

BOARD OF HEALTH MEETING

February 25, 2009

Third Floor Conference Room, Administration Building

CALL TO ORDER: Dr. Beck called the meeting to order at 7:45 PM.

PRESENT: Dr. John Straus, Dr. Barbara Beck, Cynthia Brooks, Steven Ward, Kristel Bennett, Mark Waksmonski, Karen O'Reilly, and Mark Reich.

Minute Review: The Board of Health reviewed the minutes of January 21, 2009. Dr. Straus made a motion to accept the minutes of January 21, 2009. Dr. Beck seconded the motion, and all were in favor.

Old / New Business: Steven Ward and Mark Reich had a discussion with the Board about the non criminal disposition ordinance, the new regulations to decriminalize possession of marijuana, and how this would affect smoking in public places.

District 2 Presentation: Sanitarian, Mark Waksmonski and Animal Control Officer/ Jr. Sanitarian, Karen O'Reilly presented the October 2008 Environmental Health Report the Board. Mr. Waksmonski and Ms. O'Reilly highlighted items in the report relating to their district including inspections conducted and complaints received.

100 Dexter Avenue: Mark Waksmonski informed the Board on the status of the condemnation at 100 Dexter Avenue, Unit 1, 2, and 3. After some discussion, Dr. Beck made a motion to ratify the order of condemnation at 100 Dexter Avenue, Unit 1, 2 and 3, and present the status of the dwelling at the Board at the March Board meeting. Cynthia Brooks seconded the motion. All were in favor.

Vito's Pizza: Milton Mendez, manager of Vito's Pizza were present to represent Vito's Pizza. Kristel Bennett stated that Vito's Pizza was before the Board for noncompliance with the provisions of an order letter dated February 18, 2009. Mrs. Bennett reviewed the history Vito's Pizza has had with the Health Department. After hearing the findings of Milton Mendez, and after much discussion thereof, the Dr. Beck made a motion that Vito's Pizza, Permit to Operate a Food Service Establishment, at 135 Mt Auburn Street, be suspended for a period of one day for failure to comply with the provisions of a Board of Health Order letter dated February 18, 2009. Said suspension shall be effective Sunday, March 1, 2009 and last for a period of 24 hours. The Board of Health also recognizes and is concerned with the lack of proper sanitation at this site as documented in recent food inspection reports. Cynthia Brooks seconded the motion. All were in favor.

20 Lyons Court: Kristel Bennett informed the Board that Alejandro Rodriguez, owner of 20 Lyons Court requested a hearing before the Board to withdraw the order to correct letter dated December 30, 2009. Mark Waksmonski presented the findings of the previous inspections and noted the dwelling unit was reinspected on February 24, 2009. On the February 24, 2009 three of the violations were remaining, including asbestos like material covering pipe was taped with duct tape and a uninhabitable bedroom, not meeting ceiling height requirements of the State Sanitary Code. Mr. Rodriguez informed the Board about his efforts to remedy the violations and make the dwelling unit habitable. After much discussion thereof of the accessory apartment not being approved but other departments because it does not meet code, Cynthia Brooks made a motion to sustain the order letter dated December 30, 2009. Dr. Beck seconded the motion. All were in favor.

Jack's Smoke Shop: Mark Waksmonski informed the Board that Jack's Smoke Shop was before the Board for a show cause hearing for a second violation of the Regulations of the Watertown Board of Health Sale of Tobacco Products to Minors. Bakul Patel, owner and Stephen Rosales, attorney of Jack's Smoke Shop presented findings to the Board of Health. Mark Waksmonski presented the findings of the January 29, 2009 tobacco compliance check. After much discussion thereof, the Dr. Beck made a motion that acting under the authority of the "Regulations of the Watertown Board of Health Sales of Tobacco Products to

Minors" regulations J (1)(b) "Violations", the Board of Health suspend the Tobacco Sales and Location permit for Jack's Smoke Shop located at 80 Main Street, Watertown, for seven (7) days commencing on Monday, March 2, 2009. Furthermore, all employees associated with the sales of tobacco products shall attend a mandatory Tobacco Retailer Training provided by the Watertown Health Department. For the duration of the suspension, all tobacco products shall be locked, secured, and covered not accessible to the public, only to employees. Cynthia Brooks seconded the motion. All were in favor.

