

BOARD OF HEALTH MEETING

May 10, 2017

Watertown Administration Building, Lower Hearing Room

PRESENT: Dr. John Straus, Chairperson; Dr. Barbara Beck, Secretary; Richard Arnold, Member; Deborah Rosati, Director of Public Health; Kristel Bennett, Chief Environmental Health Officer; Padraig Martin, Health Officer; Wil van Dinter, Public Health Nurse; Vivian Zeng, Health Officer

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:03 PM.

Public Comment: No comments

The minutes of the March 27, 2017 meeting were approved as presented (Motion-R. Arnold, Second – Dr. Beck, 3-0)

Ruth Beckerman-Rodau, CEO- Springwell

Springwell operates in 17 communities. There are 22 private agencies that the state contracts with for services. Anyone can make a report to Springwell, there are mandated reporters, they receive 150 calls per month from 17 towns. It takes 1.5 hours for the intake, they screen it, if not enough info for someone at risk, then mandated reporter is informed that its screened out. If is screened in a caseworker has 30 days to address. If abuse or financial exploit, or neglect, then the case is open to services. Three weeks ago, the statute was revised; cases have to be investigated within 24 hours. However, if an elder has capacity they can refuse services, and they can not capacity not competency which their staff determines; no undue influence from someone else; they call a number of times, make unannounced visits – at the end of the day if person does not want services, and no immediate risk of harm/death. New regulation says elder may indicate that they're not participating but are not able to refuse services. Before regs changed, before Springwell could speak if they have capacity, would have to get person's permission to speak with anyone. If they don't want them to speak to anyone, they can't. Under new reg., they will be obligated to speak with certain agencies, banks, and others. Original underpinning was self-determination. Cases that are already filed, old regs apply. People could have capacity in some areas, but not others. Is State providing more resources? A certain percentage are always screened out, but there is still less money in budget than previously. What access do you have to their records? Springwell is not a gov't entity, don't have subpoena power, would have to go to court to obtain info. Very dynamic environment right now. Can never force someone to take services. If extreme enough, and there's no capacity, then they would go to court get guardian appointed and they may be removed. Has to be extreme. A 7 or 8 on the hoarding scale out of 10, then it doesn't cut it. Can they get out? Reasons: Hoarding is a mental health issue, they may say yes in the morning and then not allow in afternoon. Takes a specific vendor to do the work for hoarding. Third party vendor works with them but the person has to allow access, vendor who has staff to do the work, protective services worker may have to gain their trust and work with them, they can't go in if they're in the hospital, person has to be able to live with change in their environment, 3 subsidized programs at State – how much you

can get depends on what program you're in, \$260 per month, \$700 per month, and no cap. Another example – bedbugs in unit, \$11,000 for the prep and to have pest control in, partnering with town – SW is paying half, town is paying half. Is there an hourly cost for removal of items? Extremely rare for someone to allow a full cleanout. There are over 200 people who are not in protective service who have home care services. You have to want to be enrolled in a program. Can't force someone to take services. Caution the assumption that they're only getting a certain number of hours. The privacy laws around protective services prohibit them from reporting whether they are under protective service or not. Some may be screened out. We would not hear if they are under protective service. Under new regulations, they will have to call the mandated reporter. Going forward, if someone makes a report, they will report that it is screened in or out. Takes 2 hours to screen.

The Board thanked Ruth Beckerman-Rodau for attending the meeting and explaining their process.

Tobacco Control Policy Discussion

Guests: Dawn Graham, Wayside Youth Coalition; Youth Peer Leaders – Shariel Joseph and Marcus Moore; D. J. Wilson, Mass. Municipal Association, Tobacco Control Director; Natalie Miller, Brookline Tobacco Control Coalition; Lacina Onco, Health Resources in Action

Dawn Graham explained that the “84 Movement” is a statewide movement of youth fighting tobacco in Massachusetts. The 84 represents that 84% of youth in Massachusetts did not smoke when this movement began. The Watertown youth group has worked on a community mapping project showing tobacco retailers and places where youth congregate, they do surveys, and they educate on the tactics that companies use to make their product more attractive. The youth indicate that tobacco products are cheap enough that youth can get money to buy the products. Per the Youth Risk Behavior Survey, almost 1 of 4 HS students used e-cigarettes within the last 30 days, compared to 1 in 60 using cigarettes. Per the Youth Risk Behavior Survey, almost 1 of 4 HS students used e-cigarettes within the last 30 days, compared to 1 in 16 using cigarettes. They indicated that electronic products are easy to get, 79% of people said that their parents would think it was very wrong if they were to smoke cigarettes, compared to 54% of people that said their parents would think it was very wrong to smoke electronic vapor products.

Out of 424 students who took the 84 survey – 294 had never had tobacco, and 40 had used tobacco in the past 30 days. If obtaining from someone else, 59% got their products from a friend, 64% got them from a friend who was 18 or older, 17% gave someone money to buy them, and 17% got them from a family member.

D.J. Wilson indicated that the youth could obtain products from a social source or online. A store clerk could perhaps recognize a bigger failure rate at 10:00 at night rather than another time. Online verification of age is scant, there shouldn't be cigarettes on line.

Need to conduct education on the hazards of electronic cigarette products.

Natalie Miller goes through all five towns to check for compliance with regulations and they take 16 and 17 year olds for compliance checks. The Federal compliance checks require less than 18 year olds for checks, but it may change. Last year, Watertown had 10 illegal sales to minors but there were none in 2017.

Kristel Bennett provided an update on the changes in the regulations over the last five years - the Board has restricted youth from accessing, have gone from 18 years old to 21, added flavored tobacco component, can buy cigars, flavored tobacco and consume on premises or take out – there are restrictions on that, smoking in public places restrictions, setbacks from municipal buildings, parks, etc.

D.J. Wilson referenced the Providence decision where qualifying adults only can carry flavors and it exempts menthol, a Town is contemplating excluding menthol but this may be challenged. There are adults that like the flavors also. E-cigarettes are a little better than cigarettes, but for quitting smoking, flavored works better.

Marcus and Shariel provided information on the 84 Project community mapping project – there are more tobacco retail stores than parks, schools, playgrounds and other teen hangouts combined. Consideration may be given to increasing the distance between schools and retail stores to perhaps 1,000’ D.J. Wilson indicated that we have 40 to 70 communities that have banned new retailers within 1,000’ of schools. New retailers can renew, or are in danger of going on a waiting list for a cap. The Town could consider implementing a capping policy - have a slow, gradual reduction in density. No tax comes back to the town.

D.J. went on to report other potential restrictions:

- Minimum pricing on cigars – all towns in our area have this except for Watertown;

- No tobacco product sales permit renewal with three illegal sales to minors;

- Capping the number of permits to be issued;

- No tobacco product sales permits to be issued to new retailers within 500 or more feet from school.

- Banning the sale of blunt wraps. There is tobacco leaf (nicotine) in wraps.

Deb will have Zoning map out 500’, 750’ and 1,000’ of schools.

Can we have retailers closer to schools inspected more frequently? Currently only one inspection per year. D.J. recommends that we mention this on their permits for those within the specified range.

Dr. Straus requested that D.J. work on proposed regulation language for the Board to consider.

260 Mt. Auburn St. – Continued Housing Code Hearing

Present: Cynthia Pasciuto, neighbor

K. Bennett provided a report on this case. There are two separate hearings on the agenda – one with tenant and one with owner. Owner had a number of violations in unit – they requested a hearing for more compliance time as there were barriers to getting work done. Unit was deemed uninhabitable. Tenant was issued order to correct violations, but occupant has been hospitalized.

V. Zeng reported that since we met last, on April 12th Cynthia and V. Zeng set up a time for our professional organizer to go in. Only 3 hours of work done and tenant was having mental health issues. On April 25th, they were subpoenaed to Court. Watertown Police reported on Frank being sectioned, a wellness check done on Bob who Frank was living with, and Bob has passed

away. Mental health state is fractured; he is still in the hospital. V. Zeng was at the unit and there were cockroaches there.

C. Pasciuto - Owner is moving to eviction. Next step is to appear for formal eviction, and motion to not store items. No moving company or storage unit will take items. Gloria visited Frank today at Mt. Auburn – two bodyguards on suicide watch. Springwell is going to take care of his living situation, requesting postponement of this hearing as Frank is not available.

C. Pasciuto expects eviction next week as the unit is a safety hazard. Springwell can try to get in to take belongings. Have to file motion to remove belongings.

There will be discussion tomorrow during the Hoarding Task Force meeting.

The Board voted to maintain the condemnation order and offer another month to come into compliance (Motion – Dr. Beck, Second – R. Arnold, 3-0)

81-83 Spruce St. – Housing Code Hearing

Update – condemnation lifted from second floor. House is in foreclosure. Mr. Schneider was in the Building Department today attempting to pull a permit for the repair of the stairs. He didn't have the necessary drawings and left without submitting the needed materials.

The Board voted to file this case in Court based on Mr. Schneider's failure to attend the meeting and due to the non-compliance with February 17, 2017 condemnation order, and March 31st, 2017 Board of Health order, this case will be filed in Court. **(Motion – Dr. Beck, Second – R. Arnold, 3-0.)**

The Gables, 202 Arsenal St. – Swimming Pool Code Hearing

Present: Makrina Ormond, Community Manager for The Gables

Board had made the decision that the superintendent has to be CPO for pool supervision during all hours of operation, and not require lifeguards on site. Makrina is with the new management company requesting relief from the requirement to require lifeguards. Has three on site maintenance technicians, two are certified, one is becoming certified.

