



TOWN OF NORTHBRIDGE
BOARD OF HEALTH

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The Northbridge Board of Health approved these minutes at a meeting held April 5, 2011.

MEETING MINUTES - March 8, 2011

This meeting was called to order at 7:00 PM by Mr. Chris Cella, Vice-Chairman. Other members present were Ms. Ann Marie Thompson, Mr. Steve Garabedian and Mr. Scott Chase. Mr. Paul McKeon was absent. Also present was Jeanne M. Gniadek, Administrator.

Minutes: A motion was made by Mr. Garabedian to accept the minutes of **February 8, 2011**. Motion seconded by Ms. Thompson; the vote was 3-0 in favor. Mr. Chase abstained.

Food Establishment Inspections – Domino’s Pizza: Present for this meeting was Jeff Dufficey, Franchise Owner, and Richard Silvestri, District Manager.

Mr. Dufficey stated his appreciation for being allowed to speak before the Board. He stated that he feels that there is a problem as he operates stores in Massachusetts and Rhode Island and is held to a very high standard by the corporation and various health departments, but for whatever reason, maybe due to a misunderstanding, he felt that the Northbridge health agent treats him unfairly. He stated that he has had some altercations with Ms. Gilchrist and that at times during her inspections she has made disparaging remarks to his staff about him as the owner. What he would like to communicate to the Board is that his establishment is clean and sanitary. He questioned the facility being written up for constant turnover of management and employees. Mr. Cella stated that this was not written up as a violation it was simply a comment that the facility has a high turnover of employees.

Mr. Dufficey stated that a health inspector can come in and find things wrong or they can come in looking for things that are wrong and he feels that this is what is happening with his facility. He stated an example of this being the sauce that Dominos uses and how according to this billion dollar company, the sauce can be left out for 8 hours due to the PH level but the inspector says that the regulation is 4 hours. He stated that just like you can’t fight city hall there is no fighting the health inspector. He stated that he contacted the corporation about getting a letter and was told that no other town is asking for this letter. Ms. Gniadek informed those present that Ms. Gilchrist would like to receive a laboratory report on the PH level as the letter provided is simply a statement – there is no lab report to confirm the PH level.

Mr. Garabedian stated that the food needs to be put away when not in use. Mr. Dufficey stated that according to Dominos, because the sauce’s PH level is 4.2, highly acidic, then according to all the classes he has taken, food borne illness cannot grow in a high acidic environment. Mr. Cella stated that according to the inspection report, Ms. Gilchrist simply noted that she needed a letter regarding the sauce being left out for 8 hours, the critical violations that brought this establishment before the Board were due to the dirty hand-wash sink and the mouse droppings in the facility.

Mr. Dufficey stated that he felt his establishment was being unfairly held to a higher standard than others in Northbridge. The Board disagreed. Ms. Thompson noted that there were several establishments present this evening that were called upon due to their latest inspection report.

Mr. Dufficey commented that he has washable ceiling tiles in his establishment yet he has been in other establishments in town that have porous ceiling tiles. Mr. Dufficey stated that his establishment was written up because his hoods were scheduled to be cleaned in two weeks yet another establishment, same scenario, was not. Ms. Thompson stated that this is hearsay and that more information would be necessary to address that allegation.

Mr. Cella stated that all establishments are held to the same standard. He commented that Dominos is probably a very clean establishment; however, on the date of Ms. Gilchrist's inspection, there were problems. He stated that if he felt Ms. Gilchrist was unjust then he would need to bring more evidence than just himself to the Board.

Mr. Dufficey stated that the re-inspection fee is excessive and that his establishment corrects violations right away. Mr. Cella stated that he appreciates that but that is not happening everywhere – there are establishments that don't care when the inspector comes in and now they will. Mr. Cella stated that the Board does not want his money; they don't want him sitting here at a meeting – that is not the goal.

Mr. Dufficey stated that he wants some procedural matters in place so that these items don't come up again on one of his reports. He asked if the sauce is 4 hours or is it 8 hours. Mr. Garabedian replied that it should be 4 hours max.

Mr. Garabedian asked Mr. Silvestri if his pest control company had yet taken a look at what was done to prevent rodent entry in the establishment and if that was acceptable to them. Mr. Silvestri responded that they had and that it is fine. Mr. Garabedian asked that they provide a letter verifying that. Mr. Dufficey asked who the Board recommends for pest control? He stated that he wanted to know who met the Board's standards. Mr. Cella replied that they cannot provide him with a recommendation and as far as standards go, his establishment had mice droppings in it, that doesn't meet anybody's standards. Mr. Dufficey stated that he has spoken with another food establishment to ask who they used for pest control and he was told that they are not required to have pest control services. Mr. Chase stated that they may need to ask the pest control company to step it up a notch if they are just coming in and checking the stations and re-baiting. If that's what they are doing then they are not being pro-active in their approach.

