



Board of Health Meeting

Wednesday, February 21, 2024 at 7:00 PM
REMOTE ONLY

Agenda

Pursuant to Chapter 2 of the Acts of 2023, the meeting and public hearing will be conducted with remote opportunities for participation. Remote participation and access methods include:

ACCESS INFORMATION:

- A. This meeting will be held on Wednesday, February 21, 2024 at 7:00PM. REMOTE ONLY
- B. The meeting will be televised through WCATV (Watertown Cable Access Television):
<http://vodwcatv.org/CablecastPublicSite/watch-now?site=3>
- C. Public may comment through email: amyers@watertown-ma.gov
- D. Join Zoom Meeting
<https://watertown-ma.zoom.us/j/83188312663>
Meeting ID: 831 8831 2663
- E. Please Visit the Board of Health Website here: <https://www.watertown-ma.gov/176/Board-of-Health>

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- 1. Call to Order
 - 2. Acceptance of Minutes
 - A. Approval of Draft Minutes for January 17, 2024
 - B. Approval of Draft Minutes for February 5, 2024
 - 3. Public Comment
 - 4. Appointment of an additional Tobacco Agent
 - 5. Organization of Board of Health
 - 6. Hearing – Appeal of Order to Correct
 - A. 129 Lexington Street
 - 7. Approval for an Amendment:
 - A. Seismic Therapeutics – 85 Walnut Street #210
 - 8. Approval for Permit:
 - A. Triveni Bio, Inc. – 99 Coolidge Avenue #405
 - B. SYNCELL – 200 Dexter Avenue #120 & #161
 - 9. Introduction to Dumpster Regulation
 - A. Draft Dumpster Regulations

- B. Establish a date for a Hearing
- 10. Staffing and Department Updates
 - A. General Updates
- 11. Items that could not be anticipated before meeting
- 12. Adjournment

BOARD OF HEALTH MEETING

MINUTES

**The Watertown Board of Health has scheduled a REMOTE ZOOM meeting on
Wednesday January 17, 2024 at 7:00 pm**

PRESENT: Dr. Barbara Beck, Chairman, Richard Arnold and Dr. Dominic Amirtharaj

Staff: Abbey Myers, Acting Director of Health Maureen Foley, Clerk

In attendance: Sibhon Branch, Judy Fallows

CALL TO ORDER: Dr. Beck called the meeting to order 7:04 pm

Minutes

Minutes were approved for December 20, 2023 meeting,
(Amirtharaj, Arnold) (3,0)

Public Comment

No Public Comments

Introduction to Dumpster Regulations

Ms. Myers presented the process for the BOH to approve Dumpster Regulations. This includes public hearings, publishing in the newspaper, public comments, sending the regulations to Mass. Department of Environmental Protection.

Ms. Myers stated Dumpster Regulations can deter rodent harborage and provide enforceable actions if Health Department determines violations. Mr. Arnold asked how the Health Department will identify dumpsters. Ms. Myers stated we know the food establishment and we will coordinate with building and DPW. Dr. Amirtharaj asked how Health determines who is responsible for the dumpster.

Ms. Myers read food waste from the draft Dumpster Regulations to the BOH. Dr. Beck inquired about a fee. Dr. Amirtharaj wanted to know what is the plan once these dumpsters are registered. Dr. Beck asked about the timeline related to facilitation the registrations. Mr. Arnold wants to review before moving forward.

Department Update

Ms. Myers stated Health Department will be moving February 1st to 124 Watertown Street. The Budget was submitted for FY25.

The ACO has issued several tickets to the resident for a Nuisance Dog on Belmont Street. Neighbors (9 to 10) have complained about this dog unleashed through the area. BOH needs to have a Nuisance Dog Hearing with the public, owner, concerned residents. This strengthens ACO's ability to take the owner to court with additional violations. The end game is to contain the dog to the owner's property and remain leashed.

