

BRAINTREE BOARD OF HEALTH

MINUTES

October 23, 2014

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

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Nedelman called the meeting to order at 7:00 pm.

MINUTES:

Motion By: Dr. Bregoli to approve the meeting minutes of September 18, 2014.

Second By: Dr. Nedelman

OLD BUSINESS:

- 1) **Continued: Request for Keeping of Chickens permit-154 Tremont Street**
Present: Mr. & Mrs. Nick Maimonis, property owners of 154 Tremont Street

Dr. Nedelman advised that this matter was continued by the Board from the September 18, 2014 meeting, at which time the Board heard from both the applicant and the direct abutters. Since that time, Ms. McGrath has completed the items requested by the Board in this matter.

Ms. McGrath advised the Board that they have three additional documents in their packets as follows: a receipt for the chickens indicating when they were purchased, a receipt for the chicken coop indicating when it was purchased, and a letter of support from the neighbor at 158 Tremont Street. This neighbor was unable to be present this evening, so forwarded the letter for the Board's review.

Also, on the plot plan within the packets, it shows the location of the existing chicken coop, as well as an alternative location for the coop, if that became necessary. The Board requested at the previous meeting that an alternative location be determined within the backyard.

Ms. McGrath advised that she did meet with Mrs. Maimonis, and did plot out an alternative location in the backyard for the coop if that became necessary.

Ms. McGrath advised the Board that the documents that are in the packets clearly establish that the chickens have been on the property for at least one and a half years, which refutes the complaint by the neighbor that the chickens just recently appeared on the property. The Health Department was unaware of their existence on the property, and it is likely that the only neighbors that knew they were there are the neighbors on either side of the Maimonis' property.

Ms. McGrath advised that in her opinion, she does not believe that the neighbor's behind the Maimonis property on Azel Road knew the chickens were on the property at 150 Tremont Street.

Dr. Nedelman advised that he believed that the two issues brought up at the last meeting were noise and sparrows.

Ms. McGrath advised that there is no rooster on the property, and the most noise that is being generated are very minimal clucks that cannot be easily heard. She advised, for example, that when she investigated the initial complaint at 37 Azel Road, she did not even know there were chickens in the backyard of 154 Tremont Street because she could not hear them when she was standing at the common backyard fence at 37 Azel Road right next to where the coop was located.

As far as sparrows, Ms. McGrath advised that she has researched the possible reasons why there is an abundance of sparrows in the south shore area. From the literature she has read, that due to the recent weather patterns that the birds migratory patterns have been altered. She did not believe that there is any correlation between the presence of the sparrows and the chickens. She further advised that she was recently at the Braintree MBTA station on Ivory Street and observed hundreds of sparrows in the bushes. It was a nice day out and there certainly were no chickens present on the MBTA property.

Ms. McGrath recommended that the chicken coop remain in its present location, and the applicant be granted a permit for the keeping of the chickens.

Dr. Bregoli asked Mr. & Mrs. Maimonis if they would like to speak. They declined. Dr. Bregoli asked if there was anyone in the audience that wanted to speak against the application. No one in the audience spoke on this matter.

Motion By: Dr. Bregoli to allow the applicant to keep the chicken coop in the same location that it has been for the past one and a half years, and to approve the request for keeping of chickens permit.

Second By: Dr. Nedelman

NEW BUSINESS:

- 2) Sale of Tobacco Violation: Super Petroleum-297 Quincy Avenue**
Present: Al , representative from Super Petroleum

Ms. McGrath advised the Board that on September 16, 2014, the tobacco compliance officer, Jerry McLaughlin along with the 16 year old minor conducted tobacco compliance checks in the town of Braintree. All of the establishments that have tobacco sales permits from the Board of Health were checked, including Super Petroleum at 297 Quincy Avenue. When the establishment was checked at 3:40pm on September 16, 2014, the youth buyer went into the store and was able to purchase a package of Marlboro cigarettes. The purchaser was not asked for his identification or asked his age. The clerk was an adult male, which is an individual between the ages of 20-30 years old. The cigarettes were purchased for \$ 10.14. They were purchased with a twenty dollar bill. The youth returned to Mr. McLaughlin's vehicle, at which time he gave Mr. McLaughlin the change and the purchased cigarettes. The cigarettes were then marked into evidence.

