

BRAINTREE BOARD OF HEALTH

MINUTES

January 26, 2012

IN ATTENDANCE: Paula Dowd, Chairman
Dr. Philip Nedelman, Vice Chairman
Karen Hubbard, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

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

APPROVAL OF MINUTES:

Motion By: Dr. Nedelman to approve the meeting minutes of
December 15, 2011.

Second By: Mrs. Hubbard

NEW BUSINESS:

- 1) **Sale of Tobacco Violation-H & A Convenience, Inc., 123 Hancock Street**
Present: Jerry McLaughlin, Town of Braintree Tobacco Compliance Officer
Beena Patel, daughter of and representative for the establishment owner

Mr. McLaughlin advised the Board that on December 27, 2011 compliance check were conducted in the town of Braintree. At approximately 2:35 pm, a seventeen year old female entered the establishment of H & A Convenience located at 123 Hancock Street. This was a routine compliance check. The 17 year old female left his vehicle with no monies on her person, except for money given to her by Mr. McLaughlin to try to purchase a tobacco product. She went into the store and asked for a package of Marlboro cigarettes. She did purchase the cigarettes. The clerk did ask her for an ID, and when the buyer stated that she did not have one, the clerk told her to bring it in tomorrow. The price of the cigarettes was \$ 8.69, and it was paid for with a \$ 10.00 bill. The buyer came directly back to Mr. McLaughlin's vehicle with the cigarettes that were properly marked as evidence at that time, and kept in Mr. McLaughlin's possession until tonight. Mr. McLaughlin showed the cigarettes to the Board.

Mr. McLaughlin further advised that the details of this compliance check with regard to the verbal communication of the clerk during the sale are almost verbatim to the last time this establishment sold a tobacco product in September 2011, in which the clerk at that time also told the youth buyer to bring their ID back at another time.

Ms. Beena Patel advised the Board that she was representing her father, Mr. Dashrathb Patel, the owner of H & A Convenience Store, as he was unable to attend the hearing this evening. She advised that he has a number of new employees, and continually instructs them on the requirements for sale of tobacco, including asking for and checking identification.

Ms. McGrath advised the Board that this establishment's first offense occurred on September 28, 2011. Therefore, as per the regulations, this offense would be the second offense within a two year period. The penalty for a second offense is a three hundred dollar fine and a ten day suspension of the tobacco sales permit.

Ms. McGrath advised the Board and Ms. Patel what the penalty for a third offense and fourth offense would be, if additional sales occurred within the two year period.

Motion By: Dr. Nedelman to enforce the regulation, and impose the penalty for a second offense to begin at 12:00pm on January 27, 2012.
Second By: Mrs. Hubbard
Unanimously Voted

2) Request for Variance of Lifeguard Provision-Hampton Inn, 215 Wood Road

Ms. McGrath advised the Board that this is a renewal of the request for a lifeguard variance for the Hampton Inn located on Wood Road. Hampton Inn received their original lifeguard variance from the Board in 2004. They have an indoor swimming pool, and in order to gain entry into the swimming pool area, an individual must be a guest and have their key card to access the locked entry door. All of the safety devices required are located within the pool enclosure area. Based on their records, they average between normally 1-3 bathers a day.

Motion By: Mrs. Hubbard to approve the variance request
Second By: Dr. Nedelman
Unanimously Voted

3) Request for Variance from State Plumbing Code: Proposed Doc Popcorn, 250 Granite Street, South Shore Plaza

Ms. McGrath advised the Board that the applicant has withdrawn this request for variance, and as such the matter will not need to be heard by the Board. She further provided a brief summary of the proposed establishment operation, and the reason why this matter will not be going before the State Plumbing Board for the variance request.

INFORMATIONAL:

4) Memorandum from Mayor Sullivan: Remote Participation in a Public Meeting- Informational

5) 2011 Report of the Norfolk County Mosquito Control District- Informational

**6) Letters received from Dr. Peter Kurzberg, Superintendent of Schools
RE: BHS Roof Drains- Informational**

Ms. McGrath advised the Board that Mayor Sullivan has forwarded documentation to the Town Council regarding a request for approval of the Blue Hills Cemetery crematory land dedication. Once the matter was approved by the Board of Health in December 2011, it was then forwarded onto Mayor Sullivan for review, and is now being forwarded onto the Town Council for approval, as required. The only modification that the Mayor is requesting in addition to the Board of Health's decision is that there be no casket burials on the cemetery property where the proposed crematory will be located.

Motion By: Dr. Nedelman to adjourn the meeting at 7:25pm.
Second By: Mrs. Hubbard