

BOARD OF HEALTH MEETING

July 17, 2013

Town Council Chambers, Administration Building

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:10 PM.

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

Minute Review: The Board of Health reviewed the minutes of the June 19, 2013 meeting. Dr. Barbara Beck made a motion to accept the minutes of the June 19, 2013 meeting. Dr. John Straus stepped down as Chair and seconded the motion. All were in favor.

Arax Market: Kristel Bennett, Chief Environmental Health Officer informed the Board that Arax Market was before the Board for a status hearing to provide an update as to the progress with the March 4, 2013 Health Department Administrative Order letter and the April 17, 2013 Board of Health order. Present at the status hearing from Arax Market was Harout Bassmajian and Lisa Smith, Arax Market's Food Consultant. Mrs. Bennett informed the Board that compliance has been maintained with the March 4, 2013 Health Department Administrative order letter and the April 17, 2013 Board of Health order, by providing six audits by Lisa Smith, Arax Market's Professional Food Consultant. Mrs. Bennett noted that a review of the audits have revealed an improvement in sanitation standards and practices at the establishment. 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, Arax Market must attend the September Board of Health meeting with the Professional Food Consultant for a Status Hearing to provide an update as to compliance with the March 4, 2013 Health Department administrative order. Should further noncompliance with the Food Code be documented 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.

Stella's Pizza: Kristel Bennett, informed the Board that Stella's Pizza was before the Board for an Administrative Hearing to discuss Stella's Pizza request for a variance from Food Code 3-

501.19 to utilize Time as a Public Health control for ready to eat potentially hazardous food, specifically pizza at the establishment. Present at the hearing was Mike Murkidjian, owner of Stella's Pizza. Mrs. Bennett reviewed with the Board the requirements for a variance from Food Code 3-501.19 for Time as a Public Health Control. Mrs. Bennett also reviewed Stella's Pizza submitted procedures for Time as a Public Health Control for pizza. Mrs. Bennett informed the Board the Stella's Pizza Time as a Public Health Control procedure for pizza was in compliance with Food Code 3-501.19 and was approved. After hearing the findings and after much discussion thereof, Dr. Barbara Beck made a motion to approve the variance for Time as a Public Health Control for pizza as specified in Food Code 3-501.19 to Stella's Pizza at 605 Mt Auburn Street, Watertown, MA. The reasons for granting this variance are as follows"

1. The Health Department has received a completed procedure for a request for Time as a Public Health Control for pizza. The Health Department has reviewed and approved of the submitted procedure.
2. The approved procedure and records must be maintained in the establishment and must be readily available for review by the Health Department or its agents.
3. Employees who are conducting Time as a Public Health Control Operations must be trained in accordance with the approved procedure; and the documentation of employee training must be maintained and readily available in the establishment.
4. The establishment must maintain compliance with the approved procedure for Time as a Public Health Control for pizza.

The variance for Time as a Public Health Control for pizza as required under 3-501.19 may be revoked for repeated violations with the approved procedures. Violations include but are not limited to"

- Approved written procedures are not available during inspection.
- Time as a Public Health Control Operations not used in accordance with approved procedures such as
 - o Time as a Public Health Control is used for foods not approved in this variance or as allowed in Food Code 3-501.19.
 - o Pizza is not properly time marked to indicate the 4 hours after the pizza is removed from the temperature control
 - o Pizza is properly marked, but not discarded after the 4 hours.

Board of Health

Minutes: July 17, 2013

The variance for Time as a Public Health Control for pizza, as specified under 105 CMR 590.010 (H)(1)(2) shall be null and void in the event of change in ownership, renovation or remodeling, or deviance from approved plans. The variance shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the town clerk, or in the office of the Board of Health. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

Boston Sports Club: Kristel Bennett, informed the Board that Boston Sports Club was before the Board for an Administrative Meeting to discuss the request for a variance from the requirements of 105 CMR 435.05 for stairs protruding into the pool and 105 CMR 435.13 for a building support column obstructing the walkway around the pool. Present at the hearing was Adam Lauziere, Regional Pool Manager for the Boston Sports Club. Mrs. Bennett reviewed with the Board the requirements of 105 CMR 435.05 and 105 CMR 435.13. The Board discussed with Mr. Lauziere the location of the stairs in the pool; the stairs are separate from the pool lap lanes. The Board also discussed with Mr. Lauziere the location of the structural support column; the column is tiled, visible to patrons, and is 2 x 2 feet. After hearing the findings and after much discussion thereof, Dr. Barbara Beck made a motion acting under 105 CMR 435.46 to approve the request for a variance to Boston Sports Club from the provisions of 105 CMR 435.05 and 105 CMR 13. The reasons for granting the variance from 105 CMR 435.05 for stairs protruding into the pool are:

1. The pool at Boston Sports Club was approved with the protruding stairs and has been in operation since February 2006.
2. The stairs are separate from the pool lap lane and are visible.
3. It would do manifest injustice to require Boston Sports Club to remove the stairs from the pool.

The reasons for granting the variance from 105 CMR 435.13 for the structural support column obstructing the walkways are:

1. The pool was approved with the structural support column obstructing the walkway and has been in operation since February 2006.
2. The structural support column is tiled, visible, and 2 x 2 foot.

Board of Health

Minutes: July 17, 2013

3. It would do manifest injustice to require Boston Sports Club to remove the structural support column from the walkway.

The variance from 105 CMR 435.05 and 105 CMR for Boston Sports Club shall be in writing. A copy of the issuance of the variance from 105 CMR 435.05 and 105 CMR 435.13 shall be conspicuously posted for 30 days at Boston Sports Club and shall be available to the public at all reasonable hours in the office of the town clerk or the office of the Board of Health while it is in effect. Notice of the approval of each variance shall be filed with the Department of Public Health, which shall approve, disapprove, or modify the variance within 30 days from receipt thereof. If the Department fails to comment within 30 days, its approval will be presumed. The variance from the requirements of 105 CMR 435.05 and 105 CMR 435.13 shall be null and void in the event of change of ownership, renovation, or remodeling. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

Metrics & SOP Update: Peter Wilner updated the Board of his progress in the development of an electronic tracking system to capture needed metrics for the Health Department and to generate reports. Mr. Wilner reviewed a logic model and a spreadsheet that captures inspection dates. Mr. Wilner and the Board discussed using a program that fulfills strategic objectives, by scheduling of inspections, and tracking individual performance measures. The Board will continue to discuss this at the next Board meeting.

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

Next Meeting Date: August 21, 2013

Adjourn: 9:00 PM

Minutes: Submitted by Kristel Bennett, Chief Environmental Health Officer