

BOARD OF HEALTH MEETING

August 24, 2016

Watertown Administration Building, Lower Hearing Room

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:09 PM.

PRESENT: Dr. John Straus, Chairman, Dr. Barbara Beck, Board Member, Richard Arnold, Board Member, Deborah Rosati, Director of Public Health; Kristel Bennett, Chief Environmental Health Officer; Vivien Zeng, Health Officer. Town Counsel: Atty. Mark Reich, K-P Law.

Public Comment: No comments

Minutes

The minutes of the April 20, 2016 meeting were approved as presented (Motion-Dr. Beck, Second-R. Arnold, 3-0)

The minutes of the June 22, 2016 meeting were approved as presented (Motion-Dr. Beck, Second-R. Arnold, 3-0)

Introductions

The Board was introduced to Vivian Zeng, Health Officer, who joined the Health Department the end of March, graduated from Brandeis Univ. and was previously employed by the Lowell Health Dept. D. Rosati also introduced Erin Walsh and Mensimah Bentsi-Enchill, graduate level interns from the Univ. of Massachusetts-Amherst, and Boston Univ. respectively, who have been working for the Health Department this summer.

Intern Project Reports

Mensimah Bentsi-Enchill described her work on a health needs assessment, working in conjunction with D. Rosati and Stephanie Venizelos from Live Well Watertown. Ms. Bentsi-Enchill has researched other health needs assessments, surveys, health data and demographic data.

The Board recommended the following changes to the survey: describe the meaning of health in the introduction – diet, exercise, etc. Indicate that it will be anonymous with no identifiers, and add to the end “if you wish feedback or assistance, please contact...”

D. Rosati indicated that Ms. Bentsi-Enchill will be working on this project through the Fall as she continues her graduate studies.

Erin Walsh described her project involving the creation of a database of emails for low and medium risk food establishments with the intent of providing educational materials on food

safety as a monthly program. Ms. Walsh indicated that 84% have access to email, the remaining 16% may receive mailings.

She recommended including food trucks and farmers market permit holders on this database, and translating materials into other languages. The Board thanked Ms. Walsh for her service to the Town.

Hearing on Chapter 2 of the State Sanitary Code
69 Hillside Road

Present: Atty. Mike Dwyer, Robert and Patricia Hanna, former owners of 69 Hillside Rd.

Atty. Dwyer indicated that the Hanna's do not currently own 69 Hillside Road. He related issues with the tenant currently residing there, who filed the complaint with the Health Department. The Hanna's had buyers for the house but had to obtain a Court order from Superior Court to allow access to the tenant's unit. The tenant has had a dog who had bitten others in the past, and he has refused to allow access to his unit. When the constable delivered the Court order, the tenant Mr. Cicero answered the door with a mask on.

Health Officer Vivian Zeng indicated that she and Health Officer Pat Martin responded to the tenant's complaint and found asbestos in the basement. The Hanna's received the Health Department notice on July 11th and contracted with Brilliant Environmental to abate the asbestos. On August 8th the Health Dept. received the air clearance results. The Hanna's indicated that the closing on the purchase and sale took place and they no longer own the property.

V. Zeng also noted that with regard to the leaky wall, the Health Dept. was provided with an affidavit dated July 27, 2016 from the Hanna's licensed contractor, Scott Evans, who indicated that he could not identify a leak. Mrs. Hanna indicated that she's had four plumbers try to investigate the leak and no one was able to find the source.

The Health Department confirmed the leak which was observed along the window of the exterior wall of the back porch while the shower was running on the second floor. A new order letter has been issued to the new owners regarding the leak and the Health Department will be following up on this new order.

Following further discussion and recognizing that the Hanna's are no longer responsible for this property, the Board voted to withdraw the Order Letter dated July 28, 2016 to Robert and Patricia Hanna regarding 69 Hillside Road, Unit 1 (Motion-Dr. Beck, Second- Richard Arnold, 3-0).

Variance Hearing – Chapter 10 State Sanitary Code
Acidification of Sushi Rice
Asiana Fusion, One Waverley Ave. – Kellie Kim

Ms. Kim presented her request to the Board for a variance to the Mass. Food Code, 105 CMR 590.000, Ch. 3-502.11 to allow for the acidification of cooked rice to render it a non-potentially hazardous food. She wishes to add sushi rice and sushi to her existing menu.

Ms. Kim was trained by a Master Sushi Chef in California for two weeks of intensive training. She uses a 25% vinegar mix with the rice collected from four corners and the center to make a slurry mix and test it to ensure it is at a pH of 4.12. It will be tested daily and they will use a daily log. If needed, they will use corrective action. All training documents and employee reporting agreements were signed by employees and submitted.

D. Rosati noted that the sushi plan and documentation has been reviewed and approved, and this variance is recommended.

Following further discussion, the Board voted to approve the variance to 105 CMR 590.000, 3-502.11, to alter the pH of sushi rice to render it a non-potentially hazardous food (Motion-Dr. Beck, Second- Richard Arnold, 3-0) based on the Code requirements.

Variance Hearing – Chapter 10 State Sanitary Code
Request to Waive Requirement for Service Sink
La Bodega by Salts, 21 Nichols Ave. – Gabriel Bremer

Mr. Bremer presented his request to waive the requirement for a service sink at the proposed restaurant renovation of 21 Nichols Ave. Mr. Bremer indicated a lack of space and the need for other equipment and hand sinks in lieu of the service sink. The location is a combination of an existing railcar and the added restaurant/bar space. He will be emptying soiled water in the toilets at the end of the night and then cleaning and sanitizing the toilets. D. Rosati concurred that based on the plan review, there is inadequate space for the service sink without affecting food service equipment.

The Board voted to approve the variance to 105 CMR 590.000 Ch. 5-203.13, waiving the requirement for a service sink at La Bodega by Salts at 21 Nichols Ave. (Motion-R. Arnold, Second-Dr. Beck, 3-0).

Hearing -On-line Sales of Tobacco
Request to Amend Regulations, Grandfather or Stay Cease and Desist
Happy Speedy, 19 Calvin Road – Michael Pillemer, Owner; Atty. Steve Winnick

Atty. Winnick indicated that Happy Speedy has been operating for two years and has been offering convenience items and tobacco products. The Tobacco Permit has been issued for the last two years, once before the new regulations were adopted. He explained the sales process with on line ordering and on the cloud. There are procedures to verify age. There is a virtual shopping cart and when people check out, there is a special procedure for tobacco sales, which is singled out for special handling. The order picker tags the tobacco product, puts it in a brown interior bag and it goes into a black exterior bag. The order is specially denoted for the delivery person to request ID on delivery. Atty. Winnick went on to explain Arlington's regulation. He indicated that Mr. Pillemer didn't ask for a variance but perhaps should have. He moved here from Allston and has a broad delivery area.

Atty. Mark Reich responded that the Board has the authority, under Ch. 111 Sec. 31, to adopt reasonable health regulations. The Board needs to focus on its own regulations, they are not a business board but are here to protect the health of the public. The regulations contain the requirement for face to face sales of tobacco. There is the concern with placing faith in the driver and delivery service to check ID. Atty. Reich indicated that there is no variance provision

in the regulations and no grandfathering process. The options now are maintaining the regulation as it stands or changing it.

Atty. Winnick indicated that Happy Speedy is currently under a cease and desist order and they request that it be temporarily stayed and they will refrain from on line sales. Following discussion with the Board, Atty. Reich responded that no subsequent action has been taken and the Board is not looking to take enforcement action. The Cease and Desist Order remains in effect but there will be no penalties for the period of non-compliance.

Atty. Winnick thanked the Board and suggested that some type of variance provision be adopted for these regulations.

Next Meeting - The Board advised D. Rosati to propose a list of dates for the September meeting and vet with the members.

Meeting was adjourned at 9:55 pm.

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

Approved: September 28, 2016