The Northbridge Board of Health approved these minutes at a meeting held November 13, 2023

MEETING MINUTES - OCTOBER 3, 2023

This meeting was called to order at 5:07 PM by Ms. Lani Criasia, Chair. Other members present were Mr. Chris Cella, Ms. Linda Lermond, RN, and Mr. Steve Garabedian. Ms. Erin Meagher, NP, arrived after the reading and approval of meeting minutes. Also present was Mr. Daniel Markman, Regional Health Inspector, and Ms. Jeanne M. Gniadek, Board of Health Administrator.

**Meeting Minutes:** Motion made by Mr. Cella to accept the minutes of September 11, 2023. Motion seconded by Ms. Lermond. The vote was 3-0 in favor. Mr. Garabedian abstained.

**Subway @ WalMart:** Present for this meeting was Fabio Edwards Costa and Darcey Bernache. The owner of Subway was unable to attend.

Ms. Gniadek provided the Board with an email from Inspector Danielle Edmands along with two pictures of the sink “repair” that she would not sign off on. The sink was zip-tied and was still leaking as of Monday, October 2nd. This was Ms. Edmands 3rd re-inspection for this violation.

Mr. Costa presented a video of the sink removing the zip tie and showing that the sink was not leaking. He stated that the owner repaired the sink last Thursday and had forgotten to remove the zip tie that he used to snug the sink to the wall so that he could secure it with extra screws.

Ms. Criasia asked that the sink be inspected on Wednesday October 4th and if the sink was leaking then they would be required to hire a plumber to make the necessary repairs.

Ms. Criasia also noted that during the 3rd re-inspection personal items were noted still in the food prep areas. Ms. Bernache stated that the employee was instructed to keep her phone out of the food prep area. Mr. Markman suggested creating small cubbies for such items so that employees have immediate access to them but they are not in the food prep areas and the employee would have direct access to the hand-wash sink to wash their hands after handling their personal items.

Ms. Criasia also noted that a 3rd re-inspection is fined under the Board’s policy at $300. This 4th re-inspection on October 4th will be charged a fee of $400.

**Kyoto Japanese Restaurant:** Present for this meeting was Thien Phan, owner, and Hai Nguyen.

Ms. Criasia questioned why there was no food manager present when Mr. Markman inspected the establishment. Mr. Phan stated he had left the building. He noted that they sent two staff members to the food manager class on September 25th. Mr. Markman confirmed that and noted that both staff passed the exam.
Ms. Gniadek informed the Board that the inspection was conducted as a result of a complaint regarding a possible food-borne illness from consuming food (sushi) at this establishment. Mr. Markman noted that the symptoms aligned with a starch-related bacteria so since the person that took ill had consumed sushi rice, Mr. Markman began his investigation by looking into the sushi operation at Kyoto. Mr. Markman noted that the sushi rice which is required to have the Ph level tested daily had not been tested for the 9 days prior to his inspection.

Mr. Thien stated that they usually have 2 sushi chefs on duty. Ms. Criasia questioned how 2 sushi chefs for 9 days did not once log the Ph level of the prepared rice. Mr. Thien stated that the testing is now done every day.

Ms. Criasia noted that this is not the first time their sushi operation has been closed by this office. Mr. Markman confirmed noting that when he and Inspector Kaitlin Donahue conducted an inspection they determined that they had not done the required lab testing of the rice and that they did not have the parasite destruction letters at the establishment. Mr. Markman further noted that the Ph testing they are doing is not being done properly, in accordance with their HACCP plan. He also noted that at the time of his inspection the tuna was not being cold-held properly. The tuna was 47°F - it should be 41°F or below.

Mr. Phan noted that he has 3 locations – this one in Northbridge and others in Holden and Worcester. Ms. Criasia stated she was befuddled as to how 9 days could pass without anyone testing the rice. She stated that there is no excuse for someone who has been in business for a long time and who owns not one, but 3 restaurants.

Mr. Cella noted in Mr. Markman’s report that a container of mayo was labeled chicken wings. The Board also discussed the concern where clean, sanitized items are being stored in an area that allows contamination of these items due to the location of the storage area (near and below a sink).

Mr. Garabedian stated that if repeat violations are found during the next routine inspection then our inspectors are fully authorized to shut the establishment down. Ms. Criasia stated that she agrees and that any violations which are found to be critical then the inspector will call her and her recommendation will be to close you down.

