

BOARD OF HEALTH MEETING

March 5, 2015

Watertown Administration Building, Philip Pane Hearing Room

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

PRESENT: Dr. John Straus, Dr. Barbara Beck, Richard Arnold, Deborah Rosati, Director of Public Health, Donna Moultrup, Interim Health Director, Kristel Bennett, Chief Environmental Health Officer, Dan Repella, Health Officer, Pat Martin, Health Officer, and Karen O'Reilly, Animal Control Officer.

Minutes: Dr. Barbara Beck made the motion to approve the minutes of the January 14, 2015 meeting with a minor verbiage change to the Armenian Market and Bakery decision. Dr. John Straus seconded the motion. All were in favor. It was voted unanimously.

Master Wok - Status Hearing

Present: Maureen Lee of Food Service Solutions, Linda Liu and Poling Wong of Master Wok

Kristel Bennett informed the Board that Master Wok has come into compliance with the Board of Health order of September 25, 2014. Maureen Lee of Food Service Solutions has provided consulting services to Master Wok and has completed nine audits, resulting in a reduction in the number of violations. Ms. Lee recounted her training efforts and recommendations to the Master Wok managers.

Richard Arnold made the following motion: "I'll make a motion that since Master Wok has come into compliance with the Board of Health order that Master Wok is no longer required to retain the services of a Professional Food consult. The Health Department will conduct three more unannounced comprehensive food inspections for the calendar year 2015. Master Wok must pay \$75.00 for the last two comprehensive inspections. Master Wok must continue to maintain compliance with 105 CMR 590.000, should inspection reports reveal trends in non-compliance and a high number of serious and repeated violations of 105 CMR 590.000 then the Board of Health may suspend or revoke Master Wok's Permit to Operate a Food Establishment." Dr. Barbara Beck seconded the motion. It was voted unanimously.

Wonder Café – Status Hearing

Present: John Szeto of JS Consulting and Sue Chen of Wonder Cafe

Kristel Bennett informed that the Board that John Szeto of JS Consulting Services has completed five food safety audits at Wonder Café. A review of the audits reveals a reduction in the number of violations. One more audit is required from the September 14, 2015 Board of Health order. A comprehensive inspection was conducted by Dan Repella, Health Officer, on February 19, 2015 and there was one critical violation observed.

John Szeto recounted his food safety training efforts at Wonder Café and will conduct one more audit this month. He said there has been little turnover in staff lately and he will train any new staff. Dan Repella indicated that an adjustment was made to the refrigeration unit but that the temperature needs to be monitored.

Barbara Beck offered the following motion: “I’ll make a motion that Wonder Café is no longer required to retain the services of a Professional Food Consult for one month to conduct the final food audit; the final food audit must be submitted to the Health Department for review. The Health Department will conduct three more unannounced comprehensive food inspections for the calendar year 2015. Wonder Café must pay \$75.00 for the last two comprehensive inspections. Wonder Café must maintain compliance with 105 CMR 590.000, should inspection reports reveal trends in non-compliance and a high number of serious and repeated violations of 105 CMR 590.000 then the Board of Health may suspend or revoke Wonder Café’s Permit to Operate a Food Establishment.” Richard Arnold seconded the motion. It was voted unanimously.

**Not Your Average Joe’s-Variance Request, Service of Raw Oysters
Present: General Manager Ralph Vitiello, Executive Chef Timothy Henning**

Kristel Bennett indicated that this is an annual request for a variance to serve raw oysters and clams. A HACCP plan was submitted. Mr. Vitiello indicated that they currently serve one species of oysters from Duxbury, received from Ipswich Shellfish Company.

Richard Arnold offered the following motion: “I’ll make a motion that the request for a variance from Food Code 3-401.11 to serve raw molluscan shellfish, oyster and clams be granted to “Not Your Average Joe’s” at 55 Main Street, 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. Voted unanimously.

**9 Harrington St. – Administrative Hearing
Keeping of Animals Application, Four Chickens
Applicant: Justin and Jenna Rounds**

Others present: Susan Maynard and Christine Haley

Kristel Bennett called the hearing to order, and announced that this administrative hearing is in accordance with Section 5E of the Watertown Board of Health Keeping of Animals Regulation concerning the application to keep four chickens at 9 Harrington St. She indicated that the Board will hear the Health Department, the applicant, the abutters and concerned parties regarding this application. Within 45 days of the close of this hearing the Board will issue a decision on the application, which will be in writing. Deborah Rosati, Director of Public Health, will take the minutes and Dan Repella, Health Officer, will take the minutes. Also present is Karen O’Reilly, Animal Control Officer.

Board of Health members Chairman Dr. John Straus, Dr. Barbara Beck and Richard Arnold will hear all testimony presented and will make a determination concerning the application after the hearing has ended. The determination will be mailed out to the applicant and made available to involved parties through public records request.

Kristel Bennett noted that the applicant has been operating without a Board of Health Permit to keep animals. Karen O'Reilly recounted the history of this animal keeping case. She noted that a complaint of live chicks being delivered to 9 Harrington St. was lodged with the Health Department. Officer O'Reilly visited 9 Harrington St. and didn't see any chicks but sent to the Rounds the Keeping of Animals Regulation and the application. On September 12, 2014, Officer O'Reilly received calls from three different neighbors, two from Harrington St. and one from Holt St. regarding chickens on the property. She visited the site and noted that there were four chickens in a coop at 9 Harrington St. The Health Department office issued a "cease and desist" letter on September 12th.

On September 15th, the Rounds submitted an application package while continuing to keep the chickens. The application was reviewed by Kristel Bennett and it was noted that the application was deficient for several reasons: there was no proof of notification (return receipt green cards) to property abutters; the plot plan did not show necessary information with set backs, abutting structures, lot lines, drainage details, and other information. A denial letter was issued on October 23, 2014. Kristel Bennett informed the Board that she discussed the requirements for the application with Jenna Rounds and her right to request a hearing or a variance from items listed in the denial letter. Additional documentation was submitted but showed the application to still be deficient and not meet the requirements of the Keeping of Animals Regulation. The applicant has not submitted a request for a variance or a request for a hearing.

Kristel Bennett reviewed the deficiencies in the application with the Board.

Jenna Rounds, owner of 9 Harrington St., was allowed to present and she produced a pest management plan and photos for the Board. She indicated that she has always wanted to keep chickens, and she planned to do this after recently purchasing this property. She researched regulations on-line and saw in the Watertown regulations that she could keep less than six chickens but she didn't notice the other requirements. She was surprised that neighbors at 5 Harrington St. said that the chickens have to go. She indicated that her husband saw one rat in their shed, but hasn't seen any lately. Regarding the petition that was circulated in the neighborhood against her keeping the chickens, she said that one neighbor informed her that they didn't want to sign the petition. She indicated that there is a barn nearby that could be contributing to the rat population. There is also an abandoned piece of property with a wood pile. She indicated that the last time she's seen a rat on the property was February 8th. There was some grass seed that she's gotten rid of that the rats had gotten into. She was taken aback that neighbors circulated the petition without talking to her. She has two daughters and certainly doesn't want rats on the property.

Dr. Beck commented on the amount of time this has taken since Officer O'Reilly inspected in September. Jenna Rounds indicated that the application has gone back and forth, and she doesn't understand not receiving certified "green cards."

Richard Arnold indicated that the regulations require a 50' setback, would any properties in Watertown meet this requirement? Karen O'Reilly indicated very few. Richard Arnold indicated that perhaps setbacks need to be considered in the new regulations.

Kristel Bennett called for abutter comment. The board acknowledged a January 29, 2015 petition from “Residents of Harrington Street” asking that the Board “enforce the removal of the chickens, hence it should help in resolving the influx of these rats,” signed by 13 neighbors.

Christine Haley of 5 Harrington St. indicated that the 21’ setback doesn’t meet the 50’ requirement. Her husband was against this. There are rat holes. There were odors last summer and they didn’t spend any time in the backyard. She’s been there for 15 years and has one child. She didn’t think the chickens would stay. The Rounds property is slanted toward theirs and they’re concerned about the runoff.

Karen O’Reilly indicated that she’s seen two rat burrows and there was chicken feed on the ground.

Susan Maynard of 1035 Belmont St. on corner of Harrington St. has nothing against chickens but is against rats. She’s seen tracks across her deck. She has grandchildren and is concerned about the rats around them. She saw the chicken coop going up but no one approached the Rounds about it. She doesn’t think Watertown is a good place for chickens.

Krsitel Bennett read into the record a letter from Nicholas Moroso of 136 Holt St., who expressed his concerns with the keeping of chickens at 9 Harrington St. including the observation of rats, and the potential for odors during the warmer weather which causes Mr. Moroso to develop migraine headaches.

Kristel Bennett also read an email from neighbor Sandra Cristello from 25 Harrington St., who expressed concern about black rats in the neighborhood. She would like the rats removed and would otherwise “vote to have the chicken coop removed.”

Dr. Straus indicated that the Board would consider all information and would render a decision within 45 days. The hearing was closed at 8:32 pm.

623 Tattoo LLC

276 Orchard Street

Variance Request Hearing – Rules and Regulations for Body Art Establishments and Practitioners

Present: Owner, Joshua Glantz, Candice Lyon

Kristel Bennett presented a request from Atty. Lawrence McSwiggan on behalf of 623 Tattoo for a variance from Section 12 (B) which requires that “unless and until an individual obtains a valid practitioner permit, he or she may not practice as an apprentice to, or otherwise train under, a permitted practitioner...” by permitting that Candice Lyon complete her apprenticeship or train under Joshua Glantz’s Practitioner license until she is able to obtain two years of actual experience for performing tattoo procedures to obtain a Tattoo Practitioner Permit and meet compliance with Section 12(F)(2)(d).

Kristel Bennett reviewed with the Board the requirements for a variance from the Watertown Board of Health Rules and Regulations for Body Art Establishments and Practitioners, Section

12(B) and informed the Board that Ms. Lyon has met all the requirements for a Tattoo Practitioner Permit except the minimum number of hours.

As part of the ensuing discussion, Richard Arnold advised Mr. Glantz that signed consent forms indicating that Candice Lyon is an apprentice should be considered so that all customers involved with her work are well aware of the apprentice status. Mr. Glantz indicated that he has consent forms and will ensure that this is documented. Following further discussion, Dr. Barbara Beck offered the following motion: "I'll make a motion to approve variance from the requirements of the Watertown Board of Health Rules and Regulations for Body Art Establishments and Practitioners, Section 12 (B), that Candice Lyon complete her apprenticeship or train under Joshua Glantz's Tattoo Practitioner Permit at 623 Tattoo LLC, 276 Orchard Street, Watertown, MA until she obtains two years of actual experience for performing tattoo procedures to meet compliance with Section 12(F)(2)(d) and obtain her Tattoo Practitioner Permit. Before Candice Lyon conducts any form of Body Art activity upon a client, that Client shall be advised that the person conduct such Body Art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice License.

The variance for 623 Tattoo LLC from the requirements of the Watertown Board of Health Rules and Regulations for Body Art Establishments and Practitioners, Section 12 (B) shall be null and void in the event of:

- Change of ownership
 - Deviance from the approved order
 - Violations of the Watertown Board of Health Rules and Regulations for Body Art Establishments and Practitioners including but not limited to Candice Lyon not operating under Joshua Glantz's tattoo practitioner permit. The permit shall extend to May 2016. The variance shall be in writing. A copy of the variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the town clerk or in the office of the Board of Health."
- Richard Arnold seconded, unanimous vote.

Nomination of Animal Inspectors:

Kristel Bennett indicated that animal inspectors are presented annually for nomination and are appointed by the State. Following further discussion, Barbara Beck made a motion to nominate Karen O'Reilly, Kristel Bennett, and Dr. Thomas Cusick as animal inspectors for the Town of Watertown. Richard Arnold seconded, unanimous vote.

9 Harrington Street Decision:

The Board deliberated on all of the information presented in print and during the earlier hearing regarding the keeping of chickens at 9 Harrington Street. Following discussion, Barbara Beck offered the following: "I'll make a motion to deny the Keeping of Animal Application to Keep 4 chickens at 9 Harrington Street. The application is denied for the following reasons:

1. The applicant has not complied with the Keeping of Animal Regulation prior to the operation of keeping chickens. Applicant is operating without a permit.
2. The application is incomplete, the coop does not meet the setback requirements of Section 9C of this regulation and the plot plan does not include all required details as noted in Section 5 A 5 of this regulation.

3. Oral and written nuisance complaints from neighbors including but not limited increased rodent activity in area, odor complaint, and a complaint of flies.

The chickens must be removed from the property of 9 Harrington Street by March 31, 2015. Forward documentation to the Health Department on where the chickens have been placed once they have been removed from the property. Failure to comply with this order shall result in non-criminal disposition fines with every day being a separate offense or be penalized by indictment on complaint brought in by Waltham District Court.” Richard Arnold seconded the motion, voted unanimously.

Bee Keeping of Animals Regulation Discussion:

Donna Moultrup related her research on bee keeping, and indicated that she is awaiting a call from an expert bee keeper. She will continue her research on this matter. The Board agreed to continue the discussion at the next Board of Health meeting.

Public Comment: There was no public comment.

Next Meeting: **Wednesday, April 22, 2015**

Adjourn: Meeting was adjourned at 9:56 PM.

Respectfully submitted by Deborah Rosati, Director of Public Health

Approved unanimously: April 22, 2015