

**Braintree Board of Health
Fletcher Hall Meeting Room, Town Hall
1 John F. Kennedy Memorial Drive, Braintree MA
Thursday, October 3, 2019, 7:00 p.m.**

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

ALSO PRESENT: Marybeth McGrath, Director of ML & I
Jean McGinty, Public Health Nurse

Dr. Bregoli called the meeting to order at 7:00 p.m.

Approval of Meeting Minutes: August 15, 2019

Motion By: Ms. Melchionda to approve the meeting minutes of
June 13, 2019.

Second By: Dr. Nedelman
Unanimously Voted

List of Complaints:

The board reviewed a list of complaints received from August 9-September 27, 2019.

Dr. Nedelman asked if they are receiving more complaints about rats. Ms. McGrath stated yes, during the summer they received a lot of complaints. She stated she spoke with a representative from a pest control company and he stated that in general his business is receiving more complaints. He feels it is because of the heat in the summer and the rodents coming out to look for food and water. She attended a conference three weeks ago and one of the lecturers was out of Boston and he said across the nation the rat situation has increased and they cannot figure out why. Construction might disturb nests but this is not what is keeping them, it is food and water. She stated the complaints have lessened over the past three weeks.

New Business:

Sale of Tobacco Violation: Liberty Wine & Spirits, 296 Grove Street

Chris Collins, Owner, appeared before the Board.

Ms. McGrath stated the tobacco compliance officer and the minor youth that works with him conducted a compliance check on Monday, August 26, 2019 at 1:20 p.m. The youth purchaser was a 20-year-old female, did not have an ID, and was not asked for one by the clerk. The clerk did not ask their age. The clerk was a male young adult estimated to be

between 20 and 30 years of age. She purchased a Juul pod and the sale was made for a purchase price of \$16.99, with the method of payment a \$20 bill. This was their first offense within a 24 month period, and the penalty for a first offense for a tobacco infraction is a five day suspension of the tobacco sales permit and \$100 fine. Within 30 days of the first day of suspension all persons involved in the sale of tobacco products need to receive merchant education, which Mr. McLaughlin, the compliance officer, can provide.

Ms. McGrath stated that on September 24, 2019 the Governor made a declaration that vape products were considered a public health emergency and ordered a prohibition of the sale and public display of any vape products in any establishments in Massachusetts. She stated in Braintree this impacted 33 licensed tobacco vendors. She prepared all the documentation and it was hand carried to each of the establishments on the morning of September 25. As a result, this establishment presently is not offering or displaying vape products, but this penalty is about the sale of tobacco products in general, whether it be cigarettes or a Juul product.

Ms. McGrath stated in this case they violated their tobacco sales permit. Dr. Nedelman asked if the fine is implemented would this affect the sale of all tobacco products. Ms. McGrath stated if the Board implements the first offense then all products cannot be sold for five days. Dr. Nedelman asked who sold the product. Mr. Collins stated he believes the date of the sale is wrong and was actually Sunday, August 25. The clerk in question thought the person was somebody he had checked the ID of a few times previously. He informed the clerk that is not good enough, he must check the ID. Ms. Melchionda recommended training employees to always check an ID, whether they know the person or not.

Motion By: Ms. Melchionda to impose penalty for first offense for Liberty Wine and Spirits at 12 noon on Friday, October 4, 2019 through Wednesday, October 9, 2019 at 12 noon.

Second By: Dr. Nedelman
Unanimously Voted

Ms. McGrath informed Mr. Collins that prior to noon on October 4, 2019 (tomorrow) someone from her staff will be visiting his establishment to ensure all tobacco products are removed from public display and to issue the temporary suspension of permit.

Informational:

Ms. McGrath introduced Jean McGinty, public health nurse. She stated she has scheduled the first flu clinic for October 20, 2019, from 9:00 a.m. to 1:00 p.m., with a makeup date of October 28, 2019 from 3:00 to 7:00 p.m. Ms. McGinty has done three senior housing clinics already. Dr. Nedelman asked if they are offering the high dose for seniors. Ms. McGinty stated they are only offering the regular shot. Ms. McGrath stated they cannot afford the high dose. Ms. McGinty stated the high dose is averaging \$47, whereas the quadrivalent is approximately \$16. She stated the high dose is trivalent and

has an extra adjuvant to boost immunity. Dr. Bregoli asked if there is a difference in the effectiveness. Ms. McGinty stated according to the manufacturer it does work. They recommend it for people with comorbidities, not your average 65 to 103 year-old who still feels strong. Ms. McGrath stated the flu clinic is three weeks later than they normally are because the vaccine is delayed. Ms. McGrath stated the funding for the flu clinic comes from a revolving fund which also funds other items, however, they will look at the higher dose injection again next year to determine if they can do anything.

Discussion was held on the statewide prohibition of vape products. Ms. McGrath stated there are two vape shops in town, one sells other tobacco products and has remained open, the second sells only vape products and CBD and she is not sure what their plan is. She stated there will probably be statewide legal action at some point.

Next Meeting: November 7, 2019

Motion By: Dr. Nedelman to adjourn the meeting at 7:25 p.m.

Second By: Ms. Melchionda

Unanimously Voted