

BOARD OF HEALTH MEETING

October 16, 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, Richard Arnold, Kristel Bennett, Dan Repella, and Wil van Dinter.

Minute Review: The Board of Health reviewed the minutes of the September 17, 2013 meeting. Dr. Barbara Beck made a motion to accept the minutes of the September 17, 2013 meeting. Richard Arnold seconded the motion. All were in favor.

69 Elm Street: Kristel Bennett, Chief Environmental Health Officer informed the Board that the owner of 69 Elm Street, James Delleville was before the Board for an administrative show cause hearing to determine if the dwelling units located at 69 Elm Street should be condemned for violations of the State Sanitary Code 105 CMR 410.000 listed in the September 26, 2013 order to correct letter. Present at the hearing was James Delleville, property owner, Kristel Bennett Chief Environmental Health Officer for the Watertown Health Department, Ken Thompson, Watertown Building Inspector, and Michael Mena, Watertown Zoning Officer. Richard Arnold abstained from hearing 69 Elm Street.

Mrs. Bennett presented the Health Department findings of the dwelling units and reviewed the violations that could endanger and materially impair the health, safety, and well-being of the occupants residing within the dwelling units at 69 Elm Street including but not limited to carbon monoxide detectors and smoke alarms not installed or functioning, exterior stairs from first and second floor are in disrepair, egress obstructions, and stair railing of the third floor is loose.

Mr. Delleville informed the Board that a number of violations of the September 26, 2013 order to correct letter had been corrected and he has applied for a building permit to repair the first and second floor egress exterior stairs. Mr. Delleville expressed concerns regarding the Watertown

Officials accessing his property, conducting inspections, and being ordered to correct violations that have been in existence for years since the purchase of the property. Mr. Delleville informed the Board that violations numbered 1, 6, 8, and 12 of the order letter dated September 26, 2013 were corrected which include, but are not limited to, providing functioning smoke and carbon monoxide alarms, removing egress obstructions, and repairing third floor staircase railing and baluster parts.

Ken Thompson discussed the structural concerns of the secondary egresses and declared that the secondary egress were not operable. Mr. Thompson informed the Board that Mr. Delleville had applied for a Building Permit for the secondary egress. Mr. Thompson had reviewed the permit and informed the Board that the Building Permit for the secondary egresses will be denied as it lacked information. Mr. Thompson also discussed his concerns for the third floor that the interior means of egress stairs do not comply with the Building Code.

After hearing the findings of the Health Department, the Building Inspector, the testimony from the property owner Dr. Barbara Beck made a motion that pursuant to the Health Department findings of the dwelling units located at 69 Elm Street, Watertown, MA the Board of Health has determined that the violations endanger and materially impair the health and safety and well-being of the occupant(s) of the third floor of the dwelling unit located on the second and third floors of 69 Elm Street, Watertown, MA. Therefore, acting under the authority of 105 CMR 410.831, 105 CMR 400.200 and M.G.L. Ch. 111, Sect. 122, the Board of Health has determined that the existing conditions of the third floor of the dwelling unit located on the second and third floors of 60 Elm Street does pose an immediate danger to the health and safety of the occupants residing within. Based upon the existing conditions, in particular the existing spiral staircase which the Board finds exposes occupants to accident danger, 105 CMR 410.750(K), the third floor of the dwelling unit located on the second and third floors of 69 Elm Street has been deemed uninhabitable and is condemned. As a result of this condemnation, Mr. Delleville is ordered to vacate and secure the third floor of the dwelling within two week of the hearing by October 30, 2013. No portion of the third floor of the dwelling unit located on the second and third floor to be occupied is fit for human habitation.

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In addition, Dr. Barbara Beck made a motion the Mr. Delleville must provide a written plan of correction for all the violations listed in the September 26, 2013 order letter and an approved Building Permit for repair of the first and second floor exterior staircase by the next Board of Health meeting on November 20, 2013. Failure to provide a written plan of correction and an approved Building Permit may result in the condemnation of the first and second floors of 69 Elm Street due to violations that materially impair the health, safety, and well-being of the occupants of those floors. The owner must correct all violations of the September 26, 2013 order letter including but not limited to egress obstructions, provide smoke and carbon monoxide alarms that are functioning, and repair the damaged staircases in a professional manner. Dr. John Straus stepped down as chair and seconded the motions. All were in favor.

