

BRAINTREE BOARD OF HEALTH

MINUTES

September 14, 2017

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice-Chairman
Laurie Melchionda, R.N., Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

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

MINUTES:

Motion By: Dr. Nedelman to approve the meeting minutes of August 17, 2017.

Second By: Mrs. Melchionda
Unanimously Voted

NEW BUSINESS:

- 1) Request for Lifeguard Variance: Residence Inn Marriott-180 Forbes Road
Present: Shannon Smith, General Manager

Ms. McGrath advised the Board that the Residence Inn Marriott at 180 Forbes Road is the newest hotel, which just recently opened in Braintree. In addition to the hotel lodgings, they have an in-ground swimming pool that they would like to operate without a lifeguard, much like the Hampton Inn has. There is no bathing load data to provide to the Board, as the establishment just opened less than two weeks ago. At present, the establishment has hired a lifeguard in the interim until the Board makes their decision on the variance request for a lifeguard.

The general manager has provided a written outline of what steps the hotel management will take to ensure pool safety, as well as utilization of safety equipment available in the pool enclosure. A key card is required to get into the pool enclosure, and required Warning-No Lifeguards on Duty signage is provided. They will not allow persons under a certain age to swim by themselves.

Ms. McGrath advised that she informed the hotel general manager that the Board requests and reviews available bathing load data to support a lifeguard variance request.

Mrs. Melchionda asked if there is available viewing or cameras at the pool to monitor the pool area, or is there general monitoring of the pool enclosure area.

Ms. McGrath advised the Board that the state sanitary code does not require cameras. Further, the key card is monitored through the computer system at the front desk.

General Manager Shannon Smith advised the Board that only a guest can get into the pool enclosure with the key card. She advised that they do not monitor the pool at the front desk. There is no camera at the pool or fitness center. She advised that there is an emergency phone in the enclosure that dials directly to 911.

Ms. McGrath advised that the State Sanitary Code for Public and Semi-Public Swimming Pools requires that an operable emergency phone be available in the pool enclosure in the event of an emergency, it dials directly to 911.

Dr. Bregoli asked if signage is available in the pool enclosure and what are the operating hours.

Ms. McGrath advised that the required signage is posted in the pool enclosure.

Ms. Smith advised that the pool is opened from 7am to 10pm daily.

Dr. Nedelman asked if the water has been tested by the department.

Ms. McGrath advised that the pool code requires that the establishment conduct chemical testing at least four times daily. The Health Department routinely conducts inspections, as well. She further advised that all of the required safety equipment is available as required within the pool enclosure.

Ms. Melchionda requested that the daily bather load data report be provided for the first three months of pool operation.

Motion By: Dr. Nedelman to approve the request for lifeguard variance for Residence Inn Marriott located at 180 Forbes Road.

Second By: Mrs. Melchionda with the condition that the daily bather load data report for the first three months of pool operation be provided to the Board and available for review at the December 2017 Board meeting.

Unanimously Voted

2) Request for Keeping of Chickens:

a. Carolann and Michael Ricardo-117 Adams Street

Present: Carolann Ricardo, Property owner
Richard Hartnett, neighbor

Ms. McGrath advised the Board that Mrs. Ricardo is request a permit for the keeping of six chickens on her property at 117 Adams Street, next door to Means Precast. The chickens are presently on the property, which the department was not aware of until we were contacted about them. After investigating and the chickens were discovered, the department advised the property owner that a permit to keep the chickens needed to be obtained.

The chicken coop is to the right rear of the property next to a single story garage. The chickens are confined within the fenced backyard area. All of the direct abutters have been notified. Mrs. Ricardo, as well as the department have notified the direct abutters of the request to keep the chickens and invited to the meeting this evening. A department inspector has conducted a site inspection and recommends approval.

Richard Hartnett the direct abutter at 111 Adams Street advised the Board that he has not seen the plan and would like to know what the plan is for mitigation of the chicken manure. Also, that the chickens do not have free range, as there are holes/breaks in the fence between Mrs. Ricardo and his property.

Mr. Hartnett reviewed the plan of Mrs. Ricardo's property and the coop area.

Ms. McGrath advised that the chicken cannot run loose off of the property at 117 Adams Street. However, they can be confined within the backyard fenced area. However, if there are holes in the fence then those holes need to be addressed.

Ms. McGrath advised that roosters are not allowed, and that Mrs. Ricardo is planning to compost the manure, which is allowed, as long as the compost is maintained.

Mrs. Ricardo advised that the compost area is located behind the garage area next to a shed, on the opposite side of her yard and Mr. Hartnett's property. She advised that the compost is turned and maintained routinely.

Mrs. Ricardo advised that the chickens were a gift given to her four months ago.

Ms. McGrath asked if the chicken's wings were clipped to prevent them from flying.

Mrs. Ricardo advised that they were not, but some of them are starting to fly, so she will get the wings clipped.

Ms. McGrath advised Mr. Hartnett that the department conducts routine inspections on those properties in Braintree with keeping of animals permits, and if a concern or complaints were received about the permitted animals, the permit holder could be called before the Board regarding any issues and their permit reconsidered.

Mr. Hartnett advised that he would hope that he and Mrs. Ricardo would work out any issues that arose before it came to that.

Motion By: Dr. Nedelman to approve the request for a permit to keep six chickens and no roosters on the property at 117 Adams Street with the condition that the holes in the fence be repaired and reinspected.

Second By: Mrs. Melchionda
Unanimously Voted

b. Anne Marie Joyce-10 Main Street

Present: Margaret and Ian McAdam, abutting neighbors to 10 Main Street.

Ms. McGrath advised the Board that Mrs. Joyce is requesting a permit for the keeping of 6 chickens on her property located at 10 Main Street. The department received a call that there were chickens on this property. We did not have a permit for the keeping of animals, and after an investigation discovered 6 chickens on the property. The property owner was advised that she needed to obtain a permit for the keeping of the chickens.

This property is located just off of Washington Street near the Holbrook line, and abuts the Braintree Housing Roosevelt Road property. It a fairly large property, and the coop is located to the front side of the house.

Margaret and Ian McAdam, direct abutters and neighbors in front of 10 Main Street, who live at 2077 Washington Street advised the Board that they can see a structure through the trees from the back of their property and expressed their concern about the location of the coop and sanitary concerns having it so close to their property line.

Ms. McGrath advised that the Board does take into consideration abutters concerns when considering permits for the keeping of animals.

The Board considered the permit request and also took into consideration the concerns of the direct abutters with regard to the location of the coop on the property.

Motion By: Mrs. Melchionda to approve the request for a permit to keep 6 chickens and no roosters on the property at 10 Main Street with the condition that the chicken coop be moved to the other side of the dwelling further away from the direct abutters property. Additionally, the department meet with the property owner to find a suitable location for the coop.

Second By: Dr. Nedelman
Unanimously Voted

c. Jodi and Nathan Killeffer-23 Margaret Drive

Ms. McGrath advised the Board that the neighbor would like to be in attendance when this agenda item is heard by the Board, and could not attend the meeting tonight. Therefore, the Chief of Staff has requested that this item be tabled to the October 12, 2017 Board meeting.

Motion By: Mrs. Melchionda to table the request for a permit for the keeping of chickens at 23 Margaret Drive until the October 12, 2017 Board meeting.

Second By: Dr. Nedelman
Unanimously Voted

3) Request for Keeping of Potbelly Pig: Lindsey Peacock-140 Quincy Avenue
Present: Lindsey Peacock, owner of the pig
Ryan Luttrell, accompanying Ms. Peacock

Ms. McGrath advised the Board that this matter came to the department's attention that there was a pig located on the property at 140 Quincy Avenue. Upon investigation, it was discovered that an approximately 60 pound potbelly pig was on the property.

Ms. Peacock advised that they have had the pig for a couple of years. They contacted the police before they got the pig to see if there were any requirements, and the officer referred her to Dave Littlewood, the Animal Control Officer, who advised her that he knew of no requirements, so they got the pig.

Ms. McGrath advised that once the department was made aware of the pig, Ms. Peacock was advised that she either needed to seek a permit to keep the pig or remove it from the property. She chose to seek a permit from the Board of Health.

Ms. McGrath advised that the property access is off of Quincy Avenue, and it abuts properties on Cape Cod Lane, Edgemont Road and Cedarcliff Road. All of the direct abutters have been notified by Ms. Peacock and the department. The applicant has also submitted all of the veterinary medical documentation for the pig. Ms. McGrath advised that she has received no contact back from any of the direct abutters.

Ms. Peacock advised that Chunk, the pig is usually outside in the summer during the day and inside in the winter. She advised that the property is fenced and a gate is located at the driveway. They have not been keeping the gate closed because Chunk is afraid of the driveway, but will start keeping the gate closed.

Ms. McGrath advised that the department inspector has conducted a site visit. There were no nuisance or odor issues observed or detected. The pig is domesticated in that the property owners have trained it to go in and out of the house as a house pet.

Motion By: Dr. Nedelman to approve the request for a permit for the keeping of a potbelly pig at 140 Quincy Avenue.

Second By: Dr. Nedelman

Unanimously Voted

- 4) Food establishment compliance review: Johnny Rockets-250 Granite Street
Present: no one present from the establishment

Ms. McGrath advised the Board that they may recall this matter was brought before the Board at the August 2017 meeting. The department has been having significant problems with this establishment with compliance issues on both sanitary and food handling practices. So much so, that the department has had meetings with the owner/manager in the past in the office. The department just got to the point that it needed to be brought before the Board for review. At the August 2017 meeting, the Board took a vote that certain conditions needed to be put into place for the establishment to be able to continue to operate.

The conditions were:

- 1) They hire a private food consultant, approved by the department, to conduct monthly sanitary inspections, and copies of the reports be provided to the Board for review;
- 2) The department would conduct more frequent inspections of the establishment;
- 3) An update be provided to the Board at the September 14, 2017 meeting.

Ms. McGrath advised that just this evening, she received a copy of the food consultant agreement from Cindy Rice, owner of Eastern Food Safety, who has agreed to take this establishment on as a client, and she will be conducting her first audit of the establishment next week. Ms. Rice will be visiting the department for a review of the file to better understand the violations that have been documented on department inspections.

Additionally, the department has conducted an inspection report of an inspection conducted on Monday September 11, 2017, in which three critical violations were observed and documented.

Ms. McGrath advised that health inspector, Robin Magner has expressed concerns that she does not necessarily see that things have improved with regard to food handling and cross-contamination concerns. We are hopeful with the private food consultant onboard that we will see improvement. There is still no lease in place with the South Shore Plaza. This establishment operates under a month to month agreement.

Ms. McGrath expressed the continual concerns about the establishment needing through and continual cleaning that is done routinely. She requested that the Board add a condition to hire a person to clean the establishment nightly.

Ms. McGrath advised that at present there are three critical violations outstanding, in which Mrs. Magner will be conducting a re-inspection on September 15, 2017 to determine if compliance has been achieved. Ms. McGrath advised that if these critical violations are not corrected upon re-inspection by Mrs. Magner that she can close the establishment, if necessary.

Ms. McGrath advised that she will provide an update of the progress of the establishment to the Board at the next meeting, and if no improvement is observed she could request that a hearing be scheduled before the Board to consider suspension or revocation of the permit to operate.

Ms. McGrath advised that she will be providing copies of the food consultant's audit, and the department's re-inspection reports to the Board at the next meeting.

Dr. Bregoli asked if the food consultant hired by the establishment owner/manager just makes recommendations to him, and it is then up to the owner/manager to implement those recommendations.

Ms. McGrath advised that the food consultant is hired by the owner/manager of Johnny Rockets.

Motion By: Mrs. Melchionda to provide the following at the October 12, 2017 Board meeting: copy of the food consultant audit report(s), copies of reports of inspections conducted by the department, and the establishment hire an individual to conduct nightly cleaning.

Second By: Dr. Nedelman

Unanimously Voted

5) Sierra Club request-Sign on Letter to Governor Baker RE: Natural Gas Pipelines

Ms. McGrath advised the Board that they may recall that they had a presentation during the August meeting by the East Braintree Civic Association regarding the proposed gas compressor station that is being considered to be sited in Weymouth. The Sierra Club contacted her as an aftermath of that and asked that the Board consider reviewing the documentation provided by them, and also a draft letter composed by the MA Association of Health Boards that the Board could consider signing on to and sending to the Governor. The draft letter basically asks that if such gas compressor stations and natural gas pipelines are being considered in the future, then health assessments be required before any such consideration.

Dr. Bregoli asked if other health departments in Massachusetts have signed onto this letter.

Ms. McGrath advised that she has been told others have, but does not know which health departments. The Sierra Club claims that 40 other health departments have signed on to the letter requesting health assessments be conducted prior to any of these projects being considered.

The Board discussed some of what was presented by the East Braintree Civic Association regarding the testing conducted which showed results of the presence of benzene.

Dr. Nedelman advised that this draft letter is too broad and some of the language is not based on scientific fact. He advised that he will not sign it.

Motion By: Dr. Nedelman to table this item until more information is available for review.
Second By: Mrs. Melchionda
Unanimously Voted

INFORMATIONAL:

Ms. McGrath advised the Board that the general flu clinics sponsored by the Town are scheduled for Sunday October 1, 2017 from 9am to 1pm in the Town Hall Auditorium, and the make-up clinic is scheduled for Wednesday October 11, 2017 from 3pm to 7pm in the Town Hall Auditorium.

Ms. McGrath provided the Board an update of the status of the legal case between the Town of Braintree and Motel 6.

Motion By: Dr. Nedelman to adjourn the meeting at 8:00 pm.
Second By: Mrs. Melchionda
Unanimously Voted