They work 8:00 am to 5:00 to 6:00 pm, Monday thru Friday, and they return if there's an emergency. On weekends have they are at the pool four times on Saturday and Sunday.

K. Bennett recommends approving the request. There are 296 apartments in four phases. Pool is not open yet, want to open Memorial Day or later. Majority that have moved in are in one bedroom units – there are some kids living there.

Dr. Straus asked if we are setting a precedent, not having a CPO on site. Can someone on site obtain CPO? Makrina indicates that she would like to have a couple of people who live on site to become certified and pay them to cover. As long as there is a CPO on site during hours of operation, then the pool would be covered. This eliminates the need for a variance.

Stellina's Restaurant, 47 Main St. – Variance Request, Food Code Ch. 4-205.10

Present: Luis Herrera, Mike Curcio

New piece of equipment – pasta extruder is not NSF certified. The owners are requesting a variance on certification of equipment. Intertek advised them that they're working on getting the machine certified. The electrical part has been approved, as well as a couple of other parts, but they are waiting on one more approval. The company will provide the certification when it is obtained. The owners have put together a comprehensive cleaning protocol. They are excited to have the pasta machine because Frank, Mike's father, who passed away, wanted to have this type of equipment.

The Board voted to grant a variance to Food Code, Ch.4-205.10 to allow the use of the pasta extruder, and to provide the NSF certification when it becomes available. **(Motion-Dr. Beck, Second-R. Arnold, 3-0)**

Intelligentsia, 810 Mt. Auburn St. – Variance Request, Food Code Ch. 3-306.11, Ch. 4-903.11

Present: Chris Pradzinski

Presented request for a variance to reduce the height of the sneeze guard from five feet to 4.5 feet high. Espresso machine is fully enclosed, cups are on top of machine. R. Arnold indicates that a six foot person would be sneezing on the cups. There are two other machines – tea tap area and pour over bar, depth of bar and counter offer a natural barrier.

K. Bennett indicates that the Code requires effective barriers. He indicates that it's not esthetically pleasing to put a shield over the cups. More discussion ensued over what constitutes effective barriers.

Mr. Pradzinski asked if he consider a variance for the two areas besides the espresso machine. Opening is proposed for June 8th. The Board determined that there were effective barriers in general, and since the sneeze shield height is not a requirement under this Code, then variances are not required. The Board voted to require an effective barrier for the storage of the cups for the espresso machine. **(Motion – Dr. Beck, Second – R. Arnold, 3-0)**

Master Wok, Arsenal St.- Food Permit Suspension Hearing

Present: Roger Kwan, Consultant; Mei Huan Zhihong, Jiang Ng - Managers

K. Bennett reviewed the history of food safety challenges at Master Wok.

First inspection conducted on March 30th found five critical red violations – mouse droppings, lack of sanitation knowledge, soiled food contact surfaces, pooled chicken juice on walk-in cooler floor, and blocked hand sink. One employee also yelled at the Health Officer during the inspection. They were closed for imminent health hazards. Order letter received on April 5th, pest management plan, \$100 inspection fee

April 20 reinspection done, all original violations corrected but five new critical violations – no soap at hand sink, no paper towels, improper cooling, no one in charge, bare hand contact with RTE foods, employee eating in food prep area, and soiled knives.

May 3 reinspection – no feedback on what they were doing to comply.

May 1st was deadline for food consultant agreement but nothing was submitted.

On May 8th, Jonathan reached out to Kristel Bennett and indicated that a food consultant was hired and regional manager met with them.

Mr. Kwan was just hired as the consultant to work with the food establishment. He reported that the previous manager got fired, the new manager has been there since April 2nd. Manager is here for five days, was transferred from Marlboro location.

Food employee training is to be conducted the following day. Mr. Kwan spoke to Jonathan about the plan – he will be there twice per month to inspect and work with staff. He reported that there are six to seven employees during week, and up to nine employees on the weekend.

The staff is reporting there tomorrow at 7:30 pm for two hours training, but he will be there at 4:30 pm. He will be using the ServSafe book for training.

The Board expressed concern with the fact that it has taken so long for Master Wok to hire the consultant and conduct training and that there are still challenges with food safety and food handling.

The Board voted to suspend the Food Establishment Permit for tomorrow, May 11th, to allow for staff training, to ensure repairs on pest control report are effected, and fees of \$200.00 are paid to the Health Department (Motion-Dr. Beck, Second-R. Arnold, 3-0)

Meeting was adjourned at 11:08 pm.

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

Approved: June 22, 2017