



**CITY OF BURLINGTON  
BOARD OF HEALTH**

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**BOARD OF HEALTH**

Alan R. Sousie, Chair • Fernand C. Crete • Ian C. Galbraith • Mary D. Hart • James Vos

**BOARD STAFF ASSISTANT**

Britta Mainello

**HEALTH OFFICER**

Kathleen Butler

**BOARD OF HEALTH REGULAR MEETING  
WEDNESDAY, JUNE 11, 2008**

The meeting was commenced at 5:00 p.m. on Wednesday, June 18, 2008 in the Conference Room of Ethan Allen Residence, 1200 North Avenue. Present were Chair Sousie; Members Crete, Galbraith, Hart and Vos; Health Officer Butler, and Staff Assistant Sikon-Amato. Others present: Maurie Bartlett of TruGreen ChemLawn and Jeff Tanguay, CEDO Lead Project Specialist.

1. Agenda:

There were no changes to the agenda.

2. Minutes:

Motion to accept minutes by Sousie, seconded by Hart. Motion passed unanimously.

3. Establishment of Board Meeting schedule from July 1 to December 31, 2008

Chair Sousie proposed that the Board consider canceling August meeting. All members agreed. Chair Sousie asked for approval of the rest of the dates set for Board Meeting schedule for July through December 31, 2008, all approved. Health Officer Butler suggested that Chair Sousie make an official motion to have any requests for pesticide approval go through Code Enforcement for the month of August in absence of a Board Meeting, with appropriate contact to the Board if necessary. Chair Sousie made motion as stated by Health Officer Butler, seconded by Hart. Motion passed unanimously.

4. Presentation: Burlington Lead Education Program

Chair Sousie introduced presenter Jeff Tanguay, CEDO Lead Project Specialist. Tanguay began by stating that they currently have a 2.8 million dollar grant to educate the public and deal with lead issues in Burlington, and that they have been working with Code Enforcement and the City Attorney's Office to develop a lead ordinance for the City. Tanguay then provided several statistical facts to illustrate the importance of lead regulations. Tanguay briefly reviewed the existing VT lead law 155, also known as the EMP law, stating that compliance in Burlington is much lower than desired and that this compliance rate is something they are working to improve. Tanguay stated that the new law effective July 1<sup>st</sup> includes regulations for owner-occupied housing. Tanguay then brought up the issue of screening for lead in children, explaining that there is a very low percentage of testing currently taking place in VT, but that it will be mandated in 2010 if this percentage is not significantly increased in the intervening time. Subsequently, Tanguay reviewed the existing state lead law and federal disclosure law, stating that the lead ordinance they are currently working on will allow Code Enforcement to enforce these federal and state lead laws. Tanguay stated that prohibited practices have also been included in the new ordinance, and that they intend to add a pre-renovation rule. Discussion followed.

## 5. Pesticide Ordinance Related Matters

### a. Staff report of office actions

Health Officer Butler gave a summary of recent communication between Code Enforcement and Maurie Bartlett at ChemLawn. Health Officer Butler stated ChemLawn provided new information as requested. Health Officer Butler stated she and Chair Sousie had drafted a new prenotification letter to include additional label information, EPA website as a reference, and a clear indication of prenotification requirements. Health Officer Butler then addressed issue of a disclaimer on ChemLawn handout which states that "label information may not be applicable to the dilution used" at a property, stating that the disclaimer needed to be removed as the dilution of a chemical essentially determines the poison level. Health Officer Butler stated she instructed ChemLawn to remove "Continuing Service" language and that contracts need to be renewed every year. In addition, Health Officer Butler stated she informed ChemLawn that they may be required to have more than two signs posted on larger properties and that their prenotification letter must be specific about which chemicals will be used on a property.

Maurie Bartlett from ChemLawn stated that the suggestions and changes made by Code and the Board of Health had been reviewed on his level and are now being reviewed at ChemLawn's Corporate Office. It was decided that Bartlett will provide the reviewed document to Health Officer Butler and/or Chair Sousie, who will send it on to all members for review. Bartlett requested the Board review and make decision as quickly as possible.

