

BRAINTREE BOARD OF HEALTH

MINUTES

April 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
March 15, 2012.

Second By: Mrs. Hubbard
Unanimously Voted

NEW BUSINESS:

1. Sale of Tobacco Violation- Seven Eleven # 32456, 390 Washington Street

Present: Jerry McLaughlin, Tobacco Compliance Officer
Teshager Getahun, Manager

Mr. McLaughlin advised the Board that on March 7, 2012 at approximately 4:05pm, while conducting compliance checks in the town of Braintree, Seven Eleven at 390 Washington Street was checked for compliance. At that time a seventeen year old female entered the premises with no monies on her except the money given to her by Mr. McLaughlin, which was a ten dollar bill. She went in and asked for a tobacco product, which was a pack of Marlboro red 100's, which Mr. McLaughlin has with him this evening. The clerk did ask her for an ID. When she said she did not have one, the clerk did not say anything and sold her a pack of cigarettes. The price of the pack of cigarettes was \$ 8.65. The female buyer returned directly from the store to Mr. McLaughlin's vehicle with the pack of cigarettes and the change, which were given to Mr. McLaughlin. The cigarettes were marked as evidence and kept in his possession until this evening for the hearing.

Mr. Getahun advised the Board that the employees are all trained before they start the job. Additionally, Seven Eleven has a program in which companies come in every month and check on tobacco sales. They have not had any offenses, as they get a green

card every month showing no offenses. On that day, an employee who has worked for Seven Eleven for four years and has experience, asked for an ID from the lady and she said she didn't have an ID. Mr. Getahun advised that as per other employees on duty, this lady engaged in conversation about the cigarette sale with them. Then, one of the employees said he knew her and sold the cigarettes to her.

Mr. Getahun apologized for the sale happening, as he has worked for Seven Eleven for eight years and never had this problem.

Mrs. Dowd advised Mr. Getahun that she believes there may be an error is what his employees are telling him because the youth buyers that work in the compliance program are trained and never indicate their age, never argue with anyone, they ask for the cigarettes and do not make any other statements when attempting to purchase cigarettes.

Mr. Getahun advised that he also has a video.

Mr. McLaughlin advised that Mr. Getahun can introduce a video into evidence for the Board to review.

Dr. Nedelman advised that he hears everything that Mr. Getahun is saying, but asked if the employee sold her the pack of cigarettes, yes or no.

Mr. Getahun stated yes.

Dr. Nedelman asked Mr. Getahun if the employee saw an ID from her that stated she was a certain age.

Mr. Getahun stated no.

Ms. McGrath advised that the establishment is now operated by Seven Eleven Corporation, and this is the first offense for the corporation. She further advised 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 that the penalty be implemented to start on Friday April 27, 2012 at 12:00 pm.

Second By: Mrs. Hubbard
Unanimously Voted

2. Request for Variance of Lifeguard Provision

a. Royal Lake Village Condominium Trust-3 Royal Lake Drive

Ms. McGrath advised the Board that this is the annual variance request which has been sought and approved for many years. It is largely an adult community, and as the department understands children on the property are usually visiting relatives. There is no change in the physical aspects of the pool facility from previous years.

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

b. Turtle Crossing-501 Commerce Drive

Ms. McGrath advised the Board that Turtle Crossing is again requesting a variance of the lifeguard provision. They will have lifeguards, but are requesting a variance to not have lifeguards during slower periods with low bather loads, such as weekdays, and after Labor Day if the pool remains opened weather permitting. Residents access the pool enclosure through the club house by keyed entry.

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

c. Devon Wood Condominiums-One Devon Club Lane

Ms. McGrath advised the Board that Devon Wood is again requesting a variance of the lifeguard provision. They will have lifeguards, but are requesting a variance to not have lifeguards during slower periods with low bather loads, such as weekdays, and after Labor Day if the pool remains opened weather permitting.

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

d. Jonathan's Landing-400 John Mahar Highway

Ms. McGrath advised the Board that last year was the first year that Jonathan's Landing came before the Board to request a lifeguard variance. They would like to operate the pool without a lifeguard present, as they have a very low bather load because there are very few residents who live on the property. The property is presently actively constructing new buildings. Ms. McGrath suggested that in the future as the occupancy of the property becomes larger that the Board may want to reconsider the status of the lifeguards.

