

BRAINTREE BOARD OF HEALTH

MINUTES

March 12, 2009

IN ATTENDANCE: Dr. Philip Nedelman, Chairman
Dr. Mark Samuelson, Vice Chairman
Paula Dowd, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

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

MINUTES:

Motion By: Dr. Samuelson to approve the minutes of February 12, 2009.
Second By: Mrs. Dowd
Unanimously Voted

OLD BUSINESS:

NEW BUSINESS:

- 1. Town of Braintree Five Year Vegetative Management Plan (VMP)**
Present: Daryn Brown, Director of Golf Operations

Ms. McGrath advised the Board that they may recollect endorsing a vegetative management plan for the Town in October, which has been discarded for use because it needed some modification. Mr. Brown has been working with a consultant since then, and a created a new proposed plan.

Mr. Brown advised the Board that the state has a Vegetative Management oversight panel that oversees all vegetative management incorporated throughout the state. Part of the right of way regulations are that the Town must submit a five year plan of what the program will be for the Town. The five year plan is very extensive, but what the Town is looking for is to get license approval to basically spray the cracks in the sidewalks with Roundup. The Mayor, since taking office, has had a very strong agenda of beautifying the Town. A lot of that comes into play at the gateway entrances into town and the squares, where you see the crabgrass growing out of the granite curbing and asphalt, and highway signage areas. Last year, this was addressed by using weed wackers turned on their sides and spraying rocks everywhere, and power sweeping. Crabgrass is very hard to keep under control and keeps coming back. It is illegal under MA state law to go out

and apply roundup that you buy at a hardware store on a public right of way. A license is needed to apply this product.

Mr. Brown advised that he is a licensed pesticide applicator for the Town. He can supervise others within the town that have regular applicators licenses. He is in the process of getting his right of way certification license which would allow him and others to spray poison ivy or crabgrass, etc. along a walkway, guard rail or other public right of ways. All of these issues and future growth regulators are mentioned in the plan. Realistically, at present the Town would like to be able to file this plan to be able to go out with hand pump sprayers and spray roundup just on the cracks on probably 1% of the roadways. They basically want to get the gateways, curbs and entrances to many of the town streets. The VMP is the overall management plan which is good for five years once it is filed with the state. It has to be reviewed by the VMP panel. Mr. Brown is required to get the signatures of the Board of Health, the Conservation Commission and the Mayor. Once it is submitted, it is maintained on record. The Town then has to develop a Yearly Operational Plan (YOP), which is much more detailed. It entails, the town forming a map of the streets, highlighting areas that the town plans to treat, checking with the Conservation Commission to see if any wetland regulations that would come into effect, see if determinations are needed for how close they can treat within certain areas. Mr. Brown hopes to have the YOP come before the Board in April, which will include a map of the areas of the town known to be problem areas that will be treated and about a 14 page document with details of what the Town will use for control methods.

The Town will not be using large based application equipment. This will be done on foot at 4:00am in the morning with a low volume backpack sprayer with no drip potential. They will be spraying a one inch band along the cracks. They hope to undertake that process around July 1, 2009. They have to wait until the crabgrass leaves to sprout in order to have enough leaf tissue to cover for the herbicide to be absorbed. Once they spray it, they will get seasonal control so they won't have to come back again during the year. They are also investigating the ability to write into the plan to address poison ivy as it outbreaks around the town.

Mr. Brown advised the Board that he anticipates having the YOP ready by April for review, and also the he will have to come back before the Board again next winter with an updated YOP for 2010.

Dr. Nedelman asked if there is any distinction between state and town owned roadways.

Mr. Brown advised yes there is. The Town can put the state roadway maintenance under the Town jurisdiction for the VMP plan if the Town plows the snow on the sidewalks, cut limbs and do any kind of brush maintenance on a portion of the right of way.

Dr. Nedelman asked about the Union Street rotary.

Mr. Brown advised that will have to be determined by the YOP and get some feedback on that area. Mr. Brown is uncertain what plans the Mayor has for that area.