### b. Application proposals pending

Health Officer Butler addressed application for Lakewood estates (within 500ft zone), stating that the written request did not provide enough information on the product the applicant intended to use. Butler stated that she has left the applicant a voicemail about this issue and will follow up on it.

c. Discussion re: Board oversight of manure applications in 500 ft Buffer Zone

Chair Sousie summarized raw manure as fertilizer issue on Appletree Point Rd, citing a neighbor concerned about polluted runoff. Health Officer Butler followed by summarizing her communications with the concerned neighbor and her conclusion that there was insufficient evidence to prove a violation exists. Health Officer Butler also referred to the state “Accepted Agricultural Practice” statute, stating that if raw manure as fertilizer is considered an accepted agricultural practice by the state, the city is prohibited from regulating in any way. Discussion followed. Hart will follow up by calling the owner of the property in question.

d. Need for accelerated education about ordinance restrictions in buffer zone applicable to private owners.

Chair Sousie stated that he has been working with others to come up with strategies for educating in this zone. Discussion of Jean Duncan’s suggestions followed. Chair Sousie stated education probably would not happen this year. Health Officer Butler stated some education could possibly happen this year even late in the season. Discussion of Toronto handout re: pesticide education and alternatives resulted in decision that Member Vos would contact appropriate party in Toronto to request permission to use handout in Burlington. Hart suggested giving credit to Toronto if given permission.

Chair Sousie brought up a request to kill or remove a large patch of poison ivy from Ethan Allen park. The person requesting inquired whether there is an alternative to the herbicidal salt technique. The Board conceded that the only other option is to remove by hand. Health Officer Butler stated the person should turn in a written request. Chair Sousie indicated he would instruct the person to put in the written request.

6. Follow-up of Code Enforcement Actions taken at vacant property on Appletree Point Lane re: open swimming pool.

Chair Sousie stated he had been informed that water was currently in the pool. Health Officer Butler stated there was not, as the pool had been pumped within the last two weeks. Butler clarified that Code Enforcement only has authority to require that a fence be erected around the pool; Code does not have authority to require a cover. Butler stated that there is some authority to require that the owner does not allow stagnant water to sit in the pool from a health standpoint.

7. Discussion re: City’s responsibility for providing an alternative to fluoride tap water in the case of potential harm to a child younger than 12 months.

Chair Sousie reviewed case of young single mother with 3 month old child whose case manager at VT Cares questioned Department of Health about providing alternative. Chair Sousie stated Department of Health does not believe it is significant enough for the state to provide this service and that the WIC program will not provide it either. Chair Sousie stated he personally wants something in place to help people in this situation. Discussion followed.

The Board decided to explore the possibility of collaborating with other involved parties (VT Cares, Community Health Center) to apply for a grant with the Dental Society.

#### 8. Member Reports

Chair Sousie opened floor for member reports. Galbraith brought up presence of new hookah bar at 135 Main St called The Bern Gallery. This prompted discussion of hookah rule addressed in the past. Health Officer Butler stated she would contact Gene Bergman about the new hookah bar and would look into whether required permits are in place.

Member Vos stated he has been reappointed. Vos also stated that HIV testing day would be at the end of the month. He will see if Ch. 17 will do some coverage.

Health Officer Butler inquired about who was going to the Ward 5 meeting on June 18<sup>th</sup>. Chair Sousie stated he would like all members to attend.

#### 9. Other Staff Reports

Chair Sousie brought up Pandemic Flu training. Health Officer Butler confirmed dates of training to be July 15<sup>th</sup> and July 17<sup>th</sup>. Chair Sousie then brought up Storm Water Task Force and suggested that all members of the Board read the executive summary on the DPW website. It was then mentioned that Staff Assistant Mainello had moved on and that Donata Sikon-Amato would be serving the Board for now. Health Officer Butler instructed members to call Code Enforcement Front Office with questions or regarding complaints.

Bartlett from ChemLawn inquired whether Chair Sousie could commit to a date to return reviewed document. Chair Sousie stated he could not tie the Board down to a specific date but stated that the review of the document would be done in a timely manner.

Chair Sousie requested that member identification number for National Association of Local Boards of Health be sent to all members for online access.

10. Chair Sousie made motion to adjourn. Motion passed unanimously.