

BOARD OF HEALTH MEETING

March 23, 2016

Watertown Administration Building, Lower Hearing Room

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:03 PM.

PRESENT: Dr. John Straus, Chairman, Dr. Barbara Beck, Board Member, Richard Arnold, Member, Deborah Rosati, Director of Public Health, Kristel Bennett, Chief Environmental Health Officer, Wil VanDinter, Public Health Nurse

Public Comment: No comments

Dr. Thomas Cusick

The Board met Dr. Thomas Cusick, Part-time Veterinarian and Animal Inspector for the Town. Dr. Cusick expressed interest in being nominated as an Animal Inspector in the Town for another year.

Minutes

The minutes of the January 25, 2016 meeting were approved as presented (Motion-Dr. Beck, Second- Dr. Straus, 3-0).

Nominations of Animal Inspectors

The Board of Health nominated for consideration of appointment by the Massachusetts Department of Agricultural Resources, Division of Animal Health, the following individuals in Watertown: Deborah Rosati, Kristel Bennett, Karen O'Reilly and Dr. Thomas Cusick. (Motion – Dr. Beck, Second – Dr. Straus, 3-0)

Marriott Residence Inn, 570 Arsenal St. Lifeguard and Pool Supervision Determination

Present: Alejandro Mirando, Boylston Properties

Mr. Mirando indicated that the hotel and pool will be opening in late August or early September. The use of the pool will be limited to guests only, and the hours of operation will be restricted. Guests and staff must have keyfobs to access the pool area and there is video monitoring of the pool entrance.

Following further discussion, the Board voted in favor of the following (Motion-Dr. Beck, Second-Richard Arnold, 3-0): “Marriott Residence Inn at 570 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 of such problems before they occur. The pool supervisor shall be at least 21 years of age, knowledgeable on 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.

Based off the size, shape, and capacity of the pool, the bather load being below 25 bathers, and a video monitoring system of the pool entrance, Marriott Residence Inn at 570 Arsenal Street will not be required to provide lifeguards at the pool during operating hours. Marriott Residence Inn 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 Marriott Residence Inn at 570 Arsenal Street change, then the Board of Health reserves the right to require lifeguards to be present at the Swimming Pool during operating hours. Marriott Residence Inn Swimming Pool at 570 Arsenal Street must maintain compliance with Chapter V of the State Sanitary Code, 105 CMR 435.00 Minimum Standards for Swimming Pools.”

Request for Hearing – Housing Code Violations/Variance
Donna Maclachlan, Owner - 7 Lyons Street

Ms. Maclachlan, owner of 7 Lyons St., requested a variance from Chapter II of the Mass. State Sanitary Code, 105 CMR 410.351, to allow for a non-functioning boiler to remain unrepaired. D. Rosati and D. Maclachlan explained that a tenant filed a complaint alleging that the boiler has not been functioning. However, alternative electric heat has been available for seven years per Ms. Maclachlan although the tenant had opted not to use it. Re-inspections by Health Dept. staff indicated that the electric heat and temperatures were in compliance, but technically the boiler is not in compliance as it is not functioning.

The Board voted in favor of the following (Motion-Richard Arnold, Second-Dr. Beck, 3-0): “Approve a variance from the requirements of 105 CMR 410.351 for providing a functioning boiler, to Donna Maclachlan, owner of 7 Lyon Street, since she has provided heat to the dwelling via electric heaters. Donna Maclachlan must continue to comply with the heating requirements and maintain the electric heaters in good repair. This variance shall be null and void in the event of change of ownership, renovation or remodeling.”

Body Art Practitioner Permits at Salon Sabrina, 25 Church St.

Present: Salon Owner, Rose Miller; Tanya Efimoff, Body Art Practitioner

Tanya Efimoff

Ms. Tanya Efimoff submitted documentation in order to practice as a cosmetic tattoo practitioner at Salon Sabrina. Mr. VanDinter, Public Health Nurse, explained the requirements under Watertown's Body Art Establishment and Practitioner Regulations, Section 12F [1] and 12F [2]d, for training and experience to conduct body art in Watertown which does not distinguish between cosmetic or other types of body art. The regulations require two years of experience, however Ms. Efimoff only has one year of experience. Ms. Efimoff indicated that it is only semi-permanent, lasting only two to three years, and the needles that actually touch the skin are single use. Mr. VanDinter explained that this type of body art is less invasive and confirmed the single use needles.

The Board voted in favor of the following (Motion-Richard Arnold, Second-Dr. Beck, 3-0):
"Based on formal training, certification, experience, and licensure as a registered aesthetician, the Health Department recommends that Ms. Efimoff is granted a permit to practice as a cosmetic tattoo practitioner at Salon Sabrina, limited to cosmetic eyebrow, eyeliner, and lip liner procedures only."

Wincy Chak

Ms. Chak was unable to attend this meeting, however, Mr. VanDinter has reviewed all documentation, and indicated that Ms. Chak also has licensure in Massachusetts as a Registered Aesthetician, and has obtained certification in NY in basic micro-pigmentation. She lacks the two years of experience. For that reason, Mr. vanDinter recommended approval as an apprentice only.

The Board voted in favor of the following (Motion-Richard Arnold, Second-Dr. Beck, 3-0):
"Based on formal training, certification, experience, and licensure as a registered aesthetician, the Health Department recommends that Ms. Efimoff is granted a permit to practice as a tattoo apprentice for one year at Salon Sabrina, limited to cosmetic eyebrow, eyeliner, and lip liner procedures only."

Both permits will be approved through May 31, 2017.

Body Piercing Practitioner Permit at Al Moda, 485 Arsenal St.

Present: Almoda Owner, George Helo; Applicant, Daniel El Helou

Mr. VanDinter explained the requirements of the Watertown Body Art Establishment and Practitioner Regulations, Sections 12 F [1] and [2] a-d, and indicated that Mr. El Helou had submitted documentation that he practiced in Beirut, Lebanon as a body art practitioner. Mr. El Helou confirmed that he practiced in Beirut for 14 years and trained for 4 years under a German body piercer. He also attended a seminar for five days in Las Vegas in 2005. Since Mr. El Helou's experience was not gained in this country, Mr. VanDinter recommended the issuance of a provisional permit as a body art practitioner.

The Board voted in favor of the following (Motion-Dr. Beck, Second- Richard Arnold, 3-0):
"The Board recommends that Mr. Daniel El Helou is granted a provisional permit until May 2016 to practice as a body art practitioner limited to body piercing at Almoda, until renewal of

this permit, when in the absence of incidents or complaints, a body art practitioner permit limited to body piercing will be issued.”

J. Dee Asian Bistro, 92-98 Main St.
Variance Hearing – Acidification of Sushi Rice

Present: Tarapong Hongsamat, Owner

Kristel Bennett explained to the Board that Massachusetts Food Code Chapter 3-502.11 requires a variance “before using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous.” Cooked sushi rice is a potentially hazardous food and must be maintained at 140 degrees or higher or 41 degrees or below. In order to roll the rice at room temperature, the rice must be rendered a non-PHF by adding a vinegar mixture. All documents were submitted and reviewed.

The Board voted in favor of the following (Motion-Richard Arnold, Second-Dr. Beck, 3-0):
“The request for a variance for the acidification of cooked rice (sushi rice) from Food Code 3-502.11 is granted to J. Dee Asian Bistro at 92-98 Main Street, provided that the establishment remains in compliance at all times with the approved Hazard Analysis Critical Control Point (HACCP) Plan submitted as part of this variance request. The variance shall be null and void in the event of change of ownership, change in menu, renovation or remodeling, or deviance from approved HACCP plan.”

New Ginza, 63-65 Galen St. – No show

Bell Watertown – 100 Woodview Way – Unable to attend

Other Business

Tobacco Control Regulations

Present: DJ Wilson, Mass. Municipal Association, Natalie Miller, Mass. Tobacco Control Program- Brookline

Mr. Wilson proposed several changes to the Tobacco Control Regulations, some more urgent such as changing the definition of tobacco. The Board supported all of the proposed changes and requested that the regulations be amended to show the changes, for consideration of adoption at a later meeting.

Next meeting – Tentatively on April 20 to include Hens and Honeybees Regulation hearing.

Adjourn - Meeting was adjourned at 10:05 pm.

Respectfully submitted: Deborah M. Rosati, Director of Public Health

Approved: April 20, 2016