Mr. Brown advised that this will be done by town employees. He advised that half of his employees at the golf course are licensed. They have three gallon backpack sprayers. Generic roundup and generic crabgrass inhibitor would be used. The chemical cost will probably be between \$ 300.00 to \$ 400.00. Overtime cost will probably be \$ 500.00 to \$ 600.00. So, it is a small operation.

Mr. Brown also advised that if homeowners call him about poison ivy, he would try to assist them also.

Mr. Brown requested the Board's endorsement of this VMP, and he will be bringing the YOP forward hopefully in April with a map and more specifics and will need the Board's signature for that plan for submittal. Thereafter, he advised that he will be coming before the Board each year with an updated YOP and a map.

Dr. Samuelson asked if the cracks will be sealed.

Mr. Brown advised that the VMP outlines the use of street sweeping, sealing particular cracks, etc. This program will be completely supervised by him.

Motion By: Mrs. Dowd to approve the Vegetative Management Plan application.
Second By: Dr. Samuelson
Unanimously Voted

2. Sale of Tobacco Violation

Present: Jim Wells, Assistant Director-South Shore Boards of Health Collaborative, Tobacco Control Program.

a. CVS-250 Granite Street

Present: Kristen Roy, Store Manager
Steve Post, District Manager

Dr. Nedelman advised that CVS requested to be rescheduled from the February 12, 2009 meeting to this meeting.

Mr. Wells advised the Board of Health that on January 9th and 10th, 2009, compliance checks were conducted in the Town of Braintree. There were three sales, two of which were resolved at the February 12, 2009 meeting and before the Board tonight is CVS of 250 Granite Street, Braintree.

Mr. Wells advised the Board that a compliance check was conducted at CVS-250 Granite Street on Saturday January 10, 2009 at 11:48am. A seventeen year old female in the

Collaborative employ went into the CVS store at this location with no identification on her person. Her attempt was to go in and buy a package of cigarettes. She carries no ID, no ID was asked for, no age was asked for. The clerk was a male adult. An adult is estimated to be between 30 to 60 years of age. She asked for a package of Newport cigarettes. The sale was made for \$ 6.55. A receipt was given. She returned to the car and turned over the cigarettes and the receipt to Inspector McLaughlin. He labeled the cigarettes, filled out the paper work and attached the receipt. All of which Mr. Wells has with him this evening. Mr. McLaughlin forwarded the paperwork to the Board of Health. This is the first sale within a two year period, and they have three previous sales on their record.

Steve Post, District Manager advised that he is here this evening with Kristen Roy, the Store Manager. Mr. Post said there is not a lot that can be disputed as there is a receipt. They are not here to dispute the facts. They are here to see what the consequences will be.

Dr. Nedelman asked if they have reviewed any video tapes.

Mr. Post advised that they did and they conclusively agree with the evidence presented. He advised that this is disappointing because all of the employees go through an extensive training, including the clerk who sold these particular cigarettes.

Mr. Post advised that a few of the CVS stores are equipped with an identification swiping system tied into the terminals, in which a state identification or license is required to be presented by all individuals purchasing cigarettes, and in order to purchase them the license must be swiped through the register system for approval. This system is full proof and basically would solve the problem of sales to minors. Not all of the CVS stores have this equipment. CVS has chosen not to go in that direction more from a service prospective because carding older adult individuals clearly over the age of 27 can cause confrontation issue between the clerk and customer. The company has weighed the pluses and minuses of this system and has chosen not to broad base it in the stores.

Ms. McGrath advised that the penalty for a first violation 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.

Mr. Post requested the Board's consideration for the suspension to begin late afternoon on Friday March 13, 2009 because they will be undergoing an inventory tomorrow morning through midday.