Food Establishment Inspections – Brian's Restaurant: In accordance with the newly adopted inspection policy, establishments receiving 3 or more critical violations on the semi-annual food inspection report will be subject to quarterly inspections and will be charged \$100.00 for each additional inspection deemed necessary. The February 5, 2011 inspection report for Brian's presented with three (3) critical violations. Present for this meeting to discuss these non-compliance issues was Brian Snay, owner.

Mr. Snay stated that Ms. Gilchrist always does a thorough job when inspecting his facility and he understands that he is present this evening due to the three critical violations she observed. He did note that the 3 critical violations were not all that bad. The Board reviewed the inspection report with Mr. Snay.

Mr. Cella stated that unfortunately Mr. Snay is not new to the Board and he was unsure as to what measures Mr. Snay needs to take to push his employees to do more. Mr. Cella asked Mr. Snay if his employees understood what critical violations were and questioned whether it may be beneficial for him to meet with his employees to review these violations with them. Mr. Garabedian stated that Mr. Snay needs to be more aggressive with the cleaning of this establishment and to instruct his evening staff on what is required of them before leaving the facility.

Motion made by Mr. Cella to have a quarterly inspection conducted within the next quarter which would require the payment of a \$100 inspection fee. Motion seconded by Ms. Thompson; the vote was all in favor. This matter will be re-visited upon review of the quarterly inspection report.

Food Establishment Inspections – China Pacific Restaurant: In accordance with the newly adopted inspection policy, establishments receiving 3 or more critical violations on the semi-annual food inspection report will be subject to quarterly inspections and will be charged \$100.00 for each additional inspection deemed necessary. The February 26, 2011 inspection report for China Pacific presented with three (3) critical violations. Present for this meeting to discuss these non-compliance issues was Mr. Tommy Lee, owner.

The Board reviewed the list of violations with Mr. Lee. He informed the Board that all Critical violations were corrected during the inspection and is so noted in the report. Mr. Lee stated that he has found Ms. Gilchrist to be very fair when conducting her inspections. Ms. Gniadek asked that Mr. Lee provide a copy of his Allergen Awareness certificate for the Board of Health files.

Mr. Cella noted that Mr. Lee, like Mr. Snay, is not new to this Board. He did note that Ms. Gilchrist's report indicates that the facility has improved with the number of violations. He stated that this was one of the best reports that he has seen regarding this establishment and he commented on that to Mr. Lee. However, the establishment received 3 critical violations at the time of the inspection and that that is why he is here before the Board for this meeting.

Motion made by Mr. Cella to have a quarterly inspection conducted within the next quarter which would require the payment of a \$100 inspection fee. Motion seconded by Ms. Thompson; the vote was all in favor. This matter will be re-visited upon review of the quarterly inspection report.

Food Establishment Inspections – Family Wok: In accordance with the newly adopted inspection policy, establishments receiving 3 or more critical violations on the semi-annual food inspection report will be subject to quarterly inspections and will be charged \$100.00 for each additional inspection deemed necessary. The February 25, 2011 inspection report for Family Wok presented with four (4) critical violations. Present for this meeting to discuss these non-compliance issues was Raymond Ruan, owner.

Mr. Cella asked how long Mr. Ruan has had his establishment open. He replied one year. Mr. Garabedian questioned the drying of noodles on the top of a chest freezer which is not an approved food contact surface. Mr. Ruan stated that he is no longer doing that. The Board reviewed the report with Mr. Ruan. Mr. Ruan asked how often the ceiling needs to be cleaned. Mr. Cella replied that he should be more concerned with the cleanliness of the meat grinder and ensuring access to a clean hand wash sink than with how often the ceiling tiles need to be cleaned.

Motion made by Mr. Cella to have a quarterly inspection conducted within the next quarter which would require the payment of a \$100 inspection fee. Motion seconded by Ms. Thompson; the vote was all in favor. This matter will be re-visited upon review of the quarterly inspection report.

Food Establishment Inspection Reports Review: The Board reviewed the most recent food establishment inspection reports.

Code of Regulations: The Board reviewed the proposed minor amendments to their code of regulations governing Youth Access Tobacco Regulations, Environmental Tobacco Smoke regulations, and Trash Hauler regulations.

Motion made by Ms. Thompson to remove § 201-19 – the Environmental Tobacco Smoke regulations – as they are no longer applicable due to the Smoke-Free Workplace Law. Motion seconded by Mr. Cella; the vote was all in favor.

The Board made small changes to the C&D Regulations and the Trash Hauler regulations. All changes will be incorporated into a final DRAFT document for the Board's Public Hearing which is yet to be scheduled.

