



TOWN OF BURLINGTON, MA  
BOARD OF HEALTH  
MINUTES  
Remote Meeting

TUESDAY, JANUARY 25, 2022

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

**Board Members Absent:** None

**Staff Members Present:** Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; Michael Greene, 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.

**Approval of Minutes: 12/14/21**

**MOTION:** Dr. Saltsman moved to approve the Board of Health minutes of December 14, 2021 as submitted. The motion was seconded by Ms. Welch and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch voted Yes and Dr. Weiner voted Yes.

**Citizen's Time:**

There were no citizen's coming forward.

**Chairman's Report:**

Dr. Weiner stated that he is going to give an editorial. The Board of Health staff and members have gone above and beyond to maintain the health of this community. This pandemic is going into its 3<sup>rd</sup> year and has changed how we do things. It has also become a political disaster. He is concerned with how people are treating each other on opposite sides of the discussions.

Mr. McSweeney concurred with Dr. Weiner and is upset that he received a verbal beating in social media. He has been doing what is best for the Town of Burlington and he would like to recognize his efforts, especially the last 3 years.

The Pledge of Allegiance was recited.

**Applications**

***Site Plan Approval – 15 Adams Street, Filter Sales and Service, Inc.***

Bob France, Scott Devine and Duncan Clark from Senate Construction, Al and Tom Willett, owners, Stephen Sakakeeny and Meghan Emmert from SAK Environmental, Dan Hazen from HSH appeared for the Site Plan approval at 15 Adams Street.

Ms. Mathis stated that there is currently an existing building on this site that is primarily used as office and warehouse space. This abuts commercial properties on 3 sides and an empty lot on 1 side. The applicant is



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proposing a 12,000 SF addition and a slight improvement to the onsite stormwater collection system. They will be installing deep hooded sumps and an infiltration basin that will discharge to the wetlands. This site was previously a MCP contaminated site. The remediation started in 1986 and site remediation continued into the mid-2000. They are now monitoring a handful of wells. There is one active well that is close to the construction. She has asked for an opinion of the original LSP ahead of time. There are currently two LSPs with the site, the original and the applicant has an LSP for this project.

Mr. France stated that the proposed addition will be 12,277 SF to the north side of the existing building. They are proposing upgrades to the existing stormwater management system. Renderings and elevations have been provided.

Mr. Sakakeeney stated that from 1957 to 2002 this site was primarily industrial. There was a response for contamination in 1986. They are in the final stage of monitoring so the risk is very low for additional contamination. The area of the addition is in a good area. They are removing wells from monitoring. The only issue we have is there is a well near the proposed stormwater basin but they can put in a replacement well. There are no VOCs per the LSP of record.

Ms. Welch asked if this site will be decommissioned this year. Mr. Sakakeeney replied yes, where the building is being proposed. Mr. France stated that they hope to have Planning Board approval and start construction April 2022. Ms. Welch asked if any other testing is required before decommissioning. Mr. Sakakeeney replied no. It requires bi-annual testing and that was done in 2021.

Mr. McSweeney stated that he is concerned with the proposed retention basin (pond) and the existing stormwater onsite. Mr. Hazen stated that there is no storm water retention or infiltration on site now so they are proposing an infiltration basin with a 4-bay. They have provided the calculations for a 2, 10 and 100 year storm. With our proposal, total suspended solids would be removed. The basin drains within 36 hours for a 100 year storm. Mr. McSweeney asked if there was any way to speed up the discharging of water. Mr. Hazen stated that there is a tabular hydrograph to show the amount of water in the basin.

Ms. Sheehan asked if there would be a safety barrier around the basin such as a fence of vegetation. Mr. Hazen replied no, the basin is only 5' deep.

Dr. Weiner asked if infiltration should be done on this site. Ms. Mathis replied that it should be ok. The samplings show no contamination so she is not opposed to infiltration. Dr. Weiner agreed that there should be some type of barrier around the basin. Dr. Weiner asked if people would be working in the new building. Mr. France replied that it is mostly a warehouse but there will be employees in and out. Dr. Weiner stated that there should be a passive vapor barrier installed and we typically require it. Mr. Sakakeeney stated that the MPC does not require a vapor barrier and this location is the cleanest part of the property. Ms. Lumenello asked what the direction of the groundwater flow is. Ms. Mathis replied that the groundwater flows to the south away from this building. Ms. Lumenello stated that she is comfortable with no vapor barrier since the additional sample was taken. Ms. Mathis agreed and does not think it is required in this instance. Dr. Weiner asked if there will be any more remediation. Mr. Sakakeeney replied that they are still monitoring the southeast portion of the building. Dr. Weiner stated that he is concerned with natural attenuation and what other contaminants could pop up in the future. Mr. McSweeney asked if Ms. Mathis feels comfortable with no vapor barrier. Ms. Mathis stated that this is a non-residential use so she feels comfortable. In the past the Board has required that a plastic film be added and has requested that arborvitae be added around the detention basin.



