

# BOARD OF HEALTH MEETING

December 17, 2014

Watertown Free Public Library, Raya Sterns Trustees Room

**CALL TO ORDER:** Dr. John Straus called the meeting to order at 7:30 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 November 17, 2014 meeting with one correction. Richard Arnold seconded the motion. It was voted unanimously.

**Celebrity Pizza:** Kristel Bennett informed the Board that Joseph Caselle of Celebrity Pizza at 685 Mt Auburn 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 Celebrity Pizza was Maurizio Fusco. 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 Celebrity's Pizza submitted procedures. Mrs. Bennett informed the Board that Celebrity Pizza's submitted plans did meet the compliance 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 Celebrity Pizza, 684 Mt Auburn Street 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.

**Wonder Café:** Kristel Bennett informed the Board that Wonder Café 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. Wonder Café must appear at the February 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.

**Tobacco Regulation** – Donna Moultrup reported that the eighth draft, which was going to be discussed at tonight's meeting had been approved by Kopelman & Paige on December 4, 2014. After discussion, it was agreed to delay the implementation of the MLSA of 21 for one year from the effective date of the regulation. D.J. Wilson had supplied wording so that the document will contain the MLSA of 21, but the language in Part L: Effective Date would reflect the delay of one year. All relevant sections were changed to "the MLSA of twenty-one (21)."

The Board discussed D.J. Wilson's suggestions of changing our definition of a nicotine delivery product to an electronic cigarette and then he provided a new definition for a "nicotine delivery product." The Board decided to keep our definition of a "nicotine delivery product" but add the

language allowing nicotine products that are licensed “as tobacco cessation products or for other medical purposes.”

At D.J. Wilson’s suggestion, all references to “nicotine liquid” were made consistent throughout the document.

The definition of “nicotine liquid” was accepted with a change of “electronic cigarettes” to “nicotine delivery devices” and the words, “and is not for oral consumption” were removed with the idea that the statement was unnecessary.

Under Section I. Prohibited Activities, in the first paragraph of number 2, the Board decided to keep the basic statement, but revise the second sentence to read, “This prohibition includes the repackaging or dispensing of any tobacco product or nicotine delivery products, including nicotine liquid, as defined herein, for retail sale.” The Board believed strongly that nicotine liquid needed to remain in the statement to prevent the opening and mixing of nicotine liquids. Paragraph 3 was moved to the second position in number 2 and the second paragraph became the third paragraph and was rewritten to read, “Retail tobacco stores and/or smoking bars are allowed to sell nicotine liquid outside of original factory-wrapped retail packaging for consumption within the establishment.”

The Board wants very much to ban the sale of nicotine liquid unless the containers have child-proof caps. Donna Moultrup will work on the wording and the placement in the document.

Finally the Board decided to make the effective date of the regulation March 1, 2015, to allow the retailers time to respond after the final Board vote during the next Board meeting scheduled for January 14, 2015. The effective date for the MLSA of 21 will be March 1, 2016.

**Next Meeting: Wednesday, January 14, 2015**

Adjourn: Meeting was adjourned at 8:45 PM.

Respectfully submitted by Kristel Bennett, Chief Environmental Health Officer