The representative from Super Petroleum advised the Board that he was embarrassed. He advised that they take this very seriously, and all of the employees are trained in the sale of tobacco. The company has also purchased the register software that prompts the clerk to enter a birth date for the purchase of cigarettes. Since the Board increased the purchase age from 18 to 21 years of age, the company has updated the software at the register, and reviewed the regulations with the clerks and had them sign that they read and understand them. They also have mystery shoppers that do age verifications for the purchase of tobacco.

He advised the Board that he is not disputing the sale, and will be reviewing the video for that timeframe and termination action will be taken against the employee.

Ms. McGrath advised him that may be the company policy, but it is never the recommendation of the Board that an employee be terminated.

She further advised that the regulations passed in June 2014 that increased the age for sale of tobacco took effect on October 1, 2014. So, this sale violation would have occurred prior to that effective date under the old regulations which would not allow the sale of tobacco products to anyone under the age of 18 years of age.

Ms. McGrath advised that this is the first offense within a two year period. 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. Bregoli to impose the penalty for a first offense to begin on Friday October 24, 2014 at 12:00 pm.

Second By: Dr. Nedelman

3) Request for Keeping of Pigeons permit-150 Tremont Street

Present: Kevin Williams, property owner of 150 Tremont Street

Ms. McGrath advised the Board that in the process of working with Mr. and Mrs. Maimonis regard the chickens, she discovered that the neighbor next door, Mr. Williams

has pigeons on his property located at 150 Tremont Street. So, he is before the Board this evening to seek a permit for the pigeons in order to be in compliance with the requirements.

Mr. Williams has submitted his application and all of the supporting documentation. A plot plan within the Board's packets shows the location of the three pigeon coops. The closest coops to the property lines between the Maimonis property at 154 Tremont Street, and Azel Road are 8' and 10'.

Dr. Bregoli advised that documentation reveals that these pigeon coops have been on this property for years.

Ms. McGrath advised the Board that Mr. Williams has provided supporting documentation that indicates that the pigeons have been on this property going back to at least 1978, if not longer. She indicated that she is not aware of any problems with the pigeons at this location, and as a matter of fact, she had no idea that there were pigeons on this property until September 18, 2014.

Mr. Williams advised the Board that he is certified in the racing of the pigeons and offers presentations on this subject matter.

Dr. Nedelman advised that he feels the history of the keeping and racing of pigeons is very educational and believes that it would be a very valuable educational topic in schools, etc.

Mr. Williams provided the Board with an overview of the lifecycle of the pigeons, and the processes of preparing the birds for racing, as well as the step by step process involved in a race. He also advised the Board that he annually vaccinates the pigeons.

Mr. Williams advised that he does let the birds out of the coops for one half hour for two to three hours a week for some exercise in which they basically flutter around in his yard. Other than when the birds race, in which they are taken to an off-site location and fly back to 150 Tremont Street, the birds are in the coops on the property.

Mr. Williams advised that this is not just a hobby, but a passion that he has been doing for the past 50 years. He keeps between 50-70 pigeons.

Dr. Bregoli advised that he walks on Tremont Street almost every day, and never knew there were pigeons there.

Dr. Nedelman asked how much time a day does Mr. Williams have to spend cleaning and feeding.

Mr. Williams advised that he can feed, water and maintain the coops and pigeons about an hour a day. However, he spends a lot more time than that daily because it is his passion.

Dr. Nedelman asked if anyone in the audience wanted to make any comments.

No one in the audience spoke on this matter.

Motion By: Dr. Bregoli to approve the keeping of pigeons permit at 150 Tremont Street.

Second By: Dr. Nedelman

Ms. McGrath advised the Board that the department has offered two public flu clinic, plus held flu clinics at all of the senior housing complexes. To date, we have offered over 1200 vaccinations. The department in collaboration with the school department, has offered over 425 flu vaccines in the high school, two middle schools, Archbishop Williams and St. Francis.

Dr. Bregoli advised that he has a conflict with the November 6, 2014 meeting and will not be able to attend it.

Ms. McGrath advised that she is not certain if Mrs. Dowd will be in attendance at the November meeting, so she may have to cancel it, but will advise the Board if that becomes necessary.

Motion By: Dr. Bregoli to adjourn the meeting at 7:32 pm.

Second By: Dr. Nedelman