



Town of Arlington, Massachusetts
730 Massachusetts Ave., Arlington, MA 02476
Phone: 781-316-3000

webmaster@town.arlington.ma.us

Board of Health Minutes 09/11/2013



DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE BOARD OF HEALTH

Town of Arlington

27 Maple Street
Arlington, Massachusetts 02476

Christine M. Connolly Bongiorno, MPH, CHO
Director of Health and Human Services
Tel: 781-316-3170
Fax: 781-316-3175

**** APPROVED ****
Board of Health Meeting Minutes
Wednesday, September 11, 2013
Ground Floor Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Michael Fitzpatrick, Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg

Staff in Attendance: Christine Bongiorno, Director of Health and Human Services, James Feeney, Health Compliance Officer

Absent: Natasha Waden, Lead Health Compliance Officer

Others in Attendance: Bill Mailloux, KIKKA Representative (Mr. Kyn Zhang), Whole Foods Representatives: (Kate Demase, Jason Lisin, Sarah Finlan, P. Ross-Kung)

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Michael Fitzpatrick at 5:30 pm.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Dr. Marie Walsh Condon to accept the June 19, 2013 Board of Health Meeting Minutes as submitted.

Vote: Approved (Unanimous)

Hearing: Variance Request – Whole Foods Market.

Whole Foods Market Representatives provided the Board with sample documents, logs, and photographs in support of their application for a variance in accordance with 105 CMR 590.004(H) to use time as a public health control (< 4 hours), rather than temperature control, at the Pizza Station at Whole Foods Market to be located at 808 Massachusetts Avenue. Mr. James Feeney, Health Compliance Officer, informed the Board that both he and Maureen Lee (Consultant), reviewed the plans, and recommended the food products at this Station be labeled “Intended for immediate consumption”. Whole Foods representatives provided a sample of the packaging with the requested labeling requirements. Per discussion with the Board, Whole Foods Representatives informed the Board that similar variance requests have been submitted and approved at several Whole Foods locations including: Lynnfield, Melrose, Swampscott, and Boston. Mr. Feeney informed the Board that final inspection of Whole Foods Market is scheduled for later this week, and the opening is scheduled for September 18, 2013.

Motion: A motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve a Variance Request for Whole Foods Market to use Time as a Public Health Control rather than temperature at the Pizza Station at Whole Foods Market located at 808 Massachusetts Avenue, Arlington.

Vote: Approved (Unanimous)

Hearing: Variance Request – Kikka Sushi

Mr. James Feeney informed the Board that Kikka Sushi has submitted an application for a Variance in accordance with 3-502.11 to use acidification, through the use of a vinegar solution, to make cooked rice a non-potentially hazardous food. A HACCP Plan for the Acidification of Rice was also submitted. Mr. Feeney stated both he and Ms. Maureen Lee have reviewed the plan, and through the application process they have worked with Representatives of Kikka Sushi to implement additional logs and control processes. Results of testing conducted by Advanced Food Labs were provided and resulted in a pH less than the target of 4.1.

Kikka Sushi will be a separate vendor located within the Whole Foods Market to be located at 808 Massachusetts Avenue. Mr. Feeney informed the Board he has visited the location, and Kikka Sushi has a designated separate room/area within Whole Foods Market. A representative of Kikka Sushi, Mr. Kyn Zhang, gave an overview of the company, and informed the Board that this food preparation process and similar variances have been granted at other Communities including Weymouth, Melrose, Charlestown, Lynnfield and Boston, as well as several locations throughout the Midwest through Hawaii.

Motion: A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Dr. Marie Walsh Condon, to approve a Variance for Kikka Sushi to use acidification, through the use of a vinegar solution, to make cooked rice a non-potentially hazardous food at their establishment to be located within Whole Food Markets at 808 Massachusetts Avenue, Arlington.

