

BOARD OF HEALTH MEETING

JULY 23, 2014

Lower Hearing Room of the Town Hall

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:10 PM.

PRESENT: Dr. John Straus, Dr. Barbara Beck, Richard Arnold, Donna Moultrup, Interim Health Director, Kristel Bennett, Chief Environmental Health Officer, Dan Repella, Health Officer, and Kari Sasportas, Health Officer.

Minutes Dr. Barbara Beck made the motion to approve the minutes of the June 18, 2014 meeting and it was voted unanimously.

Master Wok – Kristel Bennett reported to the Board on the status of the May 21, 2014 Board of Health order. Present from Master Wok was Linda Liu and Polinng Dong and Maureen Lee a food consultant from Food Service Solutions. Ms. Lee discussed the audit that was conducted on July 3, 2014. Kristel Bennett discussed the follow-up inspection conducted on July 7, 2014 and the establishment's closure due to the malfunctioning walk-in refrigerator. The Board discussed the status of the walk-in refrigerator, if it was functioning properly. Ms. Lee discussed with the Board Master Wok's best practices. Ms. Lee conducted an audit on July 23, 2014 where hand washing and cooling methods were reviewed. Dr. Barbara Beck made a motion that Master Wok must continue to work with the food consultant for a period of two more months. The food consultant must conduct two audits a month. The audits must be provided to the Health Department for review. Master Wok must appear at the September Board of Health meeting for a review of the progress made with the food consultant. Master Wok is required to maintain compliance with Chapter X of the State Sanitary Code 105 CMR 590.000, should inspection reports reveal trends in non-compliance and a high number of serious and repeated violations of 105 CMR 590.000 occur, then Master Wok's Permit to Operate a Food Establishment may be suspended or revoked before the Board of Health. It was voted unanimously.

Bemis Market – Kristel Bennett informed the Board that the owner of the establishment was unable to attend the hearing and requested that it would be continued. Dr. Barbara Beck made a motion to table the Bemis Market meeting to the August meeting. It was voted unanimously.

Tobacco Regulation Discussion – The Board discussed the amendments to the Tobacco Regulation. The following decisions were made:

- 1) The definition of blunt wraps was removed from the draft, flavored tobacco products including blunt wraps will only be permitted to be sold in retail tobacco stores and smoking bars.
- 2) The public place definition was removed from the draft and all locations where smoking is prohibited, including events open to the public, are listed in Part D. Section 1.

- 3) Increase the minimum legal sale of tobacco products to age 21 years.
- 4) Prohibit smoking within 25 feet of any municipal building.
- 5) The smoking definition needs to include any device or product that is combustible or inhaled, which would include clove cigarettes.

The Board discussed enforcement and assessing fines for individuals who are smoking in the prohibited locations. The Board requested that the draft regulation be sent to Kopelman and Paige for review. The Board will have the draft regulation open for a public hearing at the September Board of Health meeting or as soon as possible after legal review.

Person In Charge Regulation – The Board discussed the amendments to the Person In Charge Regulation. The following decisions were made:

- 1) Change name of regulation from “Regulation Pertaining to Requirements for Certified Food Protection Managers and Person In Charge” to “Regulation Pertaining to Certification of Managers in Food Safety”
- 2) Remove the definitions of Compliance Risk, Demonstration of knowledge of foodborne disease prevention, Full-time Equivalent, History of serious and/or repeated violations, Person In Charge (PIC). Since the draft regulation will be focused on Certified Food Managers, the assumption will be that the Person In Charge at each establishment will be the Certified Food Manager. Therefore, they will be already trained in the duties and responsibilities of the Person In Charge.
- 3) To Section 4, add language that all food establishments shall have a certified food manager on the premise during all of the hours that the establishment is open. This individual will act as the Person In Charge. The certified food manager will enforce the regulations of the State and federal food codes including supervision of employees. If the certified food manager position becomes vacant then the permit holder shall immediately notify the Board of Health and have sixty days to fill the position. All existing permit holders shall achieve compliance with this regulation within ninety days after the effective date of the regulation.
- 4) Add Section V, Certification, that certification shall be achieved by attending a food safety and sanitation course and attaining a passing grade on an exam. The certificate(s) shall be posted on the premises of the food service establishment and include from Section 5 that a Food Manager Certificate is not transferable from one person to another.
- 5) Add Section VI, Variance that a variance may be granted if a health hazard or nuisance will not result from the variance.
- 6) Remove Sections 4, 5, 6, 7, 8, and 9. Change Section 10, to VII, Enforcement and Penalties.
- 7) Change Section 11 to VIII, Severability.
- 8) Change Section 12 to IX, Effective Date.

Board of Health Minutes: July 23, 2014

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Next Meeting: Wednesday, August 20, 2014

Adjourn: Meeting was adjourned at 9:20 PM.

Respectfully submitted by Kristel Bennett, Chief Environmental Health Officer