

Town of Concord
Board of Health

Minutes from the Meeting
Tuesday, March 23, 2010

PRESENT: David J. Burgess, Chairman
Deborah R. Farnsworth
Dr. Susanna Bedell

OTHERS: Brent L. Reagor, Public Health Director
Karen M. Byrne, Administrative Assistant
Gabrielle P. White, Public Health Inspector

***A quorum was not present until 7:35 p.m., therefore voting agenda items were not taken until that time.**

1. Chairman's Report & Other Board Members

Expiring Terms for Board Members

David Burgess, Chairman updated Board members on his email correspondence with the Town Manager regarding the Board of Health's critical need for new members; particularly with the terms of Deborah Farnsworth and Dr. Bedell expiring in May 2010.

Because the Board of Health deals with such a wide variety of issues, historically, it has been made up of members with specialty skill sets (physician, nurse, engineer, environmental scientist, and an attorney); however, it is not mandatory. Mr. Whelan recommended that the Board consider recruiting willing volunteers/participants that exhibit "good old fashioned common sense", i.e., a "non-specialist just interested in public health" which could add a very useful perspective on a board.

Following a brief discussion, the board members present agreed this was the best approach. Mr. Burgess will contact the Town Manager to ask about the Board's best approach in recruiting new members.

Karen Byrne asked the Chair to also inquire whether the Town Manager had to officially extend a sitting Board member's term if a replacement had not been found by May. Both Ms. Farnsworth and Dr. Bedell said they would stay on until replacements were found.

Town Meeting Articles

The Town Moderator contacted Chairman David Burgess advising him that he thought the Board's (2) Warrant Articles, (The Sale of Tobacco to Minors Bylaw" "Smoking Free Workplace Local Bylaw" (formerly known as "Smoking in Food Establishments Local Bylaw) could be moved to the consent calendar at the start of Town Meeting. Because there was little to no comment during any of the public hearings on the articles, Mr. Burgess explained that the Moderator did not anticipate any opposition to the changes at Town Meeting and felt it appropriate to move it in this manner. However, Judy Quanrud, FinCom representative, stated the Board that it must be prepared to formally present the article regardless; she reminded board members that it only took 2 voters to request something be moved off the consent calendar.

The Public Health Director and the Chairman assured everyone that the presentation would be ready to go for Town Meeting.

Report from Public Health Director

Flooding Issues

The Public Health Director updated the Board on the extraordinary flooding conditions that people and businesses in Concord and surrounding areas had been dealing with for the past 10 days with additional (significant) rain forecasted for the week of the 29th. Mr. Reagor had been working closely with emergency personnel (police/fire), Concord Public Works, Water & Sewer and Town staff to coordinate efforts and assistance for those in need. He noted that Public Health Inspector Gabrielle White had also been working directly with several food service establishments (and other facilities) severely impacted by overflowing sewage in basements and storage areas.

Mr. Reagor said that the Town had received authorization from the Massachusetts Department of Environmental Protection to take extreme measures of dumping directly into the Sudbury River to relieve some of the pressure at the overloaded wastewater treatment plant. This occurred on Wednesday and Thursday in a very controlled manner. He explained that extraordinary circumstances call for extraordinary protocols and it had to be done or the Town would have been dealing with greater problems down the line.

Judith Quanrud asked Mr. Reagor if in his capacity as Public Health Director and coordinator for emergency planning he would pass along her concerns about the blatant disregard of some residents of postings, street closings, etc., and the ramifications and financial burden that puts on a Town as a hold. She strongly urged the emergency planning members to push for an effort of issuing hefty fines to individuals who ignore these safety measures.

Deborah Farnsworth arrived at 7:35 p.m. and a quorum was present. David Burgess opened the regular meeting at 7:35 p.m.

2. Board of Health Public Hearing – Food Establishment

Chang An, 10 Concord Crossing

Jack Ku, owner, Chang An Restaurant met with the Board to discuss an order letter issued by the Public Health Director and Public Health Inspector as it related to the extensive critical violations observed during a routine inspection.

Background

Gabrielle White, Public Health Inspector reviewed her inspection report and subsequent order letter issued by the Public Health Director with the Board. She stated that on February 9, 2010, she had conducted an inspection at Chang An in accordance with the 1999 Food Code as amended by Chapter 10 of the State Sanitary Code, 105 CMR 590.000, *Minimum Sanitation Standards for Food Establishments*. During her inspection, she observed numerous critical violations¹ that included but were not limited to extensive hand-washing/hand-washing facilities violations², improper food storage, and overall unsanitary conditions in the kitchen facility.

The Public Health Director stated that when Ms. White brought these violations to his attention he was “appalled” that a restaurant in Concord was operating in such a fashion and that because of a history of repeat violations from the staff, he felt it necessary that the owner be required to meet directly with the Board and to also hire an outside food safety consultant.

Mr. Reagor noted that Sam Wong, Food Safety Consultant was unable to attend the meeting because of a conflict but had provided the Board with an email detailing his plan of action³ for this establishment. (Mr. Wong is also the Public Health Director for the Town of Hudson).

