

## BOARD OF HEALTH MEETING

June 13, 2012

Philip Pane, Lower Hearing Room, Administration Building

CALL TO ORDER: Dr. Barbara Beck called the meeting to order at 7:35 PM.

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PRESENT: Dr. Barbara Beck, Cynthia Brooks, Kristel Bennett, and Steven Ward

Minute Review: The Board of Health voted to accept the minutes of the May 31, 2012 meeting. Cynthia Brooks made a motion to accept the minutes of May 31, 2012. Dr. Barbara Beck stepped down as chair to second the motion. All were in favor.

Thai Nippon d/b/a O-Sha: Kristel Bennett informed the Board the owner, Nopparat Nampanya of Thai Nippon d/b/a O-Sha was before the Board to request a Food Service Establishment Permit and a variance from the Food Code 3-502.11, for the operation of acidification of cooked (sushi) rice. Mrs. Bennett informed the Board that O-Sha is currently operating under a temporary Permit to Operate a Food Service Establishment. Mrs. Bennett stated that the owner had completed the plan review application process and has been oriented to the inspection process. Mrs. Bennett stated that the owner has submitted a Hazard Analysis Critical Control Point (HACCP) plan for the operation of acidification of cooked (sushi) rice. Mrs. Bennett stated that the Health Department has reviewed and approved this plan. The submitted HACCP plan meets compliance with Food Code 3-502.11, Food Code 8-103.10, and Food Code 8-103.11. After a brief discussion, Cynthia Brooks made a motion to approve the issuance of a 2012 Food Service Establishment Permit to O-Sha at 356 Arsenal Street. A condition of the issuance of this permit, O-Sha must post this permit adjacent to the current ServSafe certification and the current Food Allergen certification. This permit is to expire on November 30, 2012.

In addition, Cynthia Brooks recommended a variance from the acidification of cooked (sushi) rice as required under the Food Code 3-502.11 which states in part that "A food establishment shall obtain a variance from the regulatory authority as specified in 8-103.10 and under 8-103.11,

using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous. ”The reasons for granting this variance are as follows:

1. The Health Department received a completed Hazard Analysis Critical Control Point (HACCP) plan for a request for the operation of acidification of cooked rice.
2. The Health Department has reviewed the submitted HACCP plan to determine whether or not the proposed plan will be in full compliance with Food Code 3-502.11, 8-103.10, and 8-103.11.
3. The Health Department approves of the submitted HACCP plan.
4. The consumer shall be informed, the consumer advisory as specified under 3-602.11 must be provided on all menus that indicate which products are served raw or undercooked. This notice shall include health risks involved in consuming raw or undercooked foods.
5. The HACCP plan records must be maintained for a period of one year in the establishment and must be readily available for review by the Health Department or its agents. Parasite destructions records must be maintained with the HACCP plan records.
6. Employees who are conducting sushi operations must be trained in accordance with submitted HACCP plan; and documentation of employee training must be maintained and readily available in the establishment.
7. The establishment must maintain compliance with the approved HACCP plan.

The variance, as specified under 105 CMR 590.010 (H)(1)(2) shall be null and void in the event of:

- a) Change in ownership
- b) Change in menu
- c) Renovation or remodeling
- d) Deviance from approved HACCP plan

Dr. Barbara Beck stepped down as chair and seconded the motion. All were in favor.

1060 Belmont Street: Kristel Bennett informed the Board that the owner of 1060 Belmont Street was before the Board for an administrative hearing to withdraw violation number three in the

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order to correct letter dated April 3, 2012. Mrs. Bennett presented the findings of the Health Department inspection of the dwelling unit. The owner of 1064 Belmont Street had presented a letter to the Board with specifications for a screen door that would meet compliance with the order letter. After a brief discussion, Cynthia Brooks made a motion to deny the request to withdraw violation number three from the order to correct letter dated April 4, 2012. The owner has provided a schematic for a retractable screen door. The owner of 1064 Belmont Street must correct the violation number three in the order to correct letter dated April 4, 2012 by July 18, 2012 by installing the retractable screen door. If the violation remains unabated by July 18, 2012 a court complaint will be filed against the owner of 1064 Belmont Street in Waltham District Court for non-compliance with the order to correct letter dated April 4, 2012. Dr. Barbara Beck stepped down as chair and seconded the motion. All were in favor.

61-63 Poplar Street: Kristel Bennett informed the Board that the owners of 61-63 Poplar Street were required to provide a status as to the progress of compliance with the condemnation order. Mrs. Bennett informed the Board she had received a verbal update from the owner's representative, Attorney Bernard Loughran. Attorney Loughran stated that work was completed at the property, the materials have been removed. The owner of the property will schedule an inspection with Mrs. Bennett next week. It was noted that Attorney Loughran and the owner of the property was not present for the status hearing. After much discussion thereof, Cynthia Brooks made a motion to ratify the condemnation order of December 30, 2011. The owner or his representative must correct the violations listed in the Condemnation Order to Correct letter dated December 30, 2011 by July 18, 2012. If the violations remain unabated by July 18, 2012 a court complaint may be filed against the owner of 61-63 Poplar Street in Waltham District Court for non-compliance with the condemnation order to correct letter dated December 30, 2011.

As a result of the condemnation order, the dwelling units are to remain vacant and secured. No dwelling unit or portion thereof which is ordered to be secure shall be occupied without the written permission of the Board of Health based upon the board's written findings that the dwelling units or portion thereof to be occupied is fit for human habitation. Dr. Barbara Beck stepped down as chair and seconded the motion. All were in favor.

Orchard Park Grill: Kristel Bennett informed the Board that the owner of Orchard Park Grill was going through an administrative process. Due to a number of repeated sanitary code violations the owner of the Orchard Park Grill was required to contract with a licensed food safety consultant. The food safety consultant was required to be hired for a period of six months, conduct bi-monthly food inspections (a total of 12 inspections), and meet with the Chief Environmental Health Officer, Kristel Bennett. Mrs. Bennett stated that Orchard Park Grill has provided a contract to contract with Cindy Rice for a period of six months. Mrs. Bennett stated that she has met with Cindy Rice to discuss Orchard Park Grill's order letter and sanitation history. Mrs. Bennett stated that Cindy Rice has completed two inspections for Orchard Park Grill. After much discussion the Board request that have Cindy Rice come to the August Board of Health meeting to provide an update for Orchard Park Grill.

Red Lentil: Kristel Bennett informed the Board that the owner of Red Lentil was going through an administrative process. Due to a number of repeated sanitary code violations the owner of the Red Lentil was required to contract with a licensed food safety consultant. The food safety consultant was required to be hired for a period of six months, conduct bi-monthly food inspections (a total of 12 inspections), and meet with the Chief Environmental Health Officer, Kristel Bennett. Mrs. Bennett stated that Red Lentil has provided a contract to contract with Cindy Rice for a period of six months. Mrs. Bennett stated that she has set a time to meet with Cindy Rice to discuss Red Lentil's order letter and sanitation history. Mrs. Bennett stated that Cindy Rice has completed two inspections for Red Lentil. After much discussion the Board requested that Cindy Rice come to the August Board of Health meeting to provide an update for Red Lentil.

Adjourn: The meeting was adjourned at 9:30 PM.

Next Meeting Date: July 18, 2012

Minutes: Submitted by Steven J. Ward, Director of Public Health