



# ***Billerica Board of Health***

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

Kristel Bennett, Director

## **BOARD OF HEALTH MINUTES March 2, 2020**

Mike Grady, Chairman called the meeting to order at 7:00 p.m. Also in attendance were Robert Reader, Vice Chairman, Sandra Giroux, Secretary, Marie O'Rourke, Dr. Elizabeth Villar, Kristel Bennett, Director and Joanne White, Recording Clerk.

### **OPEN MICROPHONE**

Mr. Grady asked if anyone was present for open microphone.

No one was present for open microphone.

### **ACCEPTANCE OF MINUTES**

Mr. Reader made a motion to accept the Meeting Minutes of February 3, 2020 with a correction. Mrs. O'Rourke seconded. So voted unanimously.

### **BOARD OF HEALTH BUSINESS**

#### **Health Department Activity Reports**

Mr. Grady stated the next item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the month of February are included in the Board's package.

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

Mrs. Bennett explained that Christine West, Public Health Nurse has submitted two (2) reports to bring the Board Members up to date on the her activities.

Mr. Reader asked if flu vaccine is still available.

Mrs. Bennett replied yes.

The Board Members did not have any questions.

Mr. Grady stated the next report is from Health Agent, Phavy Pheng. Mr. Grady asked if the Board Members had any questions regarding Phavy's report.

Mr. Reader stated that the property at 40 Tower Farm Road is still a disgrace.

Mrs. Bennett explained that Phavy went to court for 40 Tower Farm Road and the Clerk Magistrate granted the owner thirty (30) additional days to clean up the property.

Mrs. Bennett explained that Phavy also went to court for 42 Friendship Street. However the owner did not show up. The Clerk Magistrate issued a warrant to arrest.

Mr. Grady stated that the last report is from Health Agent, Shelagh Collins.

Mrs. Giroux asked for an update on the Newtowne Grill's violations.

Mrs. Bennett explained that they have complied with all the sanitary requirements for the kitchen with the exception of the roof. The ceiling and roof need to be repaired. The owner has scheduled to have the ceiling and roof repaired in the spring. I suggested to Shelagh that she periodically checks the establishment based on the weather conditions to ensure that the roof is not leaking into the food area. If there is any water leaking immediate action needs to be taken.

Mrs. Bennett explained that the owner has been notified that Shelagh will be checking periodically to ensure that the roof is not leaking. The owner has spread himself too thin and has not been focusing on the Newtowne Grill.

Mrs. Bennett explained that Shelagh will be shadowing another food consultant in North Attleboro to see how other people operate and handle inspections. I walked her through several processes with an establishment that was having problems with their refrigeration unit.

Mrs. O'Rourke stated that she would rather Mrs. Bennett provide direction and training to Shelagh and not a food consultant in another town.

Mrs. Giroux agreed.

Mrs. O'Rourke stated that Shelagh needs guidance on how to be a stronger health agent. Mrs. O'Rourke also stated that she would prefer that Mrs. Bennett provide that guidance.

### **Miscellaneous**

Mr. Grady stated that he received an email regarding the Municipal Vulnerability Preparedness Workshop. Mr. Grady asked Mrs. Bennett to explain about the grant.

Mrs. Bennett explained that the Municipal Vulnerability Preparedness Workshop is a Planning Grant. Rob Anderson is leading this program. One of the steps to receive funding for emergency management is to hold a workshop. The workshop is eight hours. Mr. Anderson has requested that all Board Members or Community Members attend this workshop. The purpose of the workshop is to discuss the infrastructures, businesses and natural resources in Billerica. Mrs. Bennett talked about the workshop objectives and the need to identify immediate opportunities for advanced actions that could help reduce the impact of hazards and increase resilience in our community. For further information you can contact Rob Anderson at [randerson@town.billerica.ma.us](mailto:randerson@town.billerica.ma.us). Please RSVP to Rob as soon as possible if you plan on attending.

Mrs. O'Rourke requested that Mrs. Bennett provide the Board Members with an update on the outcome of the meeting.

Mr. Grady requested that Mrs. Bennett update the Board Members on the ADA Requirements for Service Animals.

