

# BOARD OF HEALTH MEETING

MAY 21, 2014

Third Floor Conference Room of the Town Hall

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

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**PRESENT:** Dr. John Straus, Dr. Barbara Beck, Richard Arnold, Donna Moultrup, Interim Director of Health, and Health Officer, Kari Sasportas.

**MINUTES:** Richard Arnold made the motion to approve the minutes of the March 19, 2014 meeting and it was voted unanimously. Dr. Barbara Beck made the motion to approve the minutes of the April 16, 2014 meeting and it was voted unanimously.

**164 Galen St.** - Donna Moultrup reported that both she and Kari Sasportas had attempted to contact the occupant with no success. The number which Donna Moultrup had tried, believed to be his cell phone, had been disconnected. It was reported to the Board that the occupant was now in the process of being evicted due to pressure from the condo association on the owner of this particular condo. It was suggested by Dr. Straus that the staff contact the Resource Specialist in Town to see if she could help in any way.

Richard Arnold made a motion that "the hearing regarding 164 Galen St. be continued due to the fact that the occupant did not appear for this hearing and that staff have not been able to reach this individual for the required inspection." It was voted unanimously.

**274 Belmont St.** - Hilda and Glenn Campbell, owners of this property, attended this hearing which was requested by them. The initial complaint concerned bed bugs but there were other violations noted during the inspection. They stated that they had brought 16 of the 18 violations into compliance. They had treated for bed bugs even though their presence could not be verified. They requested clarity from the inspector regarding the exterior siding and holes in the roof and an extension in the time required for compliance.

Richard Arnold made a motion "that the owners of 274 Belmont St., at their request, be allowed additional time to complete the work necessary to bring the property into compliance with the order letter dated April 14, 2014. All urgent repairs were completed in a timely manner and the owners may have until June 18, 2014, the date of the next Board meeting, to complete the remaining repairs." It was voted unanimously.

**Executive Session:** Since no one had arrived for the next scheduled hearing, Dr. John Straus called an Executive Session at 7:30 PM to report on his meeting with the Town Manager concerning the process of hiring a new Director of Health. The session was concluded at 7:44 PM.

**Pleasant St. Pizza** - No one from this establishment attended the meeting. Staff explained that there are a number of establishments in Town that are using Time as a Public Health Control but have never requested a variance. The Health Officers feel that they should be asked to request a variance and, in general, would like to tighten up this particular aspect of enforcement. There are already a couple of variances planned for the June meeting. Donna Moultrup explained that Health Officer, Dan Repella, supported this variance request, so the Board felt comfortable voting on the request even though there was no one from the establishment present.

Richard Arnold made a motion "that the request for a variance for Time as a Public Health Control be granted to Pleasant St. Pizza, provided that the establishment remains in compliance at all times with the procedure submitted as part of this variance request." It was voted unanimously.

**Master Wok** - Kari Sasportas reported to the Board on the status of this establishment; that there have been several repeat violations including incorrect concentration of the sanitizer, improper segregation and storage of raw meats and unlabeled employee foods stored adjacent to restaurant food. Qiu Chan Liu and another individual who did not sign in explained that this restaurant is one of approximately 100 stores owned by Mr. Wong in New Jersey. Both of the individuals appearing at the hearing stated they are store managers. They stated that there are no written procedures for this chain of restaurants. At a January 6, 2014 Administrative hearing for previous outstanding violations, all food employees at Master Wok were ordered to complete a Person In Charge training at the Watertown Health Department on January 15, 2014. Master Wok Corporation reported to the Watertown Health Department later that month that Qui Chan Liu had received ServSafe certification. Qui Chan Liu and the other individual present at this Board of Health meeting stated that new employees are receiving ServSafe training.