The Nuisance Dog Hearing will be February 5, 2024.

Next Meeting

February 21, 2024

Mr. Arnold thanked Dr. Beck for her service and experience on the BOH. Dr. Amirtharaj stated it was a pleasure to work with Dr. Beck.

Adjourn:

(Amirtharaj, Arnold) (3,0)

All in favor.

Roll Call

Adjourned the meeting at 7:54 PM

DRAFT

BOARD OF HEALTH MEETING
Nuisance Dog Hearing
MINUTES

**The Watertown Board of Health has scheduled a REMOTE ZOOM meeting on
Wednesday February 5, 2024 at 7:00 pm**

PRESENT: Richard Arnold, Dr. Dominic Amirtharaj and Kim Netter

Staff: Abbey Myers, Director of Health, Samantha Gatchell, Animal Control, Maureen Foley, Clerk

In attendance: Flavia Werneck Figueiredo, Eileen Hanson, Tom Johnson, Constable Silton

CALL TO ORDER: Abbey Myers called the meeting to order 7:06 pm

Rules of the Hearing

Ms. Myers set the rules for participants and the BOH to follow throughout the hearing.

ACO Presentation

Ms. Gatchell sworn to tell the truth. She gave a Power Point presentation regarding the complaints from residents and tickets issued and order letters sent by the Health Department to 870 Belmont Street residence. Ms. Gatchell described her observations of the unleashed dog's behavior.

Ms. Gatchell recommended two-options to secure the dog on the property:

1. When the dog is outside, he must be leashed at all times.
2. The owner must put up a six-foot fence with no access for the dog to leave the property unleashed.

Ms. Netter inquired if the dog is unleashed on a public way, interacting with traffic and harassing neighbors and delivery personnel, what is the recourse and appeals process?

Health Department would need to resolve issue through the courts.

Dr. Amirtharaj asked about the dog's license status. Therefore, BOH and the Health Department is not aware of this dog's vaccine status.

Mr. Arnold stated Mr. Miller, the owner of the dog is not present at this hearing to inquire about the vaccination status.

A resident made comments supporting Ms. Gatchell's observations. The resident was not sworn in as official testimony.

Ms. Myers stated the licensing issue can be addressed later. Presently, we need to consider if this dog is a nuisance.

Ms. Gatchell stated there is no evidence this dog has been mistreated.

Dr. Amirtharaj made a motion to deem the dog at 870 Belmont Street a nuisance.

(Amirtharaj, Netter) (3,0)

All in favor.

Roll Call

Adjourn:

(Arnold, Netter) (3,0)

All in favor.

Roll Call

Adjourned the meeting at 7:25 PM



CITY OF WATERTOWN

Health Department

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6446
Fax: 617-972-6499
www.watertown-ma.gov

January 19, 2024

Certified Mail # Via Constable

Moynihan Family Trust
131 Lexington St.
Watertown, MA.

Re: Housing Violations: 129 Lexington St.

To Whom It May Concern:

As a result of a concern from the Watertown Police Department, the unit at 129 Lexington St. Watertown, MA. 02472, Abbey Myers, Acting Director of Public Health and Sarah Constantino, Health Officer for the City of Watertown inspected the property on January 19th 2024 at 11:00 AM. This inspection revealed violations of Chapter II of the State Sanitary Code 105 CMR 410.000 that need correction. A description of the violation and the specific Sanitary Code which is violated is set forth below.

VIOLATIONS

1. Inspection revealed bedbug activity. Removed mattresses revealed what to be bed bug excrement.

Elimination of Pests: (B-G) Owners and occupants are responsible for the control and elimination of pests as follows:

(B)The owner of a residence containing two or more dwelling units, including a homeless shelter or a rooming house, shall maintain it and its premises free from infestation and shall be responsible for pest elimination.

(C) Extermination shall be accomplished by:

- (1) Eliminating the harborage places of insects and rodents;
- (2) Removing or making inaccessible materials that may serve as food or breeding ground for pests;
- (3) Poisoning, spraying, fumigating, trapping pests; or
- (4) Any other recognized and legal pest elimination method.

(D) All use of pesticides within the interior of a residence shall be in accordance with applicable laws and regulations pursuant to the Massachusetts Department of Agricultural Resources Pesticide Program, including those appearing at 333 CMR 13.00 *Standards for Application*.

(1) Pesticide applicators or their employers must give at least 48 hours pre-notification to occupants of all residential units prior to any commercial application of pesticides for the control of indoor household or structural indoor pests.

(2) Pre-notification shall be made in writing and contain the following information:

- (a) Name and phone number of the company making the application;
- (b) Proposed date of application;
- (c) Locations to be treated; and
- (d) Names, EPA Registration Numbers, and active ingredients for the pesticide products that may be used.

(3) Owners and occupants shall:

- (a) Provide access to common areas, dwelling units, and rooming units, upon receipt of notice required by 105 CMR 410.550(D)(1) and (2); and
- (b) Adhere to all instructions provided by the pesticide applicator in preparing the common areas and units prior to the application of pesticides.

(E) The occupant of a residence shall maintain their dwelling unit or rooming unit in a sanitary manner so as to prevent the attraction of pests.

(F) The owner of a residence, except for a homeless shelter, shall conduct an inspection of each unit prior to a new occupancy to identify the presence of pests. Homeless shelters shall establish pest management policies that include periodic inspection for pest infestation as outlined in 105 CMR 410.550(G).

(G) Owners shall make the documented inspection results and actions taken available upon request by the board of health. Documentation shall include:

- (1) Monitoring the presence of pests;
- (2) Eliminating entry points for pests;
- (3) Documenting results of the inspection; and
- (4) Documenting actions taken as a result of the inspection to include:
 - (a) Repairs made;
 - (b) Location of pesticides applied and by whom; and
 - (c) Date and results of a follow-up inspection.

ORDER

YOU ARE HEREBY ORDERED TO CORRECT OR CONTRACT IN WRITING WITH A THIRD PARTY WITHIN 2 WEEKS OF RECEIPT OF THIS LETTER. CONTACT THE WATERTOWN HEALTH DEPARTMENT WITH PLANS TO REMEDIATE SAID VIOLATIONS.

FINES

Any person who shall fail to comply with any order issued pursuant to the provisions of the State Sanitary Code, Chapter II, 105 CMR 410.000 shall upon conviction be fined not less than ten nor more than five hundred dollars. Each day's failure to comply with the order shall constitute a separate violation.

In addition, you may be fined up to \$300 per violation of the Board of Health Regulations pursuant to MGL Chapter 40, § 21D (Non-Criminal Disposition). These fines are as follows:

\$25.00	For First Offense
\$50.00	For Second Offense
\$100.00	For Third Offense
\$300.00	For Fourth Offense, and Any Further Offenses

Each day of a continuing violation shall constitute a separate offense and shall be subject to a separate penalty.

RIGHT TO REQUEST A HEARING

Under regulation 105 CMR 410.800 of the code cited above you have a right to a hearing in this matter. At this hearing any affected party has the right to appear. You also have the right to be represented at such a hearing and have the right to inspect and obtain copies of all relevant inspection and investigation reports, orders, notices and other documentary information in the possession of the Board of Health. Written request for such a hearing must be received by this office within seven days of receipt of this letter.

ACCESS FOR REPAIRS AND ALTERATIONS

105 CMR 410.003 General Provisions states "(E) Every occupant of a residence, upon reasonable notice and if possible, by appointment, shall give the owner thereof, or the owner's representative,

access to the residence for the purpose of effecting compliance with the provisions of 105 CMR 410.000. Access shall be at a reasonable time and shall include, but not be limited to, any cooperation required for repairs, alterations, pest elimination, and service of utilities. An owner shall provide at least 48 hours' notice to the occupant, except for emergency repairs for which no notice is required."

RE-INSPECTION AND COMPLIANCE

A re-inspection of this property will be conducted after the time for compliance with this order has elapsed. Under 105 CMR 410.010, "Compliance with Accepted Standards" means meeting all the requirements of 105 CMR 410.000 and correcting any violation of 105 CMR 410.000 in a work person-like manner and in accordance with accepted building, plumbing, heating, gas fitting, electrical wiring standards, or advisories issued by the Department, so that the residence or cited item or component is returned to its intended function or use. Materials and equipment shall be appropriate for the use intended and affected areas shall be left in a properly cleaned condition. When licenses or permits are required to perform the work necessary to correct the violation, including, but not limited to building, plumbing, wiring/electrical, heating, gas fitting, asbestos removal, lead-based paint abatement, and elimination of pests, compliance shall also mean that such licenses and permits have been obtained and that any conditions or requirements imposed by such licenses and permits have been met.

Thank you for your efforts, should you have any questions concerning this matter, please contact the Health Department at (617) 972-6446 or email at amyers@watertown-ma.gov.

Sincerely,


Abbey Myers
Acting Director of Public Health


Sarah Constantino
Health Officer

CC: Occupant
Owner
WPD
File

January 24, 2024

RECEIVED

2024 JAN 29 P 1:52

CITY OF WATERTOWN
HEALTH DEPARTMENT

City of Watertown
Health Department
Administration Building
149 Main Street
Watertown, MA 02472

To whom it may concern,

I request a hearing for the unnecessary threatening letter for a Housing Violation for 129 Lexington Street I received. According to the letter, it stated that the health Dept. (Abby Meyers and Sarah Constantino) inspected the property. That is furthest from the truth. At the same time they showed up, a Pest Control Company I hired came. He's the one that did all the inspections. They did not check or touch anything.

I tried having a pest control company come a few times, Dina refused to leave her bedroom door unlocked because she said she deserves her privacy, so how is this my fault. Since she refused, instead of paying \$2500.00, I paid \$6000.00 to get someone to come right away. I should not have to waste my money because of her. I tried taking care of this for 2 months. I finally told her, if her privacy is more important than getting rid

of the bed bugs, this should not be on me, she should have received this letter not me.

I am 60 years old, with 3 jobs and making \$20,000 a year. Since my husband passed away and I'm 60, I can receive his social security, which helps a little. I had to take money out of my IRA because I did not have the extra \$3500.00.

Because my tenants are in trouble with the Watertown Police (I'm sure I wasn't supposed to know that) is also not my problem! I was told this is a form letter, that is impossible. It has my Trust name listed and the Watertown Police Dept. was also listed. I'm quite sure that they aren't involved all the time.

I want this removed from any record this may be recorded on. They should receive the threatening letter. But instead, they're getting free mattresses and other help, including, getting their old mattresses and box springs discarded, without having to pay for this like the rest of us! What is good for the geese is good for the gander! Have them, or Officer Anna, remove their old mattresses and box springs. My backyard is not a junk yard! Maybe it is ok in Egypt but it is not ok in my backyard!

Finally., they should reimburse me for the difference of what I had to pay because of them, or the police dept., since they take care of them. I know they won't, they are always late with their rent, they pay ¾'s around the 15th and the remaining before the end of the month usually.

Sandra Moynihan

Sandra Moynihan

Moynihan Family Trust

131 Lexington Street

Watertown, MA 02472

Cell# 617-435-5796

PS:

Three letters, really! I only accepted one because my son happened to be here and the constable wrote down his name. I am not even deserving of one!

PSS:

Both of our kitchens need to be renovated because of a flood. I am sure this is the next thing she will complain about (even though they said they didn't report the bed bug issue-I don't believe them), I have been waiting for the insurance company still. At this point, they authorized \$20,000, which is not enough to renovate the kitchens. They sent someone else out a couple of weeks ago, I am still waiting. Allstate should get the threatening letter this time because I have no control-I am calling practically every day!

Enclosed

The Service Contract of the treatment of bed bugs.

City of Watertown
BOARD OF HEALTH
Regulation Regarding the Use of Dumpsters and Waste Hauling

Section 1: Authority

The Board of Health, City of Watertown, Massachusetts, acting under the authority of G.L. c. 111, sections 31A and 31B of the General Laws and amendments and additions thereto, and by any other power thereto enabling, has duly made and adopted the following Regulation. This regulation will become effective XXXX.

Section 2: Purpose

The purpose of these regulations is to reduce the possibility of nuisance, management of rodent populations and health risks associated with the improper use of dumpsters for rubbish and garbage disposal.

Section 3: Applicability

This regulation shall apply to all businesses, residents, and contractors using dumpsters for garbage and rubbish disposal within the City, and waste haulers.

Section 4: Definitions

- 1) Board of Health means the appropriate and legally designated health authority or its agents of the City.
- 2) Waste hauler means any person who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof.
- 3) Dumpster means any container, receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is used for temporary storage, containment, or transport of refuse, debris, trash, rubbish, garbage, food waste, solid waste, recyclable material, incidental demolition debris, or other discarded or like materials. It shall not apply to ordinary household trash cans of a volume of 64 gallons or less, or recycling receptacles of 96 gallons or less.
- 4) Owner means any person, including a lessee or mortgagee in possession, who alone or severally with others has lawful title to or lawful possession, care or control of any property on which a dumpster is located or proposed to be located. Owner also includes any authorized agent of such person.
- 5) Person includes any individual, partnership, corporation, firm, association, or group.
- 6) Temporary Dumpster is one used for construction, demolition, clean up or other like purposes that will occupy a specific location usually for twelve months or less for disposal of rubbish. It can be located at a commercial or residential location.

7) Annual Dumpster means a dumpster located on a site year-round for the disposal of rubbish and or garbage.

8) Rubbish shall mean all solid waste, excluding food waste or hazardous materials.

9) Garbage shall mean rubbish containing food waste, both dry and wet, excluding hazardous materials.

10) Hazardous materials shall mean any solid or liquid material containing a substance that is listed by the EPA or MassDEP as a hazardous waste, or if it has the characteristics of a hazardous waste, including but not limited to: oil, gasoline, paint, cleaning solvents, pesticides, batteries and aerosol cans.

Section 5: Annual and Temporary Dumpster Permits

1) No dumpster shall be used or kept in the City of Watertown unless a dumpster permit has been issued. The application for a dumpster permit shall be provided by the Board of Health. The application shall include the name, address, telephone number, and e-mail address of the owner of the property and the owner/operator of the dumpster; the size of the dumpster, the exact location of the dumpster on the property (including a diagram), whether the dumpster will be used for rubbish, garbage or both, the size of the dumpster, the phone number of an emergency contact who can be reached 24 hours a day/7 days per week to respond to emergencies, and such other information as the Board of Health deems necessary.

2) The granting of a dumpster permit is not intended to grant permission to use property that is not owned and/or controlled by the permit holder, and all necessary approvals must be obtained by the applicant before placing a dumpster on the property of another. No dumpster shall be placed within a public way, sidewalk, or any other property owned by the City without the express written permission of the Superintendent of Public Works or their designee, or other City official with custody and control of the subject property. No dumpster shall be maintained in violation of the City's zoning ordinance or any other applicable law.

3) Annual Dumpster permits shall expire on December 31st in the year they are issued and must be renewed on an annual basis.

4) Each application for a dumpster permit shall be accompanied by the applicable fee as set forth in the Board of Health's Fee Schedule.

5) The Board of Health may attach any condition to the permit to assure the protection of public health, safety and welfare.