Old & New Business: Mr. Chase questioned whether **Joel Rubbish** was licensed as a trash hauler. Ms. Gniadek informed him that Joel Rubbish had a C&D Dumpster license but after determining that he was operating as a residential trash hauler, the renewal notice he was sent informed him that he had to obtain a regular Trash Hauler license for 2011. Since then, Joel Rubbish has paid his \$200 fee but has failed to submit his hauler application. Ms. Gniadek stated that she has sent him a final notice and that if he fails to comply then Joel Rubbish will be required to attend the next meeting of the Board for further action.

Correspondence: The following correspondence was distributed to the Board:

- MEMA letter dated January 21, 2011 regarding Chapter 188 of the Acts of 2010 – an Act Relative to Municipal Relief – mutual aid laws.
- DEP letter dated February 11, 2011 – Notice of Noncompliance and Return to Compliance – Northbridge Water Division
- MAHB email dated February 28, 2011 regarding external grease traps, the plumbing code and Title 5
- Tom Berkowitz Trucking letter dated February 17, 2011 regarding Annual Solid Waste Facility Report – DEP email indicating that annual report is not required for Small (less than 50 tons per day) transfer station facilities.

There being no further business, motion to adjourn at 8:30 PM was made by Mr. Chase and seconded by Ms. Thompson – all in favor.

Attested by,

Jeanne M. Gniadek, Administrator

*List of Documents utilized by Board of Health
Meeting Date: March 8, 2011*

- 1) DRAFT Minutes of February 8, 2011 Meeting
- 2) Domino's Pizza – letter dated February 9, 2011 regarding Quarterly Inspection Order
- 3) Food Establishment Inspection Reports – Brian's Restaurant
 - a) Letter dated February 15, 2011 to Brian's regarding BOH meeting
 - b) Routine Inspection Report – 2-5-2011 (3 Critical Violations)
 - c) Re-Inspection Report – 2-19-2011
 - d) Signed acknowledgement of 2011 inspection policy
 - e) 2010 Inspection Reports
- 4) Food Establishment Inspection Reports – China Pacific Restaurant
 - a) Letter dated February 28, 2011 to China Pacific regarding BOH meeting
 - b) Routine Inspection Report – 2-26-2011 (3 Critical Violations)
 - c) Signed acknowledgement of 2011 inspection policy
 - d) 2010 Inspection Reports
- 5) Food Establishment Inspection Reports – Family Wok
 - a) Letter dated March 1, 2011 to Family Wok regarding BOH meeting
 - b) Routine Inspection Report – 2-25-2011 (4 Critical Violations)
 - c) 2010 Inspection Reports
- 6) Food Establishment Inspection Reports
 - a) Arakelian's – Routine: 2-19-2011
 - b) Cellar Sooper – Routine: 2-5-11 – *CERTIFICATE OF MERIT AWARD*
 - c) Daily Bread Bakery & Cafe – Routine: 2-19-11 (2 Critical Violations)
 - d) Dunkin Donut – Routine: 2-25-2011 – *CERTIFICATE OF MERIT AWARD*
 - e) Friendly's Discount Liquors – Routine: 2-26-2011
 - f) Friendly's Restaurant – Re-inspection: 2-4-2011
 - g) Harry's Famous Pizza – Re-inspection: 2-4-2011
 - h) Highland Farms – Re-inspection: 2-11-2011
 - i) Koopman Lumber – Routine: 2-26-2011
 - j) Peg's Diner – Routine: 2-26-2011 – *CERTIFICATE OF MERIT AWARD*
 - k) Pirate's Cove Ice Cream – Routine: 3-4-2011
 - l) Subway – Routine: 2-19-2011 – *CERTIFICATE OF MERIT AWARD*
 - m) Wal-Mart Supercenter – Complaint: 2-11-2011
 - n) Whitinsville Christian School – Routine: 3-4-2011 (1 Critical Violation)
 - o) Balmer School – Routine: 2-18-2011 (2 Critical Violations)
 - p) Northbridge Elementary School – Routine: 2-18-2011
 - q) Northbridge Middle School – Routine: 2-18-2011 – *CERTIFICATE OF MERIT AWARD*
 - r) Northbridge High School – Routine: 2-18-2011 – *CERTIFICATE OF MERIT AWARD*
- 7) Code of Regulations Review – February 16, 2011 email to Board members to review Code of Regulations Proposed Amendments to: Tobacco Youth Access and Environmental Tobacco Smoke and Trash Hauler and Dumpster Regulations
- 8) Correspondence
 - a) MEMA letter dated January 21, 2011 regarding Chapter 188 of the Acts of 2010 – an Act Relative to Municipal Relief – mutual aid laws.
 - b) DEP letter dated February 11, 2011 – Notice of Noncompliance and Return to Compliance – Northbridge Water Division
 - c) MAHB email dated February 28, 2011 regarding external grease traps, the plumbing code and Title 5
 - d) Tom Berkowitz Trucking letter dated February 17, 2011 regarding Annual Solid Waste Facility Report – DEP email indicating that annual report is not required for Small (less than 50 tons per day) transfer station facilities.