



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

June 22, 2020

Due to required Social Distancing as a result of the COVID-19 Pandemic the Billerica Board of Health held a Virtual Meeting on a Zoom Platform.

Mike Grady, Chairman called the meeting to order at 5:00 p.m. Also in zoom attendance were Robert Reader, Vice Chairman, Sandra Giroux, Secretary, Marie O'Rourke, Kristel Bennett, Director and Joanne White, Recording Clerk. Kelley Conway, Town Engineer was also in zoom attendance. Dr. Villar was not available for the Virtual Meeting.

Ed Camplese attended the Virtual Meeting.

OPEN MICROPHONE

Mr. Grady asked if anyone has joined the Virtual Meeting and would like to comment on Open Microphone.

No one joined online to comment on Open Microphone.

ACCEPTANCE OF MINUTES

Mrs. Giroux made a motion to accept the Meeting Minutes of March 2, 2020.
Mrs. O'Rourke seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

Mrs. O'Rourke made a motion to accept the Meeting Minutes of April 28, 2020.
Mr. Reader seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

BOARD OF HEALTH BUSINESS

Board of Health 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 months of May and June are included in the Board's package.

Mr. Grady stated the first activity report is from Christine West, Public Health Nurse. Mr. Grady asked if the Board Members had any questions regarding Christine's report.

The Board Members did not have any questions. Mrs. Giroux commented that Christine has done an outstanding job in handling the COVID 19 case reporting and follow-ups.

Mrs. Bennett explained that Christine has also been handling a Salmonella case during this pandemic. The Marshall Middle School Nurse, Helene Sullivan was a great help to Christine with all the COVID 19 case reporting and follow-ups. The Board of Health thanked Helene Sullivan for her help during this time. The COVID 19 cases have been reduced down to 1 or 2 a day. Christine is doing a great job with the COVID 19 cases.

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

The Board Members did not have any questions.

Mrs. Bennett stated that Phavy's report explains the cases she has been able to work on during this pandemic. Phavy has not been able to move forward with any of the ongoing housing cases due to the court system being shut down. Mrs. Bennett complimented Phavy on handling the daily complaints and ay issues that have been presented to the Health Department. Phavy has been investigating a noise complaint that an abutter reported regarding Waste Management. Phavy is a great asset to the Health Department.

Mr. Grady stated the last activity report is from Health Agent, Shelagh Collins. Mr. Grady asked if the Board Members had any questions regarding Shelagh's report.

Mrs. Giroux commented that Shelagh has been very business and her detailed report is very good.

Mrs. O'Rourke stated that Shelagh's report is very good and informative.

Mrs. Bennett stated that Shelagh has developed a plan for working with the restaurants on the new guidelines for opening. Shelagh has also been responding to complaints regarding no masks or gloves being worn. She is using more of her judgement in issuing warnings and tickets.

Mr. Reader explained that he went on an inspection at the Billerica Elks with Shelagh and she was very professional and did a great job.

Board of Health COVID 19 Update

Mr. Grady stated the next item is Board of Health COVID 19 update.

Mrs. Bennett explained that all the cases are reported on the Town of Billerica's website. As of Monday, June 22, indoor table service, body art and tattooing and nail salons are allowed to operate. Retail dressing rooms and offices are allowed to operate at 50 % capacity. The Health Department has been receiving calls from a number of restaurants for guidelines to operate indoor and outdoor seating. We have not been given a lot of advanced warning of what is to come so it has been challenging. The Town Hall is open to the public. We are resuming all of our inspections. Shelagh has been going to all establishments that have been closed to make sure they are in good sanitary conditions to re-open and operate.

Mr. Grady asked how are bar areas going to be handled. Will there be caution tape or will management make sure the guidelines are followed and no one will be allowed at the bar?

Mrs. Bennett stated that she spoke to Shelagh about the Billerica Elks and Billerica Moose Lodge today. Both lodges called to ask about the guidelines for indoor dining. They can have indoor or outdoor dining but it cannot be just bar service. They have to offer a meal and drinks can come with it. Exclusive bar service is not allowed. A lot of establishments call us if they are not sure of the proper operating procedures. We are also receiving a lot of complaints regarding the correct guidelines for using masks and gloves and to complain that an establishment is not operating properly.

Mr. Grady stated that Governor Baker's order stated that no bar service what so ever is allowed. No eating at a bar and no sitting at a bar. How are we going to handle the bar areas in some of the larger restaurants in town?

