

BRAINTREE BOARD OF HEALTH

MINUTES

March 14, 2013

IN ATTENDANCE: Paula Dowd, Chairman
Dr. Philip Nedelman, Vice-Chairman

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Mrs. Dowd called the meeting to order at 7:00pm.

MINUTES:

Motion By: Dr. Nedelman to approve the minutes of February 14, 2013
Second By: Mrs. Dowd

NEW BUSINESS:

1) Sale of Tobacco Violations:

Present: Jerry McLaughlin, Tobacco Compliance Officer

a) Hennessy News-250 Granite Street

Present: Jason McGaughey, owner

Mr. McLaughlin advised the Board that on February 28, 2013 at approximately 4:20:pm, a compliance check was conducted at Hennessy News located at the South Shore Plaza, 250 Granite Street. At this time, a seventeen year old male entered the premises, walked up to the kiosk and did purchase a tobacco product from a female clerk. Thereafter, the tobacco product purchased was handed to Mr. McLaughlin, marked as evidence and brought with him this evening to this hearing. The tobacco product was \$ 8.48. The clerk was a young female.

Mr. McLaughlin advised that he did observe the sale and has a description of the clerk and of the other male individual that was behind the counter at that time.

Mr. McLaughlin advised that as per the instructions of the Board of Health, he did physically observe the transaction from a safe distance inside the mall, so he could identify the clerk and other workers behind the counter.

Mr. McGaughey advised the Board that he takes full responsibility for the occurrence of the tobacco sale and therefore any penalty associated with it.

Both Mrs. Dowd and Dr. Nedelman advised that it has been many years since Hennessy News has been before the Board for a sale of tobacco violation.

Ms. McGrath advised the Board that the penalty for a first offense is a five-day suspension of the tobacco sales permit, a one hundred dollar fine and within thirty days of the first day of the suspension, all employees involved in tobacco sales must receive merchant education.

Motion By: Dr. Nedelman to impose the penalty for a first offense to begin on March 15, 2013 at 12:00pm.

Second By: Mrs. Dowd

b. Mutual Highland Auto, Inc.-275 Hancock Street

Present: Georges Metri, owner

Mr. McLaughlin advised the Board that on February 28, 2013 at approximately 3:46pm, a seventeen year old male conducted a compliance check at Mutual Highland Auto, Inc. located at 275 Hancock Street for the purpose of attempting to purchase a tobacco product. The minor buyer departed Mr. McLaughlin's vehicle and entered the premises with only the money provided to him by Mr. McLaughlin, and he had no identification on him. He returned to Mr. McLaughlin's vehicle with a package of Marlboro cigarettes, which was given to Mr. McLaughlin, marked as evidence and kept by Mr. McLaughlin and brought to the hearing tonight. The product price was \$ 9.25. The clerk was a male adult.

Mr. Metri advised the Board that he watch the video and it was his son who sold the tobacco product. He advised that he has told his son to check for identification on everyone. He also has signs posted.

Ms. McGrath advised the Board that this is a second offense within a two year period, with the previous violation occurring in September.

Ms. McGrath advised the Board that the penalty for a second offense is a ten-day suspension of the tobacco sales permit and a three hundred dollar fine.

Motion By: Dr. Nedelman to impose the penalty for a second offense to begin on March 15, 2013 at 12:00pm.

Second By: Mrs. Dowd

2) Request for Variance of Lifeguard Provision-Royal lake Condominium Association- 3 Royal Lake Drive

Ms. McGrath advised the Board that this is a variance request renewal of the lifeguard provision for Royal Lake Condominiums due to the low bather load. They also maintain all of the proper signage.

Motion By: Dr. Nedelman to approve the variance as requested.
Second By: Mrs. Dowd

Motion By: Dr. Nedelman to adjourn the meeting at 7:26pm.
Second By: Mrs. Dowd