



Billerica Board of Health

Town Hall
365 Boston Road
Billerica, MA 01821
Phone: 978-671-0931
Fax 978-671-0919
Web Site www.town.billerica.ma.us

Sandra Giroux, Chair
Marie O'Rourke, Vice Chair
Mike Grady, Secretary
Robert Reader
Elizabeth Villar, Ph.D.

Richard Berube, Director

BOARD OF HEALTH MINUTES February 11, 2019

Sandra Giroux, Chair called the meeting to order at 7:10 p.m. Also in attendance were Marie O'Rourke, Vice Chair, Mike Grady, Secretary, Robert Reader, Dr. Elizabeth Villar, Richard Berube, Director and Joanne White, Recording Clerk. Health Agent, Shelagh Collins was also present.

OPEN MICROPHONE

Mrs. Giroux asked if anyone was present for open microphone.

No one was present for open microphone.

ACCEPTANCE OF MINUTES

Mr. Grady made a motion to accept the Meeting Minutes of November 5, 2018 with a correction. Mrs. O'Rourke seconded. Four (4) voted in favor, one (1) vote abstained (Robert Reader).

BOARD OF HEALTH BUSINESS

Health Department Activity Reports

Mrs. Giroux stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the months of November, December 2018 and January 2019 are included in the Board's package.

Mr. Berube explained that the Public Health Nurse, Christine West continues with her routine activities and Communicable Disease Case follow-ups. Flu vaccine is still available contact Christine West, RN at 978-671-0932. Christine explained that the Massachusetts Department of Public Health has posted on their website the cancer incidence in cities and towns. Billerica is slightly higher for the following observed cancers: bladder/urinary, colon/rectum, leukemia, lung/

bronchus. However the incidences are not significantly higher from what was expected.

Mr. Berube asked the Board Members if they had any questions regarding Christine's report.

The Board Members did not have any questions.

Mrs. Giroux stated the next report is from Health Agent, Phavy Pheng.

Mr. Grady asked if Crescio sold the Irish American property on Middlesex Turnpike.

Mr. Berube replied that Crescio sold the property and a hotel was supposed to be built on that property. However that was voted down. The proposed plan now is to build an assisted living facility. The new owner is working with Rob Anderson. They may need to appear before Town Meeting for approval for the assisted living facility.

Mrs. Giroux asked the Board Members if they had any questions regarding Phavy's report.

The Board Members did not have any questions.

End of 2018 Beaver Management Report

Mrs. Giroux stated the next item is the end of 2018 Beaver Management Report.

Mr. Berube explained that trapping activity continues in the same typical places. Glad Valley Drive and Gray Street still have issues. The Gray Street/Railroad Culvert beaver trapping activity is now the responsibility of the railroad.

Mrs. O'Rourke stated there are five (5) sites listed on the report that we do not monitor. Why don't we monitor those areas? 37 Manning Road is one.

Mr. Berube explained that the Town is not paying to resolve issues on private properties.

Mrs. O'Rourke asked what if they have a problem.

Mr. Berube replied it is the property owner's responsibility. They can contact Beaver Solutions to resolve their issues.

Mr. Grady asked about the sale pending at 164 Lexington Road.

Mr. Berube replied that is part of the re-development project across from the 99 Restaurant.

Mr. Grady asked about Nutting Lake Route 3 Culvert being corroded and not being maintained.

Mr. Berube replied it is being monitored.

Mrs. Giroux asked about the property on Dudley Road.

Mr. Berube explained that the owner decided to hire someone on his own to take care of the beavers.

FY18 Annual Town Report

Mrs. Giroux stated the next item is the FY18 Annual Town Report.

Mrs. O'Rourke stated that there seems to be an increase in Building Permit Reviews.

Mr. Berube explained that there is a lot of building projects going on in town that are being reviewed.

Mrs. Giroux commented that is a great job in putting together the Annual Town Report.

Mr. Berube replied that Joanne White, administrator compiles the data for the report.

Proposed FY20 Budget

Mrs. Giroux stated the next item is the Proposed FY20 Budget.

Mr. Berube explained that most of the budget is level funded except the salary budget. There is a decrease in the overall budget because the new Health Agent, Shelagh Collins started on February 11, 2019 at Step 1 on the wage and salary scale.

Mr. Berube asked the Board Members if they had any questions.

The Board Members did not have any questions.

