

BOARD OF HEALTH MEETING

July 20, 2011

Town Council Chambers, Administration Building

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:35 PM.

PRESENT: Dr. John Straus, Dr. Barbara Beck, Steven Ward, and Kristel Bennett.

Minute Review: The Board of Health reviewed the minutes of the June 15, 2011. Dr. Barbara Beck made a motion to accept the minutes of the June 15, 2011 meeting. Dr. Straus stepped down as Chair and seconded the motion. All were in favor.

Arsenal Lobby Shop: Kristel Bennett informed the Board that the owner of Arsenal Lobby Shop, Rehka Mistri was before the Board for an administrative show cause hearing for a second violation of the Regulations of the *Watertown Board of Health Sale of Tobacco Products to Minors*. Ms. Rehka Mistri, owner of Arsenal Lobby Shop presented testimony to the Board of Health. Mrs. Bennett presented the findings of the June 9, 2011 tobacco compliance check. After much discussion thereof, Dr. Barbara Beck made a motion that acting under the authority of the *Regulations of the Watertown Board of Health Sales of Tobacco Products to Minors*, Section J(1)(b) "Violations", the Board of Health hereby suspends the Tobacco Sales and Location permit for Arsenal Lobby Shop located at 311 Arsenal Street, Watertown, for seven (7) consecutive business days and that all employees associated with the sale of tobacco products shall attend a mandatory Tobacco Retailer Education Training provided by the Watertown Health Department. The Tobacco suspension shall begin on Wednesday, July 27, 2011 and end on Wednesday, August 3, 2011. The Tobacco Retailer Education Training is scheduled for Thursday, August 4, 2011 at 9:30 AM. For the duration of the suspension, all tobacco products shall be locked, secured, and covered not accessible to the public, only to employees. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

Big Sky Bakery: Kristel Bennett introduced Ms. Sophia Maxman, the owner of Big Sky Bakery located at 142 Main Street to the Board. Mrs. Bennett presented the plan review documentation for Big Sky Bakery to the Board and informed the Board the Ms. Sophia Maxman is currently operating under a Temporary Food establishment Permit. Mrs. Bennett states that the applicant has received the Person In Charge Training and has been instructed as to her responsibility concerning the inspection process. Big Sky Bakery has 2 handsinks, 1 fully enclosed bathroom, 1 three bay sink with a grease trap, and one mop/service sink. The menu items include Breads, bagels, croissants, muffins, scones, turnover, pies, quiches, calzones, soups, cookies, pastries, cakes, granola, coffee, and bottled drinks. After much discussion thereof Dr. Barbara Beck made a motion to approve the issuance of a 2011 Food Service Establishment Permit to Big Sky Bakery located at 142 Main Street. A condition of the issuance, Big Sky Bakery must receive all food products from approved sources and the food product must be packaged and labeled in accordance with 105 CMR 590.000. The 2011 Food Service Establishment Permit must be posted adjacent to the current ServSafe certification and the current Food Allergen certification. The 2011 Food Service Establishment Permit expires November 30, 2011. And finally, the Board reminds the applicant that false and misleading information and/or documentation is cause for revocation of a food establishment permit. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

Orchard Park Grill: Kristel Bennett informed the Board of Health that the owner, John Stathakis, was before the Board for an administrative hearing for failure to comply with Health Department order to correct letter dated June 15, 2011; outstanding violations include but are not limited to soiled interior components of bar beer faucets and repeated violations of no sanitizer at bar warewash machine. Mrs. Bennett informed the Board that Sanitarian, Ade Solarin conducted a reinspection on July 20, 2011, the reinspection revealed that violations remain and the establishment was closed due to a prior power outage, power had been restored, and the owner was cleaning and removing spoiled food. John Stathakis informed the Board that the establishment is currently closed. Kristel Bennett and Steven Ward informed Mr. Stathakis that he needs to notify the Health Department about power failures for food safety reasons. Mr. Stathakis informed the Board that he has discarded significant quantities of spoiled food due the power outage.

After hearing the findings of the Health Department's inspection, order to correct letter, and hearing the testimony provided by John Stathakis, owner of Orchard Park Grill, and after much discussion thereof Dr. Barbara Beck made a motion that Sanitarian, Ade Solarin and Chief Environmental Health Officer, Kristel Bennett conduct a reinspection on July 21, 2011 to inspect the sanitizer in the bar warewash machine, evaluate the build-up in the bar beer faucets, and ensure establishment is able to operate, all spoiled food has been removed, and equipment is functioning properly. Orchard Park grill must pay the surcharge fee on July 21, 2011. Orchard Park Grill must attend a Person In Charge training regarding power outage closure, serious and repeated violations and notifying the Health Department for closure. Should further violations of the State Sanitary Code 105 CMR 590.000 Minimum Standards for Food Establishment may result in the suspension or revocation of your permit to operate a Food Service Establishment. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

22 Bates Road: Kristel Bennett informed the Board of Health that the property owner had correct all but one violations in the order to correct letter dated December 10, 2010. The owner hired a contracted to correct the remaining violation listed in the order to correct letter, this violation is scheduled to be corrected by July 25, 2011.

18 Brimmer Street: Kristel Bennett informed the Board of Health that the case management agreement is to be amended and a social worker will be used to assist the tenants in the removal/reduction of materials from the dwelling unit.

DPW Trash & Recycling Issues: Steven Ward gave an update regarding the meeting minutes of the Committee on Public Works meeting on June 29, 2011. Mr. Ward alerted the Board's attention to item number four of the Trash and Recycling Contract Issues meeting minutes which stated that the Health Department should enforce trash piles left on a sidewalk with fines to assessed against the property owners and that landlords would be encouraged to deduct the cost of the fines and trash removal against the tenant's security deposit. Mr. Ward stated that the security deposit issue would not be enforceable by the Health Department. Mr. Ward stated that the issue of most concern is the

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statement that the Health Department should enforce trash piles left on the sidewalk since enforcement could only take place if the trash in question posed a public health nuisance and that the trash was located on the landlord's property. Mr. Ward stated that this position is support by Mark Reich the town attorney. In addition, Mr. Ward noted that he was not asked for his opinion prior to the Committee on Public Works meeting on June 29, 2011 nor was he invited to attend this meeting. Mr. Ward recommended that, to the extent permissible by law, that the Health Department will enforce public health nuisance trash violations via order letters and court complaint filings since the issuance of tickets has proven to be an ineffective compliance tool. Mr Ward further stated that the Health Department will assist with the community-wide education campaign referred to in the Committee on Public Works meeting minutes.

It was the consensus of the Board to send DPW and the Committee on Public Works a letter stating that the Board of Health supports the Health Department's continued involvement regarding public health nuisance trash complaints compliance efforts and to assist the DPW with community-wide educational efforts.

Old / New Business:

Next Meeting Date: August 17, 2011.

Adjourn: 9:30 PM

Minutes: Submitted by Steven J. Ward, Director of Public Health