

BRAINTREE BOARD OF HEALTH

MINUTES

December 18, 2007

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

ALSO PRESENT: Marybeth McGrath, Executive Health Officer

Mrs. Dowd called the meeting to order at 7:00pm.

Dr. Nedelman advised the Board that this may well be the last meeting of an elected Board of Health in the Town of Braintree.

MINUTES:

Motion By: Dr. Samuelson to approve the minutes of November 14, 2007.
Second By: Paula Dowd

OLD BUSINESS:

NEW BUSINESS:

1. Sale of Tobacco Violations:

Present: Jim Wells, Assistant Director-
South Shore Boards of Health Collaborative, Tobacco Control Program

a. Luke's Convenience-411 Pond Street

** To be rescheduled to the next available Board of Health meeting per request of the attorney for the establishment owner.

b. Penfield's at Sheraton Braintree Hotel-37 Forbes Road

Present: Al Carvelli, Establishment Owner

Mr. Wells advised the Board that on Saturday November 24, 2007, the quarterly compliance checks were done in Braintree. Forty checks were done and there were two sales.

He advised that at 12:55pm on Saturday November 24, 2007, a sixteen year old female and Collaborative employee went into the Sheraton Braintree at Penfield's store in an attempt to buy a pack of cigarettes. Officer McLaughlin sat in his car and watched this girl go in and exit. They only go into the store with the money he gave her, and coming out with a pack of cigarettes after it was bought. A sixteen year old girl walked into the clerk and asked for a pack of cigarettes. The clerk did ask for an ID. The buyer stated she did not have one. She did not ask her age, and the girl does not carry anything in her pockets or on her person other than the money handed to her by Officer McLaughlin. The sale continued on and the young adult female clerk sold her a pack of Newport cigarettes for \$ 9.45. She returned to the car and passed over the cigarettes to Officer McLaughlin and he documented all of the information on the compliance form and the conversation that she had with the clerk. This information was forwarded on to the Board of Health.

Mr. Wells further advised that this is their first sale in a two year period. They do have three previous sales on their record. The most recent in September 2005 and then in 2001 and 2000.

Mr. Carvelli advised the Board that he contacted Ms. McGrath to find out what time the compliance check was done, so he could verify who did it. He advised that there is no record of a sale in his store in his computer system for a package of cigarettes.

Mr. Carvelli asked Mr. Wells if he had a receipt for the cigarettes.

Mr. Wells advised no he did not. If they do get a receipt it is stapled to the evidence. Also, there are stores that mandate giving receipts and don't give out receipts.

Mr. Carvelli advised that he is vulnerable, but without a receipt how do they know you bought it there.

Mr. Wells advised that he is a representative and an agent of the Board of Health, as well as an enforcement officer who works for the Board.

Mr. Carvelli advised that he wanted to bring it up because if we are going to do this it would behoove the Board and Collaborative not only to buy the cigarettes, but to get the proof of ID. He advised since there was no sale of cigarettes, a ten dollar bill just went south because there is no proof that it that was sold, therefore there is no proof there was cash put into the register, which was an interesting point. They inventoried pretty much everything in the store. He does not know whether to go further with this.

Mr. Carvelli advised they have told them time and time again no ID, no cigarettes. He has no idea why she did that, if in fact she did it and did she steal ten dollars out of the

register system and he cannot prove that. He advised that is why he thinks it is very important when they do this to insist upon a receipt.

Mr. Wells advised Mr. Carvelli that following the Board's regulations and the state regulations as a vendor of tobacco products licensed by the Commonwealth of Massachusetts and under the Town of Braintree regulation he is required to teach and train his employees to do things appropriately. The Collaborative's job for the Board of Health following the Board's regulations and the state regulations is to check all vendors in the Town four times a year by the regulations and state law to see if they are in compliance. On this date, his establishment failed.

Mr. Wells further advised Mr. Carvelli that if someone is stealing from him that is not the Collaborative's problem or the Board's problem. What is before the Board tonight is the evidence he is presenting to them as their Enforcement Officer.

Mrs. Dowd advised rarely does the Board see receipts.

Ms. McGrath advised that one establishment that requires giving receipts which is mandatory by the company is CVS.

Mr. Carvelli advised that in order for him to catch whoever sold it, he needed a time.

Mr. Wells asked Mr. Carvelli how much is a package of cigarettes at Penfield's.

Mr. Carvelli advised that it is nine dollars plus tax. He stated the cigarettes are his. He further advised that a pack of cigarettes costs them between \$ 5.45 to \$ 6.00. He said he knows why the girl sold them, it's a history thing. He will admit to it, he'll pay the fine and go forward. The cigarettes are already out of the store.

Ms. McGrath advised the Board that this is the first offense 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. Carvelli that the Collaborative can help him with merchant education.

Motion By: Dr. Nedelman to implement the penalty for a first offense to begin on Wednesday December 19, 2007 at 12:00pm.
Second By: Dr. Samuelson
Unanimously Voted

INFORMATIONAL:

MATTERS BY THE BOARD:

2. Proposed SHARPS Needle Disposal

Ms. McGrath advised the Board that the proposed program packet presented to them this evening was prepared by Mary Mulready, the Public Health Nurse. She advised that the state is requiring as of July 2008 that municipalities have a SHARPS collection program. The Town of Braintree does not have a program currently, and we presently refer clients to CleanHarbors. CleanHarbors only offers needle disposal from April to November.

The state is mandating that a program be available. Additionally, as a department we have considered such a program because of the inquiries received from residents about needle disposal.

We think that we have come up with a program that would work for the health department. We are trying to comply with the law and also keep SHARPS out of the municipal trash, which we continually get complaints on.

Dr. Nedelman asked if a resident would be able to bring in a full coffee can with needles.

Ms. McGrath advised no. A client would need to bring needles for disposal in an approved SHARPS container. She further advised that if the proposal is approved then the department would advertise the procedures for a client to be able to bring needles to the health department for disposal. The proposal offers the ability to purchase the red SHARPS containers and also dispose of them. If a client already has an approved SHARPS container, then they can dispose of it by paying the disposal fee. The department is only looking for revenues to cover the cost of purchasing the equipment and disposing of it.

Ms. McGrath reviewed how the proposed fees were determined with the Board.

Ms. McGrath advised the Board that a client will not be allowed to transfer needles from an unapproved container to a SHARPS container in the office. They will have to transfer the needles to an approved SHARPS container themselves at home.

Ms. McGrath advised the Board about the proposed room location within the health department for the storage of SHARPS. Additionally, that she and Ms. Mulready will be the only staff with access to this locked room location.

Motion By: Dr. Nedelman to approve the proposed SHARPS Needle Disposal Program and fees.

Second By: Dr. Samuelson
Unanimously Voted

Mrs. Dowd advised the Board that she forwarded a letter to the Mayor Elect on behalf of the Board of Health inviting him to this meeting. She saw Mr. Sullivan at a recent School Committee meeting and he advised that he would be unable to attend the Board of Health meeting and he is looking forward to working with the Board.

Mrs. Dowd advised that she mentioned that the Board would need to set up future meeting dates. Mr. Sullivan requested that no dates be scheduled and that Ms. McGrath call his office on January 2, 2008.

Motion By: Dr. Nedelman to adjourn the meeting at 7:40 pm
Second By: Dr. Samuelson
Unanimously Voted