6) Dumpster permits are not transferrable to any other person or location without the express written permission of the Board of Health.

Section 6 – Use of Dumpsters

1) No dumpsters may be located on a public or private way from November 1st through April 1st. Dumpsters with a permit expiration date within that time frame must be moved off the public or private way or the permit will be suspended or revoked.

2) The Owner shall ensure that each dumpster is so located as to not interfere with the health, safety, or well-being of any business or neighbor or with any public utility or infrastructure and they shall not be located on or adjacent to handicapped parking areas.

3) Owner or responsible party shall be responsible to maintain dumpster area in a clean, safe, and sanitary condition free from garbage, rubbish, potential injury hazards, pests, conditions contributing to

the accumulation of standing water or other liquids, and or any other condition which affects the health, safety, or the well-being of the occupants or general public while the dumpster is in use and after the dumpster has been removed.

3) Each dumpster shall be of sufficient capacity to contain all accumulated material without overflowing and shall be emptied on a regular basis or when the amount of garbage and or rubbish is level with the top of the container. All dumpsters being used for the disposal of garbage or other odor-causing material must be emptied no less than once per week.

6) All garbage dumpsters must have a tight-fitting lid or cover, which shall be kept closed at all times except when being filled, cleaned or emptied. Each dumpster shall be constructed in such a way as to be leak-proof and rodent proof. If drain plugs are provided, they must be tight-fitting so as to prevent the leakage of liquid.

7) All food waste must be put in closed plastic bags before being put in the dumpster.

8) No person shall deposit hazardous waste in a dumpster. No person shall deposit food waste or garbage in a dumpster permitted only for rubbish.

9) Dumpsters are to be located on a concrete, asphalt or other impervious surface. The owner shall ensure that each dumpster and the area immediately surrounding it is kept free of obnoxious odors, flies, other insects, debris, overflow and all other nuisances. Watertown Board of Health and its agents reserve the right to order the removal of any nuisance on public or private property.

10) Each dumpster shall have affixed to it in a readily visible place so as to be easily seen a notice setting forth the permit number, name and address of the operator and telephone number of a working telephone service to report any nuisance conditions. The owner and operator of the dumpster shall be responsible for abating any nuisance conditions within twenty-four (24) hours of receipt of notice of such conditions.

Section 7: Waste Hauler

1) Each dumpster owned, controlled, or serviced by a waste hauler shall be conspicuously marked with the name and telephone number of said hauler.

2) No dumpster owner, contractor, or waste hauler shall allow a dumpster to be delivered, emptied, exchanged, or removed between the hours of 10 pm and 7 am in an area not zoned for business, commercial or industrial use. Where an employee of a waste hauler or other person acting under a contract with a waste hauler violates the provisions of this section, the waste hauler shall be held responsible whether or not the employee or other person acting under contract is also prosecuted for the violation.

Section 8: Enforcement

1) Permit Suspension or Revocation: The Board of Health may suspend or revoke any permit issued pursuant to these regulations for any violation of these regulations, or any other applicable General law, regulation or by-law.

If an annual or temporary dumpster permit is suspended or revoked, any dumpsters kept in accordance with said permit must be removed by a waste hauler within 24 hours of receipt of notice of said suspension or revocation.

2) Non-Criminal Disposition: This regulation may be enforced by any designated agent of the Board of Health.

Whoever violates any provision of this regulation may be penalized by a noncriminal disposition process as provided in G.L. c. 40, section 21D and the City's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amounts set forth below of per day for each day of violation, commencing 48 hours following day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

\$25.00	For First Offense
\$50.00	For Second Offense
\$100.00	For Third Offense
\$300.00	For Fourth Offense, and Any Further Offenses

3) Other: Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Section 9: Severability

If any provision of this regulation is declared invalid or unenforceable by any court of competent jurisdiction, the other provisions of the regulations shall not be affected thereby but shall continue in full force and effect.