

MINUTES OF THE BOARD OF HEALTH MEETING

February 11, 2009

The meeting convened at 1:10 PM. Present were Chairman Louis Fazen, III, Members Nancy A. Sacco and Richard H. Seder, Public Health Director Paul C. Pisinski, Public Health Nurse Leslie Chamberlin, Sanitary Inspector Dennis Costello and Administrative Assistant Barbara M. Luther.

TOPIC	Members were briefed on the agenda and any scheduled appointments
BRIEFING	There is one Public Hearing regarding a MacNeil Dr. variance request from B&B Realty Trust, which will be presented by Mr. Peter Bemis, Engineering Design Consultants, an MRC/CERT report from Andrew Gleckel, and D.J. Wilson, Esq. MMA Tobacco Control Attorney will discuss banning Hookah and Cigar Bars as well as review Southborough's Tobacco Control Regulations.

PETITIONS/PUBLIC HEARINGS

TOPIC	2:00 PM – Public Hearing – MacNeil Dr. Peter Bemis/Jack Bartolini Variance requested to CMR 15.211 sec, (1)Reservoirs; 400’ required, 200’ provided (Present, other than board members and staff, were: Mr. Peter Bemis, Engineering Design Consultants., John Bartolini, B&B Realty Trust (property owner) Jack Bartolini, son of John Bartolini and owner of Bartolini Builders. Abutters, Ron Edgren, 7 MacNeil Dr., and Isabel Murphy, 11 MacNeil Dr).
DISCUSSION	Mr. Bemis presented his proposed design for the system and the issue of its proximity to the Sudbury Reservoir. Mr. Bemis explained the criteria for granting such a variance. One is that to deny it constitutes a Manifest Injustice to the owner. He explained that the lot had been created in the 1960s and has been taxed as a buildable lot ever since then. Several other homes in the development have systems closer to the reservoir than the proposed system. There is no evidence of a negative effect on the reservoir from the systems installed 40 years ago. Not until 1995 was the setback requirement increased to 400’. The proposed system provided equal protection to the environment as if it met the setback distance due to the impervious barrier which surrounds the system. The reservoir is not actually classified as a Class A drinking water supply and will never be used for drinking water. However, it is afforded the same protection under the new Title 5 Code. The Code allow this proposal to be approved at the 200’ setback provided with a comment from DCR. Abutters were allowed to ask questions of both the inspector, board members and Mr. Bemis.
ACTION	Variance was unanimously approved and sign. To be released after receipt of DCR’s response or the elapsed comment period has passed
PENDING	Release of the permit and plans

TOPIC	2:30 PM – Andrew Gleckel – MRC/CERT Update Mr. Jeff Rosenberg attended the meeting with Andrew Gleckel
DISCUSSION	Mr. Gleckel reported to the members that there are over 40 members in the combined MRC/CERT. He has been working with the Citizen’s Corp representative for the State who has said that Southborough’s joint venture of the combined MRC/CERT is a great idea with the cross training that is taking place. Mr. Rosenberg attended with Mr. Gleckel to explain the application the MRC/CERT will be submitting to become a 501 3C organization. This will allow them to accept donations from people and businesses wanting to support them. Liisa Jackson of Region 4A is also applying for a 501 3C status on a larger scale. There was a discussion about the board’s authority regarding the spending of funds, because if large items are purchased or accepted as gifts and they will require on going up keep that may affect the town’s budget. The Board of

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	<p>Selectmen must approve the purchase/gift. A "Call Down List" has been developed and training will be provided such as shelter Training, Emergency Dispensing Instructions, Psychological First Aid, which will allow people from Southborough to be deployed in cases like the December ice Storm. A new web site has been developed for the MRC/CERT it is southboroughcertmrc.org., which will also help with verification of licenses and credential confirmations. An Eagle Scout has taken on the project of bringing the trailer into operational mode.</p>
ACTION	<p>At least one board member will be on the MRC/CERT Board of Directors, to assist with decisions on use of funds.</p> <p>MRC/CERT team members will be able to be deploy to other towns once the scheduled training is completed</p>
PENDING	<p>Board of Directors must be organized by the MRC/CERT and Board of Health members will chose one member</p> <p>MRC/CERT will provide first aid and traffic assistance at: Heritage Day Summer Nights Marathon</p>

NEW BUSINESS

TOPIC	Need to sign memo to Town Accountant closing the Upper Blackstone Water Pollution Abatement Account because we no long pay for the disposal and than have the pumping companies pay us.
DISCUSSION	The reason for the account being created in the first place was explained to the board members. The account is not longer needed because Southborough no longer pays Upper Blackstone Water Pollution Abatement District
ACTION	The letter dissolving the account was signed
PENDING	Send letter regarding the account to Town Accountant

REPORT ON CORE DIRECTIVES

TOPIC Tobacco Control	3:30 PM – D.J. Wilson Attorney Mass Municipal Association Tobacco Control Advisory – Hookah/Cigar Bar Discussion
DISCUSSION	<p>Mr. Wilson has reviewed Southborough's Tobacco Regulations on Youth Access and found it to be good. However, because Southborough doesn't have a non-criminal disposition policy the board would need to give a Health Order to a violator, and if they don't pay it becomes a criminal case. A non-criminal disposition needs to be approved by Town Meeting but isn't a criminal offence, unless the vendor refuses to appear at a hearing.</p> <p>As an FYI, Mr. Murphy explained that on Feb. 9, 2009 the city of Boston banned pharmacies from selling tobacco products.</p> <p>Mr. Murphy explained that State Law allows smoking bars, and a smoking bar must prove that at least 50% of the revenue comes from selling tobacco. Hookah bars have opened in 13 cities or towns in the state and the closest one to Southborough is Sudbury. He advised that he has been pushing for towns that don't have these bars to ban them before they try to open. Boston will be</p>

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	<p>phasing out their Hookah Bars over the next 10 years and since November has allowed no new Hookah bars. He reminded the board that all hotels and motels must be smoke free. He explained “blunt wraps” a flavored tobacco made wrap used to make cigarettes. However, when the board members spoke about banning these in town he suggested waiting until the Boston results are in. Dr. Fazen asked if an issued tobacco license to a pharmacy could be revoked. Mr. Wilson advised that Boston did just that. He said that a Board of Health can incrementally enforce the new regulation. Mr. Wilson advised that local BOH can exceed state regulations and ban smoking outside any eating establishment. Mr. Pisinski explained the issue at the Fayville Athletic Club and the quick compliance.</p>
ACTION	<p>Wait on banning Cigar/Hookah Bars, Pharmacy Sales of Tobacco until we get some sample regulations.</p> <p>Wait on banning the sale of blunt wraps until we see if there are any repercussions from the Boston ban.</p> <p>Mr. Wilson suggested waiting until a restaurant complains about a private club before addressing the status of private or not private</p>
PENDING	<p>Mr. Wilson to develop some regulations to be incorporated into Southborough’s regulations.</p>

TOPIC Emergency Preparedness	Mutual Aid Agreement with Region 4A Subcommittee
DISCUSSION	<p>Signing this document is part of the State’s 2008/2009 Deliverables. There was discussion about the format of the Mutual Aid Agreement, which would be entered into and who should be involved in its review.</p>
ACTION	<p>Board members reviewed the draft document and made some revisions. The members also requested that a copy of the document be reviewed by Town Counsel (TC) and the Board of Selectmen be notified of the members’ intent to sign the document once it is reviewed and approved as to form by TC.</p>
PENDING ACTION	<p>Staff to incorporate members’ changes to the draft into the final document; send it with a review request to TC. Pending TC approval prepare for Vote on 3/2/09</p>

TOPIC Emergency Preparedness	Deliverables & Call Down Drill – that will take place in 09
DISCUSSION	<p>Members were again encouraged to complete the NIMs courses, which can be taken on line.</p> <p>Mrs. Chamberlin advised the members that a “Call Down Drill” will happen sometime in 2009. The question arose about members and staff keeping the office aware of their absence, but it was determined that that will not be necessary. This drill is designed to test how emergencies will be handled when someone on the list being unavailable.</p>
ACTION	<p>Two members need to complete the required NIMs courses as soon as possible.</p>

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	<p>The call down list is in the Board of Health Emergency Planning Booklet, which upon completion will be provided to members.</p> <p>The system has already been partially tested, when a fire at Owen O’Leary’s occurred and the Fire Dept. couldn’t reach the first member on the list the second member was contacted.</p>
PENDING	<p>Members need to meet this deliverable.</p> <p>Completion of Summary Emergency Preparedness Handbook (Distribution)</p> <p>Streamlining of Board of Health Emergency Preparedness Manual</p>

Wellness/Obesity

TOPIC	In response to the State’s program on obesity the board members wanted to see if there are people in town that are interested in getting involved
DISCUSSION	<p>Mr. Pisinski contacted department heads to see if they would participate in such a forum. Doreen Ferguson, of Recreation told Mr. Pisinski that the issue of paths and trails seems to have been disapproved due to issues like no sidewalks, and liability issues. She liked the idea of a forum, but feels that Chairmen should speak to Chairmen regarding the forum. Recreation Chairman is Mark Murphy. Mr. Pisinski spoke with Superintendent of School Charles Gabron who is interested in sending representatives.</p> <p>D.J. Wilson, who attended the meeting to discuss Tobacco Control issues also works with the state on obesity issues. He told the members about the 5 3 2 0 program; 5 fruits & vegetables per day, less than 3 hours screen time, at least 2 hours of physical play and 0 tobacco use. He also spoke about the board creating a resolution to become more involved with “smart development” and will send a template for Southborough to use as a guide. A resolution can be provided to all developers.</p>
ACTION	<p>Mrs. Chamberlin will speak with the Head Nurse Laurie Pardi to see who checks BMI in town, because they check it in Northboro. We need to see how much of a problem, if any, there is in town.</p> <p>D.J. Wilson gave member the telephone number of Lea Susan Ojamaa of the state DPH who can assist with infra structure problems and can provide speakers for the forum. She also deals with chronic disease issues.</p>
PENDING	<p>A. who will be invited B. where will the forum be held C. date for forum D. who would undertake the B.M.I. of each student</p> <p>Contact Lea Susan Ojamaa for a speaker.</p>

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Working with other Dept.

TOPIC Working with other Dept.	Public Safety Personal Protection Kits for cruisers
DISCUSSION	Information only
ACTION	Mrs. Chamberlin provided the police department with 6 personal protection kits for the cruisers
PENDING	Officer Hagen/Sergeant in Charge Moran's – Safety and Priority Notification Policy

TOPIC	Water Department
DISCUSSION	None
ACTION	
PENDING	Continuing involvement in water related public health issues

NOTIFICATION OF ACTIONS BETWEEN MEETINGS

TOPIC	Brief follow-up report regarding Air Quality incident at the Neary Elementary School and Case Management of child's progress
DISCUSSION	Mrs. Chamberlin briefly reported on her continuing follow up of the 9 year old at Neary School, whose allergies had been severely affected by her classroom. Other children had also been affected, but not as severely as this one child. The child is still wheezing but nowhere near as bad as before the room was cleaned and the rug removed. The mother is satisfied with the Board of Health's & School's response. There is still concern about the roof. Mr. Pisinski reported that he is expecting an air quality report from the new Facility's Manager who is in the process of changing all the filters in the air exchange system. HUB Associates did the testing, but the report is not complete yet. However, this summer the air duct system will be replaced. The board members were pleased with the results which came about after this incident. Although only a few students appeared to be affected, <u>all</u> the children in the class experienced unseen affects. Mrs. Chamberlin reported that the mother had one more concern. She asked if the soil around the school was tested because she believes it was built on a dump. Mr. Pisinski explained that it was a residential dump, which does not contain the type of waste found in a commercial site. However, he advised that the dump was capped according to all the proper regulations and is continually probed to insure it safety.
ACTION	Inform the mother about the safety of the capped dump site under the soccer field. Continue to monitor progress of repairs.
PENDING	Receipt and review of the Air Quality Report. Summer time repair of the roof and air exchange system
TOPIC	Discussion - Criteria for the Dr. Timothy P. Stone Public Health Award and review of wording for the plaque
DISCUSSION	The wording on the plaque need to be such that anyone that makes a major contribution to the public health of Southborough can be suggested for the honor
ACTION	
PENDING	Plaque design, wording and presentation for Town Meeting.

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TOPIC	Mr. Pisinski's conversation with Town Counsel – Re: Contracts
DISCUSSION	Town Counsel contacted Mr. Pisinski regarding the duties listed in his contract, specifically “supervising on a day to day basis”. Mr. Cipriano asked Mr. Pisinski how he can do this with so few hours. Mr. Pisinski said that the Board of Health had tried to create the position of Administrative Agent, but were unable to do so. Mr. Cipriano stated that he felt that the Board should create such a position.
ACTION	
PENDING	Contracts to be signed on Friday or at next meeting. Creating an Administrative Agent Position, to better serve the town in a fiscally responsible way.

TOPIC	Southborough Motor Lodge Fire
DISCUSSION	Regarding the Southborough Motor Lodge fire, Mr. Costello advised that he has inspected the premises, met with the Fire, and Police departments as well as the Electrical Inspector. All were scheduled to meet at the motel for a joint inspection, but only Mr. Costello inspected. The electrical work is being done, the tenant that had created a hazard with his trash etc. was evicted, cleaned up the area and would like to return. Mr. Costello believes that more work should be done at the motel, but feels it should be a collaborative effort of all town departments.
ACTION	
PENDING	Final inspection and town wide response to the Southborough Motor Lodge issues.

TOPIC	Housing Compliant
DISCUSSION	Mr. Costello informed the Board of a housing complaint and issues that have arisen between a landlord and tenant on Cordaville Rd.
ACTION	
PENDING	More inspections expected.

BUDGET

TOPIC	Possible need to defend Nurses position (\$90 per hours was our contracted rate four years ago) Briefing on what we were provided for the \$90 per hour.
DISCUSSION	The Town is still short \$175,000 and is still looking at all department budgets. Board members were briefly advised of the less than acceptable service provided in the past by contracted nursing associations that did our communicable disease follow-up.
ACTION	
PENDING	Need to develop a “defense” of the Public Health Nurse position for Town Meeting.

The meeting adjourned at 5:25 PM

Respectfully submitted by: Barbara M. Luther, Administrative Assistant to the Board of Health