

MINUTES OF THE BOARD OF HEALTH MEETING

September 20, 2000

ROOM 221, MEMORIAL BUILDING

FRAMINGHAM, MASS

The Board of Health meeting held on Wednesday, September 20, 2000, was called to order by James Gordon who presided over the meeting in the absence of Adam Sisitsky.

Board Members Present: Thomas L. Treadwell, M.D., Secretary
James A. Gordon

Staff Present: Robert T. Cooper, Public Health Administrator
Loretta L. DeLucia, Administrative Assistant
Lise Mespelli, Sanitarian

Other Attendees: Karen Gallagher
Rob Gemma

ACCEPTANCE OF MINUTES -

The minutes of the August 23rd meeting were accepted unanimously by Board Members Thomas Treadwell, M.D. and James Gordon.

MESSAGE THERAPY PERMIT: KAREN GALLAGHER

James Gordon thanked Ms. Gallagher for waiting. The Board recognized that all paperwork relevant to a massage therapy permit was in order. James Gordon asked Ms. Gallagher where she would be working. Ms. Gallagher replied that she was going to work at the Chiropractic Office of Dr. Wexler. There were no further questions asked of Ms. Gallagher. The Board voted unanimously to grant Ms. Gallagher a massage therapy permit to practice at Dr. Wexler's office at 650 Worcester Road in Framingham.

REQUEST FOR LOCAL UPGRADE FOR REPAIR TO SEPTIC SYSTEM – 6 CARTER DRIVE

James Gordon turned the meeting over to Robert Cooper to explain why a local upgrade was in order at 6 Carter Drive. Mr. Cooper explained that Mr. Turook's septic system at 6 Carter Drive had failed and needed to be repaired. The lot has an unusual set up, therefore, the engineer has asked if they could put the soil absorption system three feet above ground water instead of the four feet currently required by the State Code. The State Code used to be three feet (up until about five years ago). All systems installed before 1995 were designed to the three foot standard. Therefore, the State entered a clause in the Code to allow local governments to authorize a local upgrade to three feet. Under the new Title V local upgrade provisions, there is a checklist of design standards that the Board can grant relief from.

Rob Gemma, Engineer for 6 Carter Drive, stated that surrounding town which have more septic systems than Framingham, grant local upgrades on a fairly routine basis. Mr. Gemma further stated that the lot at 6 Carter drive is very steep. There is limited area to work with and to comply with the 4 foot offset would require doing extensive to the retaining wall to offset the high water table. This would be cost prohibitive. Mr. Gemma believed a local upgrade is warranted in this instance. Lise Mespelli, the local inspector for this project, was asked to render her opinion of the local upgrade. Ms. Mespelli stated that she had reviewed all the plans, saw no problems, and believed the upgrade should be granted.

Dr. Treadwell asked what caused the system to fail. Mr. Cooper responded that the system was between 30-35 years old and it had run it's life. Rob Gemma stated that to maintain slopes and grade with the local upgrade would put the

system at approximately \$40,000. If they have to add another foot, the price would do up at least another \$15,000. Dr. Treadwell continued, then why do we have a four foot rule? Mr. Cooper responded that new construction does adhere to the four foot rule. Up until five years ago, the rule was three feet.

James Gordon moved that the Board approve the local upgrade. All were in favor and the local upgrade was granted.

WATCH CITY CIGAR

Due to the delay in starting the Board Meeting, Attorney Goldstein, representing Watch City Cigar, asked to have their hearing continued until the next Board meeting. A continuance was granted to Watch City Cigar to appear before the Board on Wednesday, October 18, 2000

ADMINISTRATOR'S REPORT

Robert Cooper presented a letter drawn up by Michelle Zeamer, Tobacco Control Director. In speaking to restaurant owners, there seems to be some misconceptions of certain phrases used in the By-Law. The letter will define "bar area" and "food as incidental" as used in the Smoking By-law. Mr. Cooper indicated that there are restaurants still asking patrons if they wish to sit in the "smoking" or "non-smoking" area. After speaking with some of the restaurant managers, the general consensus appears to be they do not care what the by-law is, as long as it is clarified. An example given was that it was not fair when a patron can go into Ken's steakhouse and have a cheeseburger at the bar and smoke, and later in the day go into McDonalds to have a cheeseburger and be banned from smoking because they do not have a liquor license.

Dr. Treadwell suggested that restaurants be fined if allowing patrons to order full meals at the bar. Mr. Cooper stated that research is being done to define "incidental food". Clearly, one should not be able to order the same food in a bar that can also be ordered in the restaurant. The bars should be serving snacks only, however, the restaurants are using bars as their "smoking section". Dr. Treadwell commented restaurants have been told that down-the-line, they may be required to go smoke-free.

James Gordon asked Mr. Cooper how the by-law is going to be enforced. Mr. Cooper responded that our part-time tobacco inspector is visiting restaurants at night and on weekends. She reports back to the Program Director. The issue will be addressed again at the next Board meeting.

The next issue addressed by Mr. Cooper was the Pediatric Clinic at the hospital at which our nurses participate. The history of the Pediatric Clinic is that years ago, the Clinic used to be held in the Health Department. Dr. Tedeschi believed it to be more effective if held at the hospital. It started out as a free clinic and was always meant to be a free clinic. However, now children are going in for their vaccines and being told that they have to pay \$15 each or they cannot receive their vaccines. The Health Department gives the vaccine to the Hospital free, therefore the immunizations should be free to the children. Now, the children all end up coming here. Charlotte Trubiani, our public health nurse supervisor, has spoken to Carol Crawford at the hospital and informed her of our concerns. Mr. Cooper claimed that the hospital may not be abiding by their agreement for free vaccine distribution. The Clinic claims that when the families get insurance, then the visits are free. This is not being explained properly. People should not be turned away.

Dr. Treadwell revealed that he was aware of some problems, which he will be addressing at a staff meeting on Monday, September 23rd. Dr. Treadwell will report back to the Health Department after his meeting.

The next meeting was scheduled for Wednesday, October 18th, and the meeting adjourned at 9:15 p.m.

James Gordon, Acting Chairperson

