



TOWN OF BURLINGTON, MA  
BOARD OF HEALTH  
MINUTES  
TOWN HALL MAIN MEETING ROOM

TUESDAY, MARCH 22, 2022

**Board Members Present:** Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman; 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, Marlene Johnson, Health Agent; and Michael Greene, Associate Health Director

**I. Open Meeting/Pledge of Allegiance**

Dr. Weiner called the Board of Health meeting to order at 7:00 PM. Dr. Weiner stated that since Mr. McSweeney was remote, they would do a roll call.

The Pledge of Allegiance was recited.

**II. Approval of Minutes: 02/08/2022 and 02/22/22**

**MOTION:** Dr. Saltsman moved to approve the Board of Health minutes of February 8, 2022. The motion was seconded by Ms. Welch and voted 4-0-1. On a roll call vote: Mr. McSweeney abstained from voting, Dr. Saltsman voted Yes, Ms. Sheehan voted Yes, Ms. Welch voted Yes and Dr. Weiner voted Yes.

**MOTION:** Dr. Saltsman moved to approve the Board of Health minutes of February 22, 2022. The motion was seconded by Ms. Sheehan and voted 4-0-1. On a roll call vote: Mr. McSweeney voted Yes, Dr. Saltsman voted Yes, Ms. Sheehan abstained from voting, Ms. Welch voted Yes and Dr. Weiner voted Yes.

**III. Citizen's Time:**

There were no citizen's coming forward.

**IV. Chairman's Report:**

Dr. Weiner stated that he continues to acknowledge and thank the Board of Health members and staff, Town Departments and BCAT for their continuing effort to keep the citizens of Burlington safe.

Dr. Weiner stated that tonight there are 3 recognitions including Dr. Wayne Saltsman. This meeting is dedicated to him for his 15 years of dedicated service to the Town of Burlington.

**V. Subcommittee Reports**

***43 South Avenue***

Mr. McSweeney stated that the subcommittee met with the applicant. They are proposing adding hazardous material handling for their biotech tenants. There will be no building changes and there will be no digging.



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**VI. Applications**

***43 South Avenue – Application for Approval of a Special Permit and Application for a Minor Engineering Change***

Attorney Kristine Hung from Riemer & Braunstein, LLP, Scott Weiss from the Gutierrez Group, Matt Heil from Sandborn, Heil & Associates, and Cole Worthy from Haley & Aldrich appeared for the application at 43 South Avenue.

Mr. Greene stated that the building was started in 2008. There were special permits approved in 2012 and 2016. This site was contaminated and they will not be disturbing any of the contamination.

Attorney Hung stated that this is the final development component. The lab and structured parking have been completed and the use of the building is office, lab and R & D. They are now adding light manufacturing and hazardous material storage. There will be a concrete pad for the generator that is required by life science uses. Attorney Hung thanked the staff for all their help.

Dr. Weiner stated that there are 21 conditions including #3 which requires the LSP to estimate the action level for contamination and that requires the need to come back and provide a report. Mr. Weiss stated that Mr. Heil has been the LSP on the previous permit and will report back. Dr. Weiner asked if there was another LSP. Mr. Heil replied yes, and they will be meeting with them on Thursday. They have worked with them on the action levels in the past.

There were no questions from the audience.

**MOTION:** Dr. Saltsman moved to approve the application for the Special Permit and Minor Engineering Change and Special Permit for 43 South Avenue with the 21 proposed conditions. The motion was seconded by Ms. Welch and 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.

**VII. Permits**

***145 South Bedford Street, Northeastern – Irrigation Well Permits***

Cole Worthy, LSP, Glenn Fitzpatrick from Ogden Wells, and Gina Kerwin from Northeastern appeared for the permit request for an irrigation well at 145 South Bedford Street.

Ms. Mathis stated that the application is for well drilling by Ogden Well & Pump on behalf of Northeastern University. They have applied for 2 irrigation wells. This was the site of a former underground storage tank and former disposal site.

Mr. Worthy stated that the previous tank was removed and it was closed out and released under MSP with no conditions. There was surface contamination at 0'-8'. This is a bedrock well and will be down at 800'. They are proposing only drilling one well now and if the second well is needed then they will move forward with the second one. They have applied for two wells but they are hoping there is enough water with one.

