

BOARD OF HEALTH MEETING

May 2, 2012

Town Council Chambers, Administration Building

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:40 PM.

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

Minute Review: The Board of Health review the minutes of the March 21, 2012 meeting. Dr. Barbara Beck made a motion to accept the minutes of the March 21, 2012 meeting. Dr. John Straus stepped down as Chair and seconded the motion. All were in favor.

1060 Belmont Street: Kristel Bennett informed the Board that the owner of 1060 Belmont Street was before the Board for an administrative hearing to withdraw violation number three in the order to correct letter dated April 3, 2012. Mrs. Bennett presented the findings of the Health Department inspection of the dwelling unit. The owner of 1064 Belmont Street, Jennifer VanCampen, was present and presented testimony. Ms. VanCampen stated that this was a historical problem and tried to address the problem when renovations were being conducted at the property. After much discussion, Dr. Barbara Beck made a motion to deny the request to withdraw violation number three from the order to correct letter dated April 4, 2012. The owner of 1064 Belmont Street must correct the violation number three listed in the order to correct letter dated April 4, 2012 by the next Board of Health meeting on June 20, 2012 or the owner must provide architectural plans that will achieve compliance with the April 4, 2012 order to correct letter at the June 20, 2012 Board of Health meeting, all other violations listed in the order letter must be corrected by May 16, 2012. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

61-63 Poplar Street: Kristel Bennett informed the Board that the owner's representative, Attorney Bernard Loughran, the owner, Paul Varonakis, and the owner's sister, Connie Delrose were before the Board for a status condemnation hearing for violations listed in the December 30, 2011 Condemnation Order Letter warrant a finding that the dwelling units located at 61-63

Poplar Street, Watertown are unfit for human habitation and the dwelling units are to remain condemned and that the order to vacate and secure the dwelling units remain in effect. After hearing the findings of the December 28, 2011 Health Inspection report, hearing the testimony provide by Attorney Bernard Loughran, and after much discussion thereof, Dr. Barbara Beck made a motion to ratify the condemnation order of the December 30, 2011. The owner or his representative must correct the violation listed in the Condemnation order to Correct letter dated December 30, 2011 by July 18, 2012. If the violations remain unabated by July 18, 2012 a court complaint may be filed against the owner of 61-63 Poplar Street in Waltham District Court for non-compliance with the condemnation order to correct letter dated December 30, 2011. This matter will be heard for status update at the June 20, 2012 Board of Health meeting, the owner or his representative must provide a status reports the include an update for plans for cleaning up and removing the materials from the dwelling unit to bring the dwelling units into compliance with the December 30, 2011 Condemnation Order. As a result of this condemnation, the dwelling units are to remain vacant and secured. No dwelling unit or portion thereof which is ordered to be secured shall be occupied without the written permission of the Board of Health based upon the board's written finding that the dwelling or portion thereof to be occupied is unfit for human habitation. Dr. Straus stepped down as chair and seconded the motion. All were in favor.

Tobacco Regulation Amendment: Steven Ward, Wesley Chin, and DJ Wilson informed the Board of the proposed amendments to the Sale of Tobacco Products to Minors Regulations. The Board reviewed the proposed amendments. The amendments include but are not limited to the following: changing the title of the regulation to Regulation of the Watertown Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products to Minors, the definition establishment, the definition nicotine delivery product (including e-cigarettes), the definition humidior, tobacco retailer education program requirements, and suspension and revocation language. The Board held a discussion about prohibited activities and self-service displays. The Board discussed putting a legal notice in the paper to inform all establishment that may be affect by the changes in this regulation. Wesley Chin informed the Board about Brookline and Needham's regulation regarding the age of minor, both Brookline and Needham

restrict tobacco retail establishments from selling tobacco products to anyone under the age of 19 years. The Board discussed possibly adding this language to the regulation.

Orchard Park Grill: Kristel Bennett informed the Board the owner of Orchard Park Grill, John Stathakis, was before the Board for an administrative hearing for failure to comply with the Board of Health decision of February 15, 2012. Mrs. Bennett presented a chronology to the Board, Mrs. Bennett informed the Board that Mr. Stathakis did fail to comply with the decision of February 15, 2012 by: failing to have a professional food consultant meet with the Health Department; failing to submit bi-monthly inspections conducted by the professional food consultant for a period of six months; failing to notify the Health Department as to why Orchard Park Grill has not complied with the February 15, 2012 Board of Health decision. Mr. Stathakis presented testimony as to why he had failed to comply with the February 15, 2012 Board of Health decision. Mr. Stathakis provided a contract to the Board from Eastern Food Safety. After much discussion, Dr. Barbara Beck made a motion to amend the February 15, 2012 Board of Health decision letter, the owner of Orchard Park Grill, John Stathakis, must hire a professional food consultant trainer that has been vetted through the Department of Public Health. The professional food consultant must bring the establishment into a sanitary environment to meet and maintain compliance with the Food code and Chapter X of the State Sanitary Code 105 CMR 590.000. A list of selected and approved professional food consultants will be included with the decision letter. The food consultant must be hired for a period of six months. The food consultant must inspect the establishment bi-monthly for a period of six months, a total of twelve (12) inspections. The inspection report must be submitted to the Health Department within forty-eight (48) hours after the completion of the inspections. The food consultant must be hired on or before May 9, 2012, a copy signed contract must be submitted by May 9, 2012. The signed contract must meet compliance with the decision. The food consultant must meet and review the order letter dated January 26, 2012 with Kristel Bennett, Chief Environmental Health Officer at the Watertown Health Department no later than Friday, May 18, 2012 and prior to conducting the first inspection at Orchard Park Grill. A review of the inspections provided by the food consultant will be conducted upon submission and at the three month period to determine whether sanitary improvements are being made. Should significant improvements and compliance with the Food Code and Chapter X of the State Sanitary Code

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105 CMR 590.000 be achieved after three months, then the six month requirement will be reduced to three months, and the food consultant services will no longer be required. The owner must attend the June 20, 2012 Board of Health meeting for a status update. Failure to comply with this Board of Health order will result in the 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.

Mass Gathering Permit Application: Steven Ward provided the Board the Mass Gathering Permit Application packet. The Board reviewed the packet. Mr. Ward informed the Board of the application deadlines, thirty days prior to any mass food gathering event the event coordinator must return completed event coordinator application and meet with the Health Department. Two weeks prior to the event the food operators must return the food operator application, fee, and required documentation to the Health Department. The Health Department staff will then process the submitted applications and if necessary contact other Health Departments to conduct background investigations of the food operators. After further discussion, Dr. Barbara Beck made a motion to accept the Mass Gathering Permit Application. Dr. John Straus seconded the motion. All were in favor.

New/Old Business: Steven Ward held a discussion with the Board regarding morning meetings.

Next Meeting Date: June 20, 2012

Adjourn: 10:15 PM

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