Vote: Approved (Unanimous)

Hearing: Keeping of Hens Site Plan Review Application, 191 Scituate Street

Mr. Bill Mailloux submitted pictures and documentation in support of his application to be permitted to keep Hens at his property located at 191 Scituate Street, Arlington. This request came as a direct result of a school science project at Brackett School. Final construction of the pen is underway. Mr. James Feeney informed the Board that he has received all documentation that abutters have received 2 separate notifications regarding this permit request, and no concerns have been expressed to the Board of Health Office regarding this permit request. He further stated the applicant had met all requirements of the Town of Arlington By-Law and recommended approval of allowing a permit to keep hens.

Motion: A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve a permit for Keeping of Hens at 191 Scituate Street.

Vote: Approved (Unanimous)

Hearing: To adopt amendment to Regulation Restricting the Sale of Tobacco Products and Nicotine Delivery Products

Mr. James Feeney presented to the Board an amended set of regulations that include language allowing for the transfer of Tobacco and Nicotine Delivery Product Sales Permits from one physical location to another. Discussions were held among the Board regarding attrition, and the number of current and future establishments that the Board shall license for the sale of tobacco and nicotine delivery products. This discussion may be revisited in the future. The Board was pleased that the number of licensed establishments has been decreasing over the last several years.

Upon approval of the amended regulations, a signed copy of the Regulations will be submitted to the State at the request of Wesley Chin (Five Community Collaborative Tobacco Program).

Motion: A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Dr. Marie Walsh Condon, to adopt the amendment to the Regulation restricting the sale of tobacco products and nicotine delivery products.

Vote: Approved (Unanimous)

Environmental Updates

Mr. Feeney informed the Board:

Tobacco compliance checks were conducted on July 24, 2013 and all establishments checked were successful in following the new Regulations. Additionally it was reported many of the establishments provided education regarding the Regulations and pointed out signage enforcing these Regulations.

Bodywork compliance checks were conducted on July 26, 2013 in collaboration with the Arlington Board of Health, Arlington Police Department, State Division of Professional Licensure and the State Department of Industrial Accidents. Four (4) Body Work establishments were temporarily closed due to violations in failure to provide workman's compensation (La Dolce Vita Bodywork, Rainbow Health Center, Golden Water Massage, and Eastern Massage). \$12,300 in fines was also issued by the State due to lack of Massage Licensure. Arlington's Body Work Regulations go into effect November 1, 2013. The Applications are being finalized by the Arlington Board of Health and will be available soon.

Many new Trash and Dumpster complaints are being received at the Board of Health, and Student Interns have been working with the Board of Health on many of these matters.

Spy Pond Algae Testing is completed for the year. This is the Massachusetts Department of Public Health's final year of funding. It is unclear whether future testing will be done, and if future funding is available. It was reported a small bloom on upper Mystic Lakes (Medford Boat Club, and Shannon Beach (aka Sandy Beach) was detected this summer and it resolved quickly, likely through use of the water dam. An advisory was posted at the time the bloom was detected.

Arlington High School PCE detection on the lower level (Room 105) is an on-going matter. Room 105 is currently used for storage. Town Officials continue to work with stakeholders to find a resolution.

Restaurant Updates

Mr. Feeney informed the Board:

A Plan Review has been approved for: The Common Ground

The Board of Health is awaiting a Plan Review for: Kick Stand Cafe

Pre-operational Inspections

- Thai E. Sarn
- Whole Foods Market
- Kikka Sushi

Change of Ownership

- Great Wok
- Golden Taste

Restaurant Renovations for:

- Walgreens

- Starbucks

Retro Burger and Ice cream, Yummy's, Bills House of Pizza, and Thompson School Kitchen have received permits, and are open for business.

Other

Ms. Christine Bongiorno distributed to the Board copies of "Sample" Regulations for the Restriction of Sale of Marijuana for their review. The Board of Health will be Drafting Regulations on this matter in the near future.

Public Comment: None

Meeting was adjourned at 6:30 pm.

Next Scheduled Meeting: October 23, 2013