

**Braintree Board of Health
Johnson Meeting Room, Town Hall
1 John F. Kennedy Memorial Drive, Braintree MA
Thursday, January 17, 2019, 7:00 p.m.**

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

ALSO PRESENT: Marybeth McGrath, Director of ML & I

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

Approval of Meeting Minutes: December 13, 2018

Motion By: Dr. Nedelman to approve the meeting minutes of
December 13, 2018.

Second By: Ms. Melchionda
Unanimously voted

List of Complaints:

The board reviewed a list of complaints received from December 10, 2018-
January 11, 2019.

New Business:

Request for Keeping of Mini Pig: Jade Dillingham- 23 Kenmore Road

Present: Jade Dillingham, the applicant.

Ms. McGrath stated Ms. Dillingham is requesting a permit for the keeping of a mini pig, named Olive, on her property at 23 Kenmore Road. She has inspected the property and there is ample room for this mini pig. The applicant also has two dogs. The pig will be kept primarily indoors, but will have an outdoor area for occasional use, and the yard is completely fenced. There is one abutting neighbor who has received notification and has no concerns. The other neighbor would be the Braintree Public Schools. Notification was received by Mr. Lee, the Assistant Superintendent, and there has been no contact from him regarding the matter.

Motion By: Dr. Nedelman to approve request for keeping a mini pig for
Jade Dillingham at 23 Kenmore Road.

Second By: Ms. Melchionda
Unanimously voted

Old Business:

Request for Lifeguard Variance: Landing 53 Apartments- 25 Commercial Street

Present: Vicky Tingos and Anthony Ferris, the Property Management team.

Ms. McGrath stated the Board has a synopsis of bathing load activity from last summer. The applicant is requesting a full variance from the lifeguard provision, so they will not be required to have a lifeguard on duty. They are basing the request upon the fact that it is a very small pool and the bathing load activity has been very low.

Ms. Tingos stated the building is now fully occupied. In the summer, their occupancy was at approximately 80% and they never reached their full bather load of 172 over the entire summer. She stated this is a 3.5 foot deep pool and there is controlled access on the exterior to get into the courtyard and another controlled access to get into the pool.

Mr. Ferris stated that the lifeguards that they had on duty last summer did not end up doing much.

Ms. McGrath stated that the increase in occupancy since the summer bathing season may affect the activity level and recommended that the Board could approve this request conditionally, as they have done in the past. She stated a variance is only good for one year. Ms. McGrath stated that the majority of variance requests the Board has put in place for similar establishments, do have lifeguards on duty on weekends and holidays.

Dr. Nedelman expressed concern with children accessing the pool with their parent's key fob.

Mr. Ferris stated they have approximately 21 children in their facility.

Ms. Tingos stated no child under the age of 18 is allowed in the pool area without an adult.

Ms. Melchionda asked if they have cameras operating.

Mr. Ferris stated they do have cameras that are monitored.

Dr. Nedelman asked who owns this property.

Ms. Tingos stated it is owned by Landing Apartments LLC, which is comprised of different investors. It is managed by Flores Properties.

Motion By: Ms. Melchionda to conditionally approve a lifeguard variance for a trial basis for 2019 season for Landing 53 Apartments located at 25 Commercial Street.

Second By: Dr. Nedelman
Unanimously Voted

New Business (Continued):

Sale of Tobacco Violation: East Coast Smokes- 6 Commercial Street

Present: Ryan Choi, owner/manager

Ms. McGrath stated on January 2, 2019 at 12:40 p.m., a minor buyer, age 20, entered the establishment and was successful in purchasing a tobacco product. The purchaser was not asked for an ID and was not asked their age. The clerk was a young adult male. The minor purchased two mango Juul products. The sale was made and the cost for the purchase was \$44.98. The minor buyer provided a \$50 bill and there was no receipt given for the sale.

Mr. Choi stated he would like to apologize for what happened. It was the employee's fourth day on the job. When he confronted the employee about the sale, the employee lied to him, and he subsequently had to let him go for both the violation and lying. He stated that they are accepting full responsibility and will do whatever is required to comply.

Ms. McGrath stated that when she learned of the violation she sent a certified letter, as is required, but never received the green card back. She then hand delivered a letter to Mr. Choi and explained what happened and he signed for the letter on site. She stated the new regulation went into effect on December 31, 2018, and Mr. Choi is aware of the new regulations. His establishment has all the required signage.

Mr. Choi stated he always asks customers for their ID first, before offering to help them, so that this step is not forgotten.

Ms. McGrath stated that Mr. Choi's establishment does not sell cigarettes. The establishment sells nicotine delivery products, and under the new regulations is only one of two such establishments in Braintree. Although this is his first violation, there is no provision for a warning under the Board's regulation. The first offense is a five day suspension of the tobacco permit and a \$100 fine. Also, within 30 days of the first day of the suspension all employees have to receive merchant education.

Ms. McGrath stated the store also sells nicotine delivery equipment, which the Board does not regulate. If the store were to remain open for sale of equipment, all nicotine delivery products would have to be removed from display and put in a locked room and inspectors would check to ensure this was done. The alternative would be to close the store completely for five days. This would be up to Mr. Choi.

Ms. McGrath stated traditionally the Board has imposed penalty beginning at noon the day following their meeting, which would be Friday, January 18, continuing through Wednesday, January 23 at noon.

Motion By: Ms. Melchionda to impose penalty for first offense to begin on Friday January 18, 2019 at 12 noon, for East Coast Smokes located at 6 Commercial Street.

Second By: Dr. Nedelman
Unanimously Voted

Informational:

Ms. McGrath stated she provided the Board a packet containing the final report of the Health Impact Assessment for the Weymouth compressor station. She asked that members review this prior to the February meeting so they can discuss any concerns the Board may have.

Ms. Melchionda stated her concern is that the DPH was not given an adequate timeframe to conduct this type of assessment. She stated it takes over a year to do a really comprehensive health assessment and for a study to be done in less time to her indicates the study is not valid. Ms. McGrath stated there is an appeals process for the air quality permit and any feedback and concerns the Board can offer in a letter would be helpful.

Next Meeting: Scheduled on February 14, 2019

Motion By: Ms. Melchionda to adjourn the meeting at 7:40 p.m.

Second By: Dr. Nedelman
Unanimously Voted