

**BRAINTREE BOARD OF HEALTH**

**MINUTES**

**August 13, 2009**

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

**ALSO PRESENT:** Marybeth McGrath, Director of ML & I

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

**MINUTES:**

**Motion By:** Dr. Samuelson approve the minutes of June 11, 2009 with amendment noted.

**Second By:** Dr. Nedelman

**OLD BUSINESS:**

**1. Motel 6 Public Hearing/Withdrawal of Request for hearing**

Dr. Nedelman read the letter received from Peter Morin, Chief of Staff dated August 7, 2009 regarding the withdrawal of the request for a hearing.

Dr. Samuelson advised the Board that the Town requested that the Board of Health hold a public hearing, which the Board thought was important to have and approved. Now the Town is asking the Board of Health to withdraw their request. The Board already came to the conclusion that there should be a public hearing.

Dr. Samuelson advised that he has a concern about the whole thing. This was pretty serious. The Town came to the Board of Health and now it has gone away. At the very least, the Board of Health needs some feedback from the Office of the Mayor. Something that satisfies the Board to indicate that something has been done.

Ms. McGrath advised the Board that the annual permit to operate expires on December 31, 2009. So, between now and the end of the year there would be continued evaluation of this establishment, of which Ms. McGrath can bring back the evaluation information to the Board to let them know how the establishment is doing before issuance of a new permit. The Mayor's office would be looking for this information as well.

Dr. Nedelman asked if the department takes care of the issuance of the permit.

Ms. McGrath advised the Board that the department normally oversees issuance of an establishment permit, unless there is a problem or concern about revocation, suspension, etc. of their permit.

Dr. Nedelman requested that in December when it comes time to renew the permit that it be brought to the Board’s attention and they be provided with an update on what has occurred.

**Motion By:** Dr. Samuelson to approve the request to withdraw the hearing contingent upon feedback before the issuance of a renewal permit.  
**Second By:** Paula Dowd  
**Unanimously Voted**

**NEW BUSINESS:**

- 2. Request for Variance of Lifeguard Provision**
  - a. Devon Wood Condominiums-1 Devon Club Lane**  
Present: Kevin Neill, General Manager

Mr. Neill advised the Board that Devon Wood Condominiums is requesting a variance to not have lifeguards during low peak times.

Ms. McGrath advised the Board that some years ago, Devon Wood Condominiums installed a key system for the gates into the pool enclosure. The establishment assigned keys to the residents for this keyed gate system. The establishment does have lifeguards during the bathing season. However, during very low weekday bather usage loads and after Labor Day, they have had the variance.

Mr. Neill advised that on weekends during the bathing season lifeguards are on duty. Mr. Neill advised that they normally close the pool around September 23<sup>rd</sup>.

Ms. McGrath recommended approval of the variance request.

**Motion By:** Paula Dowd to approve the variance requested.  
**Second By:** Dr. Samuelson  
**Unanimously Voted**

**INFORMATIONAL:**

- 3. Future Board of Health Meeting dates (Meeting Rooms assigned)**

Ms. McGrath advised the Board that the meeting dates had previously been determined, but she did not have the meeting room assignments. She advised that the meeting rooms have now been assigned to the Johnson Meeting Chamber for the Board of Health meetings scheduled between September and December.

#### **MATTERS BY THE BOARD:**

#### **4. Influenza Update**

Ms. McGrath advised the Board that one of the recommendations that the state is making this year is that we not only do our regular seasonal flu clinics, but that we do them earlier, which is what the department is planning to do. We have purchased 350 doses of influenza vaccine and expect a partial shipment within the next two weeks. Clinic dates have already been scheduled for the senior housing complexes (Heritage, Independence Manor and Roosevelt). We are also planning on scheduling a clinic at the Council on Aging. These clinics will help in vaccinating the senior population in Braintree.

Once the state provides the department with the state supplied vaccine, we will then schedule our general flu clinics. The hope is late September into early October. As soon as we get the vaccine, then we will offer clinics.

Ms. McGrath advised the Board that the state cut our state supplied seasonal flu vaccine allotment by 500 doses, which went from 1700 doses to 1200 doses.

Dr. Nedelman inquired about H1N1 vaccine.

Ms. McGrath and Mrs. Dowd advised that the vaccine is now being manufactured and is in trials now, and hope to have it distributed to the state by October.

