Vaughn from Reimer and Braunstein, Amy Foley and Kyle King from the Richmond Group, RJ Panzo from T3 Advisor, John Carciere, Project Manager and Jennifer Reilly from Safety Partners and Nick Trocki, VP of Jumbo Capitol appeared for the Special Permit application. Attorney Vaughn stated that Jumbo Capitol purchased this property last year. There is approximately 288,000 SF of space. This was zoned IG and is now zoned ID. They are not proposing expanding the building square footage.



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Mr. Trocki stated that they are local landlords. They have historically owned and operated commercial office spaces but they are starting to move towards Life Science. They are planning on updating the building infrastructure. There is currently 120,000 SF of vacant space that they will develop as Phase I and the remaining building will be updated as Phase II.

Ms. Foley stated that they are proposing to install a centralized PH neutralizing system for the entire building to use.

Ms. Mathis stated that each tenant will be responsible for the virgin hazardous material and their own hazardous waste. There is a condition that each tenant will require their own hazardous material permit and registration.

Mr. McSweeney stated that there is no current biohazardous plan for both sides. Mr. Trocki replied that the building will be 100% biotech in the future. They will focus on separate control areas. Mr. McSweeney stated that he wants to make sure that controls are in place so no employees can cross over. Ms. Mathis replied that we have that scenario now in another building and the security is in place.

Ms. Lumenello asked who was responsible for the key card. Mr. Trocki replied that each tenant will have their own key card. Safety Partners will inspect the operational manual.

Dr. Weiner asked if the building is on contaminated soil. Ms. Mathis replied there is contaminated soil across the street that was previously owned by Oracle. They are only remodeling the building so it should not affect this. Dr. Weiner asked if the wells will be decommissioned. Mr. Trocki replied no. Dr. Weiner asked who maintains the system. Mr. Trocki stated that the Operational Manual will cover the maintenance and there will be an in-house property management. Dr. Weiner asked if maintenance reports will be provided. Ms. Mathis replied that the MWRA requires the reports and annual inspections. It will also be part of the annual inspection. Dr. Weiner asked if there will be a centralized fume hoods for the air handlers. Mr. Trocki stated that there will be a centralized exhaust system. Dr. Weiner asked if the applicant had seen the 8 conditions. Attorney Vaughn replied yes, they are acceptable. Dr. Weiner asked if they were requesting one or two permits. Ms. Mathis replied that there are two separate permits under the zoning but the conditions are the same for both.

There were no questions from the audience.

MOTION: Mr. McSweeney made a motion to approve the Hazardous, Toxic, Chemical Uses with Storage, Transport, Disposal or Discharge Material Special Permit for 3 Van De Graff Drive with the proposed conditions. The motion was seconded by Dr. Saltsman and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.

MOTION: Mr. McSweeney made a motion to approve the Generation or Storage of Hazardous Waste in excess of values classified as a very small quantity generator Special Permit for 3 Van De Graff Drive with the proposed conditions. The motion was seconded by Dr. Saltsman and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.



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Application for Special Permit – Life Science and Biotechnology Laboratory Use – 25 Network Drive, Vericel Corporation

Attorney Robert Buckley from Vertical Reimer and Braunstein and Mike Helpin, COO of Vericel Corporation. This application was previously approved by the Planning Board for the construction of a 270,000 SF building for Life Science. This application is before the Planning Board for the user Vericel. Mr. Helpin stated that he has 30 years' experience in the pharmaceutical industry and Vericel develops cell therapy to treat burns and ligament injuries. They are planning on having their headquarters, office space, lab and light manufacturing in this location. They have been in Cambridge since the 1990s but have outgrown their space and they are very excited to move to Burlington.

Dr. Wiener asked if there will be large CO tanks. Mr. Helpin replied yes, they have CO generation.

There were no questions from the audience.

MOTION: Dr. Saltsman made a motion to approve the Special Permit for Vericel Corporation at 25 Network Drive with the proposed conditions. The motion was seconded by Ms. Sheehan and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.

Discussion

Mask Mandate

Dr. Weiner stated that they have received a lot of correspondence regarding this issue. This is an issue of rights, being safe, science. They are trying to be respectful and DPH and the Governor does not recommend a mask mandate. There is also a question on enforcement. There are also questions on what is a correct mask or how the masks are worn. The CDC is currently saying that the only reliable mask is an N95 mask.

Ms. Lumenello stated that she is in favor of masks but not in favor of a mandate. This is a personnel decision and she respects that. This is one tool to help in the spread. If there is a mandate it should come from the State level.

Mr. Green agrees with Ms. Lumenello. When masks are worn properly along with getting vaccinated, washing hands and social distances, they help with the spread but enforcement of this requirement is not reasonable and highly problematic. Education would be a better use of the resources.

Mr. McSweeney stated that he wants to keep an open mind but he doesn't appreciate the personal criticism. We are volunteers working to do what is best for the Town of Burlington. He agrees with keeping this on the agenda to discuss and he supports masks and other precautions but the community makes this work. This is our life with COVID and if it is not enforceable then why make a mandate.

Ms. Sheehan stated that a mandate carries seriousness. The CDC mask recommendation is not working. We should look at a mandate at least for the short term. There are so many people who are not wearing masks.



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Dr. Saltsman stated that we need to deliberate and continue to discuss this. We have recommended a mask advisory and he doesn't consider this as a mask optional and he believes that we have to continue with the education. There are tools in our toolbox to advise residents including the vaccines, social distance, hand washing, isolating when sick but there is no data that proves a mask mandate helps the spread. He would recommend maintaining a mask advisory.

Nick Priest, Select Board member – Mr. Priest appreciates all the work being done and the Select Board stands by the Board of Health. We can use the ARPA fund to promote education and awareness.

Paul Sagarino, Town Administrator – Mr. Sagarino stated that he is grateful for the leadership that the Board of Health has provided during this pandemic and he would support their decision.

Barbara L'Heureux – Ms. L'Heureux stated that she is grateful for the work the Board of Health has done but she has heard mainly logical reasons and not scientific reasons of what is best for the public health. Other towns around us have a mandate and there are a lot of people not wearing masks in Burlington. Dr. Saltsman stated that he has no problem if an individual restaurant or store institutes a mask mandate and we can have signs made stating why masks are good. Ms. Lumenello stated that during the Emergency Order, there was a mask mandate and case management but that is not in effect now. The question is how do we move beyond the emergency blip. There is no State mask mandate and wearing a mask is only a small part of what we can do.

Phillip MacLaine – Mr. MacLaine stated that the mask advisory is a sensible position. In Town's where there is a mask mandate, there is no life in the streets and businesses are hurting. The Town's with mask mandates have the same high COVID numbers as we do.

Steve Stamm – Mr. Stamm stated that he represents seniors that are vulnerable. A mandate shows that we are serious. The government doesn't want to issue a State mandate but we should. He has seen police, fire and town employees going into stores without masks.

Lois Martin – Ms. Martin stated that people are coming to our Town with infections and they don't have to wear a mask. The Governor is leaving the decision to the Towns and not everyone is educated especially from other States. Ms. Martin asked if the Board of Health visits shut-ins. Ms. Lumenello replied no, but the State has a program.

Jeff DiBona – Mr. DiBona stated that he is a Town Meeting member, Precinct 3. He agrees with no mandate. This has been going on for 2 years and people need to make their own decisions. The mandates in other Towns are not working because their numbers are high.

Nicci Kadilak – Ms. Kadilak stated that she is a Town Meeting member, Precinct 6. We are in the middle of an emergency now and we need to take responsibility for taking care of each other. Where is the accountability? A mandate gives cover for the restaurants and businesses. She feels like the Board of Health decision was already made.

Patrick Abban – Mr. Abban stated that he wears masks in his work and has for decades and if they are not worn properly, they don't work. The Towns that have mandates COVID numbers are no different than the



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ones that don't. If someone wants to wear a mask then it should be worn properly because it can give a false sense of security.

Karmela Schmalze – Ms. Schmalze stated that she is against a mandate. The CDC is now saying cloth masks don't work, so unless everyone is wearing a KN95, it is not going to work. We need to protect our freedoms and let people choose.

Dr. Weiner stated that the Board can issue a mask mandate, keep a mask advisory or revisit in 2 weeks.

Adam Asene – Mr. Asene stated that he has an autistic son and has a very difficult time keeping a mask on him. He is against a mandate because people judge him if his son isn't wearing a mask. There is a lot of pain and anguish especially in kids.

Dr. Saltsman stated that there is not a full Board tonight, so perhaps we should discuss this in two weeks when there will be a full Board.

Mr. McSweeney stated that he has an open mind and he will look for a middle ground.

Dr. Weiner asked if we can ask Mr. Priest to get posters provided to the businesses in Burlington promoting mask wearing for the Town of Burlington. Mr. Priest replied yes.

MOTION: Dr. Saltsman made a motion that the Board of Health recommend continuing the mask advisory for the Town of Burlington and that the subcommittee meet with the Select Board/Town Administrator to further educate and provide information regarding the mask advisory throughout the Town. The motion was seconded by Ms. Sheehan and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.

Ms. Sheehan stated that she is concerned with the time and suggested having an emergency meeting if necessary. Dr. Weiner replied that we can if it is necessary but the subcommittee will be meeting.