Dr. Weiner stated that this is for irrigation only. Mr. Worthy replied that was correct and they usually operate in the afternoon for six hours a day.

Dr. Saltsman stated that the functioning well still falls under the Select Board regulations and if there are water restrictions, they still need to follow them. Ms. Lumenello replied that was correct and they would have to follow our regulations also such as sampling is required.



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There were no questions from the audience.

**MOTION:** Ms. Welch moved to approve the irrigation well permit for 145 South Bedford Street with the proposed conditions. The motion was seconded by Ms. Sheehan and 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.

**VIII. Discussion**

***Harrison Liang, Board of Health Intern***

Ms. Lumenello thanked Mr. Liang for all his hard work. He helped with getting information out on social media, the BBRC newsletter and creating a database. He also worked with COVID contact tracing and the health fair.

Mr. Liang thanked the Board for the opportunity. He is currently a Junior and working towards public health. This opportunity provided a great range of tasks and a great experience.

**MOTION:** Dr. Saltsman moved that the Director write a positive letter to BU for Harrison Liang acknowledging his dedication as part of the internship. The motion was seconded by Ms. Sheehan and 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.

***Late Hazardous Material Forms – Friend Building Center – 4 Adams Street, Seven Springs Apartments – 1 Seven Springs Lane and Hyatt House – 2 Van de Graaff Drive***

Ms. Mathis stated that with the help of Sarah, all the applications have been submitted.

***FDA Voluntary National Retail Regulatory Program Standards, Presented by Marlene Johnson, Health Agent***

Ms. Johnson presented the FDA Voluntary National Retail Regulatory Program Standards grant. This grant will help with consultants to conduct verification audits, tables, equipment and travel. There are 9 standards and they are tackling some of them. They will apply for the grant again to address the remaining standards.

Dr. Weiner asked for an update at a later meeting.

Ms. Welch stated that she is glad that they can reapply.

Mr. McSweeney stated that we are lucky to have a phenomenal staff.

Ms. Lumenello stated that Ms. Johnson brought this to her attention and has done a great job. Ms. Johnson stated that Ms. Hardy has been a huge help with this project

***Recognition – Jim Harrison, Institutional Biosafety Committee (IBC) Community Representative***

Dr. Weiner recognized Jim Harrison for his 15 years of outstanding service as the IBC Community Representative. He has been on 10 separate IBC in the last couple of years. He is also a former Board of Health member and helped draft the current regulations. Dr. Weiner presented Mr. Harrison with a clock on behalf of the Board of Health.

Ms. Mathis stated that she appreciates the help and guidance Mr. Harrison has provided her over the years.

***Recognition – Dr. Wayne Saltsman***



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Dr. Weiner stated that Dr. Saltsman is a PHD and MD and has served the Town of Burlington for over 15 years. He has been a Board Member, town physician and medical expert. Dr. Weiner and the Board presented Dr. Saltsman with a personalized chair.

Ms. Welch thanked Dr. Saltsman for making her feel welcome when she was new to the Board and all his advice.

Mr. McSweeney stated that Dr. Saltsman will be missed by staff, Board members and the community and he is privileged to call him his friend.

Ms. Lumenello stated that Dr. Saltsman has helped her so much and she is so grateful he is staying on as the Medical Director.

Dr. Saltsman thanked everyone for their kind words. Dr. Saltsman thanked Dr. Weiner for his friendship over all these years and he believes that it is good to have fresh new thoughts on the Board.

## **IX. Staff Reports**

### ***Environmental Engineer***

Ms. Mathis presented her report.

- Household Hazardous Waste Day will be April 2<sup>nd</sup>. Visit the website or call the office.

Dr. Weiner asked what the Legionella case was. Ms. Mathis replied that the water was sampled and it came back negative. There has been just one case.

**MOTION:** Ms. Welch 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 voted Yes and Dr. Weiner voted Yes.

### ***Health Agent***

Ms. Johnson presented his report.