157 School Street: Kristel Bennett, Chief Environmental Health Officer informed the Board that the owner of 157 School Street, Linda Kahaian was before the Board for an administrative hearing to request modification of compliance time and modify violation #2 of the order to correct letter dated September 6, 2013. Kristel Bennett presented the findings of the Health Department inspection. Linda Kahaian informed the Board of the nature of the vegetation on the property and the front porch. After hearing the findings of the Health Department inspection and after much discussion thereof, Richard Arnold made a motion to withdraw violation #2 of the order to correct letter dated September 6, 2013. In addition, Mr. Arnold made a motion to approve the modification of compliance time with violations #1 of the order to correct letter dated September 6, 2013. The property owner must comply with violation #1 of the order to correct letter dated September 6, 2013 by December 12, 2013. Should violation #1 remain unabated by December 12, 2013 then a court complaint shall be filed against the owner of 157 School Street in Waltham District Court for non-compliance with the order letter dated September 6, 2013. Dr. Barbara Beck seconded the motion. All were in favor.

21 Edenfield Avenue: Kristel Bennett, Chief Environmental Health Officer informed the Board that the owner of 21 Edenfield Avenue, Henry Arbour III, was before the Board for an administrative hearing to request modification of compliance time of the order to correct letter dated September 13, 2013. Kristel Bennett and Dan Repella, Health Officer for the Watertown Health Department presented the findings of the Health Department inspection. Henry Arbour

III informed the Board of plans to comply with the order letter dated September 13, 2013. After hearing the findings of the Health Department inspection and after much discussion thereof, Barbara Beck made a motion to approve the modification of compliance time with the order to correct letter dated September 13, 2013. The property owner must comply with all the violations listed in the order to correct letter dated September 13, 2013 by November 20, 2013. Should all the violations listed in the order letter dated September 13, 2013 remain unabated by November 20, 2013 then a court complaint shall be filed against the owner of 21 Edenfield Avenue in Waltham District Court for non-compliance with the order letter dated September 13, 2013. Richard Arnold seconded the motion. All were in favor.

Burger King: Kristel Bennett informed the Board that Al Abbas and Steve McKay of Burger King located at 485 Arsenal Street were before the Board for an Administrative Hearing to discuss Burger King's 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 pasteurized cheese slices, lettuce, cut tomatoes, chopped onion, and cooked bacon at the establishment. Mrs. Bennett reviewed with the Board the requirements for a variance from Food Code 3-501.19 for Time as a Public Health Control for pasteurized cheese, lettuce, cut tomatoes, and chopped onions. Mrs. Bennett informed the Board that Burger King's Time as a Public Health Control procedure for pasteurized cheese slices, lettuce, cut tomatoes, and chopped onions were in compliance with Food Code 3-501.19 and were approved. Mrs. Bennett informed the Board that Burger King did not need to request a variance for cooked bacon as it is not a potentially hazardous food and does not need a variance for Food Code 3-501.19 to be kept out at room temperature. After hearing the findings and after much discussion thereof, the Richard Arnold made a motion to approve a variance for Time as a Public Health Control for pasteurized cheese slices, lettuce, cut tomatoes, and chopped onions as specified in Food Code 3-501.19 to Burger King located at 485 Arsenal Street. 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 for a period of ninety (90) days 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 keeping pasteurized cheese, lettuce, cut tomatoes, and chopped onions at room temperature for no more than 4 hours.

The variance to Burger King for Time as a Public Health Control for pasteurized cheese, lettuce, cut tomatoes, and chopped onions as required under 3-501.19 may be revoked for repeated violations with approved procedures. Violations include but are not limited to:

- Approved written procedures 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 Pasteurized cheese, lettuce, cut tomatoes, and chopped onions is not properly time marked to indicate the 4 hours after the food products are removed from the temperature control.
 - o Pasteurized cheese, lettuce, cut tomatoes, and chopped onions are properly marked, but not discarded after the 4 hours.

The variance to Burger King for Time as a Public Health Control for pasteurized cheese, lettuce, cut tomatoes, and chopped onions, 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 town clerk, or in the office of the Board of Health. Dr. Barbara Beck seconded the motion. All were in favor.

Vaccine Program: Wil van Dinter, Public Health Nurse for the Watertown Health Department discussed the expanding the vaccine program with the Board to further prevent the

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spread of disease within the community. The Health Department is currently participating in the Massachusetts Department of Public Health's (DPH) Vaccine for Children Program and is providing only flu vaccine. Mr. van Dinter informed the Board that the Massachusetts DPH allows local health departments to provide other vaccines such as Td, Hep A, Hep B, Influenza, HPV, MMR, Pneumococcal, Polio, Varicella, Tdap, and Zoster vaccine to the public in accordance with DPH guidelines. The Board was in support of expanding the vaccine program to provide this service to Watertown to further prevent diseases within the community.

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 the spreadsheet that captures inspection dates. Mr. Wilner and the Board discussed the spreadsheet. The Board will continue to discuss this at the next Board meeting.

Grant Updates CCIIL, 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: November 21, 2013

Adjourn: 9:45 PM

Minutes: Submitted by Kristel Bennett, Chief Environmental Health Officer