Mrs. Bennett replied that the State has given us information that a bar can be used for additional seating that is confusing to everybody. Social distancing has to be used in the bar areas and that could also be very confusing. I am discouraging them for using bar seating at all. If there is any confusion an establishment can contact the Board of Health for clarification.

Mrs. Giroux stated that her understanding is that the bar can be used for service but seats are not allowed at the bar. They can use the booths or tables near the bar but they cannot use the stools around the bar. They can serve from the bar but no bar stools are allowed at the bar.

Mrs. Bennett explained that if they have a physical partition at the bar such as Plexiglas they can have stools around the bar for food and bar service. However the 6 foot social distancing needs to be in place. It is too complicated.

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

Board of Health Emergency Order

Mr. Grady stated the next item under is Board of Health Emergency Order.

Mrs. Bennett asked the Board Members if they would rescind the Billerica Board of Health's Order for Masks and Food trucks and Ice Cream trucks. The Governor's order is in place for wearing masks. Since outdoor dining has been allowed I do not want to restrict Food trucks or Ice Cream trucks from operating as long as social distancing signage is put in place.

Mr. Grady stated the State's order supersedes the Board of Health's Order so our order is no longer needed.

Mrs. Giroux reiterated so you still need to wear a mask. Food trucks and Ice Cream trucks will be able to operate as long as they have signage for social distancing.

Mr. Grady replied that is correct.

The Board Members agreed to rescind the Billerica Board of Health's Order.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

5:15 p.m. Town of Billerica – 2020 Roadway Management Program – Request for a Waiver of Regulations

Mr. Grady stated the first virtual hearing is Town of Billerica, 2020 Roadway Management Program requesting a Waiver of Regulations.

Kelley Conway, Town of Billerica Engineer, identified herself. Ms. Conway thanked the Board for allowing the Department of Public Works (DPW) to work ahead of their approval. DPW was on a time constraint because of funding. The program consists of paving existing roadways, sidewalk improvements and other miscellaneous work on several roads. The work will be done in four (4) areas of Billerica. The Nashua Road project will run from Hawks Ridge Road down to the Concord River Bridge. Ms. Conway pointed to the plan and explained where new sidewalks would be added on Nashua Road from Simonds Farm Road to Treble Cove Road. There is an area in the middle that the sidewalks are being constructed by the private owner of the Sumner Farms Project. From a stormwater perspective we tried to minimize impact related to the sidewalks. On the north section of Nashua Road the roadway will be made narrow by a foot. On the south section of Nashua Road near the bridge we were able to reduce the paved area by two (2) feet. The existing sidewalks in the area of Ricca Farm Road and Cinnamon Drive will be removed. Water quality swales will be installed on the south section to provide stormwater treatment, promote infiltration and also address some existing drainage issues that we have with water crossing the roadway and freezing south of that. That is an overview of the work that will be done in the Nashua Road area. Ms. Conway pointed to the next map and explained that in the Tercentennial Drive area work would be done on the existing sidewalk areas. There are three (3) locations within the neighborhood that we want to expand sidewalks. The plan is to expand the sidewalk areas on Courtland Lane and Putney Circle. We are reducing pavement to offset the increase in impervious area. At the intersection of Russet Road and Blossom Drive we will be minimizing the pavement width. The plan is to remove the paved area on the sides of the cul-de-sac on Putney Circle and narrow the intersection of Blossom Drive and Russet Road and reduce the pavement area at the dead end of Meadowlark Way. Meadowlark Way is within the FEMA Flood Plain. The next location is School House Lane. The existing sidewalk and curbing are in good condition so we will just preserve the area and limit our work to the existing roadway and minor repairs to the sidewalk area. The last area is on Boston

Road. The plan is to install a new water main between the Concord River Bridge, located near Stelio's Restaurant to Floyd Street. This is in the area where Mass DOT was planning to pave once the town replaced the water main. Since then Mass DOT cut back their limits of their project. Mass DOT's project ends at the bridge. Our project begins at the bridge. We are hoping that Mass DOT will come back at a later date and extend the paving. Our project will be limited to just a trench patch within Boston Road. All the road work will result in no adverse impact. All areas will be stabilized upon completion of the project. DPW is planning to reduce the scope of this year's work because of the uncertainty with the amount of funding that the town is going to be getting from the State. If we need to take off any roads for this year's work it will be shifted to next year's project. Ms. Conway stated that she would answer any questions that the Board may have.

Mrs. O'Rourke asked will the work on Boston Road help to alleviate some of the water problem near Medical Pharmacy located at 221 Boston where the water comes up over Boston Road.

Ms. Conway replied the work the town is going to do is limited to replacing the water main in the street we are not paving we are just doing a trench patch. Mass DOT's work was limited to just paving the road. Ms. Conway explained that the town is planning a major reconstruction project from Simmons Lane all the way up to River Street. That project is scheduled for 2022.

Mr. Reader asked are the plans for the left hand turn on River Street part of that project.

Ms. Conway replied no, that is not in the scope of that project. However we do plan to do that in the future.

Mrs. Giroux asked what roads you would be dropping if you have to.

Ms. Conway replied some roads in the Tercentennial Drive and Russet Road neighborhood.

Mrs. Giroux asked will those roads be prioritized next year.

Ms. Conway replied yes that would be the plan.

Mrs. Giroux asked how long do you think the water being shut off would disrupt the businesses and residents on Boston Road.

Ms. Conway stated that a lot of the businesses are fed from the back so there will not be a lot of disruptions.

Mr. Reader made a motion to grant a Waiver of Regulations to the Town of Billerica for the 2020 Roadway Management Program based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request, and as per plan submitted by the Billerica Department of Public Works, is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1)(2).

- 2) The project consists of paving and/or sidewalk improvements to the following roads: Anniversary Way, Arrow Street, Baldwin Road, Blossom Drive, Brandon Street, Champa Road, Courtland Lane, Ichabod Lane, Kenwood Street, Lois Lane, Meadowlark Way, Nashua Road, Putney Circle, Russet Road, School House Lane, Tercentennial Drive and Walton Street and also replace the water main on Boston Road from Simmons Lane to the Concord River Bridge. The majority of the proposed work is outside of the flood plain. However, work located on portions of Nashua Road are within or in proximity to the Green Engineering Flood Plain and or FEMA Flood Plain.
- 3) The project will improve safety for motor vehicle and pedestrian traffic as well as upgrade stormwater management. The proposed work will not adversely impact the flood plain. Alterations caused by the paving operations will be temporary and all disturbed areas will be restored to preconstruction grades to the extent practicable and stabilized.
- 4) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment, and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Standard Conditions # 2, 4, 5, 6, 10, 11, 12, 13, 14, 15, 24 and 25.

- A) All construction must be in accordance with plans and information submitted for review and approval, prepared by the Town Engineer.
- B) Submit a final detailed report on the work completed for the 2020 Roadway Management Project.

Mrs. O'Rourke seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

The Board Members thank Ms. Conway for her presentation.

5:30 p.m. Bella Pizza – 113 Boston Road – Appeal Hearing for a Notice of Violation

Mr. Grady stated the last virtual hearing is Bella Pizza, 113 Boston Road, Appeal Hearing for a Notice of Violation.

Mrs. Bennett explained that Guilherme Domingues, owner of Bella Pizza has withdrawn his request for the appeal hearing and paid the fine.

Miscellaneous Update

Mr. Grady asked Mrs. Bennett for an update regarding town activities.

Mrs. Bennett explained that she did an inspection at the new Billerica Memorial High School and the kitchen equipment in the dish room does not meet minimum standards and needs to be reviewed and installed properly.

Mrs. Bennett explained that a decision was made to extend the renewal of the Food Service Establishments Permits and Tobacco Permits until August 1, 2020.

Ron Beauregard, Healthy Community Tobacco Coordinator is notifying all tobacco establishments about the Regulations from the State regarding the new flavor tobacco restrictions that went into effect June 1, 2020.

Mr. Grady asked do you think some of the food establishments are not going to re-open.

Mrs. Bennett replied it is too soon to tell.

Mrs. O'Rourke commented that Rick's Cafe is not going to re-open. Mrs. O'Rourke asked do you think in the near future we will not have to wear a mask.

Mrs. Bennett replied I do not think Governor Baker will remove that order until there is a vaccine in place. Masks are affective and reduce the transmission. The CDC states that masks are affective. When you go into public places you need to wear a mask. When you are outside and cannot social distance you should also be wearing a mask

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

The Board Members did not have any other questions.

Mrs. O'Rourke made a motion to adjourn. Mr. Reader seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

The Board adjourned at 5:40 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk