

**Braintree Board of Health
Meeting Held Via Zoom
Thursday, July 10, 2025, 7:00 p.m.**

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice Chairman
Juliana Melchionda, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I
Kathleen Mahoney, Tobacco Compliance Officer
Stormy Leung, Substance Use Prevention Coordinator
Tae Averett, DFC Grant Coordinator

Dr. Bregoli called the meeting to order at 7:00 p.m. by roll call vote: Dr. Bregoli-yes;
Dr. Nedelman-yes; Ms. Melchionda-yes

Approval of Meeting Minutes: June 12, 2025

Motion By: Dr. Nedelman to approve the minutes of June 12, 2025

Second By: Ms. Melchionda

Voted by roll call:

Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes

New Business:

Request for Well Variance, 90 Catherine Drive

Ms. McGrath stated this is a vacant lot which was recently purchased. A plot plan with the proposed dwelling was provided. The proposed well will be placed in the rear left corner, 20 feet from the rear property line and 10 feet from the side property line. Otherwise it meets all other setbacks. Ms. McGrath stated she has inspected the property and does not foresee any problems. Notification has been sent to all direct abutters and none have contacted her with comments on the application.

Motion By: Dr. Nedelman to approve a Request for Well Variance for
90 Catherine Drive

Second By: Ms. Melchionda

Voted by roll call:

Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes

Request for Well Variance, 103 Hawthorn Road

Ms. McGrath stated this application is for installation of an irrigation well. An area map of the property was provided. The proposed well location is approximately halfway behind the house, beside the garage, adjacent to the pool area. This meets all property line setbacks and structure setbacks, however, does not meet the 100 foot roadway setback, as the setback is only 84 feet. This location was selected as the well drilling equipment cannot access the rear of the property. Ms. McGrath stated she has been on the property for an inspection and foresees no problem. All direct abutters have been notified and she is awaiting one card indicating the notification letter was received.

Motion By: Dr. Nedelman to approve a Request for Well Variance for 103 Hawthorn Road, contingent upon receiving receipt of notification from one direct abutter.

Second By: Ms. Melchionda
Voted by roll call:
Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes

Request for Well Variance, 100 Louise Road

Ms. McGrath stated this application is for installation of an irrigation well. An area map and plot plan of the property was provided. The proposed well location meets all rear, side and structure setbacks. It does not meet the 100 foot roadway setback, as the setback is only 80 feet. The well is being placed in this location because the rear of the property goes uphill. Ms. McGrath stated she inspected the property and does not foresee any problems. All direct abutters have been notified in writing and she has proof of receipt. She has had no communication from any of these abutters.

Motion By: Ms. Melchionda to approve a Request for Well Variance for 100 Louise Road

Second By: Dr. Nedelman
Voted by roll call:
Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes

Notice of Violation, Sale of Tobacco, Granite Street Citgo, 4 Granite Street

Russell Swan, Retail Operations Manager for Penta-G Corporation was present before the Board via Zoom.

Ms. McGrath stated the violation of sale of tobacco products occurred on May 29, 2025 at approximately 12:26 p.m. Kathleen Mahoney reported she sent a youth in to purchase a pack of cigarettes, which she was able to do. Mr. Swan stated he believes the sale occurred and reported the employee who made this sale has been terminated.

Ms. McGrath stated this establishment previously sold tobacco to a minor on May 17, 2024 so this would be considered a second violation. The penalty for a second violation is a \$2000 fine and a 10 day suspension of the tobacco sales permit.

Motion By: Ms. Melchionda to impose a second offense violation with fine of \$2000 and 10 day suspension of the tobacco permit, effective at 12:00 p.m. on June 13, 2025.

Second By: Dr. Nedelman

Voted by roll call:

Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes

Flavored Tobacco Product Ban Discussion

Ms. McGrath stated through the course of her work Ms. Mahoney has discovered there are tobacco products out there which the manufacturers are claiming are unflavored but are actually flavored. She convened a meeting of health agents and health directors to make a determination if the products were flavored. It was determined there is no doubt these products are flavored. She asked the Board to endorse the position that you agree with these findings and a letter be sent to all tobacco retailer establishments indicating they must remove these products from sales.

Ms. Mahoney stated back in 2020 they found Black and Mild Jazz cigars were flavored. They fined Cumberland Farms for selling them, who brought the town to court. The case went to superior court and Braintree won and the judge stated sniff and taste tests were allowed. In working with other communities, including Weymouth, they have tested 17 products and they are all flavored. The manufacturers are using vague descriptions for these products and labeling them as unflavored. Ms. Mahoney stated there was a statewide meeting held where they tested the products and each and every one was determined to be flavored. They are in the process of gathering a list of these products and removing them. Weymouth has already removed these products from retail establishments. She stated they are trying to get a meeting with the Attorney General's office, as this is a consumer protection issue.

Dr. Bregoli stated he has no issue with removing these products, but would like to give the store owners plenty of time to sell what they have and not order any additional products. Ms. McGrath stated she would only give them a month, as all vendors were required to attend a mandatory meeting at town hall within the last eight months and are well aware of the regulations.

Stormy Leung stated it is the distributors who are pushing these products, the retailers do not necessarily know what is in the products themselves. She stated they want to educate the retailers and keep youth safe, since a lot of these products are reasonably priced. Tae Averett stated in her previous position working with youth they would show her the products which would vary in color but the label would indicate clear. She recommended educating the retailers on this as the youth are onto the color coding system. She stated

vape products are also using astrology signs and associated colors to attract sales so educating the retailers on this would also help.

Dr. Nedelman stated the Board is 100% behind this effort. All Board members were in agreement and endorsed sending out a letter to all tobacco vendors to remove these products by September 1, 2025.

Request for Approval: Amendment to the Norfolk County 5-East Inter-Municipal Agreement for the Public Health Excellence for Shared Services Grant

Ms. McGrath stated several months go the Board approved engaging in the second round of the Inter-Municipal Agreement. At that time there were five communities, Randolph, Quincy, Weymouth, Braintree and Holbrook. Since that time Weymouth has decided not to participate in the grant and has removed themselves from the agreement. The letter they are being asked to endorse is an amendment to the original agreement indicating Weymouth is no longer participating.

Motion By: Ms. Melchionda to approve the amendment to the Inter-Municipal Agreement.

Second By: Dr. Nedelman

Voted by roll call:

Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes

Informational:

Ms. McGrath stated beach testing is ongoing and so far has been good, however, she is unsure what the results will be after the recent heavy rain.

Motion By: Dr. Nedelman to adjourn the meeting at 7:45 p.m.

Second By: Ms. Melchionda

Voted by roll call:

Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes