

BRAINTREE BOARD OF HEALTH

MINUTES

October 2, 2008

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

ALSO PRESENT: Marybeth McGrath, Director of ML & I
Tom Corcoran, Special Health Agent for the Board of
Health

Dr. Nedelman called the meeting to order at 7:10pm.

MINUTES:

Motion By: Mrs. Dowd to approve the minutes of September 4, 2008.
Second By: Dr. Samuelson
Unanimously Voted

OLD BUSINESS:

NEW BUSINESS:

**1. Application for Variance of State Plumbing Code-
Portrait Simple-South Shore Plaza**

Ms. McGrath advised the Board that Portrait Simple is a proposed establishment that will be opening in the South Shore Plaza. The establishment owner through his architect is requesting a variance of the state plumbing code regarding the required installation of one male handicapped accessible restroom and one female handicapped accessible restroom. The variance request is for the installation of one unisex handicapped restroom.

The state plumbing code requires that any retail spaces over 1200 square feet must install one male handicapped accessible restroom and one female handicapped accessible restroom. This proposed establishment is 1308 square feet. The restroom being requested through the variance would be utilized for employees, and patrons. The majority of the clients which will be served by this business will likely be parents and children, as the variance request letter by the applicant indicates that over 80% of the customer base will be women and children.

The Plumbing Inspector for the Town is required to enforce the state plumbing code. The only way that an applicant could vary from the code is by requesting a variance of the state plumbing code through the State Board of Plumbing Examiners. As part of the variance application, the applicant is required to submit with the application a letter from the local Board of Health. The Board's responsibility is to either endorse the request for variance or not endorse it, and a letter is then forwarded to the state on the Board's behalf indicating the decision.

Ms. McGrath advised the Board that she stands behind the Plumbing Inspector's requirement per code to install the two required restrooms, and recommended the Board not endorse the variance request for one unisex handicapped restroom.

Motion By: Dr. Nedelman not to endorse the applicant's request for variance to install one unisex handicapped restroom.
Second By: Dr. Samuelson
Unanimously Voted

INFORMATIONAL:

2. SSBOHC Smoke-Free State Law Compliance Checks

Dr. Nedelman advised that the Collaborative conducted 6 inspections of local businesses to ensure compliance with the smoke-free workplace law by confirming that smoking is not occurring within the businesses. All of the businesses checked were found in compliance.

MATTERS BY THE BOARD:

Motion By: Dr. Samuelson to reaffirm Tom Corcoran's standing as a special health agent for the Board of Health, retroactive to the appointment of the Board of Health by the Mayor.
Second By: Mrs. Dowd
Unanimously Voted

Dr. Nedelman advised that in the past the Board of Health members have also been health agents.

Dr. Nedelman asked if the Board members continued to be health agents by virtue of the position, when the Board of Health was appointed by the Mayor.

Ms. McGrath advised that per MA General Law, the Board of Health members by virtue of their positions held are also health agents.

Mr. Corcoran disagreed with Ms. McGrath's interpretation.

Dr. Nedelman asked Ms. McGrath to inquire with the Town Solicitor if the Board members are health agents per their appointments by the Mayor.

Ms. McGrath advised that she would contact Carolyn Murray, the Town Solicitor.

Mr. Corcoran asked if the Board would have any objection to the Health & Wellness Committee utilizing resources available at the Health Division, such as copy machine.

Dr. Nedelman advised that should not be a problem as long as Ms. McGrath had no objection.

Ms. McGrath advised Mr. Corcoran that she provide as much assistance as she could.

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