

**Braintree Board of Health
Johnson Meeting Room, Town Hall
1 John F. Kennedy Memorial Drive, Braintree MA
Thursday, August 16, 2018, 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: July 19, 2018

Motion By: Mrs. Melchionda to approve the meeting minutes of July 19, 2018
Second By: Dr. Nedelman
Unanimously Voted

List of Complaints:

The Board reviewed a list of complaints received from July 16, 2018-August 13, 2018.

Old Business:

- 1) Continued Public Hearing: Review of Draft Regulation Restricting the Sale of Tobacco Products

Present in the audience: Sarah McColgan, MHOA Tobacco Control Program; Lyn Frano, Substance Use Prevention Coordinator; Alex Weatherall, NECSEMA; and Jim Foley.

Dr. Bregoli stated the Board will deliberate and make a decision on revisions of this regulation.

Ms. McGrath stated at the last meeting the Board opened the public hearing. At that time public comments were accepted. The Board then closed the public comment period and continued the hearing, and are now in the deliberation phase. She reviewed the proposed significant changes to the regulation:

1. Prohibiting the sale of flavored nicotine delivery products in retail establishments with customers under the age of 21.
2. Lowering the maximum number of allowed license from 50 to 40.
3. Capping the allowed number of vape shops at 2, which is the number of shops currently operating in the town.

- 4. Excluding new retail establishments that sell these products from opening within 500 feet of a school or educational institution.
- 5. Excluding retail establishments that sell these products from opening within 500 feet of an existing establishment which has a tobacco sales license.

Ms. McGrath stated if the Board approves this restriction, the only establishments that would be able to sell flavored products would be the two vape shops already in business in Braintree. Dr. Bregoli asked for clarification on menthol. Ms. McGrath stated that this regulation does not address menthol tobacco products so these products could still be sold at all establishments with tobacco licenses.

Dr. Nedelman read a recommendation from the American Cancer Society, which states that they strongly recommend that every effort be made to prevent the initiation of e-cigarettes by youth. The use of products containing nicotine in any form among youth is unsafe and can harm brain development. Furthermore, evidence indicates that young e-cigarette users are at increased risk for both starting to smoke and becoming lifetime users of combustible tobacco products.

Mrs. Melchionda stated she has seen firsthand at the schools, a dramatic increase in youth smoking and use of these products. She stated it is important for boards of health to do all they can to prevent this from happening.

Ms. McGrath reviewed suggested language changes from the town solicitor. She recommended that the Board consider October 1, 2018 as the effective date.

Audience member Jim Foley addressed the Board. He recommended using a December effective date to allow retailers to sell off their existing inventory. Dr. Bregoli suggested December 31, 2018 as the effective date, which would keep it consistent with the date the licenses go into effect.

Motion By: Dr. Nedelman to approve the draft regulation, Restricting the Sale of Tobacco Products, with an effective date of December 31, 2018, and incorporating suggested language by Town Solicitor John Goldrosen.

Second By: Mrs. Melchionda
Unanimously Voted

New Business:

- 2) Request for Variance of Lifeguard Provision: Hyatt Place, 50 Forbes Road

Present was Edgar Famador, Facilities Engineer, Hyatt Place.

Ms. McGrath stated Hyatt Place is a hotel with a semi-public swimming pool. This is an in-ground, indoor pool, offered for the use of hotel guests only. She stated when this was formerly the Sheraton, there was a health club on site and its members could use the

swimming pool. This health club is no longer on site, so use of the pool is strictly for use of the guests. Use of the pool has declined since there is no longer a health club on site, and the Hyatt management is requesting a variance of the lifeguard provision.

Dr. Nedelman asked how the guests access the pool area.

Mr. Famador stated they currently operate with a lifeguard and the guests sign in. They will now be installing equipment so the guests will have to use their room keycard.

Dr. Bregoli asked when the health club closed.

Ms. McGrath stated it closed approximately two years ago, however, they still required a lifeguard because the hotel operated an outdoor pool, as well. At this time, they have abandoned the outdoor pool and are only utilizing the indoor pool.

Mrs. Melchionda referenced the usage data the hotel provided and stated there was no indication of the time of usage.

Ms. McGrath stated with the new keycard system they will be able to track the date and time of usage.

Mr. Famador stated the hours of operation for the pool will be 8:00 a.m. to 8:00 p.m.

Ms. McGrath stated appropriate signage will be in place.

Mrs. Melchionda expressed concern about approving this without the keycard system in place.

Ms. McGrath stated any approval should include a condition that the keycard system be in place and inspected by the necessary town departments.

Mrs. Melchionda stated she would like them to come back before the board in six months for review.

Motion By: Mrs. Melchionda to approve the variance request conditioned upon the following:

1. Install keycard system at entry doors
2. Inspection by town officials.
3. Review in six months by Board of Health

Second By: Dr. Nedelman
Unanimously Voted

3) Sierra Club Presentation, Natural Gas Infrastructure

There was no one present from the Sierra Club, so the Board tabled this discussion.

Ms. McGrath stated there is a proposal to site a natural gas compressor station in Weymouth in the Route 3A area. The Governor directed the MA Department of Environmental Protection and the Mass Department of Public Health to conduct a health impact assessment before any approval is given for this compressor station. The Mayor has assigned Ms. McGrath and another Town individual to represent the Town on a Health Impact Assessment Board. She stated data is being gathered. They have conducted air monitoring testing and all the data will come forward in a report in early 2019.

Dr. Bregoli asked if a vote of the Board is needed.

Ms. McGrath stated that the Sierra Club was going to provide a presentation to the Board and ask for its endorsement to write a letter to the Governor stating the Board opposes natural gas compressor stations as a whole.

Motion By: Dr. Nedelman to adjourn the meeting at 7:30 p.m.
Second By: Mrs. Melchionda
Unanimously Voted