

BRAINTREE BOARD OF HEALTH

MINUTES

June 12, 2008

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

ALSO PRESENT: Marybeth McGrath, Executive Health Officer

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

MINUTES:

Motion By: Mrs. Dowd to approve the minutes of May 8, 2008.
Second By: Dr. Samuelson
Unanimously Voted

OLD BUSINESS:

NEW BUSINESS:

- 1. Plumbing Variance Request- Braintree Electric Light Department (B.E.L.D.)**
Present: Ken Stone-B.E.L.D. Energy Service and Accounting Manager

Ms. McGrath advised the Board that the role that the Board of Health regarding a state plumbing variance request is to either endorse or not endorse the applicant's request for the variance.

Ms. McGrath further advised that once she receives from the variance request documentation from the applicant, she consults with the Plumbing Inspector with the Town to find out what the plumbing code requirements are for said project.

With regard to this B.E.L.D. project, under 248 CMR 1010(18)(j) of the State Plumbing Code, which references industrial buildings, which this B.E.L.D. control building project is considered, requires separate toilet facilities for each gender. Ms. McGrath advised that she has spoken with Andy Lyne, the local plumbing inspector, who enforces the state plumbing code; and he will not endorse this request because it does not meet the plumbing code requirements.

Therefore, Mr. Stone, on behalf of B.E.L.D. is seeking this variance request to install one unisex handicapped restroom, instead of two handicapped restrooms one for each gender in the control building.

Dr. Nedelman asked Mr. Stone if this variance request is because of the limitation of square footage.

Mr. Stone advised that it was because of the limitation of square footage and low staffing levels. At the most, there will only be six or seven people in the building at any time. They wanted to make better use of the space that they were allotted.

Dr. Samuelson asked Mr. Stone if the restroom is just for employees, and is in a building that already has regular restrooms.

Mr. Stone advised that it is part of the new power plant project, so the building has not been constructed yet.

Dr. Samuelson stated this is a new building and one floor with one unisex bathroom for approximately six to seven employees at any one time. Dr. Samuelson also asked if the building is opened to the public.

Mr. Stone advised that is correct, and the building is not opened to the public.

Mrs. Dowd advised that under 248 CMR 10.10(18)(m), there is an allowance under certain circumstances to have only one unisex handicapped restroom.

Motion By: Mrs. Dowd to endorse this variance request.

Second By: Dr. Samuelson

Unanimously Voted

2. Definitive Subdivision Modifications-Grove Heights

Ms. McGrath advised the Board that this subdivision project is located on Grove Street adjacent to Braintree Cleaners.

She further advised the Board that they previously approved this subdivision last year based on the existing conditions page of the plan present before them tonight. This existing condition requested seven lots.

The proposed modification is to create eight lots, instead of the original seven approved; and parcel 2a is not a buildable lot, but would be used as frontage if the owner is able to obtain more land in the back.

The Board reviewed the plan with modifications.

Motion By: Mrs. Dowd to approve the proposed modifications
Second By: Dr. Samuelson
Unanimously Voted

INFORMATIONAL:

3. Future Board of Health Meetings

Ms. McGrath provided the meeting schedule from July-December 2008, subject to meeting room changes.

4. SSBOHC-Tobacco Retailer Compliance Inspections

Ms. McGrath advised the Board that these inspections are for Tobacco Retailer Compliance of signage. She reviewed the report provided by the SSBOHC with the Board.

Dr. Nedelman asked if no smoking signage must be posted in a restaurant serving food.

Ms. McGrath advised that she would need to review the state smoke-free workplace law to see if there is a specific signage posting requirement.

MATTERS BY THE BOARD:

Dr. Samuelson advised the Board that he would like the Board to consider for those establishments found in violation of the sale of tobacco to a minor, that the owner be given the option of paying a ticket, acknowledging it and removing the tobacco for the suspension, or challenging it. He finds no value in parading the violator before the Board. If they want to challenge it, then they have the legal right to come before the Board. He would prefer sending a letter with a ticket and paying the fine.

Ms. McGrath advised the Board that this is a legal question, and she was always told by legal counsel that the owner has a right to be heard at a hearing. She further advised that the notification letter has been revised and is a "gentler" letter requesting their attendance at a scheduled hearing, instead of requiring it.

Dr. Nedelman agreed that it is a legal question, and needs clarification. He further advised that the violator should have the opportunity to speak with the Board.

Ms. McGrath advised that she will speak with Carolyn Murray, Town Solicitor about this question.

The Board also spoke about coordinating the Board of Health Meeting and the Mayor's Health and Wellness Advisory Committee to occur on the same dates. The Board agreed that the Board meetings could be held at an earlier time of day to coordinate the two meetings back to back.

Ms. McGrath also advised the Board that the Health Department is working with a UMASS-Amherst graduate student intern that has been placed with us by the MDPH. The intern will be assisting the department in preparing a health survey for the Town.

Motion By: Mrs. Dowd to adjourn the meeting at 7:25 pm
Second By: Dr. Samuelson