

BRAINTREE BOARD OF HEALTH

MINUTES

July 12, 2007

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

ALSO PRESENT: Marybeth McGrath, Executive Health Officer

Dr. Nedelman called the meeting to order at 7:00pm.

MINUTES:

Motion By: Dr. Samuelson to approve the minutes of May 15, 2007.

Second By: Dr. Nedelman

OLD BUSINESS:

NEW BUSINESS:

1. Sale of Tobacco Violation:

Millenium Food Store-125 Hancock Street

Present: Elizabeth Nee, Director-So. Shore Boards of Health Collaborative,
Tobacco Control Program (SSBOH-TCP)
Jerry McLaughlin, Enforcement Officer, SSBOH-TCP

Mr. Harbans Singh, Owner-Millenium Food Store

Ms. McGrath advised the Board that on June 6, 2007 and June 14, 2007, Mr. McLaughlin and his assistance conducted compliance checks in Braintree. Out of 46 vendors, 41 vendors were checked. Five were not checked because they were either closed or inappropriate for the youth to enter. The outcome of the compliance checks disclosed that Millenium Food Store was found in violation.

Mr. McLaughlin advised the Board that on June 6, 2007 at approximately 5:05pm, a routine compliance check was conducted at Millenium Market at 125 Hancock Street. At that time, a seventeen year old female departed Mr. McLaughlin's car only with the money given to her by Mr. McLaughlin of the Collaborative, which was six dollars. She

had no identification, all personal identification was left in the vehicle. She went straight into the market with the intent of buying a tobacco product. A few minutes later she returned with the tobacco product, which was a pack of Marlboro cigarettes. The cigarettes were immediately tagged and kept by Mr. McLaughlin in the vehicle. The price of the cigarettes was \$ 5.25, and there was no discussion between the clerk and the minor other than asking for the pack of Marlboro's.

Mr. McLaughlin presented the cigarettes purchased as evidence.

Dr. Nedelman asked Mr. Singh if he has cameras in the establishment and if so, has he reviewed them.

Mr. Singh advised that he does have cameras, but when he received the notification letter, two weeks had passed since the incident, and he only uses the register for one week. Also, since he has no employees, it is only him and his sister sometimes helps him.

Dr. Nedelman asked if he has reviewed his records to see who was working behind the counter at that time.

Ms. Singh advised that it is only himself or his sister.

Ms. McGrath advised that the compliance check form indicates that it was a female adult clerk that sold the cigarettes at 5:05pm on Wednesday June 6, 2007.

Mr. Singh advised that it must have been his sister, as he and his sister are the only two people who work there. Mr. Singh advised that since the first of the year he has been traveling back and forth to India to attend to an ill family member, and his sister has been helping him at the store.

Mr. Singh advised that he has been in business for over three years and he always checks, and never let anyone buy cigarettes. He has taught her all the requirements, and when he got the letter he showed it to her and she was not aware of the sale.

Dr. Nedelman asked Mr. Singh if his sister recalled the sale.

Mr. Singh advised no. He asked the Board for leniency since this is his first sale.

Dr. Nedelman advised Mr. Singh that the Board has never made any acceptations.

Ms. McGrath read into the record the documents within the Board of Health member packets as relates to this item.

Ms. McGrath advised that 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 and owner involved in tobacco sales must seek merchant

education. She further advised that the Tobacco Control Program is available to assist with merchant education.

Motion By: Dr. Samuelson to implement the penalty for a first offense to begin on Friday July 13, 2007 at 12:00pm.
Second By: Dr. Nedelman

Ms. McGrath advised Mr. Singh about the details of the penalty imposed.

Dr. Samuelson asked Mr. McLaughlin how often the compliance checks are conducted.

Mr. McLaughlin advised that the compliance checks are conducted once every quarter. He advised that Braintree takes two to three days to complete.

Dr. Nedelman asked Mr. McLaughlin if those establishments that are inappropriate for youth to enter are checked within each year.

Mr. McLaughlin advised that those in which that occurs have been closed for the day when the compliance check is done, or in one case the establishment is a bar with a cigarette vending machine, which he will not let the youth enter. So, yes for the most part all are checked.

INFORMATIONAL:

2. MDPH-Notification of Eastern Equine Encephalitis (EEE) virus positive mosquito

Ms. McGrath advised the Board that of the recent notification of a positive EEE mosquito in Raynham.

She further advised the Board of the on-going mosquito control activities conducted by Norfolk County Mosquito Control Project. As well as, the criteria set by the MDPH for submittal of dead birds.

MATTERS BY THE BOARD:

Ms. McGrath provided the Board with a brief update on the status of 298 Pearl Street.

Ms. McGrath provided the Board with a current overview of the beach testing results for Smith Beach and Sunset Lake for this season.

Motion By: Dr. Samuelson to adjourn the meeting at 7:25 pm
Second By: Dr. Nedelman