Mrs. Bennett explained that included in the Boards packet is a copy of the ADA requirements that is being provided to the food establishments that have a problem with Service Animals and where they are allowed. Mrs. Bennett stated that the document explains where Service Animals are allowed to accompany people with disabilities in public places. The next item explains that Service Animals must be under control. The manager observes the dog handler and the dog to see that they are leashed or harnessed. Under Exclusions when it is not obvious what service an animal provides, only limited inquiries are allow. The staff may only ask two questions. Is the dog a service animal required because of a disability and what work or task has the dog been trained to perform? I have reached out to my contact, Moss Lynch for suggestions on how to educate the general public on service animals in public places.

Mrs. Giroux stated that she would appreciate that because the other day she saw a non-service dog in Market Basket. It was a small dog that was sitting in the shopping cart basket.

Mr. Grady asked has information been sent out to all food establishments.

Mrs. Bennett replied that she does not think that this information has been sent out before. If I do not get a response from the State I will send out a letter with the ADA attachment.

### **Tobacco Control and Vaping Update**

Mr. Grady stated the next item is Tobacco Control and Vaping Update.

Mrs. Bennett explained that Ron Beauregard, Healthy Community Tobacco Control Coordinator held a training in the Billerica Town Hall for all Billerica and surrounding communities tobacco retailers. Approximately 20% of the establishments attended. I will be attending a training provided by the Massachusetts Tobacco Control Program (MTCP) in a few weeks for local Boards of Health. MTCP will provide training regarding the new laws and the updates that apply.

Mrs. Bennett explained that she researched the new tobacco regulation and state law and how the Board of Health could address their operation at 6 Cook Street. One of the businesses is a manufacturing distributor and the other is an online retailer. I planned on purchasing products from

the online retailer and have the products delivered to Billerica. Should that be successful then I will have proof that they are retailing in Billerica. The Police Department, Gerald Roche, Building Commissioner, Mark LaLumiere and myself plan on conducting a site visit next week to see what operations are going on. The manufacturing area has a display of vape products that are open to the general public. That also needs to be addressed under the regulations. The display needs to be under a locked door. I cannot go in and legally confiscate everything. I want to make sure the local regulations and the state regulations back me up with a plan to address this issue. They have twelve (12) LLC's under different names. Possibly something else is going on.

Mr. Grady asked Mrs. O'Rourke how the meeting went with Mr. Beauregard.

Mrs. O'Rourke stated that Mr. Beauregard's presentation was very informative and the people that attended asked questions.

### **Plastic Bag Ban Update**

Mr. Grady stated the next item is the Plastic Bag Ban Update.

Mrs. Bennett explained that starting July 1, 2020 grocery and retail stores will no longer be able to use single use plastic bags. This notice will be mailed out to all retail establishments. Inspections will start on July 1, 2020. A follow-up inspection will be conducted in October to see how everyone is doing.

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

The Board Members did not have any questions.

### **Coronavirus Update**

Mr. Grady stated the next item is the Coronavirus Update.

Mrs. Bennett explained that on Friday afternoon, she met with the Town Manager, the School Department and Fire Department to discuss sending out a message to the general public. We met today and listened to a Conference Call from the State. The Coronavirus is coming and will be more prevalent in weeks to come. The symptoms are fever, headaches and shortness of breath. The folks that are already compromised and have problems breathing will have issues. There are a lot of unknowns and anxiety with the general public. It is a situation that is rapidly developing. Hand sanitizers and wipes have been purchased for the residents to use at the polls. At this time there is only one positive case in Massachusetts it was someone coming back from China. We are also trying to prevent the spreading of any type of respiratory illness or the flu.

Mrs. O'Rourke asked how can you tell if it is the regular flu or the Coronavirus.

Mrs. Bennett replied only by testing.

Dr. Villar explained that in the next few weeks there will probably be a spike in confirmed cases. The Center for Disease Control (CDC) are doing preliminary assessments however they will not know how many confirmed cases until the test results come back. The CDC already knows

there are a number of people that may have the Coronavirus however the cases have not been confirmed yet. So in the next few weeks there will be a spike in numbers. That does not mean that all of a sudden more people have it. It just means that more people than they thought are now confirmed cases.

Mr. Reader asked is the Coronavirus worse than the flu that we have every year.

