

MINUTES OF THE BOARD OF HEALTH MEETING

THURSDAY, MAY 27, 1999

ROOM 221, MEMORIAL BUILDING

FRAMINGHAM, MASS

The Board of Health meeting held on Thursday, May 27, 1999 was called to order by Chairman Adam Sisitsky.

Board Members Present: Adam Sisitsky, Chairman
Dr. Thomas Treadwell, M.D. , Secretary
Matthew Zettek

Staff Present: Robert T. Cooper, Public Health Administrator
Michelle Zeamer, Tobacco Control

ACCEPTANCE OF MINUTES - The minutes of the April 20, 1999 meeting were tabled.

PHILIPPA TAYLOR, MASSAGE THERAPIST - All necessary forms were submitted to the Board. The applicant was not present. Matthew Zettek motioned that the permit be accepted. Adam Sisitsky seconded. The motion passed unanimously.

FAROQ MIRZA, ANIMAL PERMIT - To keep two (2) goats at 154 Meadow St. All necessary forms were submitted to the Board. Mr. Mirza was present with his two (2) young sons. Mr. Mirza presented a petition to the Board. The petition was signed by many neighbors, including abutters, who were in favor of the Board granting the permit. Mr. Mirza explained to the Board that immediately following a visit from Rachel Williams, Health Agent, Mr. Mirza obtained a shed for the goats. Mr. Mirza also explained that he got the goats without a Board of Health permit because he had been told by someone at the Board of Health that he only needed a permit if he had more than three (3) goats. Rachel Williams later explained to him that it was necessary to seek a permit for even one (1) goat. Robert Cooper admitted that someone at the Board of Health may have misread the regulations. Matthew Zettek motioned to approve the permit for two (2) goats. Following the motion, Mr. Mirza said that he was in the process of obtaining a third goat. Matthew Zettek then motioned to amend his original motion to approve the permit for three (3) goats. Adam Sisitsky seconded the motion. The motion was passed unanimously.

8:00 P.M. Dr. Thomas Treadwell arrived at meeting.

PRESCOTT GARDEN CONDOS, POOL PERMIT - Request for a variance to allow a 15 1/2 year old lifeguard. Mr. Bela Peterffy, trustee, was present. He explained that Lauren Ditzian, 15 1/2 years old, was a certified lifeguard. She will be 16 years old in 4 months. Robert Cooper said that although state law requires that lifeguards be 16 years old the Board has the authority to granted the requested variance as long as it meets the spirit of the state regulation. Dr. Treadwell motioned that the variance be granted. Matthew Zettek seconded the motion. The variance was approved unanimously.

PUBLIC WORK, RECYCLING - Joe Pagano, Sanitation Superintendent, not present, but Robert Cooper explained to the Board that Public Works was interested in working with the Board of Health so that the Board would promulgate regulations requiring recycling in large complexes. There was no further discussion of the matter.

BODY PIERCING REGULATIONS - The Board discussed individual sections of the draft regulations.

- Section 8Cc Dr. Treadwell suggested replacing “. . . has a cold . . .” with “. . . refrain from body piercing if piercer has an acute contagious disease.”
- Section 3I Adam Sisitsky questioned the need for this section. Robert Cooper said that it was a good idea to require posting so the employees know what is required by OSHA. There was then a general discussion concerning who would be responsible to pay for required medical treatment. Robert Cooper said that workers' compensation insurance would have to pay for the treatment.
- Section 3H Dr. Treadwell asked what the Board of Health would do in that situation. Robert Cooper explained that nurses would follow-up on any such report to the Board of Health.
- Section 18 Matthew Zettek suggested changing the effective date to July 1, 1999.

There was a discussion of genital piercing. Robert Cooper said that the regulations from Salem, unlike Quincy and New Hampshire, Prohibit genital piercing. There is no provision in the Framingham Board of Health draft regulations. The Board discussed this and decided that it did not need to add such a provision.

Robert Cooper said that Master Piece Body Piercing on Rt. 9 is the only current body piercing establishment in Framingham. They support the regulations. There is no “grandfather clause” in the draft regulations.

Matthew Zettek motioned to approve the regulations with the modification to Section 8Cc and Section 18. Dr. Treadwell seconded. The motion was approved unanimously.

BETHANY HILL, POOL PERMIT VARIANCE - Request to license pool as a semi-public pool, with lifeguards only required when the public uses the pool, and not required when the nuns use the pool. No one from Bethany Hill was present. Robert Cooper said that until recently he was unaware of the pool. Currently only the nuns at Bethany Hill use the pool, but they want to make it available to others. They requested that the Board only require lifeguards when others use the pool, but permit the nuns to use the pool without a lifeguard. Matthew Zettek questioned what would happen if the nuns were using the pool without a lifeguard. Robert Cooper said that the Board could require that the nuns not swim when alone. According to Robert Cooper, if the Board granted Bethany Hill's request it would be possible for a pool, such as Chapel Hill, to say that the pool is only used by residents and they don't need a lifeguard. Adam Sisitsky added that the Bethany Hill nuns might be estopped from any claims against the Board as a result of an accident occurring without a lifeguard on duty because the nuns requested a variance. According to Robert Cooper, if the Board denied the request, the onus would be on the nuns not to swim without a lifeguard. Dr. Treadwell motioned to deny the request. Matthew Zettek seconded the motion. The motion to deny passed unanimously.

LORD CHESTERFIELD, POOL PERMIT VARIANCE - Anti-vortex Drain. No one was present from Lord Chesterfield. Robert Cooper explained that a lot of pools in Framingham have nine inch (9”) square drains. People can not find nine inch (9”) square anti-vortex drain covers. Another option, according to Robert Cooper, is to use another outlet on the line so that there can not be a vacuum. As long as the other outlet can not be turned off at the valve no one can be sucked into the drain. Lord Chesterfield is asking to remove a valve on their skimmer line so that it cannot be turned off. They will install an anti-vortex drain if they become available. Matthew Zettek motioned to accept the variance. Dr. Treadwell seconded. The motion passed unanimously.

MARIAN HIGH SCHOOL BINGO, ETS REGULATIONS VARIANCE - To either allow continued smoking at Marian Bingo, or to grant an extension of the effective date to September 1, 1999. Michelle Zeamer told the Board that she had been contacted by Doreen Hudson, Marian Bingo

Coordinator, concerning Marian's requests. Doreen Hudson was not present. After discussion by the Board Adam Sisitsky said that there was a general consensus that Marian is covered by the regulation. According to Adam Sisitsky there was no request made because no one from Marian was at the meeting and nothing was received in writing.

ADMINISTRATOR'S REPORT - Robert Cooper told the Board that Aaron Bikofsky ruled that the Board of Selectmen have to approve Board of Health fees. Adam Sisitsky suggested that the Board of Selectmen do not have to approve Board of Health regulations, but that copies of regulations, such as the ETS regulations, body piercing and sanitizer logs, be sent to the Selectmen, then published.

Robert Cooper announced that Town Meeting approved a change to the Sanitarian classification. This provides the employees room for growth and the Board of Health has more flexibility in hiring.

The next meeting was scheduled for June 15, 1999 and the meeting adjourned at 8:50 p.m.

Adam Sisitsky, Chairman