

BRAINTREE BOARD OF HEALTH

MINUTES

September 19, 2013

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

ALSO PRESENT: Marybeth McGrath, Director of ML & I

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

REORGANIZATION OF THE BOARD:

Motion By: Mrs. Dowd to nominate Dr. Nedelman as the Chairman of the Board
Second By: Dr. Bregoli

Motion By: Dr. Nedelman to nominate Mrs. Dowd as the Vice- Chairman of the Board
Second By: Dr. Bregoli

Motion By: Dr. Nedelman to nominate Dr. Bregoli as the Clerk of the Board
Second By: Mrs. Dowd

MINUTES:

Motion By: Dr. Bregoli to approve the minutes of August 15, 2013
Second By: Mrs. Dowd

NEW BUSINESS:

1) Request for Hearing: Housing Order to Correct Violation-171 Commercial Street

Present: Yaser Saleh, property owner

Ms. McGrath advised the Board that on August 20, 2013, the department was called out to 171 Commercial Street at the request of the tenant to investigate a housing complaint. The complaint was that the dwelling unit was infested with fleas. A department inspector and I arrived at the property and conducted the site inspection with the occupant of the unit. The unit was in fact infested with fleas, to the degree that the inspector and I

came out of the unit covered in fleas. Shortly thereafter, the order to correct the violation was prepared and sent to the property owner, Elam Hassan regarding 171 Commercial Street to immediately exterminate the dwelling unit so that the infestation is corrected.

Mr. Saleh advised the Board that he has a letter from the neighbor of the adjoining unit on the property, who has lived there for nine years. He does not allow pets on the property, so anyone who brings pets on the property are responsible for them making sure they are clean and taken care of. From the letter, it states that the tenant let the cat out and it brought the fleas back. The neighbor told the tenant how to get rid of the fleas by vacuuming and cleaning, but the tenant does not do these things. It appears that she has now abandoned the place, as all of the utilities are shut off. So, he feels this is the tenant's responsibility to get rid of the fleas.

Dr. Bregoli asked how long the tenant has lived there.

Mr. Saleh advised five years. The neighbor has been there for nine years.

Dr. Nedelman asked how anyone would get rid of fleas.

Mr. Saleh advised that the tenant is supposed to vacuum daily, keep the place clean, wash all linen and curtains, and keep vacuuming. He stated that when both he and the neighbor told her this, she said she does not have the money to buy a vacuum. This is why the problem exists. Even if he takes care of it, it will happen again because she does not take care of the pet.

Dr. Nedelman asked if Mr. Saleh has even "bomb sprayed" the unit for fleas.

Mr. Saleh advised that yes he has, but it needs to be vacuumed after that too. It is ongoing until you get rid of the fleas.

Dr. Nedelman asked if the tenant has ever bomb sprayed the unit.

Mr. Saleh advised that she has, but she did not vacuum, so the cycle is not complete.

Mrs. Dowd stated that she believes the state housing code indicates that the owner is responsible for exterminating.

Ms. McGrath advised the Board that section 410.550 of the state housing code is very specific and clear. It does not specify who created the problem, but does state that the owner of a dwelling containing two or more dwelling units is responsible for extermination. This dwelling has two dwelling units, so the owner is responsible for exterminating the dwelling unit with the flea infestation.

Mrs. Dowd advised that the state housing code is very clear, and she would say that unfortunately it is Mr. Saleh's responsibility to exterminate because he owns this

building. Her suggestion is also to not allow any pets at all, and then he will not have another problem with flea infestation.

Dr. Nedelman asked what if the cat stays inside.

Mrs. Dowd said this is to avoid him being back here again for the same problem.

Mr. Saleh said if she used the monthly treatment for fleas on the cat then this would not be an issue.

Dr. Bregoli advised that it is an unfortunate situation.

Dr. Nedelman advised that ultimately it is Mr. Saleh's responsibility to exterminate, as the owner.

Mr. Saleh asked about the tenant abandoning the property, and what is he supposed if she doesn't pay.

Ms. McGrath advised this issue is not what the Board is discussing with Mr. Saleh this evening, nor has the authority to address it.

Mr. Saleh stated that he thinks that the house should be condemned because the utilities are turned off.

Ms. McGrath advised that we are talking about two different issues now. She advised that she does not know what the status of the property is with regard to the claim that the tenant has abandoned the property. She advised that will certainly be investigated at a later date. She advised Mr. Saleh that he is here this evening specifically for the flea infestation that exists in the unit. She cannot speak about something that she has no knowledge of.

Motion By: Mrs. Dowd to uphold the order as written, and the owner is responsible for correcting the violation.
Second By: Dr. Bregoli
Unanimously Voted

2. Request for Hearing: Nuisance Order to Correct-34 Oak Hill Road

Present: Cynthia Edson, property owner

Ms. McGrath advised the Board that on August 21, 2013, the department received a complaint from a neighbor of the property at 34 Oak Hill Road regarding the overgrown vegetation and concern that they had observed snakes, insects and mosquitoes coming from the property. The department conducted an investigation and observed overgrown vegetation-grass and weeds throughout the property. Shortly thereafter, the nuisance order was issued. Ms. McGrath advised that the Board has in their packets supporting

documentation- pictures taken then, and again today showing the status of it today. The property Ms. Edson is here this evening, as she is disputing the order wanted to be heard by the Board on this matter.

