

BOARD OF HEALTH MEETING

August 15, 2017

Watertown Administration Building, Third Floor Conference Room

PRESENT: Dr. John Straus, Chairperson; Richard Arnold, Member; Deborah Rosati, Director of Public Health; Kristel Bennett, Chief Environmental Health Officer; Padraig Martin, Health Officer; Vivian Zeng, Health Officer

Guests: Madison Wierzel, Tufts University Intern; Natalie Miller, Tobacco Control Coordinator; Mark Reich, K-P Law

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:08 PM.

Public Comment: No Comments

Minutes

The minutes of the June 22, 2017 meeting were approved as presented (Motion-R. Arnold, Second – J. Straus, 2-0)

Arsenal Wine and Spirits- Tobacco Sales Permit Suspension Hearing

Guests: Richard Sobhani, Rizkallah Sobhani, Owners of Arsenal Wine and Spirits

K. Bennett reported that Arsenal Wine and Spirits was cited for a second offense in 24 months for selling tobacco to a minor on June 20, 2017. The first offense occurred on June 27, 2015. The Sobhani's received a ticket and paid the ticket but also requested a hearing. They are admitting fault for making the sale of tobacco to a minor. Natalie Miller's team conducted the compliance check. Ms. Sobhani indicated that she was on maternity leave and had a trained employee who made the sale. It's an embarrassment to her operation. The tobacco is sold for the convenience of the customers – the profit is minor. The first offense was an e-cigarette that was sold by her father and he didn't even realize there was tobacco in it. They removed lottery tickets to disincentivise minors from coming in and buying and hanging around the store, and they certainly don't want tobacco in the hands of minors. It was eight days prior to the end of the 24 months since the last offense.

N. Miller reported that there were four checks that resulted in: no sale, sale, no sale, sale over the last two years.

R. Sobhani indicated that they ID every person, and scan all of the IDs that they have in their database. They only have one flavor of tobacco – it's not a "wonderland" of tobacco products.

The Board voted to approve the exception to forego the 7 day suspension and uphold the fine (Motion - R. Arnold, Second – J. Straus, 2-0).

99 Pleasant St. 260 Mt. Auburn St. – Housing Code Hearing

Present: David Cain, occupant; Trustees Diane King and Carol DeMichele

K. Bennett provided a chronology of this case. The trustees of Charlesview Condominium Association filed a complaint alleging violations of the Housing Code. Based on additional evidence, an administrative search warrant was obtained from Waltham District Court, and an inspection was conducted on July 19, 2017. Conditions were found that constituted violations of the Housing Code, including a lack of functioning smoke and carbon monoxide detectors, no wash basin in bathroom, some missing drywall material in bathroom, hallway and bedroom, and clutter conditions. Order letters were issued to the occupant and the owners of the unit, and subsequent reinspections were conducted. Ms. Bennett reported that all owner violations were corrected, however there are still clutter conditions that pose a tripping hazard and may hamper emergency egress.

Mr. Cain indicated that he has access to windows for escape in case of a fire. He also intends to continue to organize his storage but needs time.

K. Bennett recommended that the unit not be condemned due to significant work being done. She also recommended that the town's social worker and clutter/hoarding specialist be assigned to assist Mr. Cain with organizing his belongings. J. Straus inquired whether Mr. Cain would be amenable to accepting these services.

Trustee Carol Demichael offered that the dumpster was filled with green bags and Mr. Cain was removing materials from the dumpster after they were thrown out.

Mr. Cain indicated that it would be acceptable for someone to work with him on organizing.

The Board voted to extend the time allowed for compliance with the July 24, 2017 order letter; to require the occupant to accept the services of the Health Department social worker to address the remaining violations and the behavior associated with hoarding, and to continue to comply with the order letter. The occupant must have eight sessions with the social worker, and must commit to a session with the social worker - no cancellations are acceptable. Should the occupant deny the services of the social worker and fail to comply with the order letter, then the Health Department shall file this case in court for non-compliance. A progress report shall be provided to the Board at the next meeting. (Motion – R. Arnold, Second – J. Straus, 2-0)

Private Well Regulations

M. Wierzel presented a draft set of Private Well Regulations for the Board's review. She provided background information on the development of the regulations, and indicated that it is the culmination of the most suitable requirements for Watertown from the State's Model Well Regulations, Boston and Medford Regulations, and other town Well Regulations.