Ms. Gniadek also noted that the owner refused to sign the inspection report. Mr. Garabedian stated that that is a problem. Mr. Phan stated he didn’t want to sign until he spoke with Ms. Gniadek. The Board informed Mr. Phan that Ms. Gniadek does not have the authority to change an inspection report and that in the future he needs to sign the report.

With regard to testing the sushi rice, Mr. Phan was instructed to send a photo via email to the office of the test strip each day.

**Advinia Care:** Present for this meeting was Tia Kaye, Administrator, and Nury Cronin, Director of Operations.

Ms. Gniadek informed the Board that Ms. Kaye is seeking permission to use the handwash sinks in the kitchen area of the Advinia facility. Water tests for all kitchen fixtures were provided to the Board noting NLI (no legionella indicated). It was noted that these tests were performed with filters attached to the sinks. Another set of tests was provided to the Board where 42 fixtures throughout the facility (without filters) were tested for legionella – only 9 were noted as NLI.
Ms. Gniadek stated that she spoke with Tom Trepasso of Garrett-Callahan, the water specialists contracted by Advinia. They performed a hyper-chlorination treatment of the water system on Monday October 2nd. Mr. Trepasso stated that all went very well.

Ms. Kaye noted that the system needs to be flushed for 48 hours and then water tests will be taken. She noted that the Water Management Plan advises the testing of 42 fixtures – these fixtures were determined due to proximity and piping. She noted that the kitchen fixtures will be done separately. Ms. Kaye also noted that filters have been installed on all fixtures including showers. It was noted that the filters had previously only been installed on the showers in assisted living as the long-term care portion of the facility has very limited showers. Ms. Kaye noted that the filters are changed every 180 days at faucets and every 90 days at showerheads. She noted that pre-and post filter samples will be taken in select areas. Ms. Kaye stated that they continue to purchase water for consumption as well as ice. She is simply seeking permission to use the handwash sinks in the kitchen area. Ms. Gniadek informed the Board that in an email from Eileen McHale at MDPH they have given their permission for residents to use the hand-wash sinks on the 3rd floor since the installation of the filters on the 3rd floor of this facility.

**Motion was made by Mr. Garabedian to allow the use of the handwash sinks in the kitchen for handwashing only provided that this office receives the water test results expected to be taken on Thursday October 5th as well as receipt of notification of filter changes and re-testing. Motion seconded by Mr. Cella; the vote was all in favor.**

Ms. Kaye noted that it is a typical two-week turnaround for receipt of water test results.

**PUBLIC HEARING - Tobacco Regulations:** Ms. Criasia opened the Public Hearing at 6:09 PM and read the following opening statement: We would like to thank you all for coming to the Northbridge Board of Health Hearing to amend and update the Regulation of the Northbridge Board of Health - Restricting the Sale of Tobacco Products

My Name is Lani Criasia, I am Chair of the Northbridge BOH. The other BOH members present are Christopher Cella, Vice Chair, and members: Steven Garabedian, Linda Lermond, and Erin Meagher.

BOH Agents present are Daniel Markman, Regional Health Inspector and Joan Hamlett, Tobacco Control Agent. Jeanne Gniadek is our office Administrator.

The purpose of the public hearing is to collect information and opinion for the Board to take under advisement. The Board will not ask for a vote from the audience, debate the contents of the draft regulations, or allow the audience to debate with each other. The Board or its agents may be called upon to assist with points of clarification.

The Board may vote at the close of the hearing or may wait for the next posted meeting to further discuss.

We respectfully ask that you adhere to the following ground rules:

1. Any person wishing to make comments should sign in.
2. When addressing the Board of Health, please first identify yourself by name, address and any professional affiliation you may have that impacts your comments.
3. Each person will have 3 minutes to speak.

4. You may sign in to speak again, after all who are present have had an opportunity to speak once, if you have any new information or comments regarding the draft regulation.

5. Please be considerate of those persons speaking, whether you agree or disagree with them and refrain from commenting out of turn.

Myrna and Marc El Houssan of Crystal Gas and Ashraf Yousseff of Vera’s Mini Mart were present for this Public Hearing. The draft regulations and public hearing notice was hand-delivered to all tobacco permit holders by Ms. Hamlett and her staff prior to this hearing.

Ms. El Houssan voiced her frustration that customers are simply going to CT or Providence or even NH to get tobacco products and that in order for this to be fair it (flavored tobacco) should be banned in the US not just in Massachusetts. She stated she understands the harm from these products but is concerned over the impact to the economy.

Ms. Hamlett stated she understood these concerns and that it is always a border issue. She did note that this is state law so we have no authority to change that. She noted that the majority of the Northbridge regulation is covered under the state law. With the exception of flavored hemp wraps which fell under the radar when the state adopted their regulations and that the Agricultural Commission missed as well – this closes that loophole.

As for flavored tobacco being no more harmful than regular tobacco products she noted that it is a harm reduction consideration as these flavored products are geared to youth.

Ms. Gniadek and Ms. Hamlett did note that the draft regulations presented should be amended with regard to cigar pricing in Section G. There being no further discussion, the public hearing was closed.

**Motion was made by Mr. Cella to adopt the regulations restricting the sale of tobacco products with the amendment to Section G - Cigar Sales Regulated with minimum pricing of $2.50 for a single cigar and $5.00 for two or more cigars; these regulations to go into effect on November 1, 2023. This motion was seconded by Mr. Garabedian; the vote on the motion was all in favor.**

Ms. Gniadek noted that the required Legal Notice will be published in the Blackstone Valley Tribune on Friday, October 13, 2023. The regulations will be filed with the Town Clerk.

**Fee Schedule Amendments:** As discussed previously, Ms. Gniadek prepared a draft amendment to the Board’s Fee Schedule in consideration of food vendors that obtain one-day food permits for multiple events.

**Motion made by Mr. Cella to adopt the amended fee schedule for one-day and temporary food permits effective January 1, 2024. This motion was seconded by Mr. Garabedian; the vote was all in favor.**

**Beaver Permit Applications:** The Board of Health reviewed an Emergency Beaver Permit Application from the DPW. Beavers are causing flooding of the culvert at Carr Street.
A motion was made by Mr. Cella to grant a 10-day emergency beaver permit to the DPW to address the beaver concerns at the Carr Street culvert. This motion was seconded by Mr. Garabedian; the vote was all in favor.

**Quaker Street Landfill – Update:** Ms. Gniadek informed the Board that the August water sampling results were received and that of the seven additional properties tested, five were noted with some level of PFAS. Bottled water is being set up for these 5 properties. October sampling will add an additional 4 properties for testing.

**Citizens Forum:** No one present for citizen’s forum.

**Correspondence:** None

There being no further business, motion to adjourn at 6:55 PM was made by Mr. Cella and seconded by Ms. Meagher – all in favor.

Attested by,

Jeanne M. Gniadek, Administrator

Next Meeting scheduled for: Monday, November 13, 2023 @ 5:30 PM
(Meeting to be held at the Town Hall Annex)
A. Approval of Minutes
   1) September 11, 2023 DRAFT Meeting Minutes

B. Food Service Establishments – Non-Compliance Matters
   2) Subway @WalMart
      a. BOH Letter (September 20, 2023) – Notice to Appear
      b. Inspection Reports: 8/14/23; 9/1/23; 9/11/23
      c. Email D. Edmands (10/2/23) w/ photos of sink
   3) Kyoto Japanese Restaurant
      a. BOH Letter (September 19, 2023) – Notice to Appear
      b. Non-Criminal Ticket #637 in the amount of $100
      c. Inspection Report: 9/13/23
      d. Summary Report – prepared by Dan Markman for the BOH
   4) Advinia Care
      a. Email from Tia Kaye (September 22, 2023) – Kitchen Hand Hygiene

C. PUBLIC HEARING – Tobacco Regulations
   5) Tobacco Regulations – Amendments to Section 201-7 – Restricting the sale of tobacco products
      a. Public Hearing Notice
      b. DRAFT Regulations – Restricting the Sale of Tobacco Products
   6) Vote: No Documents

D. Fee Schedule – Proposed Amendments
   7) DRAFT BOH Fee Schedule (S201-23) Amendments to One Day and Temporary Food Permits

E. Beaver Permit Application
   8) DPW - Application for 10-Day Emergency Beaver or Muskrat Permit: DPW (Carr St. Culvert)

F. Old & New Business
   9) Quaker Street Landfill – No documents

G. Citizen’s Forum – none

H. Correspondence
   • None