

Board of Health Meeting Minutes  
June 28, 2017

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The Board of Health Meeting was called to order at 5:30 pm by Donna S. David, R.N., M.N., Chair.

Those present were Donna S. David, R.N., M.N., Chair; Julie C. Lemay, M.P.H., Vice Chair; David B. Alper, D.P.M., Member; Angela Braun, Health Director; Wesley B. Chin, Assistant Health Director; Maria Reddington, Clerk.

The meeting with Comella's, Stonehearth Pizza, and Bruegger's concerning Violations of 105 CMR 590.000 began with board members welcoming Mr. JP Comella, Comella's, Mr. Jonathan Schwarz, Stonehearth Pizza, and Mr. Gabe Garcez and Ms. Ashley Woolf, Brueggers Bagels. A summary of the discussion is below:

- Wesley Chin provided Board members a summary of the food code violations noted during recent inspections at the food establishments.
- Dr. Alper is very concerned about the frequency of violations.
- Ms. David said Wesley's outline was nicely presented, and each establishment received/reviewed the outline of violations prepared by Mr. Chin.
- Health Dept. Staff will email future re-inspection reports to each representative/owner present at this meeting.
- Dr. Alper asked each representative/owner how often they are at the Belmont locations. Mr. Comella answered he is at the location on an as needed basis, mostly nights and weekends. Mr. Garcez answered that he visits the Belmont location once per week. Mr. Schwarz has limited day to day involvement as he relies upon his long-term, dedicated team at the Belmont location.
- Ms. Lemay was happy to know about Bruegger's continuity of changes since Mr. Garcez and Ms. Woolf began addressing the food code violations.
- Dr. Alper said the Board is not intent on being punitive, but rather suggests collaboration with each other, given the close proximity of the restaurants.
- Mr. Comella said Comella's is investing in education by retraining staff currently certified, and will have more staff obtain certifications.
- Ms. David expressed concern about the number of violations relating to cleanliness. She reiterated the importance of daily and deep cleaning of the food establishments.
- Ms. Braun said a check-off book is a good tool to use.
- Mr. Chin said clearer communication with staff would be helpful. He also noted the department's frustration when a food code violation is not corrected the first time it is found.

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- The Board of Health ordered the following to Comella's, Stonehearth Pizza, and Bruegger's Bagels:
  - Health Department staff will conduct unannounced inspections during the next three month period.
  - Health Department staff will forward a copy of the Inspection reports to the owners/manager of Comella's, Stonehearth Pizza, and Bruegger's Bagels.
  - No further action is required if re-inspections reports are absent of food code violations. Food establishment(s) will be required to obtain services of a food consultant if food code violations are noted in a re-inspection report.

The Hearing for 73 Elm Street (the "Unit"), requested by Mr. Xinyun Yu, was called to order. Ms. Lois Titherington, property owner of 73 Elm Street, and Mr. Mark Titherington, son of Ms. Lois Titherington were in attendance via conference telephone. The Hearing is a result of non-compliance of the State Sanitary Code 105 CMR 410.750(A) and (C), as specified in the Belmont Board of Health Order to Mr. Yu, dated June 16, 2017, to restore hot water to the Unit. The following is a summary of the Hearing:

- Mr. Yu denies responsibility for payment of gas to provide hot water to the Unit.
- Mr. Titherington said Mr. Yu was told by a rental agent that Mr. Yu is responsible for heat and hot water to the Unit, and this was included in the lease.
- Mr. Titherington said the Unit's oil tank has been empty since February.
- Mr. Yu said Ms. Titherington was responsible for paying heat and hot water. Mr. Yu said separate utilities were changed. Mr. Yu said the law requires a statement of conditions within 10 days.
- Dr. Alper said much of this dialogue is a civil matter between a landlord and tenant. Dr. Alper told Mr. Yu he must have hot water for the Unit. Dr. Alper also told Mr. Yu that if he believes he was misrepresented he may seek legal counsel.
- Dr. Alper confirmed with Ms. Braun the issue today is Mr. Yu's refusal for Health Department staff to conduct a re-inspection of the Unit to confirm hot water has been restored to the Unit. Dr. Alper also said heating oil must be available by September 15, 2017. The space heaters used for providing heat to the Unit is unacceptable and dangerous, and there is a minor living in the Unit.
- Mr. Yu said the June 1<sup>st</sup> Order to the landlord was not done in a timely manner.
- Mr. Titherington replied that everything in the Order was repaired.
- Mr. Yu asked Ms. Braun to correct the spelling of his name in all correspondence.
- Mr. Titherington said two separate water heaters have always been present at the property.

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The Board of Health members voted 3 – 0 the following Order to Mr. Xinyun Yu:

- Contact National Grid for gas service to the Unit by Friday, June 30, 2017.
- Condemnation of the Unit will occur if there is no gas service to the Unit on Friday, June 30, 2017, unless National Grid provides written documentation of their refusal to provide gas to the Unit.
- The oil tank must be filled by Mr. Yu by September 15, 2017, and Health Department must receive notice of the oil delivery.
- The Fire Department must be allowed in the Unit to conduct an inspection.
- The Health Department must be allowed in the Unit to conduct an inspection.

The Hearing for the Keeping of Chickens at 161 Washington Street was called to order. Ms. Sarah Richards told Board members she grew up on a farm and is a member of the “Chicken Tenders” group of Rock Meadow. Ms. Richards’ son is building a new coop, and she will contact John when that coop is complete. The Board members voted 3-0 to grant a Keeping of Chickens Permit to Ms. Sarah Richards at 161 Washington Street, pending an inspection of the new coop by John Maguranis, Belmont Animal Control Officer.

The Hearing for the Keeping of Chickens at 54 Evergreen Way was called to order. Mr. Tang answered questions presented by the Board members. Mr. John Maguranis, Belmont Animal Control Officer made a note in the Chicken Inspection report that the existing coop is too small to house six chickens. The Board members voted 3-0 to grant a Keeping of Chickens Permit to Mr. Tang at 54 Evergreen Way, pending an inspection by Mr. Maguranis of the addition to the existing chicken coop.

The Hearing for Belmont Car Care for a Tobacco Violation was called to order. Ms. Claudia Georges, co-owner of Belmont Car Care, and Ms. Natalie Miller, Tobacco Control Program Coordinator were present for the Hearing. Ms. Miller summarized that on June 8, 2017 she conducted a tobacco compliance check, and the youth was able to purchase Blu Menthol e-cigarettes. Ms. Georges said the mechanic sold the tobacco product to the minor because the clerk was using the restroom. Ms. Georges said the mechanic is not trained in selling tobacco products. Dr. Alper asked Ms. Georges if her business had to sell tobacco. She answered yes, it is a small store and tobacco sales are good. Belmont Car Care has a machine to verify identification presented. Ms. Miller said the youth she uses for compliance checks do not have identification, and the mechanic did not ask the youth for identification, he just sold the product to her.

Board members voted 3-0 to suspend the sale of tobacco products at Belmont Car Care for 30 days beginning July 3, 2017. Mr. Chin added the tobacco products must be taped and out of the public sight.

The Hearing for Pleasant Street Shell for a Tobacco Violation was called to order. Mr. David Ellakkis, owner of Pleasant Street Shell, and Ms. Natalie Miller, Tobacco Control Program Coordinator were present for the Hearing. Ms. Miller summarized that on June 8, 2017 she

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conducted a tobacco compliance check, and the youth was able to purchase a package of Marlboro cigarettes. This is the second tobacco violation in less than 24 months. Mr. Ellakkis said the clerk was probably busy. Ms. Miller said the clerk chatted with the youth and told the youth he shouldn't sell her the tobacco products. Mr. Ellakkis said he ordered the clerk to pay half the ticket issued, and his last day of work was June 29, 2017. Warning signs prohibiting the sale of tobacco products to underage people are prominently displayed in the store. Mr. Ellakkis does not have a machine to verify identification of a purchaser, but he may be interested in a future purchase. Tobacco sales are a good source of income for his business. Board members were pleased to know Mr. Ellakkis took quick and appropriate action to deter future tobacco sales to youth.

Board members voted 3-0 to uphold the ticket (fine) issued to Mr. Ellakkis, but will not suspend the sale of tobacco products at Pleasant Street Shell.

The Board members voted 3-0 to sign the letter to The Honorable Robert A. DeLeo regarding HB2864: An Act to Protect Youth from Health Risks of Tobacco and Nicotine Addiction.

Ms. Julie Lemay recused herself from the Meeting at 7:19 pm for a conflict of interest concerning the letter to Governor Baker on the matter of development of fracked gas infrastructure. Dr. Alper said this may not be an environmental danger. Massachusetts Association of Health Boards did not endorse the letter to Governor Baker. Ms. Braun said there are different sides, and fracking is not the only way to get gas. By a vote of 2-0, the Board will table the letter to Governor Baker regarding concerns over the development of fracked gas infrastructure. Ms. Lemay returned to the Meeting at 7:27 pm.

The May 22, 2017 Meeting Minutes were approved by a vote of 3-0.

The Receipts report was reviewed.

The Director's report was reviewed, with the following topics discussed:

- The number of public information requests has increased, new software being used to fulfill the requests.
- Active shooter meetings.
- The complaints concerning early morning trash removal from the dumpsters have stopped, thanks to cooperation of the business owners and their rubbish haulers.
- The fish are dying in Little Pond, may be due to excess rainfall.
- The Cushing Square neighborhood group is happy with communication efforts, but there is still an issue with trucks idling, and blocking traffic and sidewalks.
- The group talked about the SAPC Parent survey. The Board wants the survey done by Belmont parents. The Board would like to invite a school administrator and school committee member to a meeting to discuss. Ms. Braun suggested a one on one conversation.
- There is another complainant concerning the Hynes Collision Center on Flett Road.

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- The property at 8 Merrill Avenue has been cleaned out.
- The property at 12 Merrill Avenue will have to begin again with documenting nuisance complaints.
- There is a new FOG trap method known as protein matrix.
- Danish Pastry, proposed to occupy space at the former Ohlin's Bakery, does not include a prep sink in their plans.
- Ms. Braun announced her retirement, effective September 1, 2017. She distributed her resignation letter to the Board members. Board members thanked Angela for the outstanding work she did for Belmont, and offered her congratulations on her retirement. We will all miss you, Angela!
- Board members asked Mr. Chin if he would accept the Director position.

The Assistant Director's report was reviewed, with the following topics discussed:

- Board members want 3 inspections per year done at each school.
- Farmer's Market concerns, specifically handwashing station, requirement for manager to ServSafe certified. Board members would like to meet with Board of Selectmen concerning these issues, and suggest these criteria be met before a license is issued by BOS.
- The Golden Shoes story included in Wesley's report was discussed.

The Disease and Nurse's reports were reviewed.

The Youth and Family Services report was reviewed.

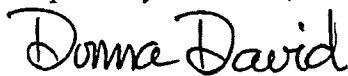
The Veterans' Services Officer report was reviewed. Board members said the Memorial Day parade and ceremonies were a huge success. Belmont resident USMC Colonel Michael J. Callanan, the Memorial Day featured guest speaker, has agreed to also speak at the Purple Heart Day ceremony.

There was a heroine and drug abuse handout from Dr. Alper, which was given to him by Belmont resident Ms. Tomi Olson.

The next Board of Health Meeting will be July 26, 2017 at 5:30 pm at Savino's, 449 Common Street, Belmont.

The Meeting adjourned at 8:08 pm.

Respectfully submitted,



Donna S. David, R.N., M.N., Chair