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Dr. Weiner asked that the applicant add a new passive vapor barrier and arborvitaes around the basin.

**MOTION:** Ms. Sheehan made a motion that the Board of Health add 2 conditions to the permit: an addition of a passive vapor barrier in the building and arborvitaes installed around the detention basin. The motion was seconded by Mr. McSweeney for discussion.

Dr. Saltsman stated that there have been conflicting numbers provided on when the water will drain from the detention basin and he does not have a complete understanding on what is happening. This is unclear. Ms. Lumenello suggested a subcommittee meet to discuss the issues before this is approved.

Ms. Sheehan rescinded her previous motion.

Mr. McSweeney stated that he agrees that there are still questions about how long standing water will be in the basin.

**MOTION:** Mr. McSweeney moved to continue the public hearing for 15 Adams Street until February 8, 2022. The motion was seconded by Dr. Saltsman and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch voted Yes and Dr. Weiner voted Yes.

### **Discussion**

#### ***Mask Mandate & Covid-19 Updates***

Dr. Weiner stated that there have been some changes with Covid regulations. Ms. Lumenello stated that DESE has new procedures for the schools. The Test and Stay program will cease and DESE will be providing home test kits for people who opt into the program. They have also eliminated contact tracing. The Superintendent will move forward with the new program. DPH has also made changes to their regulations regarding isolation and quarantine with the declining numbers. Dr. Weiner stated that contact tracing was so important and now it's not. They are changing their requirements with minimal direction.

Dr. Saltsman stated that he wanted to thank Dr. Weiner for his leadership in this pandemic. We have received a lot of emails on this subject and he has read them all. He went out to public places this weekend and many are complying with the mask advisory. He fully agrees that we should continue with the education of all the tools available to stop the spread but he would vote to continue the advisory. He reminded residents not to become complacent.

**MOTION:** Dr. Saltsman moved that the Board of Health recommend maintaining the mask advisory for the Town of Burlington. The motion was seconded by Ms. Welch for discussion purposes.

**Melissa Foster** – Ms. Foster stated that she is a resident and mother and is concerned for the children under 5 who can't get vaccinated yet. She would not want to take her children into a store where a mask mandate is not in place.

**Karmela Schmalze** – Ms. Schmalze stated that she is against a mandate. She thanked the Board for all they have done. Everyone has their opinion. I shouldn't have to do something that I don't believe in because someone else wants it. If someone is comfortable wearing a mask, then wear one but I should not be forced to. The mandate is unconstitutional. The CDC is now saying that only KN95 masks work. The Town of Billerica has a mandate and their Covid cases are higher than ours.



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Marilyn Howard – Ms. Howard stated that she agrees with Melissa. Wearing a mask is a simple ask and she is not asking the Board of Health or Police to enforce it. This is a choice of personal freedom vs. the good of all. The mandate could be short term to get us over this hump.

Russ Busa – Mr. Busa stated that he agrees with Karmela. In the past 2 years, we have become a society of If I don't do it, it will affect someone else. I do things to protect me. I am in favor of the 2<sup>nd</sup> amendment so I carry a gun to protect me. It's my right. People die from a variety of things, not just Covid. Studies have shown that masks don't work unless they are the KN95. This has caused fear and that increases stress which also kills.

Phyllis Newfeld – Ms. Newfeld stated that wearing masks is about our safety and we should protect our neighbors.

Jeff DiBona – Mr. DiBona stated that he is a Town Meeting member, Precinct 3. He agrees with no mandate. We should work together but he agrees that mandates cause stress.

Mr. McSweeney thanked all the citizens who are here tonight and how they have sent emails or written in. There has been correspondence that the Board has done nothing. That is so far from the truth. We have spent hours and hours on this subject and just because we have not issued a mandate, does not mean we haven't done anything. Masks are a tool and our advisory recommends them. Other towns have mandates and they have higher numbers than us.

Ms. Welch stated that she appreciates all the residents and their opinions. This is a difficult thing to enforce and when there is a mandate it has to be enforced. We should continue to work on education and making healthy choices for ourselves.

