

## BOARD OF HEALTH MEETING

April 17, 2013

Town Council Chambers, Administration Building

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

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

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

380 Mt Auburn Street: Kristel Bennett informed the Board that the tenants of 380 Mt Auburn Street, Ann Elwell and George Davidson were before the Board for a status hearing to provide an update to the Board as to the compliance with the November 11, 2012 Board of Health decision and the October 11, 2012 Health Department order to correct letter. Mrs. Bennett presented the findings of the Health Department inspections of the dwelling unit. Mrs. Bennett informed the Board that the April 16, 2013 inspection revealed compliance with the October 11, 2012 Health Department order to correct letter. After hearing the findings of the Health inspection report and after much discussion thereof, Dr. Barbara Beck made a motion to withdraw the order to correct letter dated October 11, 2012 based off of the April 16, 2013 inspection that the conditions noted in the October 11, 2012 Health Department order to correct letter no longer exist. In addition, the occupants are required to accept the services of a Health Department Case manager for two quarterly follow-up visits to ensure that the occupants continue to maintain compliance with the Health Department October 11, 2012 order to correct letter. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

New Convenience: Kristel Bennett informed the Board that Mikayel Yengibaryan, owner of New Convenience was before the Board 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 tobacco

product to a minor according to the *Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products & Nicotine Delivery Products*. Mrs. Bennett 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 \$8.49. Mrs. Bennett informed the Board that Wesley Chin, Tobacco Control Coordinator for the Watertown Health Department reported that the clerk denied the February 20, 2013 sale of cigarettes to a minor, the clerk had claimed the sale was to an individual who produced an identification card with a date of birth from 1989. Mr. Yengibaryan expressed regret to the Board for the clerk denying the sale and discussed the confusion about the notice of the Board of Health hearing in April.

After hearing the findings from Kristel Bennett, and after much discussion thereof, Dr. Barbara Beck made a motion that New Convenience must maintain compliance with the *Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products*. New Convenience must ensure that any and all employees who will be responsible for Tobacco and Nicotine Delivery Products Sales are instructed regarding the state law regarding the sale of tobacco and the Watertown regulation. New Convenience must cooperate with inspections pursuant to this regulation. The individual who is responsible for the most recent sale of tobacco products to a minor must attend at Tobacco Retailer Education at the Health Department on Wednesday, May 1, 2013 at 10:00 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 of New Convenience's Tobacco and Nicotine Delivery Products Sales Permit. Dr. John Straus stepped down as chair and seconded the motion. All were favor.

Arax Market: Kristel Bennett informed the Board that Arax Market was before the Board for a status hearing, to update the Board as to the progress with the March 4, 2013 Health Department Administrative Order Letter. Present at this Status Hearing were Lisa Smith, Arax Market's Food Consultant, Harout Bassmajian and Berjoughie Bassmajian owners of Arax Market. Mrs. Bennett informed the Board that compliance was achieved with the February 14, 2013 Health Department inspection report, a Person In Charge Training was conducted by Ade Solarin for the

establishment on February 28, 2013, and Arax Market was complying with the March 4, 2013 Health Department Administrative Order Letter. Mrs. Bennett informed the Board that she was in receipt of a signed contract and two audits conducted by Lisa Smith, a Professional Food Consultant for Arax market. Mr. Bassmajian, Ms. Bassmajian, and Ms. Smith provided an update to the Board as to the progress with the March 4, 2013 Health Department Administrative Order Letter. After hearing the findings and after much discussion thereof, Dr. Barbara Beck made a motion to ratify the March 4, 2013 Health Department Administrative Order Letter. Arax Market must attend the July Board of Health meeting with the Professional Food Consultant for a Status Health to provide an update as to compliance with the March 4, 2013 Health Department Administrative Order Letter. Should further noncompliance with the Food Code be documented at the establishment, then Arax Market's Permit to Operate a Food Service Establishment may be suspended or revoked. Dr. John Straus stepped down as Chair and seconded the motion. All were in 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. Mrs. Bennett presented the plan review documentation to the Board. After much discussion thereof, Dr. Barbara Beck made a motion that Riverbend on the Charles, Swimming Pool and Special Purpose Pool at 270 Pleasant Street must provide at least one trained person on the premises at all times that the pool is open. This individual shall be the pool supervisor, who shall be responsible for all phases of the pool operation. The pool supervisor shall be available to respond to mechanical and maintenance problems, and to detect the potential of such problems before they occur. The pool supervisor shall be at least 21 years of age, knowledgeable of 105 CMR 435.00, and responsible for all phases of the operation. The pool supervisor shall have successfully completed a course in the safe and effective operation and maintenance of the swimming pool as evidenced by certification as a Pool Operator from YMCA or the National Swimming Pool Foundation. The pool supervisor shall ensure that on-site pool personnel are adequately trained in the safe, sanitary and effective operation of the pool and its equipment. In

addition, no lifeguards will be required at the Riverbend on the Charles, Swimming Pool and Special Purpose Pool at 270 Pleasant Street. Riverbend must comply with the requirements of 105 CMR 435.00 and post the following warning sign in a conspicuous location to meet compliance with 105 CMR 435.23(2), the sign must state "WARNING-NO LIFEGUARD ON DUTY" in easy to read, legible letters which are at least four inches high. In addition, there shall be signs which are readily visible stating "CHILDREN UNDER AGE 16 SHOULD NOT USE SWIMMING POOL WITHOUT AN ADULT IN ATTENDANCE" and "ADULTS SHOULD NOT SWIM ALONE." Should the use, size, shape, and capacity of the Swimming Pool and Special Purpose Pool at Riverbend on the Charles change, then the Board of Health reserves the right to require to require a lifeguard be present at the Swimming Pool and Special Purpose Pool during operating hours. Riverbend on the Charles, Swimming Pool and Special Purpose pool must maintain compliance with 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 in favor.

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

Grant Updates CCII, CCIII, Region 4b: Kristel Bennett provided updates to the Board regarding the status of the Compassionate Connections II, Compassionate Connections III, and the Region 4b grants.

Residential Kitchens: Kristel Bennett provided information to the Board regarding permitting Residential Kitchens. The Board discussed the requirements of Residential Kitchens. The Board expressed interest in amending the Watertown Board of Health Fee Schedule for Licenses and Permits to include a fee for residential kitchens.

Wellness Report: Kristel Bennett reviewed the Watertown Wellness Report with the Board. Mrs. Bennett discussed the recommendations listed in the Wellness Report which included

Board of Health

Minutes: April 17, 2013

providing a Farmer's Market in Watertown, providing a Dog Park in Watertown, amending the Nuisance Regulation, the Animal Control Ordinance and the Keeping of Animals Regulation. The Board expressed interest in further discussing these recommendations at future Board meetings.

Next Meeting Date: May 15, 2013

Adjourn: 10:00 PM

Minutes: Submitted by Kristel Bennett, Chief Environmental Health Officer