Ms. McGrath advised the Board that the state is also recommending that we also vaccinate children with seasonal influenza vaccine. So, the state is providing a separate allotment of seasonal influenza vaccine to cities and towns for local boards of health to vaccinate school aged children. We have met with Mrs. Dowd, the school nurse coordinator to discussed vaccinating students in the middle and high schools because the average age of children that are getting H1N1 are those in middle and high schools. Additionally, the state is only providing a 30% allotment of this vaccine for students, so we would not have enough vaccine to vaccinate all students, which is why we will be limiting it to the middle and high schools. This school-based seasonal influenza vaccination program would be completely voluntary. Permission slips will go out to the parents and must be returned back to the schools. Mrs. Dowd and her nursing staff will be overseeing the permission slip documentation piece of the plan, and from there we will schedule the clinics.

Ms. McGrath advised that the Health Department will be administering the vaccine and providing the supplies necessary for the clinics (syringes, alcohol wipes, etc.). The

clinics will be held at the schools. We will only be offering this school-based vaccine to middle and high school students only.

Mrs. Dowd advised that we will be offering seasonal influenza shots. She advised that we will not be offering FluMist.

Mrs. Dowd and Ms. McGrath advised the Board the state would also like us to offer mass vaccination clinics for H1N1. Once more information becomes available on H1N1 vaccination, we will advise the Board.

Ms. McGrath requested the Board's consideration and approval of the school-based seasonal influenza vaccination program, as was outlined. Ms. McGrath advised the Board that if they approve this plan, then she will advise the Mayor and bring it forward to the school committee for their review and consideration on August 24, 2009.

**Motion By:** Dr. Samuelson to approve the school-based seasonal influenza vaccination program for middle and high school students.  
**Second By:** Paula Dowd  
**Unanimously Voted**

Dr. Nedelman advised the Board that the state has pulled all of the funding for the South Shore Boards of Health Collaborative-Tobacco Control Program, so it ceases to exist.

He further advised that both he and Ms. McGrath met with the Mayor on August 13, 2009 to discuss this matter.

Dr. Nedelman advised that a report was prepared documenting the total number fines implemented and received since the year 2000. Also, a proposal was presented to implement a tobacco control program for Braintree. He provided details to the Board of the proposal.

Dr. Nedelman advised that the Mayor was very supportive of implementing a tobacco control program, and will provide \$ 2,000.00 to start up the program.

Dr. Nedelman asked the Board if they agree with the proposed program, and have Ms. McGrath contact Mr. McLaughlin, the former enforcement officer with the South Shore Boards of Health Collaborative-Tobacco Control Program to see if he is interested.

Ms. McGrath advised the Board that she would suggest that the \$ 2,000.00 that the Mayor is providing for the program be placed into some type of revolving account for the program. So, if fines are received, instead of the ticketed fines going to the Town Clerk's office, they go into a tobacco control revolving account. So, the monies could continue to support a tobacco control program.

Ms. McGrath advised that whomever becomes the enforcement officer that they would need to be sworn in as a special agent of the Board of Health, similar to the agents for the collaborative.

Ms. McGrath will check with Ms. Murray, Town Solicitor about all of the logistics of establishing the program with an enforcement officer, liabilities, contracts, etc.

Mrs. Dowd asked about the educational piece of tobacco control.

Ms. McGrath advised that health division inspectional staff can check for signage when routine inspections are conducted. The department will continue to investigate complaints.

Dr. Nedelman advised that this is just the starting point to get the program off the ground.

Mrs. Dowd suggested that consideration be given to raising the fines.

**Motion By:** Dr. Samuelson for the Town to implement a tobacco control program.  
**Second By:** Paula Dowd  
**Unanimously Voted**

Dr. Nedelman inquired if there is any interest by the Board to increase the tobacco fines.

Ms. McGrath advised the Board that she believes if any change in a regulation is implemented that the Board would need to have a public hearing. Ms. McGrath advised that she will check with Ms. Murray on this matter.

Ms. McGrath advised the Board that she received a call from the Patriot Ledger about electronic cigarettes and provided details of that call.

The Board generally discussed this topic, and that a kiosk that sells electronic cigarettes exists at the South Shore Plaza.

The Board advised that they would like a letter prepared from the Board and forwarded to Simon Properties indicating their concerns about electronic cigarettes being offered from a kiosk at the South Shore Plaza.

Ms. McGrath reviewed the status of beach testing through Labor Day.

The Board generally discussed the concern about the beach test results this season, and the concern about bird activity at Sunset Lake.

**Motion By:** Paula Dowd to adjourn the meeting at 7:35 pm.  
**Second By:** Dr. Samuelson