

BOARD OF HEALTH MEETING

November 17, 2014

Town Council Chambers of the Town Hall

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:05 PM.

PRESENT: Dr. John Straus, Dr. Barbara Beck, Richard Arnold, Donna Moultrup, Interim Health Director, Kristel Bennett, Chief Environmental Health Officer, and Dan Repella, Health Officer.

Minutes: Dr. Barbara Beck made the motion to approve the minutes of the October 20, 2014 meeting with one correction. It was voted unanimously.

Master Wok: Kristel Bennett informed the Board that Master Wok was before the Board for a status hearing to provide an update to the Board as to the progress of the September 25, 2014 Board of Health order. Richard Arnold made the following motion: "I'll make a motion to continue the September 25, 2014 Board of Health order. Master Wok must appear at the January 2015 Board of Health meeting for a review of the progress made with the food consultant." Dr. Barbara Beck seconded the motion. It was voted unanimously.

108 Fayette Street: Kristel Bennett informed the Board that the property owner had requested an administrative hearing for modification of compliance with the order to correct letter dated October 27, 2014. Dan Repella reviewed the Health Department inspection findings. Janet McCullough property owner discussed the remainder of the violations and the progress made. She informed the Board that the occupants have vacated the dwelling. Richard Arnold made the following motion: "I'll make a motion to approve the request to modify compliance with the order to correct letter dated October 27, 2014. The owner must correct the remaining violations listed in the order to correct letter for violations of the State Sanitary Code 105 CMR 410.000 by December 17, 2014. If the violations remain outstanding past December 17, 2014, then a court complaint will be filed against the owner of 108 Fayette Street in Waltham District Court for non-compliance with the October 27, 2014 order letter." Dr. Barbara Beck seconded the motion. It was voted unanimously.

Upper Crust: Kristel Bennett informed the Board that Shawn Shenefield of Upper Crust at 94 Main Street had requested 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 from Upper Crust was Nicholas Coleman. Mrs. Bennett reviewed with the Board the requirements for a variance from Food 3-501.19 for Time as a Public Health Control and reviewed Upper's Crust submitted procedures. Mrs. Bennett informed the Board that Upper Crust's submitted plans did meet the compliance requirements for a variance request. Dr. Barbara Beck made the following motion: "I'll make a motion that the request for a variance for Time as a Public Health Control from Food Code 3-501/19 be granted to Upper crust at 94 Main Street for pizza, provided that the establishment remains in compliance at all time with the

procedures submitted as part of this variance request. Richard Arnold seconded the motion. It was voted unanimously.

Strip T's: Kristel Bennett informed the Board that Ellen Benson of Strip T's located at 93 School Street was requesting a variance from the requirements of Food Code 3-401.11, serving raw shellfish, clams, and oysters. Mrs. Bennett reviewed the requirements for a variance and informed the Board that Strip T's submitted documentation is in compliance with the Food Code. Richard Arnold made a motion: "I'll make a motion that the request for a variance from Food Code 3-401.11 to serve raw molluscan, oysters and clams be granted to Strip T's at 93 School Street, provided that the establishment remains in compliance at all times with the procedure submitted as part of this variance request." Dr. Barbara Beck seconded the motion. It was voted unanimously.

Alex's Kitchen: Kristel Bennett informed the Board that Alexander De Souza of Alex's Kitchen located at 107 Nichols Avenue was requesting a variance from Food Code 5-203.13 for providing at least 1 service sink or 1 curbed cleaning facility equipped with a floor drain for the cleaning of mop water and similar waste. Alex had submitted documentation that meets compliance requirements with the Food Code 5-203.13. Dr. Barbara Beck made a motion: "I'll make a motion that the request for a variance from Food Code 5-203.13 for providing at least 1 service sink or 1 curbed cleaning facility equipped with a floor drain for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste be granted to Alex's Kitchen at 107 Nichols Avenue, provided that the establishment remains in compliance at all times with the procedures submitted as part of this variance request." Richard Arnold seconded the motion. It was voted unanimously.

Pizza Roma: Kristel Bennett informed the Board that Guiseppe Della Cioppa of Pizza Roma at 212 Waverley Avenue had requested a variance from Food Code 3-501.19 to utilize Time as a Public Health Control for pizza. Mrs. Bennett reviewed with the Board the requirements for a variance from Food 3-501.19 for Time as a Public Health Control and reviewed Pizza Roma's submitted procedures. Mrs. Bennett informed the Board that Pizza Roma's submitted plans were in compliance with the requirements for a variance request. Richard Arnold made the following motion: "I'll make a motion that the request for a variance for Time as a Public Health Control from Food Code 3-501.19 be granted to Pizza Roma at 212 Waverley Avenue for pizza, provided that the establishment remains in compliance at all times with the procedures submitted as part of this variance request." Dr. Barbara Beck seconded the motion. It was voted unanimously.

Gables Swimming Pool: Kristel Bennett informed the Board that Brian McGovern of Gables the proposed swimming pool at 202 Arsenal Street was before the Board for an Administrative Hearing to determine if lifeguards and pool supervision will be required at the proposed swimming pool as required by Chapter V of the State Sanitary Code, 105 CMR 435.00 Minimum Standards for Swimming Pools. Mrs. Bennett discussed the proposed pool plans. Brian McGovern discussed the proposed building plans for the pool, the building (297 apartment units), and space for a food service restaurant. After much discussion thereof, Dr. Barbara Beck made the following motion: "Gables Swimming Pool at 202 Arsenal 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 for 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 Gables Swimming Pool at 202 Arsenal Street. Gables Swimming Pool 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 at Gables Swimming Pool at 202 Arsenal Street change, then the Board of Health reserves the right to require lifeguards to be present at the Swimming Pool during operating hours. Gables Swimming Pool at 202 Arsenal Street must maintain compliance with Chapter V of the State Sanitary Code, 105 CMR 435.00 Minimum Standards for Swimming Pools.” It was voted unanimously.

Tobacco Regulation – The board discussed the Public Hearing testimony from October 20, 2014 Board of Health meeting. The discussion at the meeting centered on the minimum legal sales age (MLSA) and the changes to draft regulation regarding nicotine delivery products suggested by the New England Vaping Company. Wil van Dinter, Public Health Nurse for the Watertown Health Department discussed the concerns regarding the draft language including raising the MLSA and combining the Smoking in Workplace Regulation and Tobacco and Nicotine Delivery Products Regulation. Gail Murphy, a Watertown resident discussed with the Board her concerns about raising the MLSA. Michael Digregorio owner of Cigar and Lounge, discussed with the Board his concerns about raising the MLSA, as there would be a loss of business for retailers within the community. Richard Arnold was struck by the turnout at the public hearing and the opposition towards raising the MLSA. Donna Moultrup discussed the testimony from the October 20, 2014 Public Hearing and recommended to the Board to keep the MLSA age at 19 years.

The Board also discussed proposed draft language from the New England Vaping Company which included amending the definition of nicotine delivery products, the definition of nicotine liquid, and out of package sales. The Board was very concerned that if the wording for out of package sales was changed, then it may open the door for other tobacco permit holders to get around a prohibition for out of package sales. The Board will continue to discuss the draft language at the next Board of Health meeting in December. Donna Moultrup was asked to do further investigation on the electronic cigarette suggested wording. She stated that she would be

speaking with D.J. Wilson and would be sending the draft to Kopelman & Paige for approval as to form.

Next Meeting: Wednesday, December 17, 2014

Adjourn: Meeting was adjourned at 9:40 PM.

Respectfully submitted by Kristel Bennett, Chief Environmental Health Officer