

BOARD OF HEALTH MEETING

March 20, 2013

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, and Kristel Bennett.

Minute Review: The Board of Health reviewed the minutes of the February 20, 2013 meeting. Dr. Barbara Beck made a motion to accept the minutes of the February 20, 2013 meeting. Dr. John Straus stepped down as Chair and seconded the motion. All were in favor.

Russo & Son's: Kristel Bennett informed the Board that Russo & Son's were before the Board for a status hearing, to update the Board as to the progress with the December 19, 2012 Board of Health decision. Present was Dirk Keifor, Russo's Food Consultant, Kristel Bennett, Chief Environmental Health Officer, and Dan Repella, Sanitarian for the Watertown Health Department. Mrs. Bennett informed the Board that Mr. Keifor had submitted ServSafe certificates for Russo's employees. Mrs. Bennett informed the Board that Mr. Repella had conducted a comprehensive inspection of Russo's on March 12, 2013, this inspection revealed 3 critical and 13 noncritical violations. This inspection revealed a reduction in the number of critical and noncritical violations. After much discussion thereof, Dr. Barbara Beck made a motion to ratify the December 19, 2012 Board of Health decision, that includes but is not limited to continuing to retain the services of Professional Food Consultant for a period of six months, till June 19, 2013. The Food Consultant shall provide bimonthly audits to the Health Department. Health Department will conduct three unannounced inspections during the six month period at the establishment to assess progress and compliance with the Food Code, two of the three inspections have been conducted. There will a surcharge inspection fee of \$75.00 per inspection. Russo's must continue to provide two ServSafe certified food employees per shift per department. Failure to comply with this order may result in the suspension or revocation of Russo's Permit to Operate a Food Establishment. Dr. John Straus stepped down as chair and seconded the motion. All were favor.

29 Commonwealth Road: Kristel Bennett informed the Board that the owner of 29 Commonwealth Road requested an administrative hearing for modification of compliance time and to withdraw portions of the order to correct letter dated January 25, 2013. Present at the hearing was Albert Siciliano, owner of 29 Commonwealth Road. Kristel Bennett, Chief Environmental, Health Officer for the Watertown Health Department presented the findings of Dan Repella's inspection of the dwelling unit. Mr. Siciliano requested to withdraw violation #5 of the order to correct letter and informed the Board that all the other violations had been corrected. After much discussion thereof, Dr. Barbara Beck made a motion to deny the request to withdraw violations #5 and #11 and to approve the request to modify compliance time with the order to correct letter dated January 25, 2013. The owner, Mr. Siciliano, must correct all violations listed in the January 25, 2013 order to correct letter by April 17, 2013. If the violations remain unabated by April 17, 2013 then a court complaint may be filed against the owner of 29 Commonwealth Road #1 in Waltham District Court for non-compliance with the order letter dated January 25, 2013. Dr. John Straus stepped down as chair and seconded the motion. All were favor.

Riverbend on the Charles, 270 Pleasant Street: Kristel Bennett informed the Board that Ben Zimmerman and Jay Zachariah of Criterion Development Partners were before the Board for an Administrative Hearing to determine if lifeguards and pool supervision will be required at their swimming pool and special purpose pool at 270 Pleasant Street, Watertown, MA as required by Chapter V of the State Sanitary Code, 105 CMR 435.00 Minimum Standards for Swimming Pools. After much discussion thereof and after hearing of the plan review documentation from Kristel Bennett, Dr. Barbara Beck made a motion, to continue the hearing to the next Board of Health meeting to determine if lifeguards and pool supervision will be required at your swimming pool and special purpose pool at 270 Pleasant Street, Watertown, MA as required by Chapter V of the State Sanitary Code, 105 CMR 435.00 Minimum Standards for Swimming Pools. Dr. John Straus stepped down as chair and seconded the motion. All were favor.

A&M Variety: Kristel Bennett informed the Board that Mario Pulecio, owner of A&M Variety was before the Board for a Show Cause Administrative Hearing to show cause as to why

the Board should not suspend or revoke A&M Variety's Tobacco and Nicotine Delivery Product Sales Permit for the violation and denial of sale of the tobacco product to a minor according to the *Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products & Nicotine Delivery Products*. Kristel Bennett, Chief Environmental Health Officer for the Watertown Health Department informed the Board that on February 20, 2013 a minor entered the establishment and purchased a pack of Marlboro cigarettes for a purchase price of \$9.00. Wesley Chin, Regional Tobacco Control Coordinator for the Watertown Health Department informed the Board that the clerk denied the February 20, 2013 sale of cigarettes to a minor. After hearing the findings from Kristel Bennett and Wesley Chin, and after much discussion thereof, the Dr. Barbara Beck made a motion, that A & M Variety must maintain compliance with the *Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. A & M Variety must ensure that any and all employees who will be responsible for Tobacco and Nicotine Delivery Product Sales are instructed regarding state law regarding sale tobacco and the regulation. A & M Variety must cooperate with inspections pursuant to this regulation. A & M Variety must attend a Tobacco Retailer Education training at the Health Department on Wednesday, April 3, 2013 at 9:00 AM, this training will be held at the Watertown Health Department, 149 Main Street, Watertown, MA. Failure to comply with this order and the *Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products* may result in the suspension or revocation A & M Variety's Tobacco and Nicotine Delivery Products Sales Permit. Dr. John Straus stepped down as chair and seconded the motion. All were favor.

New Convenience: Kristel Bennett informed the Board that the owners of New Convenience were required to appear for a Show Cause Administrative Hearing to show cause as to why the Board should not suspend or revoke New Convenience's Tobacco and Nicotine Delivery Product Sales Permit for the violation and denial of sale of the *Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products & Nicotine Delivery Products*. The owners of New Convenience failed to appear at the Show Cause Administrative Hearing. The Board scheduled an Administrative Show Cause Hearing with the owners of New Convenience at the next Board of Health meeting.

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Metrics & SOP Update: Kristel Bennett provided an update to the Board. Mrs. Bennett has been working with Peter Wilner, the Health Department Policy Analyst in the development an electronic tracking system to capture needed metrics for the Health Department and generate required reports.

Grant Updates CCII, CCIII, Region 4b: Wil VanDinter, Public Health Nurse, provided updates to the Board regarding the status of the grants the Health Department has received.

Residential Kitchens: Kristel Bennett provided information to the Board regarding permitting Residential Kitchens. The Board discussed the requirements of Residential Kitchens. The Board will further review and discuss the information at the next meeting.

Next Meeting Date: April 17, 2013

Adjourn: 10:00 PM

Minutes: Submitted by Kristel Bennett, Chief Environmental Health Officer