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

e. Reservoir Crossing-614 Pond Street

Ms. McGrath advised the Board that Reservoir Crossing has come before them for at least three years regarding the lifeguard variance. They will have lifeguards, but are requesting the variance to not have lifeguards during slower periods with low bather loads, such as weekdays and after labor Day if the pool remains opened weather permitting.

Motion By: Dr. Nedelman to approve the variance request.

Second By: Mrs. Hubbard

Unanimously Voted

3. Request for Well Variance-50 Stone Crest Drive (Distances from property line and structure)

Present: Two abutters from Evergreen Drive

Ms. McGrath advised the Board that the installation of an irrigation well is being proposed at 50 Stone Crest Drive. A department inspector has been on-site to conduct all measurements for the required setbacks, in relation to the proposed well location. The applicant is looking for approval of a variance for the side property line setback only. They are proposing a 10' setback and the requirement is 25'. They are not able to place the proposed well in the back yard because the well drilling equipment is too large and there is not enough distance on each side of the house to the property lines for the equipment make access to the backyard. Also, there is a 30' easement on the back of this property, and within that 30' easement is the Algonquin Natural Gas transmission line, which is of concern to the gas company, abutters and this property owner. Therefore, if the Board is going to consider this variance, it should be with specific conditions placed on the permit issuance. The conditions should be that the well driller has to make contact with the department and the Fire Department when drilling begins, a representative from Algonquin Natural Gas Company must be on-site during drilling and that they will stake out their 30' easement before the drilling begins. Dig Safe must also stake out all utilities before drilling begins.

The abutters present asked to look at the plan showing the proposed well installation location. They also asked if there would be any blasting, and why the Board of Health and not the Planning Department has purview over well installations.

Ms. McGrath advised that she is not aware of any blasting that will occur.

Dr. Nedelman advised that the Board of Health reviews well installation requests for public and environmental health concerns related to such installation. He provided an example of the proposed request for a well installation at the Quirk Automobile Dealership on Quincy Avenue several years ago, which was denied by the Board because of the oil issue from the shipyard in that area. He advised that tapping into ground water or contaminating sources underground, as well as setbacks for the installation comes under the Board purview.

Motion By: Dr. Nedelman to approve the request with the specific conditions as outlined.

Second By: Mrs. Hubbard

Unanimously Voted

4. Outdoor Recreational Activities and the Risk of Mosquito-Borne Diseases letter

Ms. McGrath advised the Board that this is the annual letter that has been sent out to youth and outdoor activity sports and recreational activities, and is requesting their approval to send it out again this year.

Motion By: Dr. Nedelman to approve sending this letter to the appropriate organizations, as has been done in the past.

Second By: Mrs. Hubbard

OLD BUSINESS:

5. Karen Shanley, Human Resources Director-Update on Employee Health & Wellness Initiative

Present: Karen Shanley, Human Resources Director

Mrs. Shanley advised that after her meeting with the Board of Health in March 2012, she spoke with Mayor Sullivan, who is very enthusiastic. He suggested that rather than re-creating the Wellness Committee that she act as a liaison to the committee. The Mayor also suggested including Michael Denise, the Athletic Director, who has information and enthusiasm about wellness. Mr. Denise also suggested including Melonie Bennett, the School Department Health and Physical Education Director. Mrs. Shanley is waiting to meet with Ms. Bennett.

Mrs. Dowd suggested that other town departments be involved by having a representative on the committee, so that the representative can help get the word out to their co-workers.

Mrs. Shanley has reviewed the wellness point system proposal offered by the Health Division through the Board of Health and does like the proposed framework of point system for a variety of exercise activities.

The Board and Mrs. Shanley further discussed what options are/ may be available in collective bargaining agreements to address employee wellness and fitness, as well as new hires.

Mrs. Shanley advised that there are many health and exercise programs offered by the health insurance companies that can be established for town employees.

Mrs. Shanley advised that she will provide updates to the Board on the progress of the employee committee once established.

INFORMATIONAL:

6. Prescription Drug Disposal/Household Hazardous Waste Disposal Day-Saturday April 28, 2012.

7. Annual Rabies Vaccination Clinic-Saturday May 12, 2012

Ms. McGrath inquired with the Board if they have any comments on the draft proposed Community Standards Ordinance document that she forwarded to them.

Motion By:

Dr. Nedelman to adjourn the meeting at 7:50pm.

Second By:

Mrs. Hubbard