- There was a compliance check violation on February 20<sup>th</sup>. It was at AL Prime. They were issued a \$1,000 fine. The Regional Manager was spoken to and if it happens again, the fines will be higher and there is a possible 7-day suspension of license.
- There is a new tobacco compliance person, so they will be doing checks 3 times a year.

Ms. Welch asked what is the permit for cigars. Ms. Johnson stated that Landana has changed names. This will now be called Moo and they will offer cigars at the table. They are for takeout only.

**MOTION:** Ms. Sheehan moved to approve the Health Agent report. 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.

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

Mr. Greene presented his report.

- He was invited to speak at the Chamber of Commerce to solicit IBC representatives.



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Mr. McSweeney stated that 210 Fox Hill is at it again and asked for an update. It is obvious that they don't care. We should look at the regulations to fix this issue. Ms. Lumenello stated that there is a policy in place for repeat pumping violations. Town Counsel has said that each violation is separate and we can continue fining them. Mr. McSweeney stated that we should update the regulations for blatant violators to include increased fines. Ms. Lumenello stated that we can ask Town Counsel to see if there is anything else we can do. Ms. Sheehan asked how often this happens. Ms. Lumenello stated that they are complaint based. If a neighbor calls, then they go out. Ms. Mathis stated that she had spoken with the homeowner and told them it was as simple as permanently moving the hose. We went to court several years ago and they found in our favor and that was 12 violations before. Mr. Greene stated that 3 fines were issued. Dr. Weiner stated that we should think out of the box. Mr. McSweeney stated that he remembers inviting the homeowner several years ago and they never showed. Town Counsel should be contacted.

**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 voted Yes and Dr. Weiner voted Yes.

***Director of Public Health***

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

- We received the Rise Award grant for \$25,000. This will assist in training and equipment purchases.

Ms. Welch asked if the Health Fair is a new format. Ms. Lumenello replied that it will be on the common this year and they are working with the Recreation Department. It is scheduled for May 21<sup>st</sup> from 10:00 AM to 1:00 PM and there will be different activities.

Dr. Weiner stated that the nurse is doing bladder screening for the Fire Fighters.

**MOTION:** Ms. Sheehan 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, Mr. Welch voted Yes and Dr. Weiner voted Yes.

Dr. Saltsman stated that he loves Burlington and reminded residents to social distance, wash their hands and be well.

**X. Adjourn**

**MOTION:** Dr. Saltsman moved to adjourn the Board of Health regular meeting at 8:25 PM. 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.

*Respectfully Submitted by Dawn McDowell,  
Recording Clerk*



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**DOCUMENTS REVIEWED AT MEETING – TUESDAY, MARCH 22, 2022**

**I. Open Meeting/Pledge of Allegiance** - None

**II. Approval of Minutes:** 02/08/22 and 02/22/22

**III. Citizen's Time:** - None

**IV. Chairman's Report:** - None

**V. Subcommittee Reports**

*43 South Avenue* – 03/07/22 Minutes

**VI. Applications**

*43 South Avenue – Application for Approval of a Special Permit and Application for a Minor Engineering Change* – Memo from M. Greene dated 3/22/22, Memo from M. Heil, PE, LSP dated 3/4/22, Memo from Riemer & Brainstein dated 2/4/22, Special Permit application dated 2/4/22, Memo from SMMA dated 2/23/22, MEC Application dated 2/23/22

**VII. Permits**

*145 South Bedford Street, Northeastern – Irrigation Well Permits* – Memo from C. Mathis dated 3/22/22, Email from C. Worthy dated 2/23/22, Application from Site Plan 3/1/22

**VIII. Discussion**

*Harrison Liang, Board of Health Intern*- None

*Late Hazardous Material Forms – Friend Building Center – 4 Adams Street, Seven Springs Apartments – 1 Seven Springs Lane and Hyatt House – 2 Van de Graaff Drive*- None

*FDA Voluntary National Retail Regulatory Program Standards, Presented by Marlene Johnson, Health Agent* - Presentation

*Recognition – Jim Harrison, Institutional Biosafety Committee (IBC) Community Representative*- None

*Recognition – Dr. Wayne Saltsman*- None

**IX. Staff Reports**

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

**X. Adjourn**