Following discussion, the Board thanked Ms. Wierzel for her service to the Town. D. Rosati recommended that the Board take this up for discussion after the Tobacco Control Regulations have been adopted and implemented.

Master Wok, Arsenal St.- Food Permit Suspension Hearing

Present: Jonathan Wong

K. Bennett reviewed the history of food safety challenges at Master Wok, which go back to 2015. For the sake of time, only recent incidents are being reviewed.

First inspection conducted on March 30th found five critical red violations. One employee also yelled at the Health Officer during the inspection. They were closed for imminent health hazards.

On April 20th a reinspection was conducted and all original violations were corrected but five new critical violations were observed. A May 3rd reinspection offered no feedback on what they were doing to comply.

May 1st was the deadline for a food consultant agreement but nothing was submitted to the Health Department.

On May 8th, Jonathan Wong reached out to Kristel Bennett and indicated that a food consultant, Mr. Kwan, was hired and his regional manager met with him. Mr. Wong reported that the previous manager got fired, and the new manager has been there since April 2nd. Mr. Wong also came up today to assess conditions in the restaurant, and he spoke with staff today and advised them that they need to listen to the manager, Mr. Lung. Jenny, the Regional Manager brought him over from another location in May. Mr. Lung was in the restaurant when the flooding occurred. He speaks Cantonese and Jenny speaks Mandarin. The rest of the staff speaks Cantonese. Jonathan is looking for another consultant.

K. Bennett indicated that we don't have confidence in the management of the Master Wok operation. V. Zeng indicated that one employee was arguing about not wanting to sign the report but ultimately agreed to sign.

Board Member Rich Arnold indicated that there's no proactiveness on Master Wok part, and it is not the Board's responsibility to run their business. He also noted that after the last hearing, there was the opportunity to change the culture of the company. It doesn't appear as though Mr. Wong is on the property to manage it and the management team is not doing it.

Mr. Wong responded that he had nine people here today to retrain the staff, and he could have Jenny inspect the store.

D. Rosati expressed her disappointment that Mr. Wong did not come prepared with a plan to incorporate a Food Safety culture into the Master Wok brand. She had spoken with Mr. Wong the previous week to provide some clue as to what the Board may be looking for.

Atty. Mark Reich, Counsel to the Town, indicated that there is a significant history of non-compliance. There has been a one-day suspension done in the past. He appreciates that there is a checklist and that Jonathan has come up from New Jersey. However, there needs to be a plan to implement and put into practice. There has to be faith that the checklist is meaningful and that

problems are being rectified. There needs to be some time to provide some training and he advised the Board that a longer suspension may be warranted.

Jonathan Wong doesn't want to portray that the regional manager is not doing her job. She comes in at 8:00 in the morning to clean up, however there are pests in the mall from all of the construction.

Rich Arnold indicated that it appears that there is a culture problem – the line staff are not respecting the managers. Nothing will change if the staff doesn't respect the management.

Atty. Reich offered that it is the appropriate time to learn when the inspectors are there, and staff should not be arguing with the inspectors. He advised the Board that it is important that Master Wok have the ability to shut down the facility and that the permit may be suspended to allow time for the Master Wok to come up with a plan and be ready to operate the business with trained staff.

Mr. Wong indicates that he's been here since 10:00 this morning, and that an employee has received a written warning.

Atty. Reich indicated that a suspension would be punitive in that it brings your attention to the violations, but it is also meant to be instructive.

The Board voted to suspend the Food Establishment Permit starting tomorrow, August 16, 2017, with the requirement that Master Wok submit to the board a plan to address compliance issues, to hire a consultant, and to present for consideration a period of closure to be determined by the director, to allow for implementation of the plan, retraining and a re-inspection following implementation of the plan. (Motion—R. Arnold, Second – J. Straus, 2-0)

Meeting was adjourned at 10:00 pm.

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

Approved: September 13, 2017