

**Braintree Board of Health
Meeting Held Via Zoom
Thursday, February 13, 2025, 7:00 p.m.**

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

NOT PRESENT: Juliana Melchionda, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I
Kathleen Mahoney, Tobacco Compliance Officer
Stormy Leung, DFC Grant Coordinator

Dr. Bregoli called the meeting to order at 7:00 p.m. by roll call vote: Dr. Bregoli-yes;
Dr. Nedelman-yes

Approval of Meeting Minutes: December 12, 2024 and January 16, 2025

Motion By: Dr. Nedelman to approve the minutes of December 12, 2024

Second By: Dr. Bregoli
Voted by roll call:
Dr. Bregoli-yes; Dr. Nedelman-yes

Motion By: Dr. Nedelman to approve the minutes of January 16, 2025

Second By: Dr. Bregoli
Voted by roll call:
Dr. Bregoli-yes; Dr. Nedelman-yes

New Business:

Notice of Violation, Sale of Tobacco: 777 Lucky Corner, 250 Granite Street

Duja and Dhruv Patel, Owners, along with Attorney Theresa Barbadoro Koppanati were present before the Board via Zoom.

Ms. McGrath informed the parties there were only two board members present so they could choose to proceed or postpone to the next meeting. Attorney Koppanati stated they have no problem with proceeding.

Ms. McGrath stated a tobacco compliance inspection was conducted on January 14, 2025 at approximately 1:49 p.m. The business sold a tobacco product, ZYN, to an individual under the age of 21.

Attorney Koppanati stated the Patel's take tobacco compliance very seriously. They own five stores in Braintree, Quincy, and Boston. They have only had one tobacco violation in ten years owning these five stores. She stated ZYN was a new product to that store and was not coded correctly in their point of sale system so the age restriction did not come up when the sale was made. The clerk was covering at that store and was not familiar with their systems. They have recoded the product to ensure it is in the system and have retrained their clerks to double check products, even if they do not appear in the system.

Ms. McGrath stated this establishment had a prior tobacco sales violation on July 29, 2022 so this will be considered a second offense. Under the Board of Health regulation, as well as Massachusetts Law, since this event happened within 36 months of the previous offense the penalty would be a fine of \$2000 and suspension of tobacco sales permit for ten days.

Mr. Patel addressed the Board to explain he had left the store for a couple of hours and had his employee cover and it was an unfortunate situation. Ms. Mahoney encouraged Mr. Patel to ensure his employees are properly trained so this does not happen again. Ms. McGrath encouraged him to not only rely on the point of sale system, but to have his employees check identification.

Motion By: Dr. Nedelman to impose the penalty for a second offense effective on Tuesday, February 18, 2025 at 12:00 p.m., with the 10-day suspension going through February 28, 2025 at 12:00 p.m.

Second By: Dr. Bregoli
Voted by roll call:
Dr. Bregoli-yes; Dr. Nedelman-yes

Informational:

Ms. McGrath provided an update on the Cumberland Farms court case. She stated the Supreme Judicial Court of Massachusetts has upheld the Board of Health's decision in this matter. The first offense for Cumberland Farms occurred in April 2023, where they had a flavored tobacco product on display behind the counter and open. The establishment felt this was on display in error, but they had not sold any. This was a first offense with only a \$1000 fine as they had not sold to a minor.

Cumberland Farms appealed the Board's decision and as it made it way through the courts a second offense occurred in April 2024, in which they sold a tobacco product to a minor. The Board voted to implement a second offense, which is a \$2000 fine and 10-day suspension of tobacco sales license. However, this was held in abeyance until the outcome of the first case. Based on the court's decision a second offense can now go forward. A letter was sent to Cumberland Farms at their Braintree location as well as their corporate office indicating that based on the result of the first matter they owe a \$1000 fine. In addition the second offense is being implemented and they have to pay a

\$2000 fine and the 10-day suspension effective February 18, 2025 through February 28, 2025.

Ms. McGrath stated if for some reason they do not pay the fines and implement the suspension this could be considered a third offense with a fine of \$5000 and a 30-day suspension of tobacco sales permit. She stated she will update the Board on this matter at the next meeting.

Ms. McGrath introduced Stormy Leung, DFC Grant Coordinator, to the Board. She is working with Ms. Mahoney on merchant education, inspection, and ensuring proper signage.

Motion By: Dr. Nedelman to adjourn the meeting at 7:25 p.m.

Second By: Dr. Bregoli

Voted by roll call:

Dr. Bregoli-yes; Dr. Nedelman-yes