

BRAINTREE BOARD OF HEALTH

MINUTES

July 10, 2008

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.

Dr. Nedelman announced that he would like to start the meeting with a moment of silence in memory of Dr. Gerald Jernegan, who served on the Board of Health for many, many years. He passed away on Sunday July 6, 2008.

MINUTES:

Motion By: Mrs. Dowd to approve the minutes of June 12, 2008.

Second By: Dr. Samuelson
Unanimously Voted

OLD BUSINESS:

NEW BUSINESS:

1. Sale of Tobacco Violations:

Present: Jerry McLaughlin, Enforcement Officer
South Shore Boards of Health Collaborative, Tobacco Control Program

a. Braintree Citgo-681 Washington Street

Present: Abraham El-Koussa

Mr. McLaughlin advised the Board that on June 4, 2008 at approximately 4:51pm, a routine compliance check was conducted at Braintree Citgo located at 681 Washington Street. On that day, routine compliance checks were conducted in the Town of Braintree. At this particular time, at 4:51pm, a seventeen year old male departed Mr. McLaughlin's vehicle with no monies on him except the money given to him by the Collaborative, and no ID. The minor walked into the Braintree Citgo to conduct a compliance check, which is to try to purchase a tobacco product, and he did. The minor

came directly back to Mr. McLaughlin's vehicle with the product that was tagged and kept by the Collaborative. The price for the cigarettes was \$ 5.85. It was sold by an adult male to the minor. The minor was not asked for an ID, nor was he asked his age.

Abraham El-Koussa advised the Board that he is a mechanic at Braintree Citgo. The sale happened on a Wednesday, and that day is a very busy day at Braintree Citgo with 6 cent discounted gas. The clerk was very busy, and there was no one else to help him. The clerk told him he was confused.

Ms. McGrath advised that the Board that the last sale of tobacco occurred on June 6, 2006, so this is the second offense within a two year period. Two days shy of exceeding the two year period. She advised that the penalty for a second offense is a ten day suspension of the tobacco sales permit and a three hundred dollar fine.

Dr. Nedelman asked Mr. El-Koussa how the Board can help him to not have this happen again.

Mr. El-Koussa stated by talking with the employees.

Ms. McGrath advised that the Collaborative can offer the employees tobacco education. Further, that the Board has always recommended that the best policy is to card everyone.

Motion By: Dr. Samuelson to implement the penalty for a first offense to begin on Friday July 11, 2008 at 12:00pm.

Second By: Mrs. Dowd

Unanimously Voted

b. Super Stop & Shop -300 Grove Street

Present: Keith Royer, Store Manager

Keith Royer advised the Board that since this violation occurred on June 3, 2008, he has retrained all associates in the store who sell tobacco. They have gone through a training package that Stop & Shop has as a company for sales of minors. They have not pinpointed the person, but have it down to three people. Those three people have been suspended from the store pending a union meeting.

He further advised that he has not had any tobacco sales violations for the past four years that he has been in the store. He advised that from now on everyone will be carded, unless they look 65 or better. They do have the tobacco to a minimum because it is behind the service desk, so they do have some control.

Mr. McLaughlin advised the Board that on June 3, 2008 routine compliance checks were conducted in the Town of Braintree. At approximately 4:58pm at Super Stop & Shop on Grove Street, a seventeen year old female entered the premises to conduct a compliance check. She left Mr. McLaughlin's vehicle with no monies on her, except for the monies

given to her by the Collaborative which was a ten dollar bill, and with no ID. All of that was left in the vehicle. She proceeded into the store to the service desk, and at that time purchased a pack of Newport cigarettes. She returned to the vehicle with the cigarettes, which were promptly tagged and held by the Collaborative. The price of the cigarettes was \$ 5.68. They were sold by a male teenager. The male clerk did not ask the minor for an ID or her age.

Ms. McGrath advised the Board that this is the first offense that has ever been reported on this establishment, and 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 seek merchant education.

Ms. McGrath advised Mr. Royer that since he mentioned that the employees have recently been retrained that he can contact the Director of the Collaborative to see if that would meet the requirements of the penalty.

Motion By: Mrs. Dowd to implement the penalty for a first offense to begin on Friday July 11, 2008 at 12:00pm.
Second By: Dr. Samuelson
Unanimously Voted

Mr. Royer asked the Board if there will be a penalty for a first time offense, if he has not had a violation in over four years.

Dr. Nedelman advised that the regulation is the regulation. Dr. Nedelman reviewed the penalties for the first, second, third and fourth offenses per regulation.

Mrs. Dowd advised Mr. Royer that the Board appreciates his diligence over the past four years, but the Board prides itself with upholding the regulations for everyone and the Board has never made an exception.

Dr. Samuelson asked if an individual has to be eighteen years old to sell cigarettes. Dr. Nedelman asked if someone was behind the counter that is usually not behind the counter.

Mr. Royer advised yes, and he does not have a detailed camera system in the store now that would identify the individual. In the near future, he will have this type of system installed.

Mr. McLaughlin advised the Board that an individual has to be at least eighteen years old to purchase a tobacco product. He further advised that as pertains to tobacco products, the law is that it is not against the law for a minor to buy a tobacco product, it is against the law for a clerk to sell to a minor.

2. Review-Proposed Health Survey (draft)

Ms. McGrath advised the Board that the department had the opportunity this year to have a UMASS-Amherst graduate student intern involved in public health assist the department with a community health survey project. This project has been considered for a long time, and with the formulation of the Health & Wellness Committee, a health survey is something that the Mayor and the Board of Health would like to work towards. So, we thought this would be a great project for the intern.

Ms. McGrath further advised that the intern gathered a large number of health surveys from many states and many communities, one of them being Weymouth. She put together the draft survey that the Board is reviewing tonight. The thought is that the draft would go before the Board of Health, the Health & Wellness Committee, the Mayor and Chief of Staff, and even the School Committee, if necessary.

The Board reviewed the survey and requested some language revisions.

Ms. McGrath advised the Board that once the draft survey is revised then she will email it to the Board members for another review, then forward it to the Health & Wellness Committee, then the Mayor for review.

Ms. Dowd advised that if the survey is mailed to households then it does not have to go to the school committee, but if at some point it is decided that the distribution is through the school then it must.

Mrs. Dowd suggested that the Health & Wellness Committee should meet on this before it goes to the Mayor.

Ms. McGrath advised that she can try to schedule a meeting of the committee in September, as Mr. Corcoran is in Canada throughout the summer.

Dr. Nedelman also suggested that if possible he would like to invite the representatives from Weymouth involved in the creation of their survey to a meeting to offer some input and direction.

INFORMATIONAL:

3. Update on 2008 beach testing results

Ms. McGrath reviewed the beach test results of samples collected from Smith Beach and Sunset Lake from the start of the beach season to present with the Board. She further advised of the requirements for single samples and geometric mean calculations, and the requirements if a rain event occurs.

Mrs. Dowd advised that an individual contacted her today about trash observed at Smith Beach.

Ms. McGrath advised that she will monitor for trash and notify the Parks Department if necessary.

4. MDPH Announcement of WNV positive mosquito sample pool

Ms. McGrath advised the Board that the MA Department of Public Health announced that West Nile Virus has been found in a sample pool of mosquitoes in Worcester. There are no human cases. This continues to speak to the Board's promotion to curtail outdoor activities when mosquitoes are most active from dusk to dawn.

5. Health Department Transition into Department of Municipal Licenses & Inspections

Ms. McGrath advised the Board that since the new reorganization, the Health Department and the Building Department have been merged into the Department of Municipal Licenses and Inspections with the Health Division and the Building Division. The Board of Health still falls within the Health Division. The department still has the same staff, but had several staff members laid off, and a transition with the retirement of the Inspector of Buildings at the end of this month.

She further advised that she has two hats now, directing this new department.

6. Revised-Future Board of Health Meetings schedule

Ms. McGrath advised the Board that this revised schedule reflects the change in the meeting room for the future meetings to the Johnson Memorial Meeting Chamber.

MATTERS BY THE BOARD:

Ms. McGrath advised the Board that the property on Pearl Street that was condemned has been cleaned up and the condemnation lifted, so the residents can reoccupy the dwelling.

Motion By: Mrs. Dowd to adjourn the meeting at 7:43 pm
Second By: Dr. Samuelson