Ms. Sheehan stated that she sees so many people not wearing masks in stores or social distancing. There are not enough people vaccinated. A mandate is a step to protect everyone.

Mr. Greene stated that he agrees with Dr. Saltsman.

Ms. Lumenello stated that at the height of the pandemic the State had a mandate, so the enforcement was easy. There are a lot of people wearing masks with just the advisory and she would recommend continuing the advisory.

Dr. Weiner stated that we have tried everything and it's a personnel issue to wear a mask and get a vaccine.

**MOTION:** Dr. Saltsman moved that the Board of Health recommend maintaining the mask advisory for the Town of Burlington. The motion was seconded by Ms. Welch and unanimously voted 3-2-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted No, Ms. Welch voted Yes and Dr. Weiner voted No.

Dr. Weiner stated that the advisory remains in effect.

### ***FY23 BOH Budget***

Ms. Lumenello presented the FY23 Board of Health budget. Ms. Lumenello stated that for the most part, this is level funded. There is actually a decrease by 1/23%. The only additions are contractual obligations for step and salary increases. She will be appearing before Ways and Means on March 16<sup>th</sup>.



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Mr. McSweeney asked if any programs will be cut as a result of level funding. Ms. Lumenello replied there is nothing that she can think of. The Covid activities were covered under the grant and we do have some extra money in the budget. The budget also includes \$50,000 for Household Hazardous Waste Day.

Ms. Welch asked what MELT means. Ms. Lumenello replied it stands for municipal expenses.

**MOTION:** Ms. Welch moved to approve the FY23 Board of Health budget. The motion was seconded by Mr. McSweeney and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch voted Yes and Dr. Weiner voted Yes.

### **Staff Reports**

#### ***Environmental Engineer***

Ms. Mathis presented her report.

- There are 3 more Biological Safety applications to review.
- She has been working with Mr. Greene on the Biological Safety renewal permits and getting new IBC representatives. Jim Harrison is retiring.

Dr. Weiner stated that he would like to invite Mr. Harrison to a board meeting to thank him. Dr. Weiner asked if there has been any additional information on the flooding on Barnum Road. Ms. Mathis stated that she went a day after the last heavy rain and the water had dissipated. She was going to close out and will revisit if they call again.

Ms. Welch asked what the report on air quality in the schools is. Ms. Mathis replied that a BHS student was writing a report and she forwarded him to Bob Cunha.

**MOTION:** Mr. McSweeney moved to approve the Environmental Engineer report. The motion was seconded by Ms. Sheehan and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch and Dr. Weiner voted Yes.

#### ***Associate Director of Public Health***

Mr. Greene presented his report.

- They had a great turn out for the IBC Community Rep. They have 12 individuals coming forward to offer their services.

**MOTION:** Dr. Saltsman moved to approve the Associate Director of Public Health report. The motion was seconded by Ms. Welch and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch 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.

Dr. Weiner asked why there was a report that said the 10-day violation was corrected. Ms. Lumenello stated that there are 3 levels of violations that have different time frames to correct the violation. Mr. Weiner asked if we are getting the intern back. Ms. Lumenello replied he would like to come back in February.



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**MOTION:** Ms. Welch moved to approve the Director of Public Health reports. The motion was seconded by Dr. Saltsman and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch and Dr. Weiner voted Yes.

**Adjourn**

**MOTION:** Ms. Sheehan moved to adjourn the Board of Health regular meeting at 9:05 PM. The motion was seconded by Mr. McSweeney and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch and Dr. Weiner voted Yes.

*Respectfully Submitted by Dawn McDowell,  
Recording Clerk*



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**DOCUMENTS REVIEWED AT MEETING – TUESDAY, JANUARY 25, 2022**

**Agenda**

**Approval of Minutes:** 12/14/21 Board of Health Minutes

**Citizen's Time:** None

**Chairman's Report:** None

**Applications:**

*Application for Site Plan Approval – 15 Adams Street, Filter Sales and Services, Inc.* – 01/25/22 C. Mathis memo with conditions; 08/05/21 Howard Stein Hudson Site Plan, 08/05/21 Application

**Discussions:**

*Mask Mandate* – Emails: 8/23/21 C. Sbarra; 1/13/22 T. Monkell; 1/16/22 J. Davis; 1/23/22 E. Dymont; 1/25/22 N. Saledas; 1/25/22 F. Ursino; 1/25/22 J. Ronca; 1/3/22 Linda ? letter, 1/16/22 M. Cooperman letter

*FY23 Board of Health Budget* – FY23 Budget

**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)