Staff Reports

Environmental Engineer

Ms. Mathis presented her report.

- The Biological Safety permit renewals were sent out and are due back at the end of the month.

Dr. Weiner asked if the resident with flooding in his backyard has been in contact with the office. Ms. Mathis stated that there hasn't been any rain but they will contact her when there is water.

MOTION: Mr. McSweeney moved to approve the Environmental Engineer report. The motion was seconded by Dr. Saltsman and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.

Associate Director of Public Health



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Mr. Green presented his report.

- Most of his time has been on training including MAVEN contact tracing especially in the schools.
- Working on a combined Community Health Fair with the Recreation Department. They are looking at May 21st and that it will be held outside.

MOTION: Dr. Saltsman moved to approve the Associate Director of Public Health report. The motion was seconded by Ms. Sheehan and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.

Director of Public Health

Ms. Lumenello presented her report which included the Health Agent, Supervisory Nurse and Associate Health Inspector.

- The nurse has been very busy with the schools and contact tracing and entering them into MAVEN.
- Has been meeting with the Superintendent and Assistant Superintendent of Schools on how to move forward. They have changed the Test and Stay program and a positive test requires a 5-day quarantine. The School Committee is meeting tonight to discuss changing over to the CDC policy.
- We cannot get to every case in MAVEN, there are too many

Dr. Weiner thanked our nurse who has been so busy. Dr. Weiner also passed on condolences to Marlene Johnson for the passing of her father.

Mr. McSweeney asked where a tattoo studio would be allowed. Ms. Lumenello stated that they referred them to the Building Department first to see if it is allowed by zoning. If it is allowed, then they would come to us.

Dr. Weiner asked if we should hold a training session with the nurses on the DESE guidelines that are so hard to understand. Ms. Lumenello replied that we have no control of the home tests and it is left up to personal responsibility to stay home when positive.

Dr. Saltsman stated that the home test kits have a 30 day shelf life and the rapid tests are not sensitive enough to pick up the Omicron variant.

MOTION: Dr. Saltsman moved to approve the Director of Public Health reports. The motion was seconded by Mr. McSweeney and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.

Adjourn

MOTION: Ms. Sheehan moved to adjourn the Board of Health regular meeting at 9:21 PM. The motion was seconded by Mr. McSweeney and unanimously voted 4-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes and Dr. Weiner voted Yes.



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*Respectfully Submitted by Dawn McDowell,
Recording Clerk*



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DOCUMENTS REVIEWED AT MEETING – TUESDAY, JANUARY 11, 2022

Agenda

Approval of Minutes: 12/8/21 Subcommittee minutes

Citizen's Time: None

Chairman's Report: None

Applications:

Application for Special Permit for Life Science and Biotechnology Laboratory Use – 3 Van De Graaff Drive– 01/11/22 C. Mathis memo with conditions; 07/19/12 – Site Plan by Landmark's Corporation Park; 12/14/21 Reimer & Braunstein memo with application

Application for Special Permit for Life Science and Biotechnology Laboratory Use – 25 Network Drive, Vericel Corporation– 01/11/22 C. Mathis memo with conditions; 11/19/21 BSC Group Layout Plan; 12/15/21 Floor Plans; 11/22/21 Reimer & Braunstein memo with application

Discussions:

Mask Mandate – 12/20/21 DESE Memo; Emails: 12/13/21 E. Dymont, 12/15/21 J. Goldsmith, 1/4/22 J. Eknaian, 1/5/22 M. Howard, 1/6/22 L. Dunn, C. Fantasia, C. Rauseo, B. Ballard, 1/7/22 R. Busa w/3 attachments, 1/9/22 A. Contant, 1/10/22 F. Ursino, T. Burbank, L. Taylor w/3 attachments, 1/11/22 J. Nussbaum, N. Bonassera, R. Levin, T. Balazs, F. Bloomfield, S. Abramson, P. Newfeld, B. L'Heureux, K. Schmailzel w/1 attachment, J. Frustaci, A. Kiessling, A. Holmes, C. Foster, K. Mikolinski, M. Foster, C. Yakavonis, D. Bell, S. Hagon, L. Dabrowski, M. Soloway, S. Butze, F. Rosenberg, S. Stanm, L. Bishop, E. Actipis, R. Finhelman, A. Goodman, L. Cline, L. Kerstein, A. Finn, S. Holmes, E. Jimenez, J. Wassenman

Staff Reports: Environmental Engineer's Report, Associate Director of Public Health's Report and Director of Public Health's Report (Includes Supervisory Nurse, Health Agent's Report, and Associate Health Inspector reports)