



**CITY OF BURLINGTON  
BOARD OF HEALTH**

645 Pine Street  
Post Office Box 849  
Burlington, VT 05402-0849  
802-863-0442  
802-652-4221 FAX  
802-863-0450 TTY

**BOARD OF HEALTH•**

Austin Sumner, Chair • David Casey • Mary D. Hart • Julie Hathaway • Caroline Tassey

**BOARD ADMINISTRATOR**

Linda Ayer

**HEALTH OFFICER**

William Ward

**INTERNS:**

Emma Hevey – Grace Hevey

**MINUTES FOR REGULAR MEETING OF  
BURLINGTON BOARD OF HEALTH  
ROBERT MILLER COMMUNITY CENTER  
THURSDAY, JUNE 13, 2013 5:30 PM**

Attending: *Austin Sumner, David Casey, Mary Hart, Julie Hathaway, Carline Tassey, Emma Hevey, Grace Hevey, William Ward, Linda Ayer*

Absent:

Public: *Nobody present*

Meeting called to order by Chair, Austin Sumner at 5:30 PM

| ITEM   | DISCUSSION   | ACTION  |
|--|--|---|
| 1. Approval of Agenda and Minutes of Prior Meeting | Agenda Amendments:<br>Address Pesticide Issues under Public Forum<br>Front Porch Forum discussion to be addressed as part of Chair’s Report. | <b>Approved</b> May 9, 2013 meeting minutes<br><b>Approved</b> amended agenda |

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*

|  |  |  |
|--|--|--|
| <p>2. Public Forum</p>                             | <p>Emerging Issues:<br/>Herbicide application (to control poison ivy) at Strathmore on Appletree Point. Health Officer: W. Ward investigated and received State of VT documentation of credentials of applicator. Hired applicator needs to submit an application to BOH and a copy of the posting with the product, amount, and dates of application.</p> <p>What is optimal time to make application?<br/>Is this experimental?</p> <p>In regard to the recent BOH posting about the city's pesticide ordinance, J. Hathaway expressed concerns about how best to address visually obvious lawn chemical granules (naphtholine odor) on public space walkways, greenbelt, streets.</p> <p>Is See Click Fix a means to enforce pesticide ordinance in buffer zone and pesticide/herbicide applications to &gt;200 sq. feet?</p> | <p><b>Health Officer W. Ward</b> will follow up with the Applicator to acquire appropriate documentation and a city pesticide application form and will check area as to whether this is a cosmetic or fire preventative measure.</p> <p><b>Health Officer W. Ward</b> Winooski Valley Water District to remind them that they are up for review of their BOH approved pest/weed management treatments.</p> <p><b>Health Officer W. Ward</b> Appletree Homeowners Association</p> <p><b>Health Officer W. Ward</b> to investigate whether city or homeowner is responsible for maintenance and treatments to greenbelts and sidewalks.</p> <p><b>Health Officer W. Ward</b> to add pesticide ordinance issue reporting utilizing See Click Fix to promote healthier neighborhoods.</p> |
| <p>3. Urban Agriculture City Council Directive</p> | <p>D. Casey: reported that the work group met June 5, 2013 to compile a list of people who could provide some expert advice on best practices: vets, commercial livestock breeders, etc.</p> <p>C. Tassej: had a conversation with keeper of chickens attracting rats. Is this creating a health hazard?</p> <p>D. Casey: committee is continuing to receive good input from the Humane Society and Burlington Food Council so will seek their response to questions about rat controls. There is a bill in legislature addressing hygiene.</p>  | <p><b>D. Casey</b> is lead on reporting progress of the group to City Council within the next 60 days.</p>   |

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*

|  |   |   |
|--|---|---|
|  | <p>A. Sumner: suggested documenting a plan to submit to City Council in the next 60 days. This would provide a realistic deadline, get stakeholders involved. Estimated that a 6-8 month time frame is necessary to write a complex policy. Need to prepare the city council for extension request and build public support..</p> <p>J. Hathaway: raised the question about reconsidering banning slaughter in Burlington, especially in light of the availability of a local mobile poultry slaughtering facility &amp; the recently established Colchester slaughtering site.</p> <p>A.Sumner: city can govern to the point of making it difficult to do slaughtering. City Council could create a policy so that slaughtering would become a “nuisance” issue.</p> | <p><b>D. Casey</b> to schedule the next Urban Ag meeting. <b>W. Ward</b> to provide formal communication of the scheduled date of this meeting.</p>   |
| <p>4. Chair’s Report</p> <ul style="list-style-type: none"> <li>• F-35 Update</li> <br/> <li>• Front Porch Forum Discussion</li> </ul> | <p>Revised DEIS released. Deadline for public comment is July 15, 2013. <i>The January BOH resolution states that the Board would continue to review new data regarding the F-35 health impacts as it becomes available.</i></p> <p>Board agrees to continue the two postings per month on Front Porch Forum which will amount to \$2,016 per year. Discussion ensued for vetting all information from the BOH that is published. Deadlines provided with health topics of interest and relevance:</p> <p style="padding-left: 40px;">June: <b>(Deadline: 6/12 &amp; 6/26)</b><br/> Rabies – W. Ward<br/> Insect Control (ants, ticks, etc.)</p> <p>July – Sept: <b>(7/10,7/24,8/7,8/21,9/11,9/25)</b></p>  | <p><b>BOH</b> will review revised DEIS report (2,000 pages) for discussion at July 11, 2013 meeting.</p> <p><b>Submission</b> of postings needs to occur two weeks before the deadline for publication on FPF so they can be properly vetted.</p> <p><b>Approved:</b> All BOH members shall edit all public</p> |

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).

|  |   |  |
|--|---|--|
|  | <p>Bats – J. Hathaway<br/> BOH Internship – E. &amp; G. Hevey<br/> Melanoma – A. Sumner<br/> See Click Fix – W. Ward<br/> CO &amp; Smoke Detectors – W. Ward</p>  | <p>announcements. A quorum consisting of the chair and two other Board members, along with the Health Officer, will approve postings before publication.</p>   |
| 5. Recognition   | <p>Emma Hevey and Grace Hevey – Congratulations on your graduation from BHS and good luck as you pursue your college education. <i>Your attendance at Board meetings for the past two years and volunteer work for educational outreach public health activities are greatly appreciated by the BOH.</i></p>  | <p>Board members recognized the contributions of Interns Emma Hevey and Grace Hevey.</p>   |
| <p>6. Strategic Planning Topics</p> <ul style="list-style-type: none"> <li>• Drug Awareness</li> </ul> | <p>Alcohol Density Mapping presented by D. Casey. Questions of how to control distribution points. State provides license for sales of alcohol. Local control is addressed through subcommittee of City Council. A restaurant establishment could have liquor license withheld because of non-compliance with other city ordinances.</p> <p>A.Sumner: expressed concern about the structural safety of Nectors and load limits.</p> <p>Where is statutory authority within the city? Health and Safety subcommittee of City Council exams these issues.</p> <p>D. Casey: recommended BOH representation at these committee meetings BOH focus on alcohol use v. heroin can have a more far-reaching impact by working to control density of distribution, sales, amount served, hours served, locations near schools and parks.</p> | <p><b>Invite</b> Norm Blais from Liquor Control and Gene Bergman, Attorney, to speak at the August 8, 2013 BOH Meeting</p> <p><b>W. Ward</b> to provide schedule of Public Safety meetings for BOH representative to attend.</p> <p><b>Explore</b> possibility of BOH members riding with a police</p> |

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).

|   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>• Food Safety</li> </ul> | <p>BOH funding and resources may be a better fit for addressing ETOH density issues than for addressing city heroin issue.</p> <p>J. Hathaway: issue of drug busts in residential neighborhoods and lack of follow up communication with local residents and BPD to address questions, fears, concerns. Suggestions to use NPA to call a meeting for briefing on an incident in a neighborhood. BOH could help facilitate these communications. Another suggestion was to look into the Neighborhood Safety Initiative that is being developed by residents, BPD, Community Justice Center, UVM.</p> <p>W. Ward addressed building safety issues and DCF involvement at the recent Sandra Dr. methamphetamine incident.</p> <p>*****</p> <p>C. Tassej attended the Food Safety Task Force Meeting on June 6, 2013.</p> <ul style="list-style-type: none"> <li>• The Food Safety Modernization Act released in January is not ready to be enacted; delayed until Sept. VDH is overseeing this.</li> <li>• A “lot tracking” project will focus on small producers and home based food businesses. There needs to be more stringent inspections of cottage food industry as this has a high potential for health issues.</li> <li>• Task force is bringing together stakeholders to see if people in state</li> </ul> | <p>officer from 1-3 AM in August?</p> <p><b>C. Tassej</b> to represent BOH on the Food Safety Task Force and sign up on ListServe.</p> |
|---|--|--|

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*

|  |  |  |
|--|--|--|
|  | <p>could actually meet the requirements of the FSM Act.</p> <ul style="list-style-type: none"> <li>• The state currently does not have authority &amp; resources to implement the rules.</li> <li>• Discussing consumer education needs, i.e. utilizing fact sheets and internet training modules.</li> <li>• Addressing how to get the information into the hands of the public.</li> <li>• VT Department of Ag has authority <u>only</u> over Maple and Dairy production.</li> <li>• Department of Health has the authority over what is grown in the fields in VT.</li> </ul>   | <p><b>C. Tasse</b>y provided the link for consumer education fact sheets/training modules:<br/> <a href="http://www.uvm.edu/extension/food/?Page=food_safety.html">http://www.uvm.edu/extension/food/?Page=food_safety.html</a>.</p> |
| <p>7. Members' Reports</p> <ul style="list-style-type: none"> <li>• School Inspections</li> <li>• HLHL (Healthy Lawns, Healthy Lives)</li> </ul> | <p>Summary of minutes submitted to BOH: Group continuing to work on media development and outreach with North Avenue News (article), Champlain College (graphics intern), FAHC (health seminar), ACE (educational materials and lawn postings for pesticide use), Gardener Supply (incentives). Orientation was conducted for 6 new lawn lab partners (UVM extension). Dissemination of information through FPF, public service announcements, and table displays at local venues continues.</p> <p>W. Ward observed that the work of the HLHL subcommittee operates efficiently and has a broad range of active community partners with an action oriented agenda of achievable education outreach.</p> | <p><b>BOH members</b> will review school inspection report on C.P. Smith provided by D. Casey and provide feedback.</p> <p><b>W. Ward</b> to arrange for public service broadcast with Channel 17 on pesticide ordinance.</p>        |

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442 (voice) or 802.863.0450 (TTY).*

|  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li>Other-<br/>Go for Gold<br/>Blueprint</li> </ul>   | <p>Go for Gold Blueprint:<br/>D. Casey reports that on May 16 2013 Mayor Weinberger introduced Burlington's Go for Gold Blueprint as a way to make the City of Burlington more sustainable, more economically viable, less polluting, less carbon-emitting, and more healthy. This blueprint seeks to increase human-powered transportation by making such transportation options easier and more appealing to all. The question was raised about whether the BOH should actively support this city initiative, and if so how.</p> | <p><b>BOH members</b> to review blueprint and discuss further steps, if any, at next BOH meeting.</p> |
| <p>8. Staff Report</p> <ul style="list-style-type: none"> <li>Code Enforcement Updates</li> <li>Web Updates/Front Porch Forum</li> </ul> | <p>See Addendum B</p> <p>May FPF pesticide posting received two positive, one concern response.</p>  | <p><b>Appointment of W. Ward</b> as Health Officer was approved by the City Council.</p>              |
| <p>9. Agenda Items/Next Meeting</p>  | <p>Go For the Gold<br/>BOH Appointments<br/>F-35<br/>Emergency Management Training</p>   |   |
| <p>10. Adjournment</p>   | <p>8:15 PM</p>   |   |

ADDENDUM A: Alcohol Outlet Sales Density Blueprint for Change submitted by David Casey, BOH Member

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*

### Introduction – Excessive Alcohol Use Prevents Burlington, VT from being Healthiest City

Binge drinking in Vermont and Burlington are above the national average, and the rate of underage drinking in Vermont is the highest in the country. While the CDC no longer ranks healthy cities, it is the high rate of alcohol abuse which is well above the national average that would prevent Burlington from achieving the number one ranking it has achieved in years past. This is a deeply-rooted problem which will require many different approaches in order to promote the optimal health of Burlington residents.

Burlington has a number of unique features which make excessive alcohol consumption a very popular activity. Burlington is a city with a high student population. Student age individuals have high rates of alcohol consumption and alcohol abuse. Student and public perceptions of alcohol use and binge drinking tend to underestimate the serious nature of these behaviors. As with many small, sophisticated towns, The Burlington area has a robust local brewing industry which, while providing a unique vibrancy to the city, also promotes alcohol consumption which can lead to over-consumption.

### Evidence Links Alcohol Outlet Sales Density to Alcohol-related Problems

The Centers for Disease Control and Prevention Task Force on Community Preventive Services reports that, “when the density of on- or off-premises alcohol outlets is high or increases, the level of consumption is correspondingly high or increases, and excessive consumption and its diverse related harms occur.”

There is a robust and expanding body of research on alcohol sales outlet density and alcohol consumption-related social problems. Relationships between high alcohol outlet sales density and high levels of drinking and driving, motor vehicle accidents, underage student drinking, adolescent violent behavior, intimate partner violence, victimization of women, child abuse, and other problems. Alcohol outlet sales density is disproportionately higher in areas inhabited by blacks and other minorities, as well as lower-income individuals, which constitute issues of environmental injustice.

### What other communities have done

The Centers for Disease Control and Prevention Task Force on Community Preventive Services advises that, “limiting on- and off-premises alcoholic beverage outlet density – either by reducing current density levels or limiting density growth – can be an effective means of reducing the harms associated with excessive alcohol consumption.”

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*

While alcohol policy and regulation on the local level is informed by similar policy and regulation on the State and national level, there is a considerable role for the City of Burlington to play in controlling how alcohol should be sold in the City. Local governmental influence on alcohol outlet sales density is most desirable since it is those local stakeholders who have the best understanding of the issue. Local policy, while often controversial, slow in generation, and often imperfect is likely to be the policy best tailored to fit the needs of the community.

Localities all over the world have undertaken local efforts to control alcohol outlet sales density as a means to reduce the harms of excessive alcohol consumption. Generally, alcohol outlet sales density is controlled by geographic restrictions (limiting the number of alcohol outlets within a specific geographic area), population restrictions (limiting the number of alcohol outlets based on of people within a specific geographic area), commercial restrictions (limiting the number of alcohol outlets based on proportion of total commercial activity within a specific physical area), time/space restrictions (limiting alcohol outlets based on time of day, or proximity to sensitive entities such as schools, parks, houses of worship, etc..

Alcohol outlet density can be further controlled by conditional use permitting (CUP) ordinances controlling hours of sale, location of sales, and type of sales of new alcohol outlets. “Deemed Approved” ordinances may be used to regulate existing alcohol outlets by imposing general retail performance standards addressing issues such as retail signage, lighting, litter control, etc. Other zoning instruments may be utilized such as public nuisance ordinances and other city regulations addressing city quality of life issues.

#### Strengths within Burlington Supporting Alcohol Control as a Means of Promoting City Health

- concerned active community members who care about alcohol abuse in the community
- supportive universities/colleges who appreciate a holistic approach to reduce student drinking
- healthy mixed economy with employers concerned with employee health
- supportive local government who understands the value of healthy citizens

#### Weaknesses within Burlington making Alcohol Control Difficult

- outlets already established near schools, playgrounds, parks, houses of worship, etc.
- no standardized set of criterion for license approval
- large student population interested in experimenting with alcohol as part of growth
- Alcohol licensing authority preempted by State

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*

Opportunities – Policy Suggestions

- control alcohol sales through conditional use permitting, “Deemed Appropriate” ordinances, and other zoning tools
- the who, what, when, where, and how will alcohol be served can be reformulated
- consider cap in total outlets – license expiration without renewal
- alcohol sales outlet owners report frustration with licensing process and City Licensing Committee; establishing clear standards of CUP, “Deemed Appropriate,” and nuisance ordinances may streamline licensing process, reduce license approval uncertainty, and save outlet owners time and money

Threats – Problems that Can Slow/Stop Positive Change

- make sure ETOH outlet owners are part of process to get their support first
- include complete range of stakeholders from all ages, perspectives, areas of expertise, etc.
- make sure policy-makers understand and appreciate broad range of support
- make sure local authority does not go beyond State authority – state preemption

Recommendations for Future Policy Formulation in Burlington

- learn exactly how State/local law works with regard to ETOH outlet licensing to learn exactly how the work of Burlington City Council Licensing Committee plays role in State alcohol outlet license approval (Gene Bergman)
- obtain advice from law enforcement on greatest problem areas and situations (William Ward)
- obtain advice from government officials to formulate policy initiatives (Vince Duber?)
- meet with VT DLC personnel to better understand State role in alcohol outlet licensing
- meet with local ETOH outlet owners to learn about their challenges, learn about what they would like to see, get their advice – build relationships and include them as partners in change
- educate public on seriousness of problem and purpose of policy generation
- focus on ordinance-based zoning mechanisms, particularly CUP, “Deemed Approved,” and nuisance ordinances as means to limit alcohol sales outlet density in Burlington

\*\*\*\*\*

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*

## ADDENDUM B: Code Enforcement Update from Health Officer William Ward for May/June 2013

### Operations

#### **Inspections**

The year to date total of Minimum Housing inspections for 2013 is 1,239 units. The target number is 250 rental units per month, so we are right on track for the 1,250 unit figure expected in 5 months.

#### **Rental safety concerns**

Several units were posted unfit for human habitation in the past month. Below is a brief summary and current status for each location.

- A rental unit on S. Winooski Avenue with smoke/CO alarms not repaired was deemed “unfit” on June 1, 2012. The order was lifted this morning when we received confirmation from an electrician that the alarms were repaired to code.
- A rental unit on N. Winooski Avenue – was deemed unfit due to smoke/CO alarms not working or present and a third floor egress window not repaired as ordered – The order lasted only 24 hours from June 3, 2013 to June 4, 2013 when the alarms were replaced and the egress window repaired.
- A rental unit on S. Willard – had standing water in the basement unit after flood on May 23, 2013. The tenant was relocated to a hotel room and the unit – remains unfit pending cleaning of the unit.
- A rental unit in Ward 7 on North Avenue had a reverse toilet flow event and sewage on the floor. It was posted unfit on June 6, 2012 and remains in that condition pending proper clean-up and installation of a back flow preventer.
- A rental unit on Sandra Circle was the site of a suspected clandestine methamphetamine lab. I inspected the property exterior with the property owner and he had an order to clean the exterior by June 12, 2013. The interior units will be inspected individually. A more detailed update will be discussed at the meeting.

### Key projects for May/June

#### **Student Move Out**

We had poor weather but a strong turnout for the Spring Move Out Project (SMOP) on May 23, 2013. There was occasional rain but the event was well staffed and well attended by residents. We removed 3 roll off dumpsters in trashed furniture and household trash during the event. A similar amount of furniture was reusable and was taken for free by attendees or transported to Resource for reuse.

### SeeClick Fix

We were noted in the overnight rankings as the top performing City in the Country using SeeClickFix during the Memorial Day weekend. Today we are currently ranked 2<sup>nd</sup> in the country. From May 15, 2013 to June 11 we closed 172 trash or illegal dumping complaints with an average of 1.2 days to close each complaint. 66 % of those complaints were generated by Code Enforcement staff acting proactively. The attached SeeClickFix report shows our efforts highlighted in yellow.

An Equal Opportunity Employer

*This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.0442(voice) or 802.863.0450 (TTY).*