Motion By: Mrs. Dowd to institute the penalty for a first sale to begin on Monday March 16, 2009 at 9am through Friday March 20, 2009.
Second By: Dr. Samuelson
Unanimously Voted

3. Request for Variance of Lifeguard Provision

a. Reservoir Crossing-614 Pond

Present: Gina Bonzagni, Property Manager

Ms. McGrath advised the Board that they may recollect that a variance request of the lifeguard provision for this property was brought forward to the Board in early summer of 2008. The issue at that time was that the door, which is an emergency egress because of the way the structure was built, did not have an alarm system. The concern was without an alarm system to allow it to go without lifeguards. Since that time, Ms. Bonzagni with the Board of Trustees have installed a fairly elaborate alarm system, which is a key carded alarm system. This system operates by requiring the resident to swipe the key card. If the key card is not used and someone tries to open the door the alarm is activate and sounds off. Ms. McGrath advised that Ms. Bonzagni demonstrated the alarm for her and it is very loud and can be heard throughout the building.

Ms. Bonzagni advised the Board that after reviewing the request submittal last year, she agreed that she should never have submitted the request without having had more of a control system on the door. So, a key card system was installed and each resident has one key card per unit. The system tracks every time someone swipes it, so you can tell who is using the card, when they go in and when they come out of the pool area. Even if the lifeguard is there on duty and someone forgets to swipe their key card, the alarm will still go off. This system was installed last summer and in operation for most of that pool season. Ms. Bonzagni advised that they did not have any problems last summer with anyone trying to get out into the pool enclosure area after hours. Further, she reviews the log reports daily to see if anyone tried to access the pool area after hours. Also, if someone did try to access the pool area after hours, the key card will not allow them back into the building, so the system is a big deterrent. Also, they also instituted a \$ 500.00 fine for anyone trying to access the pool area. The rules and regulations have been changed for the pool. So, they have tried to make it extremely unpalatable for someone to try and get in there.

Ms. McGrath also advised the Board that Ms. Bonzagni mentioned that resident apartment balconies are located adjacent to the pool enclosure, so those resident's advise her of problems that arise regarding access to the pool area.

Ms. McGrath advised the Board that this is an outdoor pool that abuts the building. The only way in and out of the pool, other than the exterior emergency gate which is primarily for fire department access, is through the main building door. The concern was that people could just walk out into the pool area without any sort of alarm system to let someone know they are out there. The door also serves as an emergency egress.

The Building Division was contacted. The pool is a kidney shaped structure and the cool deck is long, so in an emergency if persons had to stand outside that would not be problematic as egress could be sought through the emergency gate.

Ms. Bonzagni advised that the building has two side exits and the main exit which would be the primary exits from the building. The exit out to the pool area is more for someone that may be in the fitness center located near the pool area.

Ms. Bonzagni advised that there is 132 units. There are less than two dozen children that live in the complex. Family members come with their grandchildren.

Ms. Bonzagni advised that they intend to have lifeguards staffed on the weekends, when management is not onsite.

Ms. McGrath advised the Board that Ms. Bonzagni monitors the system daily and has the ability to set the alarm to sound for any length of time chosen.

Motion By: Mrs. Dowd to approve the variance request.

Second By: Dr. Samuelson

Unanimously Voted

INFORMATIONAL:

MATTERS BY THE BOARD:

Ms. McGrath advised the Board that Mr. Corcoran, Chairman of the Health & Wellness Advisory Committee requested that when he has no agenda items for a meeting and therefore no meeting is held, if the Board of Health can place an agenda item on their Board meeting for Health & Wellness Advisory Committee updates.

Mrs. Dowd advised that would not be fair to Mr. Pratt who is a member of the Health & Wellness Advisory Committee.

Ms. McGrath also advised that the Board of Health and the Health & Wellness Advisory Committee are two separate entities.

Dr. Samuelson requested that in the future if Mr. Corcoran can notify the advisory committee members just prior to a scheduled meeting, if it will be held.

Motion By: Mrs. Dowd to adjourn the meeting at 7:45 pm.

Second By: Dr. Samuelson