

# BOARD OF HEALTH MEETING

September 25, 2014

Town Council Chambers of the Town Hall

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

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

**Minutes:** Richard Arnold made the motion to approve the minutes of the August 20, 2014 meeting and it was voted unanimously.

**Bemis Market** – Kristel Bennett informed the Board that Bemis Market had requested a hearing/appeal for the August 20, 2014 Board of Health decision. John Donahue the owner of Bemis Market apologized to the Board that he was unable to attend the July and the August hearings. Mr. Donahue informed the Board that his staff had fluctuated and it's been a challenge to hire and retain quality staff. He informed the Board that there is now consistent leadership at the establishment. Dr. Barbara Beck asked Mr. Donahue, how the Board could have confidence that the repeated violations will not continue. Mr. Donahue apologized for the repeated nature of the violations and order letters and said that there is now consistent leadership onsite. The Board appreciated the apology. Dr. John Straus discussed the August Board of Health order and the Board felt strongly that the original order should stand. Therefore Dr. Beck made the following motion: "Acting under the authority of 105 CMR 590.014(B) the Board of Health hereby suspends Bemis Market's Permit to Operate a Food Establishment for one business day under 105 CMR 590.000 for failure to comply with the requirements of 105 CMR 590.000 and a history of repeated administrative order letters. In addition to the one day suspension, a comprehensive inspection will be conducted after the suspension to determine compliance with the Food Code and 105 CMR 590.000. Should repeated violations be observed during the comprehensive inspection then the owner is required to attend an Administrative Hearing at the September Board of Health meeting. The fee for the comprehensive inspection is \$75.00. Failure to comply with this order may result in a suspension or revocation of Bemis Market's Permit to Operate a Food Establishment." It was voted unanimously. It was determined with Mr. Donahue's input that the suspension date would be Monday, September 29, 2014.

**Wonder Café** – Kristel Bennett informed the Board that Wonder Café was before the Board for a status hearing to provide an update to the Board as to the progress of the August 20, 2014 Board of Health order. Present from Wonder Café were Sue Chen and John Szeto, Wonder Café's Food Consultant. Mrs. Bennett reported the progress made with the August 20, 2014 Board of Health order. Mr. Szeto discussed the training and translation he has provided to the

staff of Wonder Café and informed the Board that Ms. Chen and her staff speak different languages. He informed the Board that he has worked to bridge the communication gap between Ms. Chen and her staff, and has instructed the staff to communicate with him. Mrs. Bennett informed the Board that Wonder Café has not fully complied with the August 20, 2014 order, there has been no audit completed by the Food Consultant and submitted to the Health Department for review. Richard Arnold made the following motion: “Wonder Café shall retain the services of a Professional Food Consultant who is able to speak the primary language to the staff. The Professional Food Consultant must complete monthly audits for a period of six months and train the staff in the proper procedures for maintaining compliance with the Food Code. Wonder Café shall provide a copy of the Professional Food Consultant service contract to the Health Department by October 3, 2014. The Professional Food Consultant shall provide a copy of an audit to the Health Department by the October Board of Health meeting for review. Wonder Café and the hired Professional Food Consultant must attend the October Board of Health meeting for an update. Wonder Café 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, repeated violations, and a high number of violations of 105 CMR 590.000 then Wonder Café’s Permit to Operate a Food Establishment may be suspended or revoked before the Board of Health.” It was voted unanimously.

**Master Wok** – Kristel Bennett informed the Board that Master Wok was before the Board for a status hearing to provide an update to the Board as to the progress of the May 21, 2014 Board of Health order. Present from Master Wok was Linda Liu and Polinng Dong and Maureen Lee, Master Wok’s Food Consultant from Food Service Solutions. Mrs. Bennett informed the Board that Master Wok was in compliance with the May 21, 2014 Board of Health order. Ms. Lee provided an update to the Board and discussed improvement with staff and management. Dr. Beck made the following motion: “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 November 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.

**Food Manager Regulation** – The Board of Health held a public hearing to discuss the proposed changes to the Food Manager Regulation. Kristel Bennett reviewed the change to the regulation that requires each food service establishment to have a Certified Food Protection Manager onsite, as the Person in Charge, at ALL times that the food service establishment is operating. Present at the hearing was Mosen Tehrani from Molana Restaurant, Michael Caira from Francis Food Mart, Souren and Susan Etyenezian from Fastachi, Dhurata Murati from Crown café, Richard Nolan from Stop & Shop, Bryce MacKnight from Perkins School, Sobhi Adbelmasih from Athens Pizza, and John Liu from EMC Savory Food Truck. The following comments were raised about the proposed changes to the Food Manager Regulation.

Souren Etyenezian asked if the changes were more specifically for restaurants since his establishment processes food but does not handle any raw products. Kristel Bennett said the regulation is intended for all establishments that have food operations such as preparing, processing, and serving food products.

Sobhi Adbelmasih asked about the requirement concerning new staff. He has a high turnover of staff and is worried that a new employee will be hired, trained, and then the employee would leave. It was explained to him that establishments will have 90 days to come into compliance with this regulation initially and that they will have 60 days to replace a staff member who has left the establishment. It was discussed that, hopefully, even if staff continue to leave establishments that there will be more trained staff available for hiring under this new regulation.

Bryce MacKnight asked if ServSafe was acceptable and if there was a new exam and credential. Kristel Bennett said that ServSafe is acceptable. He stated that he requires that all of their staff become certified already and that he believes that it is very important for the staff to be trained.

Mosen Tehrani asked about implementation and how many employees should receive the training. Dan Repella explained that the intention of the regulation was to have a knowledgeable, trained employee onsite during all hours of food operations.

The Board discussed positive outcomes to this regulation, which encourages an establishment to have better hiring practices and it increases the knowledge of the food employees.

Michael Caira understood this regulation, and said that it puts stock into employees; the credential gives people credibility, and it may initially be a burden, but down the road it is a good investment.

Souren Etyenezian asked for a list of certification courses available and trainers. It was explained that there is a suggested list of trainers from the Department of Public Health which will be available at the Health Department and that copies would be distributed to attendees at the end of the hearing.

John Liu asked about having a certified person on each of his trucks and Kristel Bennett explained that Watertown currently requires a certified food protection manager on each food truck that operates in Watertown.

Dan Repella asked to add the Allergen Awareness requirement to the draft regulation. It was also discussed that the first line under "Requirements" needed to have a clarification regarding the word "open." The staff stated that they would work on both of these issues and the official vote on this regulation could be done at the October meeting.

The Board thanked everyone for coming to the hearing and for their comments.

**Discussion of Tobacco Regulation** – The Board discussed holding a public hearing on the changes to the Tobacco Regulation at the October Board of Health meeting.

**Next Meeting: Monday, October 20, 2014**

Adjourn: Meeting was adjourned at 9:45 PM.

Respectfully submitted by Kristel Bennett, Chief Environmental Health Officer