Dr. Villar replied that the mortality rates are similar. Dr. Villar explained the difference in mortality rates from 2019 to present with both flu's. If you seek medical attention you are more likely to do well with it. About 80% of the people that get the virus do not experience severe symptoms. Only about 20% of the people that have severe respiratory issues or pneumonia complications get the virus. Most of the people just get a cough or a fever with flu symptoms.

Mr. Reader asked was it worse in November and December 2019 than it is now.

Dr. Villar replied that the mortality rates were higher because it was not being addressed properly. All the steps were not in place because medical treatment was not provided. People 60 years of age and older are getting hit harder because of their immune system. The younger population is not being hit as hard. The CDC has been very good with daily updates on their website.

The Board Members did not have any further questions.

### **Micro-blading Discussion**

Mr. Grady stated the next item is Micro-blading Discussion.

Mrs. Bennett explained that at the last meeting there was a discussion with Blackbird Tattoo regarding Micro-blading. The owner of Blackbird Tattoo came before the Board and presented their case. I have researched other communities that offer micro-blading. My recommendation at this time is not to change the regulations. Mr. Berube put a lot of time into crafting the regulation and the Board approved it. The regulation is working and serving the community well. I have a lot going on and do not want to change the regulation at this time. It would take approximately 6 months to a year to adequately train the staff. At this time I have too much work to do.

Mr. Grady stated that he understands and it would take time to train the staff and agrees with Mrs. Bennett.

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

The Board Members agreed to support Mrs. Bennett's decision to wait until she feels more comfortable with crafting a new regulation.

Mrs. Bennett explained that her intention was not to make any abrupt regulation changes. My intention is to explore things, see how the department functions and what improvements need to be made.

**7:15 p.m. Stacey A. Sweklo-Bradley – 2 Beaconcrest Court – Request for a Variance for Work within the Flood Plain**

Mr. Grady stated the last hearing Stacey A. Sweklo-Bradley, 2 Beaconcrest Court, requesting a Variance for work within the Flood Plain.

John Noonan provided the Board Members with a large scale drawing of the proposed plan for 2 Beaconcrest Court.

John Noonan, Noonan & McDowell, representing the owner Stacey A. Sweklo-Bradley identified himself. Mr. Noonan explained that the property lies entirely within the Green Engineering Flood Plain (GEFP) and the FEMA Flood Plain. Mr. Noonan pointed to the plans and explained that the applicant proposes to tear down the existing one story house and the Three Season Room that sits on top of the existing deck. The house lies within the 25 to 100 feet of the GEFP. Nutting Lake is associated with Zone A FEMA Flood Zone elevation of 190.1. No activity is proposed within the FEMA Flood Zone except for plantings and a path. The basement floor elevation will be at 191.17. There will be no loss in flood storage. A new deck and rails will be installed using the existing deck frame. Mr. Noonan pointed to the plans and explained that the chimney on the west side of the residence will be removed. The proposal is for a dripline trench on the west side of the residence. The Conservation Commission has requested that erosion control devices be installed and maintained until their removal is approved. Mr. Noonan stated that he would answer any questions the Board may have.

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

Mrs. Giroux asked if they will be using the same footprint.

Mr. Noonan replied yes. There will be less impervious surfaces because the Three Season Room will be eliminated.

Mrs. Giroux asked will the deck be built on stilts.

Mr. Noonan replied the deck already sits on posts, we are just taking the Three Season Room off.

Mrs. Giroux commented that this will improve the area for drainage.

Mrs. O'Rourke asked how old is the house.

Mr. Noonan replied the house was built in 1920.

Mrs. O'Rourke asked when did they add on the deck and Three Season Room.

Mr. Noonan replied he did not know.

Mr. Reader asked will the foundation be strong enough to support the proposed house.

Mr. Noonan replied that the structural engineer's report stated that a concrete cap will be installed so that they can anchor the new stilts on the foundation.

Mr. Reader stated that it is mentioned that the demolition will be by hand.

Mr. Noonan replied they will use chain saws to take it apart.

Mr. Reader stated that behind the house there is a section without vegetation. What are the Conservation requirements?

Mr. Noonan replied that the Conservation Commission requested that the area be used for naturalization and plantings.

Mrs. Giroux made a motion to grant the Variance for work within the Flood Plain at 2 Beaconcrest Court based on the following findings of fact and subject to the standard conditions:

Mr. Reader seconded. So voted unanimously.

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

The Board adjourned at 7:45 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk