

# BOARD OF HEALTH MEETING

December 9, 2015

Watertown Administration Building, Lower Hearing Room

**CALL TO ORDER:** Dr. John Straus called the meeting to order at 7:06 PM.

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**PRESENT:** Dr. John Straus, Chairman, Dr. Barbara Beck, Richard Arnold, Deborah Rosati, Director of Public Health, Kristel Bennett, Chief Environmental Health Officer, Karen O'Reilly, Animal Control Officer Guest: Natalie Miller, Tobacco Control Coordinator

**Public Comment:** No appearances

## Minutes

The minutes of the November 4, 2015 meeting were approved as presented (Motion-Dr. Beck, Second- R. Arnold, all in favor)

### Administrative Hearing – Joe’s Variety, 278 Orchard Street Regulations Restricting the Sale of Tobacco Products & Nicotine Delivery Products Violation

John Marchant of Joe’s Variety appeared before the Board relative to a “tobacco sales to a minor” violation. Kristel Bennett indicated that the violation occurred during a tobacco compliance check on November 4, 2015 with a sale of cigarettes to a minor, under the age of 18 years. This sale marked a third offense for Joe’s Variety within two years.

Mr. Marchant indicated that he had training conducted by Will for all of the kids working in the shop and he had a 17 year old working who knew the rules. Natalie Miller indicated that the clerk did ask for an ID but when the minor indicated that he didn’t have it, he was sold the cigarettes anyway. Mr. Marchant indicated that the 17 year old feels badly about having made the sale.

Following discussion, Dr. Beck offered a motion to institute the standard \$300.00 fine and a 30 day consecutive suspension of the Tobacco Sales Permit. The owners may decide on the dates. **The motion was seconded by Richard Arnold and was voted unanimously.**

Mr. Marchant will notify the department about the dates of suspension which will most likely be immediately after Christmas.

### Administrative Hearing – Miten Mart Inc. dba Victoria Spa, 603 Mt. Auburn Street Regulations Restricting the Sale of Tobacco Products & Nicotine Delivery Products Violation

Owner Kaushik Patel appeared before the Board relative to a “tobacco sales to a minor” violation. Kristel Bennett indicated that the violation occurred during a tobacco compliance check on November 4, 2015 with a sale of cigarettes to a minor, under the age of 18 years. This sale marked a second offense for Joe’s Variety.

Mr. Patel indicated that always checks IDs, but he had a new employee who is 19 and he made a mistake and sold to the minor. Mr. Patel was busy working the deli and didn’t see it occur. He paid the \$200.00 fine and requested that the Board give him another chance and not suspend his permit.

Dr. Straus indicated that the Board is very strict about the penalties and hasn’t granted a reprieve in the past. Mr. Patel requested the first week in January for the suspension.

Following discussion, Dr. Beck offered a motion to institute the standard \$200.00 fine and a suspension of the Tobacco Sales Permit from Monday, January 4 to Sunday, January 10, 2016. **The motion was seconded by Richard Arnold and was voted unanimously.**

**Administrative Hearing – AA Auto Clinic, 600 Main Street – Tabled to January Regulations Restricting the Sale of Tobacco Products & Nicotine Delivery Products Violation**

Kristel Bennett indicated that the owner of AA Auto Clinic, George Kouyoumjian, was unable to attend the hearing as the owner was traveling out of state. It was noted that this violation constituted a second offense which carries a \$200.00 fine and a one week suspension. As a result of Mr. Kouyoumjian’s absence, the hearing will be tabled to the January Board of Health meeting.

Dr. Straus suggested that the owner may wish to voluntarily suspend tobacco sales during the holiday season prior to the hearing. Kristel Bennett will have this discussion with Mr. Kouyoumjian and determine if he will suspend his tobacco sales voluntarily.

**Animal Control Ordinance and Dog Park Rules**

The Board discussed several documents developed and edited by ACO Karen O’Reilly and CEHO Kristel Bennett, with input by Deborah Rosati, at the request of Town Council’s Committee on Human Services. Ideas for improvements to How Dog Park were reviewed which included recommendations for a card swipe system to restrict access during off hours, a potential permitting program to limit to Watertown residents only, updating the ACO ordinance to remove a current restriction against dogs in parks, and providing personnel for oversight of the park during none-ACO hours.

Amended Dog Park Rules were also presented to the Board. A suggestion was offered to change Rule #15 to “All dog owners must remain hands free and attentive to dog.”

Lastly, a full review of the Watertown ACO Ordinance, with amendments, dated November 2015, was presented. Kristel Bennett noted that the Ordinance needs updating to bring it into compliance with October 2012 changes to the Mass. General Laws. Several definitions were added or amended such as Outdoor Cat, Feral Cat, and Wild Animal. A separate section for Cats

was added into the Ordinance as **Section 8**. Discussion ensued about outdoor versus indoor cats, and allowing for licensing of only outdoor cats rather than all cats, which is unenforceable. The Dog Park rules will be referenced in **Section 10 Miscellaneous** to allow for enforcement under the Ordinance.

Final revised documents will be forwarded to the Board by January 1<sup>st</sup> for review. Documents will also be submitted to the Committee on Human Services by early January for their meeting on this sometime in January.

### **Hearing to Consider Adoption of Revised Fee Schedule**

The Board was presented with the results of a permit fee survey of various neighboring Health Departments, as well as the existing fee schedule which was adopted in 2011, and a proposed fee schedule. Deborah Rosati and Kristel Bennett explained changes to the fee schedule which provides for an expanded fee schedule particularly in the Food licensing category. Administrative fees were added to the Food, Hazardous Materials, and Swimming Pool schedule to compensate for the added staff time incurred for re-inspections, hearings and issuance of non-compliance order letters. Deborah Rosati noted that the fees overall reflect staff time for inspections, plan reviews and other such related activities.

Dr. Straus suggested that a note be added to the Hazardous Materials fee indicating a change “from initial to annual permitting in 2017.”

Following further review, **Dr. Beck offered a motion to approve the presented fee schedule with the noted edit. Richard Arnold seconded, voted unanimously.**

**Next meeting** – Tentatively January 13, 2016.

**Adjourn** - Meeting was adjourned at 10:14 PM.

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

Approved: January 25, 2016