Retirement of Director

Mrs. Giroux stated the next item is the Retirement of Richard Berube, Director.

Mr. Berube explained that he has given his notice to the Town Manager that he will be retiring as of the end of November 2019. Mr. Berube explained that it is time for him to move on.

Mrs. Giroux and the Board Members wished Rich Good Luck and thanked him for all he has done for the Health Department.

Mr. Berube stated that this department has done a lot of hard work over the years and the Board has supported me throughout all the projects. Hopefully all the hard work I have done will be appreciated.

Introduction of New Health Agent – Shelagh Collins

Mrs. Giroux stated the next item is the Introduction of the New Health Agent, Shelagh Collins.

Mr. Berube introduced Shelagh Collins to the Board Members.

Mr. Berube requested that Shelagh give a brief explanation of why she wanted to be a health agent in the Town of Billerica.

Shelagh Collins identified herself. Ms. Collins explained that she graduated from the University of Lowell with a Bachelor of Science Degree in Community Health and a Master's Degree in Health Management. Ms. Collins stated that she previously worked for Elder Services in Lawrence. I have seen a lot of issues when I conducted home visitations for elder services. I am excited to move from the social services side to the health side. My interest is in Health and to learn all the tools of the trade.

The Board Members welcomed Ms. Collins.

8 Carter Avenue – Waiver of Regulations for Demolition of Dwelling

Mrs. Giroux stated the next item is 8 Carter Avenue, Waiver of Regulations for the demolition of dwelling.

Mr. Berube explained that last spring the Board voted to support a proposed article at Town Meeting to purchase 8 Carter Avenue. The Board of Health had an enforcement issue with this property. This property is located off Nashua Road along the Concord River and is entirely within the Green Engineering Flood Plain. Isabel Tourkantonis, Director of Environmental Affairs for the Conservation Commission is the person who did all the work to push the purchase of this property. It will resolve all the enforcement issues that both departments have. The existing structures on the property will be demolished. It will increase flood storage. The property will be returned back to its natural state. The Town Engineer, Kelley Conway has submitted a letter regarding this matter and requested that the Board grant the waiver.

Mrs. O'Rourke asked if there will be a plan to build on that property in the future.

Mr. Berube replied no, however there has been a discussion that maybe in the future a boat launch will be constructed.

Mr. Reader made a motion to grant the Waiver of Billerica Health Regulations to allow the demolition of existing structures in the flood plain at 8 Carter Avenue.

Mr. Grady seconded. So voted unanimously.

7:15 p.m. Lynnway Auto Auction – 36 Sterling Road - Request for an Extension of Variance and Stormwater Management Permit

Mrs. Giroux stated the first hearing is Lynnway Auto Auction, 36 Sterling Road requesting an Extension of Variance and Stormwater Management Permit.

Conor Nagle, vhb, Inc. representing Lynnway Auto Auction identified himself. Mr. Nagle explained that the Board approved a variance and stormwater management permit for the project located at 36 Sterling Road in January 2017. The improvement of this site is part of a master plan of improvements. We have been working with the Army Corps and MassDEP to obtain all the required permits. We have finally received all the permits necessary to do the work. Due to the

potential winter conditions we are requesting an extension to allow for the construction to resume in the Spring of 2019.

Mrs. O'Rourke asked has an extension been granted for this variance and stormwater management permit before.

Mr. Berube replied not for this project. The Board granted an extension for the Sullivan Road project.

Mrs. Giroux asked when does the Sullivan Road project expire.

Mr. Berube replied that vhb came before the Board for an extension last year.

Mrs. Giroux suggested that the extension be made to coincide with the Sullivan Road project.

Mr. Berube asked Mr. Nagle is the plan to do all the work at both projects at the same time.

Mr. Nagle explained that the work will be done consecutively.

Dr. Villar made a motion to grant an extension of the Variance and Stormwater Management Permit for the project located at 36 Sterling Road to coincide with the Sullivan Road project.

Mr. Grady seconded. So voted unanimously.

7:20 p.m. Lisa O'Connor – Proposed Plastic Bag Ban Articles

Mrs. Giroux stated the last hearing is Lisa O'Connor, Proposed Plastic Bag Ban Article.

Lisa O'Connor, 8 Michael Road identified herself. Ms. O'Connor stated that she has lived in Billerica for over 30 years. Ms. O'Connor explained that she submitted an article to the Town Manager's office to be presented at Spring Town Meeting. Ms. O'Connor explained that a copy of the General By-Law Article is included for the Board Members to review. The article has been generated from surrounding towns that currently use the plastic bag by-law. Ms. O'Connor asked the Board Members if they have any questions.

Mrs. Giroux stated that she has worked with Lisa on this project. This ban is something that is coming down from the State. I am in full support of this article. I checked with Town Counsel, Richard Berube and the Town Manager and I do not have to exclude myself. I am not in violation.

Mr. Berube explained that Ms. O'Connor is looking for the support of the Board for this warrant article. As she mentioned there are a number of surrounding towns that are using the plastic bag reduction by-law. I included some information from the Town of Westford. They have instituted the by law. The article addresses a couple of my concerns. The first is plastic bags being used for frozen foods, meats and fish and Section 4 on Enforcement should be deleted and just reference the Board of Health Regulations for offenses.

Mrs. Giroux explained that the penalties are not punitive. The goal is not to fine anybody. It is just there to make everyone is aware that there is something in place. It is not meant to be as strict as a tobacco fine.

Mr. Berube stated that he would rather it just references Chapter 1 under Penalties. I think it is a fine idea however it is just something else that the Board of Health will be responsible for. I have already talked to other towns and they all wish that it was not under the Board of Health's jurisdiction. We already have enough to do. I am not going to oppose it however this is not a priority for the Board of Health. If we receive a complaint or are doing a routine inspection we will check that they are no longer using plastic bags however, we are not going out of our way to check out establishments for plastic bags.

Mrs. Giroux asked the Board Members for their comments or concerns.

Dr. Villar replied that she has no questions.

Mr. Grady stated that he is opposed to the article. It is a tax on business and a tax on consumers. I know there are many people that come to Billerica to shop because we do not have this ban. There are many reuses of plastic bags. Mr. Grady explained the additional uses. I feel this is very intrusive on the community. What will be next, banning styrofoam cups and drinking straws? If the State wants to enforce it, I am fine with it. I will never support it. I think the residents in Billerica should be allowed to vote on it. I don't agree to just bringing it to Town Meeting. I don't like someone telling me what to do.

Ms. O'Connor replied that it is okay everyone is entitled to their opinion.

Mr. Reader stated that he agrees with Mr. Grady. When does it stop? Next it will be styrofoam cups and straws.

Mr. Grady stated so now the establishments will use paper bags. Paper bags are not that sturdy. The handles break and I have seen glass items fall through and break causing a bigger mess.

Mrs. Giroux stated that Lisa can still go to Town Meeting with this article.

Mrs. O'Rourke commented that Mr. Grady has a lot of good points. I think it should be put on the Town ballot and let the people that live in this town make that decision. He is right what will be next.

Mr. Grady explained that Beverly enforces this By-Law. The people pushed to have the stores supply the residents with canvas bags to use. Senior people do not want to pay for bags. They like the plastic bags because they can reuse them and paper bags fall apart.

Mrs. Giroux stated that part of the problem is that plastic bags are ending up in our recycling system and therefore, contaminating our recycling.

Mr. Grady stated just like people that throw pizza boxes in the recycle barrel. That is not the systems fault.

Mrs. Giroux stated it is not the trash company's problem. The plastic bags are jamming in the recycling machines.

Mrs. O'Rourke and Mr. Reader agreed that this should be voted on by the residents.

Dr. Villar made a motion that the Board of Health would support the Proposed Plastic Bag Warrant Article.

Mrs. O'Rourke seconded. Three (3) voted in favor. Two (2) votes opposed (Mike Grady and Robert Reader).

Mrs. Giroux thanked Ms. O'Connor for her presentation.

Mrs. Giroux asked if anyone has anything they would like to discuss.

Dr. Villar explained that she went on the EMD Serono Tour. It is a great project. They will be reaching out to all Boards. The facility is fantastic. There is a lot of lab space. There will be a lot of jobs available. The conference rooms were large and well designed.

Mr. Berube stated that it is a fantastic company and facility. They have been very easy to work with. They have done everything that the Board of Health has requested. The architectural design is very modern and well designed. The engineers and contractors have been excellent to deal with.

Mrs. O'Rourke made a motion to adjourn. Dr. Villar seconded.

The Board adjourned at 8:10 p.m.

Respectfully submitted,

Mike Grady
Secretary

Joanne M. White
Recording Clerk