Ms. Edson advised the Board that she thinks that the anonymous neighbor should have to identify themselves before this public hearing, and she suspects that she knows who it is. Ms. Edson presented a vase of weeds to the Board of Health to show them what she is attempting to grown on her property. She does not like to use insecticides, nor is particularly interested in watering a lawn and mowing it. So, she researched alternatives. In the backyard she has a very nice Japanese garden, with a base of gravel. She is raising the vegetation in the front yard for the bees and butterflies. She provided literature for the Board. She went on to explain the types of flowering vegetation that she has in her front yard and the benefits of them for bees and butterflies. In November, she will plan to cut down the vegetation after the flowering season.

Dr. Nedelman stated in Ms. Edson's letter of August 23, 2013, she wrote in the third paragraph and the third line that she states" I would request another month's growth to get to the stage and then I will cut it for fall cleanup".

Dr. Nedelman said it has been a month, why has she not cut it voluntarily without having to consider the request to make her cut it.

Ms. Edson said it is September, and she does not feel that someone who submits an anonymous complaint should dictate what she is supposed to do.

Dr. Nedelman said he is referring to her letter where she says she is going to cut it.

Ms. Edson said that she is planning to cut it, but does not want to be forced to cut it because she still has some flowering and seeding wildflowers coming in. So, she does not believe they are ready to cut yet. She has done some cleanup of the vegetation, but wants to leave the rest until freeze time, as they will not be flowering any longer.

The Board reviewed the pictures of the property taken on August 23, 2013 and those taken today on September 19, 2013.

Mrs. Dowd asked how she would plan to cut it down.

Ms. Edson said on her knees with a yard clipper.

Mrs. Dowd stated that was not even realistic.

Ms. Edson stated that the landscapers that she has contacted want between \$ 400.00-\$600.00 to mow, and she cannot afford that amount.

Dr. Nedelman stated that he has been by her property, and the pictures before the Board tonight clearly represent what the property looks like now.

Ms. McGrath advised the Board that they need to uphold the order, modify it or rescind it. She recommends that the order be upheld, and that the overgrowth of vegetation be mowed and maintained. She also advised that the Board should set a date when the correction needs to be completed.

Motion By: Mrs. Dowd to uphold the order to correct and have the property mowed by September 27, 2013 at 5pm.

Second By: Dr. Bregoli

Unanimously Voted

Dr. Nedelman advised Ms. Edson that he can make contact with a landscaper that would be reasonably priced and have him contact her, if she was interested.

Ms. Edson advised that she would be interested.

3. Adult Immunization Program

Present: Mary Mulready, Public Health Nurse

Ms. McGrath advised that Dr. Nedelman is the Town and School physician, so he signs off on all standing medical orders, including immunizations. So, there is involvement by the Board with immunizations. We also offer routine and annual flu and pneumonia vaccinations for the community. One of the things that we have always wanted to do was expand the immunization program, to include immunizations that physicians in the community may not be able to or choose not to offer, such as zoster vaccination. The reasons can be many, and one possibly being that it is cost prohibitive.

Ms. McGrath advised that the department is not looking at doing a full service immunization program, but offer only the vaccinations that are not that easy to obtain, or offer immunizations to the uninsured/underinsured in which the vaccines can be obtained from the state.

Dr. Bregoli did indicate that the zoster vaccination is extremely expensive and cost prohibitive for physicians to offer.

Ms. Mulready advised the Board that the department was attempting to get approval to utilize MDPH Emergency Preparedness Grant funding to start an immunization program to administer zostervacs, tdap and pneumovacs. However, that approval request was denied by MDPH.

Ms. Mulready advised that she was approved by the state to receive 20 doses of state supplied zostervacs for persons uninsured/underinsured and over the age of 65 years.

Dr. Nedelman advised that the zostervacs is very costly.

Ms. Mulready has researched the cost of zostervacs and it is \$ 115.00 a dose.

The Board and Ms. Mulready discussed how it will be determined if a client is eligible to receive one of the state supplied doses.

Dr. Nedelman discussed that overall effectiveness of the zoster vaccine.

Dr. Nedelman and Dr. Bregoli discussed what their procedure has been with their clients regarding the zoster vaccine, and their referrals to pharmacies, and whether insurance covers it.

Ms. McGrath advised the Board that for now Ms. Mulready would like to offer the state supplied zoster vaccine, and the pneumonia vaccine. If the program is well received, then the goal would be to purchase this vaccine with the immunization revolving fund.

Ms. Mulready also advised the Board that the purchased supply of quadrivalent flu vaccine is expected to be received within two weeks, so we should be able to offer a clinic soon after.

INFORMATIONAL:

Ms. McGrath advised the Board that she has not been able to put together revised Sale of Tobacco regulations yet, but has spoken with Mr. Morin-Chief of Staff, who does not oppose increasing the purchase age for buying cigarettes, but wants to make sure that a public hearing on the matter is held. Ms. McGrath advised that once she completes the draft regulation, she will be forwarding it to the Town Solicitor for review. Then, she will bring forward the draft regulation to the Board for review before scheduling a public hearing on them.

The Board discussed electronic cigarettes and if they are allowed to be used in restaurants.

Motion By:

Dr. Nedelman to adjourn the meeting at 8:00 pm.

Second By:

Dr. Bregoli

Unanimously Voted