A & M Variety: Kristel Bennett introduced Mr. Mario Pulechio the owner of A & M Variety located at 485 Arsenal Street. Mrs. Bennett presented the plan review documentation for A & M Variety to the Board and informed the Board that Mr. Pulechio was requesting a Retail Food Permit, Tobacco Sales and Location Permit, a variance for a service (mop) sink, and a variance from the requirements of a grease trap and three bay sink. Mrs. Bennett informed the Board that Mr. Pulechio is currently operating under a Temporary Retail Food Establishment and Tobacco Sales and Location Permit. Mrs. Bennett stated that the applicant has been instructed as to the responsibility of concerning the inspection process. A & M Variety has one handsink and one fully enclosed bathroom. The menu items include prepackaged non-potentially hazardous foods including chocolate bars, hard candy, chewy candy, chewing gum, breath mints, peanuts, chips, soda, soft drinks, and bottle water.

After much discussion Cynthia Brooks made a motion to grant A & M Variety's request for a variance for a service (mop) sink as required under Food Code 5-202.13 which states that at least one service sink or curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar liquid waste. The reasons for granting this variance are as follows: the lack of space in the footprint of the establishment, and the same level of public health protection may be achieved by carefully disposing of grey water in the service sink located at Celia's clothing store. The variance request is subject to the following conditions:

1. The service (mop) sink located at Celia's clothing store shall be the receptacle of any grey water.

2. The establishment must notify the Watertown Health Department and submit to the plan review requirements in the event of change of menu, renovation, remodeling, or ownership.

Dr. Beck seconded the motion. All were in favor.

Cynthia Brooks made a motion to grant A & M Variety's request for a variance for a grease trap and a three bay sink as required under Food Code 5-402.10 which states that food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under 5-202.11 (A) which states a plumbing system shall be designed, constructed, and installed according to law. The reasons for grant the variance are as follows: no food preparation, sale of prepackaged food only. And food utensils are single services items. The variance request is subject to the following conditions:

1. The establishment has no food service preparation onsite. Sale of retail prepackaged food only.
2. The establishment must notify the Watertown health Department and submit to plan review requirements in the event of change of menu, renovation, remodeling, or ownership.

Dr. Beck seconded the motion. All were in favor.

Cynthia Brooks made a motion to approve the issuance of a 2009 Retail Food Establishment Permit and Tobacco Sales and Location Permit to A & M Variety. Dr. Beck seconded the motion. All were in favor.

East Coast Gas: Kristel Bennett informed the Board that East Coast Gas was before the Board for a show cause hearing for a second violation of the Regulations of the Watertown Board of Health Sale of Tobacco Products to Minors. The Board noted that the owners of the establishment was not present, had been properly notified about the hearing, and the owner had communicated with the Health Department staff, and chose not to attend. After hearing the findings of the January 20, 2009 compliance check, and after much discussion

thereof, Dr. Beck made a motion that acting under the authority of the "Regulations of the Watertown Board of Health Sale of Tobacco Products to Minors" regulation, section J (1)(b) "Violations", the Watertown Board of Health suspend the tobacco Sales and Locations permit for East Coast Gas at 354 Arsenal Street, Watertown, for seven (7) days commencing on Monday, March 2, 2009. Furthermore, all employees associated with the sales of tobacco products shall attend a mandatory Tobacco Retailer Education Training provided by the Watertown Health Department. For the duration of the suspension, all tobacco products shall be removed from the retail establishment or be placed in boxes that are sealed and moved out the public area of the establishment to a separate room that is accessible only to the employees. Cynthia Brooks seconded the motion. All were in favor.

Agent to the Board: Cynthia Brooks made a motion to appoint Laura LaJoie as an agent to the Board of Health to conduct low risk and hazardous materials inspections. Dr. Beck seconded the motion. All were in favor.

Next Meeting Date: March 18, 2009

Adjourn: 10:40 PM

Minutes: Submitted by Steven J. Ward, Director of Public Health