

BRAINTREE BOARD OF HEALTH

MINUTES

May 14, 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.

REORGANIZATION OF THE BOARD:

Motion By: Mrs. Dowd to have Dr. Nedelman remain Chairman
Second By: Dr. Samuelson

Motion By: Dr. Nedelman to have Mrs. Dowd be Vice-Chairman
Second By: Dr. Samuelson

Motion By: Mrs. Dowd to have Dr. Samuelson be Clerk
Second By: Dr. Nedelman

MINUTES:

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

OLD BUSINESS:

NEW BUSINESS:

1. Sale of Tobacco Violation

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

a. Seven Eleven-51 Commercial Street

Present: Mohamed Iskandar, owner

Mr. Wells advised the Board that on April 25, 2009, a compliance check was conducted in the Town of Braintree. On this compliance check, as requested by the MA Department of Public Health, they were doing an alternative tobacco product and decided to do chewing tobacco. On that day all stores in the Town of Braintree were checked and there was only one violation. The violation happened at Seven Eleven located at 51 Commercial Street. At 11:51am on Saturday morning, a seventeen year old male in the employ of the Collaborative, went into Seven Eleven to attempt to buy a can of chewing tobacco. He went up to the counter and asked for a can of Skoal chewing tobacco from a young adult male clerk. He was not asked for an ID, he was not asked his age and does not carry an ID. The purchase was made for a can of Skoal chewing tobacco for a selling price of \$ 6.29. He returned to the car, turned it over to Inspector McLaughlin, Inspector McLaughlin documented the evidence, filled out the paperwork and forwarded it to the Board of Health. Mr. Wells indicated the he has the Skoal chewing tobacco evidence with him this evening.

Mr. Wells further advised that this is the second sale within a two year window for this establishment, and this is their fifth sale on record.

Mr. Iskandar advised the Board that his clerk sold the tobacco product to the minor. He advised that the clerk stated the individual had a beard and asked for Skoal so that appeared to trick the clerk. The clerk thought the individual was the right age.

Ms. McGrath advised the Board that this is a second violation within a two year period with the most previous sale occurred on January 10, 2009. The penalty for a second violation is a ten day suspension of the tobacco sales permit and a three hundred dollar fine.

Motion By: Paula Dowd to uphold the penalty for a first sale to begin on Friday May 15, 2009 at 12:00 pm.

Second By: Dr. Samuelson
Unanimously Voted

2. Discussion on Electronic Cigarettes-SSBOHC Tobacco Control Program

Present: Elizabeth Nee, Director of the South Shore Boards of Health Collaborative Tobacco Control Program.

Ms. Nee advised the Board that she was asked by Ms. McGrath to attend the Board meeting to explain the electronic cigarette as a result of a complaint received about the electronic cigarette kiosk at the South Shore Plaza. She was hoping to purchase the device. However, when she went to the kiosk at the South Shore Plaza and spoke to the clerk, the whole package was about \$ 100.00 to purchase. So, instead she put together an informational package for the Board about the electronic cigarette and any health concerns. The information contains a picture of the device. Most of the information she was able to gather from websites, as they are all still learning about electronic cigarettes at the MA Tobacco Control Program. The device has been designed to be an alternative to the smoked tobacco product, such as cigarettes, cigars and pipes. The literature states

that the device does not contain tobacco, tar, carbon monoxide, ash, stub or smelt found in real cigarettes. It does contain nicotine. It states that it is pollution free and harmless to other people. As Ms. Nee understands this device, the filter end of it is taken off and inside there is a plastic cartridge where there is nicotine and flavor. There are six different flavors. When the customer inhales the cigarette that is how it is lit and can let off vapors from this cartridge.

Dr. Nedelman advised that nicotine is already sold in pharmacies and online and do not require a prescription.

Ms. Nee agreed that is correct. She further advised that the operator at this kiosk informed her that they do card customers and will not sell the device to anyone under eighteen. Ms. Nee also advised the Board that she contacted CVS in Weymouth and they advised her that they card individuals for nicotine gum, even though they are not required. Ms. Nee advised that this literature is all informational because the state does not regulate electronic cigarettes.

Dr. Nedelman asked the Board members if they would consider sending a letter to the South Shore Plaza management to the effect they the Board considers the display kiosk location of this product to be inappropriate and possibly it could be placed in a corner, but that the Board could discuss it.

3. Request for Variance of Lifeguard Provision

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

Ms. McGrath advised the Board that Royal Lake Village Condominium Trust is applying for their renewal for the lifeguard provision due to the very low bather load usage, so they have submitted for a variance of the lifeguard. Based on their documentation, they usually see on average up to three patrons on a daily basis at the pool facility. They also have the appropriate required signage.

Motion By: Mrs. Dowd to approve the variance request
Second By: Dr. Samuelson
Unanimously Voted

b. Riverbend Condominium Trust-399 Pond Street

Ms. McGrath advised the Board that Riverbend Condominium Trust has submitted a request for renewal of their lifeguard variance. Their population per the condominium usually runs just over five patrons. They also have the appropriate signage.

Motion By: Mrs. Dowd to approve the variance request.
Second By: Dr. Samuelson
Unanimously Voted

4. Request for Plumbing Variance-Braintree Property Assc./South Shore Plaza

Ms. McGrath advised the Board that that South Shore Plaza will be requesting a plumbing variance before the state plumbing board and in order to do so must first seek an endorsement of the variance request by the local Board of Health.

The Board will be reviewing the request for variance and either be endorsing the variance request or not endorsing the variance request. The South Shore Plaza is requesting a variance for the area at the South Shore Plaza that was the old loading dock of Macy's and will become the side of Nordstrom's and the front of Target. They have some catch drains there and within that plumbing system is an oil water separator, so anything that might drain down the parking lot will go into the catch basin area and be captured in the oil water separator before it goes into the sewer or storm water system. They would like to continue to use the existing oil water separator, but need to replace the piping. The existing piping conditions met the code requirements for sloping at that time, but when the piping is replaced it will not meet the new sloping requirements now required by the plumbing code. So, they are seeking a variance to install the new piping, hook up to the existing oil water separator at the same slope that was their previous. The sloping requirement now is 1/8 of an inch per foot. Based on the existing topography at the location now, they cannot meet that sloping requirement. Further, if they could not go through with this proposed request, they will have to install a new oil water separator and piping on the other side which will amount to well over \$ 20,000.00. So, they would like to seek this route in order to avoid that costly measure if at all possible. Ms. McGrath further advised that she has spoken with Andy Lyne, the plumbing inspector and he foresees no problem with them seeking this variance request. This is not the only catch basin in this area that will be receiving the water, the water would have to go through another catch basin before it got to this one. There is a whole series of catch basins. Ms. McGrath recommended endorsing the variance request.

Motion By: Dr. Samuelson to endorse the variance request.

Second By: Mrs. Dowd

Unanimously Voted

5. Request for Variance of Food Manager Certification-PJ's Pizzeria

1710 Washington Street

Present: Ted Demetriades, Owner
Edimar Micheleto, Manager

Ms. McGrath advised the Board that all food establishments are required by 105 CMR 590.000, the State Sanitary Code for Food Establishments are required to have a certified food manager on staff at least one forty hour equivalent or two part time equivalents. The manager serves as that person and has been with the establishment for many years. He has taken the certified food manager test on at least four occasions. Mr. Micheleto's native language is Portuguese and they do not offer the test in Portuguese. He has taken the test in English and came very close to passing the test each time, but has been

unsuccessful. The state sanitary code does allow if there has been at least two failures of the exam and the instructor certifies that the individual has taken the exam and has provided a letter to that effect, and can demonstrate that they have knowledge of food safety and sanitation, then they can seek a variance before the Board of Health.

Ms. McGrath further advised that the department inspectors have worked with Mr. Micheletto for many years during inspections and they have recommended approval based on his demonstrated knowledge of food sanitation and safety.

Mr. Demetriades advised the Board that they have located a Portuguese certified food manager course offered on Cape Cod twice a year.

Motion By: Mrs. Dowd to approve the variance request.
Second By: Dr. Samuelson
Unanimously Voted

Ms. McGrath encouraged Mr. Micheletto to move forward on taking the Portuguese certified food manager course and advised that the normal certified food manager certificate is only good for five years, so certainly this variance should not exceed that time.

Mr. Demetriades advised the Board that he is the current owner and has been for six years. Mr. Micheletto has been with the establishment for ten years. In the next few months, Mr. Micheletto will become the new proprietor so they wanted to make sure they could proceed. However, his intention is to take the course offered on Cape Cod in Portuguese.

6. Request for 2-Compartment Sink Variance-Braintree American Little League
Present: Peter Morin, Board Member

Ms. McGrath advised the Board that the Braintree American Little League operates a snack building at Hollingsworth Field, behind the Colbert School Administrative Building on Pond Street during the little league season offering limited food snacks, such as beverages, prepackaged chips, candy, cookies, hot dogs and pizza to patrons and players. At present, the snack building is equipped with a one compartment sink. They realize that they need to upgrade it what they hoped would be a three compartment sink, but do not have the room inside the facility. So, they are seeking a variance request for a two compartment sink, which the food code does allow. Once installed, in order to operate the two compartment sink, a detergent sanitizer must be utilized. The little league is willing and able to do that. The variance request is for a two compartment sink.

Ms. McGrath recommended approval of the variance request.

Motion By: Paula Dowd to approve the variance request.
Second By: Dr. Samuelson

Unanimously voted**7. Motel 6-Emergency Review of Status of Permit to Operate**

Present: Peter Morin, Chief of Staff and Operations
Carolyn Murray, Town Solicitor
Paul Frazier, Chief of Police
Victor Glover, VP of Safety & Security-Motel 6
Don Rose, Area Manager-Motel 6
Jeff Shook, Motel 6
William Hunt, Attorney for Motel 6

Mr. Morin advised the Board that in accordance with M.G.L Chapter 140, section 32B, he is coming before them this evening with a request that a hearing be scheduled to consider the suspension or revocation of the license held by Motel 6. The request is based not on an isolated incident, but on a sustained pattern of activity that has occurred over a number of years. The April 29th murder/suicide which occurred at Motel 6 led to a heightened scrutiny of the public health and safety issues this establishment presents. Moreover, a meeting was held on Monday May 11, 2009, with executives from Accor North America, the parent company of Motel 6 and attended by Mayor Joseph Sullivan, Representative Joe Driscoll, Police Chief Paul Frazier and other Town officials to discuss the problems at Motel 6 and to attempt to develop a remedial plan. At that meeting, Chief Frazier noted that the level of cooperation between his department and Motel 6 had been good. That police details had been routinely in place on weekend nights. That information had been willingly shared by Motel 6 staff. A plan was crafted to build on those factors to hiring police details nightly instead of just weekends, allow the police to review the guest register daily, require parking passes, limit visitors after 10pm, refuse to accept housing vouchers and train employees to better identify suspicious activity. Also, at the meeting Mayor Sullivan made it clear that continued unlawful activity at the establishment would leave the Town with no alternative but to initiate procedures to consider license revocation. In light of the history of events at Motel 6, the plan derived from the May 11th meeting was made clear to be a last chance. The meeting ended on Monday just before 3pm. Unfortunately, within approximately one hour there was an apparent drug overdose at the Motel. In the ensuing hours there was a death apparently due to inhalation of household aerosols commonly known as huffing. These events are unacceptable and make clear that the current lack of management control at Motel 6 renders the plan developed on Monday May 11, 2009 insufficient.

Mr. Morin advised that as he stated earlier the three most recent deaths are not isolated incidents but part of a disturbing pattern. Since January 1, 2005, there have been 11 deaths at Motel 6. According to statistics maintained by the Braintree Police Department, one death has been ruled a homicide, four have been ruled suicides, and six fall into the category of sudden deaths. The term sudden deaths relates to M.G.L. Chapter 38, section 3, subsection 12 which requires "sudden deaths where the decedent was previously in apparent good health" to be reported to the office of the chief medical examiner. It is common for deaths relating to drug overdoses to be reported under this

category. To place the 11 deaths at Motel 6 in context, it is appropriate to compare them with the five other hotels in Braintree. There are currently a total of 908 hotel and motel rooms in Braintree. Motel 6 accounts for 92 of them, about 10% of the total. In the remaining 816 rooms in five other establishments, there have only been 2 other deaths since 2005. One sudden death occurred at the Sheraton and one sudden death occurred at the Extended Stay on Wood Road. In sum, of the 13 deaths in those four years, 11 have occurred at Motel 6. That is nearly 85% of deaths occurring in hotels, occurring in the establishment that has only 10% of the total hotel rooms in Braintree. Respectfully, this pattern in conjunction with the three deaths in the last sixteen days indicate that despite the presence of law enforcement, Motel 6 is far beyond the control of its management and it constitutes a threat to the public health and safety of Braintree. Moreover, as disturbing as the number of deaths which have occurred is, it is not the only criteria on which this request for hearing is based. The 1099 calls for police service since January 1, 2004, far exceeds the totals at other hotels. In comparison with the Sheraton, a hotel with over four times the number of rooms, 374 rooms compared to 92, the Sheraton had 428 fewer calls, 671 in total. The Hampton Inn and Holiday Inn Express, each have 103 rooms and in that five year period only had 111 and 130 respective calls for service. In addition to the murders, suicides and sudden deaths at Motel 6, the police have responded to 3 rapes, 39 drug offenses, 33 larcenies, 17 liquor law violations, 26 domestic disturbances and 1 robbery. This extreme level of criminal activity for a public accommodation in Braintree is completely unacceptable. Some may ask why Motel 6 should be held accountable for the criminal conduct of their guests. This question would be more pertinent if the recent deaths were isolated incidents or if there was no sustained pattern of illegal activity over a period of years. Instead, it appears based on the extent of documented criminal activity, Motel 6 has adopted business practices that focus on profit. Despite the cooperation with police, public health and safety is jeopardized. Once a guest is behind closed doors, the effectiveness of hired police details is limited. At Monday's meeting, representative from Motel 6 corporate parent, Accor North America stated that their Braintree property was profitable in exceeding its income goals. When asked by public safety officials whether to consider requiring a credit card to rent a room or to increase prices to a level closer to its competitors, these executive were unreceptive. The continued level of crime and death may be acceptable to Motel 6, it is not acceptable to the Town of Braintree. Motel 6 is free to set prices at a level of their choice, but their responsibility for the conduct of their guests is heightened when they so far undervalue their accommodations as to attract a population that based on police department data disproportionately engages in self destructive and criminal behavior.

Mr. Morin advised that in closing, the action that he respectfully requests the Board take this evening, is to simply vote to set a hearing date and to publish notice of the hearing date in accordance with the requirements of statute. In so doing, the Board is affording due process to the license holder, while responsibly addressing a serious question of public health and safety.

Mr. Morin provided charts with data for Motel 6 and charts with data for criminal activity for all of the other hotels in Braintree. Mr. Morin explained the charts in detail to the Board.

Chief Paul Frazier advised the Board that he put together some police reports that were used at the meeting on May 11, 2009. He provided those reports to the Board and explained them in detail.

Bill Hunt, attorney representing Motel 6 asked as this was a request to schedule a hearing for the next Board meeting, so the Board was not going to act on it tonight.

Dr. Nedelman advised that is correct, at a future Board meeting.

Mr. Hunt advised that he does not have any material to present tonight, but asked what the policies and procedures are to gain access to the records because he would like to get copies of the charts and get copies of the minutes being prepared for this meeting.

Mr. Morin advised that he will receive copies of all the materials presented to the Board tonight.

Dr. Nedelman advised that whatever the Board has he shall have.

Mr. Glover, the senior vice president of safety and security for Accor North America which includes the Motel 6 advised the Board that woven through Mr. Morin's presentation that he said they have maintained a good level of cooperation with the police department over the years. He knows that goes back to 1999, that he is personally aware of when he flew out to visit with then Lieutenant Russell Jenkins, who is now Deputy Chief Russell Jenkins. He thinks what is important to understand is they are a company that wherever they operate coast to coast, and he has responsibility for 700 motels, that they make it a point to try to be an asset to the communities that they serve. They understand that there are times when they may have issues arise, but what they are known for is making sure that they respond to those issues in the appropriate fashion when they are made aware of them to try to resolve those issues and make sure they keep everyone happy. They felt like they did that in this case by coming here to meet with the city and the police department on May 11th, structuring a plan to help them address the issues at the motel and in less than 24 hours they had two more issues that occurred which never allowed them the opportunity to fully implement the plan to see if in fact that it was going to have the desired effect. The decision was made in less than that 24 hours to call for this emergency review to have them take a look at revoking or suspending their license without allowing the full time to try to implement the plan, monitor the activity and see if in fact it was going to work. They have implemented all of the areas that they said they would implement. Those are now in place and they hope they will in fact have the desired effect they are looking for. Mr. Glover mentioned that as Mr. Morin said about them being profitable, but the one thing he can tell the Board about what he does within the organization is that they are not a company that looks at profit at all cost. That is not what this is about. This a balance of trying to operate a business successfully but also peacefully coexisting in the communities that they operate those businesses and that is what they are trying to do here. When they were made aware that the issues existed that in fact there was a problem, in which Mr. Glover advised they were made

aware through a newspaper article where it said basically they were horrible and the Mayor wanted to meet with them. They immediately responded, set up the meeting, came here and put a game plan in place. They were never allowed to fully implement the game plan before this was called. They will bend over backwards to make this work. They will do whatever is necessary to make this work including being a a hearing should the Board decide to schedule one. He thinks they should be afforded the opportunity to let their steps take their course to see if they in fact provide the desired effect. They do not want criminal behavior, they do not desire criminal behavior, they do not condone criminal behavior. Their employees don't and they don't as a company. That flag that fly's out in front that says Motel 6 means something to them. It means something to everyone that works within that organization. When the light on that sign shines a little dimmer because it has been tarnished then the first thing they have to do is find a way to make it shine bright again. That is what they do, that is what they are here for, that is why this is important even though we were told we do not take it seriously. He advised he would not have flown all the way out here from Texas if he didn't take it seriously. All they are asking is for the opportunity in a collaborative effort between Motel 6, the city and the police department to make this work. In his 33 years of working law enforcement and corporate America in dealing with safety, security and risk management issues, one thing he has learned unequivocally is that if you do not have a collaborative effort, if you don't have community which is that togetherness none of this will ever work. Motel 6 cannot prevent crime on its own. It has to be an effort in collaboration with the local authorities and that is what they are trying to work on. That is the plan they outlined, they think it will work, they think it will have the desired effect if they are given the opportunity to make sure it works.

Dr. Nedelman asked why shouldn't they have the opportunity assuming that the Board does set the date for a hearing, they can certainly implement this plan between now and that date and have more information to present at the hearing as to its effectiveness.

Mrs. Dowd asked how soon does a hearing have to take place. She believes they should have some ample time. It was unfortunate that that death happened that very next day and the plan never even got underway. If they are on a one week turnaround time for a meeting she does not feel herself that that is fair to them not having had a chance to even implement any of the steps that the Town and they agreed upon.

Ms. Murray advised the Board that they are not even required to schedule a hearing at all if they deem. But, whatever date that they set for the hearing it is up to the Board's discretion whether they decide a week, two week, three weeks, whatever they think might be appropriate/

Ms. Murray also advised the Board that this matter is before the Board of Health because the Board of Health is the licensing authority for the hotel/motel license issued to Motel 6, so it could only be suspended or revoked by this Board.

Dr. Samuelson asked what the occupancy rate in general is for the motel.

A Motel 6 representative advised it is about 75% on an annualized basis.

Dr. Samuelson advised that they requested some time, but quite frankly asked where they have been for the last five years. They must have known about this activity and why hasn't a plan been put in. They have to know that stuff is askew at the hotel unless their head is in the sand. What have they been doing about it.

Mr. Glover advised that they have been working with the Braintree Police Department for a number of years. They have been Motel 6's security staff at that motel since at least 1993. They were in place when he came here in 1999. The general manager communicates with them on almost a daily basis. The general manager also communicates regularly with Deputy Chief Jenkins. They have had no indication through those relationships that it was at a level of this magnitude. Their folks go in and do their jobs, they call the police when they are supposed to which is what they train them to do, and they had no indication until they saw the newspaper article that there was this thought about their motel and what they were doing to the community of Braintree. As soon as they saw that they responded to it. Had it been brought to their attention four years ago they would have responded to it. Three years ago, two years ago they would have responded to it. Their folks go in and do their job. If they need to call the police, they call the police. Mr. Glover commented on the data represented in the chart provided to the Board indicating 1099 police calls to the motel.

He advised that when they were made aware the problem existed, they responded and are prepared to address whatever those issues are. Mr. Glover advised they have already implemented the steps that they agreed to in the meeting on Monday.

Dr. Samuelson advised that he still does not understand that they manage hotels across the country and they cannot see in their radar screen that they have had 11 deaths. He asked if that was normal for their hotel chain because it is not normal as far as they can tell for other hotel chains. There are no red flags. This has not been a priority until a week ago.

Mr. Glover advised that if a person rents a room from Motel 6 and they go inside that room and they choose as a grown adult to drink alcohol and consume prescription medications and lay down in the bed and go to sleep and ultimately do not wake up the next day, the question is how does Motel 6 control that. They rely when it comes to criminal activity on input from the local authorities to basically tell them how they are doing. There was no indication from the local authorities that they were an outlier. They knew there was activity going on but they were not aware they were an outlier.

Mr. Glover indicated that they have implemented a parking pass system that will require every guest that registers to have a parking pass in their vehicle that will indicate to officers patrolling as well as their off duty detail officers which cars actually belong in their parking lot, they have implemented a policy of no visitors past 10 pm, anyone on the property after 10 pm must be registered to a room if they are not they will be asked to

leave. This also gives the off duty detail officers additional leverage in dealing with loiterers that may be hanging around the motel in the evening hours. They have increased the off duty details from weekends only to seven days a week now. That started Monday night right after the meeting. They have agreed to not take any vouchers at all, state, county or homeless shelters or otherwise. They have agreed with the police department to have the police department come out and provide awareness training for their entire staff about criminal activity and the things to look for that might be indicators of activity that might be taking place that we should make them aware of. Also, they have added a police car to that detail to help serve as an additional deterrent.

Dr. Nedelman advised that you would certainly think that you might see some results within four weeks.

Mr. Glover advised he would agree.

Mrs. Dowd asked about the 10pm curfew. How will they know by going room to room and knocking to make sure that those registered to the room are there.

Mr. Glover advised no it won't be a matter of going door to door, but it gives them that leverage with the off duty officers there that if they had activity taking place that they have to address and they go to a room with two people in that room and they are not registered then they can ask both of them to leave the motel. He also advised that historically anytime you increase your level of enforcement activity and security in a hotel environment, you general initially will see an increase in calls for service. They have gone from two days a week with officers to seven days a week with officers, so that alone will cause an increase in calls for service at that motel. So, he would like the Board to keep that in mind when they do their evaluation.

Dr. Samuelson asked Chief Frazier if there has been any ongoing dialogue.

Chief Frazier advised that it is mostly through the detective bureau and provided further detail about what occurs.

Dr. Samuelson asked if he sees a lack of activity based on the data provided.

Chief Frazier advised that one of the issues is the location. From the end of the redline, people coming over there is what is attracted to it. The low rates are attractive. There are a lot of adverse people and that is what they can afford so that is where they are going. Once someone enters that room, the police have no right to walk into that room unless they have probable cause to go in there.

Dr. Samuelson asked if there has been previous discussion before last week that this is a problem, and at their end have they been cooperative over the years. It looks to him like there is a pattern here that somebody must have talked about.

Chief Frazier advised that when there are issues, they have had discussions at staff meetings and they went to them and asked them to have a detail. That is why they have them on Friday and Saturday nights.

Dr. Samuelson asked the Chief in his opinion would Braintree be better off if the motel were opened or closed.

Dr. Nedelman advised that is not a fair question.

Chief Frazier advised that he would hate to see another empty building in the town.

Dr. Nedelman asked the Chief if he thought four weeks is a reasonable period of time to have some of these issues corrected. Does he think they might an improvement.

Chief Frazier agreed with what Mr. Glover said that he thinks they will see improvement, but could see an increase in activity.

Mrs. Dowd asked if the plan is long term.

Chief Frazier advised that he believes the plan is in place long term.

Mr. Glover advised the Board that he will commit to this evening that the police detail will not change unless the police department says it is okay to change.

Dr. Samuelson advised that it is apparent to him that the Board of Health does not deal with criminal activity or police activity, but he can clearly see how this relates to health. Just the fact that the police are being called to one place in Braintree leaves other citizen's vulnerable. He is also concerned about these inhaling thing. He is not sure if those things are flammable. So, it is public safety and health.

Motion By: Dr. Samuelson to schedule a hearing on June 11, 2009 to consider the suspension or revocation of the license for Motel 6.

Second By: Mrs. Dowd
Unanimously Voted

INFORMATIONAL:

8. MA in Motion Wellness and Leadership Grant

Ms. McGrath advised that the grant was discussed at the Health & Wellness meeting tonight which occurred prior to this Board of Health meeting.

9. Charlie's Shoe Service-Smoke Free Workplace Violation

Ms. McGrath advised the Board that at the request of the Board regarding a complaint

received, she enlisted the assistance of the SSBOHC-Tobacco Control Program to conduct an investigation. The investigation report is in the Board's meeting packet tonight, which indicates that during the investigation conducted by Jerry McLaughlin that he determined that smoking was occurring in the establishment and was occurring by way of the owner of the establishment. Also, the owner admitted to smoking in the establishment. A follow up violation letter was sent to the owner with a ticket for \$ 100.00 which is the penalty for a first offense. She advised that she would contact the Town Clerk to see if the fine was paid. Further, a follow up compliance check will be conducted within thirty days.

10. Pond Meadow-Nuisance Aquatic Vegetation Control

Ms. McGrath advised the Board that the DEP will be conducting an aquatic vegetation control treatment to water at Pond Meadow.

11. SSBOHC-Tobacco Retailer Compliance Inspections

Ms. McGrath advised that the Tobacco Control Program conducted tobacco retailer compliance inspections and visited 44 tobacco merchants. One had signs missing, 5 had cigar warning signs missing and six had no smoking signs missing, so warnings and referrals were issued.

12. Norfolk County Mosquito Control Project-Notice of Early Morning Aerosol Applications

Ms. McGrath advised the Board that ground application will begin, weather permitting on May 25, 2009 through September 30, 2009.

MATTERS BY THE BOARD:

Ms. McGrath advised that beach testing will begin in the middle of June.

Dr. Nedelman asked what the mechanism is with the hearing.

Ms. McGrath advised that as per M.G.L. Chapter 140, section 32B, she will need to publish it in a local newspaper which she will be doing within the week. She will also send written notification to the establishment owner.

Ms. McGrath advised that all of the pertinent laws and information that is available will be provided to the Board to make an informed decision during the hearing.

Ms. McGrath also asked that the regular Board meeting that is scheduled for June 18, 2009 be moved to June 11, 2009, when the hearing is scheduled.

The Board agreed to move any other agenda items scheduled on June 18, 2009 to June 11, 2009.

Motion By:

Dr. Samuelson to adjourn the meeting at 8:07 pm.

Second By:

Mrs. Dowd