

BOARD OF HEALTH MEETING

December 19, 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 Kari Sasportas.

Minute Review: The Board of Health reviewed the minutes of the November 21, 2013 meeting. Dr. Barbara Beck made a motion to accept the minutes of the November 21, 2013 meeting. John Straus stepped down as chair and seconded the motion. All were in favor.

164 Galen Street – Tenant: Kristel Bennett, Chief Environmental Health Officer, informed the Board that the tenant of 164 Galen Street, #75, Roy Der Manuelian, was required to attend this administrative hearing to determine if the dwelling unit located at 164 Galen Street, #75, should be condemned for violations of the State Sanitary Code 105 CMR 410.000. Mrs. Bennett informed the Board that the tenant had been verbally informed of the hearing; however, he was not present since he was out of state, and he had a social worker representing him. Mrs. Bennett presented the findings of the Health Department inspection. The social worker that was present on behalf of the tenant was named Adrian Amarian, and she informed the Board of the tenant's intention to comply with the Health Department order letter. After hearing the findings of the Health Department inspection and after much discussion thereof, Barbara Beck made a motion to continue the condemnation hearing to the January 2014 Board of Health meeting. The tenant must agree to accept the services of the Health Department's professional organizer to gain compliance with the order to correct letter dated November 27, 2013. Failure to correct the violations listed in the November 27, 2013 order letter may result in a condemnation of the dwelling unit to due violations that materially impair the health, safety, and well-being of the occupant(s) residing at 164 Galen Street, #75. Richard Arnold seconded the motion. All were in favor.

164 Galen Street – Owner: Kristel Bennett, Chief Environmental Health Officer, informed the Board that the condo owner of 164 Galen Street, #75, George Kachajian, had requested an administrative hearing before the Board to request modification of compliance time with the order to correct letter dated November 27, 2013. Mrs. Bennett presented the Health Department inspection findings and informed the Board that the condo owner was not present at the hearing. Mrs. Bennett informed the Board that the condo owner had submitted a fax to the Health Department detailing the work that had been completed to comply with the order letter. After hearing the findings of the Health Department inspection and after much discussion thereof, Barbara Beck made a motion to approve the request to modify compliance time with the order letter dated November 27, 2013. The owner must comply with all the violations listed in the order letter dated November 27, 2013 by January 15, 2014. Should any of the violations listed in the order letter dated November 27, 2013 remain unabated by January 15, 2014 then a court complaint shall be filed against the owner of 164 Galen Street, #75, in Waltham District Court for non-compliance with the order letter dated November 27, 2013. 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. The purpose of the show cause hearing was 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, and Kristel Bennett, Chief Environmental Health Officer, for the Watertown Health Department.

James Delleville informed the Board that he has received a Building Permit to repair the egresses, but his work to repair the egresses was postponed due to weather conditions. Kristel Bennett presented the Health Department findings of the dwelling units and reviewed the outstanding 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. Mrs. Bennett informed the Board of the outstanding violations, including, but not limited to, secondary exterior egresses in disrepair and no lighting provided for secondary exterior egresses. Mrs.

Bennett informed the Board that the property owner has shown a good faith effort by correcting violations listed in the order letter and filing a building permit to repair the secondary exterior egresses.

After hearing the findings of the Health Department, the testimony from the property owner, and after much discussion thereof, Dr. Barbara Beck made a motion to ratify the October 16, 2013 Board of Health decision that the third floor remains condemned since the violations endanger and materially impair the health and safety and well-being of the occupants of the third floor of the dwelling unit located on the second and third floors of 69 Elm Street, Watertown, MA. The third floor is to remain vacant and secured and shall not be occupied without the written permission of the Board of Health, based upon the Board's written finding that the third floor is fit for human habitation.

By the next Board of Health meeting the owner must repair the first and second floor exterior secondary egress staircases. Failure to repair the first and second floor exterior secondary egress staircases by the next Board of Health meeting may result in a condemnation of the first and second floor dwelling units at 69 Elm Street for the secondary egresses in disrepair may endanger and materially impair the health, safety, and well-being of the occupant(s) of the dwelling units located at 69 Elm Street. Dr. John Straus stepped down as chair and seconded the motions. All were in favor.

Gerry's Italian Kitchen: Kristel Bennett informed the Board that Mina Askander of Gerry's Italian Kitchen was before the Board for an Administrative Hearing to discuss Gerry's Italian Kitchen'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 pizza and calzone of the day at the establishment. Mrs. Bennett reviewed with the Board the requirements for a variance from the Food Code 3-501.19 for Time as a Public Health Control. Mrs. Bennett also reviewed Gerry's Italian Kitchen's submitted procedures for Time as a Public Health Control for pizza. Mrs. Bennett informed the Board that Gerry's Italian Kitchen's 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 and calzone of the day as specified in Food Code 3-501.19 to Gerry's Italian Kitchen located at 1072 Belmont Street, Watertown, MA. The reasons for granting the 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 and calzone of the day. The Health Department has reviewed and approved 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; 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 and calzone of the day.

The variance for Time as a Public Health Control for pizza and calzone of the day 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 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 or calzone of the day is not properly time marked to indicate the 4 hours after the pizza or calzone of the day is removed from the temperature control.
 - o Pizza or calzone of the day is properly marked, but not discarded after the 4 hours.

The variance for Time as a Public Health Control for pizza and calzone of the day, 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. Richard Arnold

Board of Health
Minutes: December 19, 2013

seconded the motion. All were in favor.

Smoking In the Workplace Regulation Discussion: Kristel Bennett discussed with the Board the current Smoking in Workplace Regulation and proposed language to this regulation. The Board discussed the definition of smoking bars and tobacco retailer establishment. The Board raised concerns of smoking bars operating as restaurants. The Board will continue to review language at the January Board of Health meeting.

Keeping of Animals Regulation Discussion: Kristel Bennett provided proposed draft language to the Board for the Keeping of Animals and Fowls Regulation. The Board reviewed the draft language. The Board discussed the draft language and raised concerns about odors generated from fowl and set back requirements for pens from abutting dwellings. The Board will review draft language at the January Board of Health meeting.

Metrics & SOP Update: Kristel Bennett provided an update to the Board on the progress of the development of an electronic food master list spreadsheet to capture the food inspection dates. Mrs. Bennett informed the Board that this project is to be completed by the January 2014 Board of Health meeting.

Grant Updates: Kristel Bennett provided updates to the Board regarding the status of the Compassionate Connections III grant, the Region 4b grant, and the Watertown Community Foundation grant. Mrs. Bennett informed the Board that the Health Department received grant funding from the Watertown Community Foundation for a Risk Factor Screening and Referral Services Program.

Next Meeting: February 25, 2014

Adjourn: 9:00 PM

Minutes: Submitted by Kristel Bennett, Chief Environmental Health Officer