Dr. Barbara Beck made a motion "that Master Wok hire a consultant who is able to speak the primary language of the staff to do a complete inspection and train the staff in the proper procedures for maintaining compliance with the Food Code AND a full-time equivalent (i.e. 40 hours per week) Serve-Safe Certified Food Manager be required onsite at this establishment. The consultant and a representative of the establishment are to report to the Board of Health as soon as possible on the results and progress of this program." It was voted unanimously.

**Mixstir's** - Mike Greenberg and Lisa Chiara, co-owners of the Mixstir's corporation attended this hearing. Mr. Greenberg and Ms. Chiara stated they have ten to eleven locations spread over several states. This particular business was doing poorly and they recently took over the management of the store even though he is having difficulty contacting the owner of record, Mr. John Oliveria and the owner of record is unable to be determined. Kari Sasportas reported that a comprehensive inspection on November 25, 2013 revealed 26 violations. At that time, there were two food service employees, none of whom had Certified Food Protection Manager training. The November 25, 2013 inspection and December 2013 reinspections with continued outstanding violations

resulted in an administrative hearing in the Health Department in January 2014 with the outcome that Mixstir's would have four comprehensive inspections per year (i.e., double the number of mandatory inspections sufficient for most establishments). In January and February 2014 attempts were made to contact Mr. Oliveria, prior owner of record, to obtain surcharge reinspection fees from December 2013 and January 2014 reinspections. Attempts to contact Mr. Oliveria had failed and the surcharge reinspection fee was paid in March 2014 by one of his employees.

On March 18, 2014, Ms. Sasportas conducted a comprehensive inspection. On April 7, 2014 a reinspection was conducted. Ms. Sasportas was then notified by a new food employee that "corporate" had taken over. Ms. Sasportas conducted a total of four reinspections while Mixstir's was under corporate management, on 04/07/2014, 04/15/2014, 04/24/2014, and 05/02/2014, and repeated outstanding violations were observed. Mike Greenberg reported that they are also having difficulty reaching Mr. Oliveria, the prior owner of record. The Board expressed its concern with the fact that these co-owners of the corporation are reportedly not actually owners of this establishment. Mr. Greenberg read through the list of violations and explained how he thought each one had been resolved.

Dr. Barbara Beck made a motion "that, recognizing the progress made by the new owner, Mixstirs is to be inspected prior to the next Board of Health meeting on June 18, 2014, to verify that all issues listed in the May 7, 2014 order letter have been brought into compliance as addressed during this hearing." It was voted unanimously.

Donna Moultrup stated to the Board that the staff had discussed the possibility of requiring a full-time equivalent Certified Food Manager at every establishment onsite during all hours of operation. She would like to offer some draft changes to Watertown's current Person In Charge Regulation. The Board indicated that it would be interested in considering those changes.

**Tobacco Discussion** - Donna Moultrup is to forward D.J. Wilson's comments on the second draft to Richard Arnold who had not received them. The discussion had to be cut short this evening because Dr. Beck could not stay. Felix Zemel, who attended the meeting for personal reasons, had information and statistics to offer regarding the proposed change of the sale of tobacco to only those 21 years of age and older. The Board had previously discussed this but Dr. Straus asked if they could reconsider their position.

The following decisions were made from the list created at the April 16, 2014 meeting:

- 1) Municipally owned parks, playgrounds and athletic fields should have no smoking at least during scheduled events. Most are posted no smoking already. Donna Moultrup needs to finalize this with Peter Centola.
- 2) Bed and Breakfasts will be on the no smoking list.
- 3) Smoking will be banned at outdoor seating at restaurants and bars.
- 4) There will be no smoking in any enclosures used for waiting for public transportation, bus and taxi areas.

At the June meeting, further discussion of D.J. Wilson's comments will be on the agenda, as well as:

- 1) revisiting the age at which tobacco can be purchased
- 2) buffer zones around municipal building entrances
- 3) definition of "public places."
- 4) date of public hearing

**Next Meeting: Wednesday, June 18, 2014**

Adjourn: Meeting was adjourned at 9:23 PM.

Respectfully submitted by Donna L. Moultrup, Interim Director of Health