The Public Health Inspector said that one of the most difficult tasks she encounters during her inspections is the language barrier; particularly in a restaurant like Chang An where the majority of the staff does not speak any English at all. Therefore, she stressed the importance of hiring of Food Safety Consultant like Mr. Wong who specializes in assisting the Asian population understanding and conveying the importance of food safety. Both he and Ms. White felt that Mr. Wong was an excellent choice and person to be working with this establishment.

Deborah Farnsworth asked if all of the violations that were noted in the order letter had been abated. Ms. White said that critical violations were abated at the time of her re-inspection.

¹ Critical Violations – violations that present a serious risk for the transmission of food borne illness to customers and/or staff at the establishments.

² Order Letter dated 2/10/10 - attached

³ Email from Sam Wong, MD Consulting dated 3/17/10 - attached

At this point, Dr. Bedell asked Jack Ku, owner to explain to the Board how these numerous and serious violations were even possible. The other Board members concurred; regardless of communication issues, the consensus was that after reviewing Mr. Wong's report it was clear that this staff did not have even a general comprehension of minimum sanitation requirements.

Mr. Ku thanked the Board for the opportunity to meet with them and commended Ms. White on her efforts in helping his establishment to get back on track. The explanation he had for the Board was that his employees come from very different education levels and some are unable to "retain" the information; however, he felt confident that having Mr. Wong come into his establishment on a monthly (and sometimes weekly) basis will act as a constant reminder. He assured the Board that he was committed to the process because he wants to maintain a good reputation in Town.

Following a brief discussion, the Public Health Inspector noted that there was a significant cultural aspect to this process as well. In the Chinese food community, the staff defers to the Head Chef for direction and in this respect, she felt that Mr. Wong will be an excellent resource for Chang An to utilize because he will be able to effectively communicate with the Head Chef and she believes the staff will follow suit.

No further action was required by the Board but, it advised Mr. Ku that it would be reviewing and monitoring the reports submitted by Mr. Wong very carefully and that it would be in his staff's best interest to adhere to the recommendations. The Board directed staff to bring any additional issues to it's' immediate attention.

3. Board of Health Discussion – Risk Based Food Inspection Program

The Public Health Inspector presented the Board with an overview of the Risk Base Food Inspection Program that the Health Department was incorporating into its' Food Inspection Program.⁴ This type of inspection focuses and prioritizes five broad categories of risk factors that most often contribute to food borne illness. Ms. White explained that inspectors will now focus on evaluating the amount of active managerial control that an operator/food service manager had over these risk factors.

Tying this into the previous agenda item, both Ms. White and Mr. Reagor said that the Food Safety Consultant hired by Chang An would be working with them to implement Active Managerial Control which is the major focus of this type of program.

Mr. Reagor said he was very pleased with Gabrielle's efforts in bringing this program to light. She works very close with the food service community and most everyone has been very receptive to the idea. The Board entire thanked Ms. White and commended her on her commitment to the program, but both Dr. Bedell and Deborah Farnsworth thanked her specifically for allowing them to shadow her on an inspection. Each of them noted that they had a new appreciation for the amount of work and effort put forth during all types of inspections carried out by the Health Department.

⁴ Risked Based Inspection Overview Documentation

4. Board of Health Public Hearing – Onsite Sewage Disposal System

Request for Approval from Local Approving Authority (BOH) – 130 Baker Avenue Ext.

The Board heard a request from Joseph Peznola, PE, Hancock Associates, for his client, CWM Realty Trust (Minuteman Arc, tenant), 130 Baker Avenue Extension for a request from the local approving authority (BOH) as follows:

- Request for a Design Flow Determination in accordance with 310 CMR 15.203(6) which allows the use of water meter readings to set a design flow rate.
- Request for Remedial Use Approval (Presby Enviro-Septic System) for the reconstruction of the onsite wastewater system serving a portion of the building at 130 Baker Avenue Extension (Minuteman Arc, tenant) in accordance with 310 CMR 15.284 and the approval letter issued to Presby Environmental Inc. from Massachusetts Department of Environmental Protection.

Following a review of the plan, Mr. Reagor advised the Board that the Health Department had reviewed the data submitted for the water meter readings for the past two years and agreed that Hancock Associates had demonstrated an average flow of 707 gallons per day, and that the facility is a "...non-residential facility with unique design features.." Therefore, he recommended that the Board vote to support the applicant's request for a design flow determination application to the Massachusetts Department of Environmental Protection under 310 CMR 15.203(6).

After a brief discussion, Deboarah Farnsworth moved that the Board VOTE to **endorse** Hancock Associates application on behalf of its client, CWM Realty Trust/Minuteman Trust, for a design flow determination in accordance with 310 CMR 15.203(6) and for a Remedial Use Approval of the Presby Enviro-Septic system in accordance with 310 CMR 15.284 and the approval letter issued to Presby Environmental, Inc. dated July 10, 2009 by the Massachusetts Department of Environmental Protection. David Burgess seconded it. All VOTED in favor.

5. MINUTES & BOARD CALENDAR

The Board reviewed the minutes from the February 9, 2010 meeting. Dr. Bedell moved to approve the meetings with a minor edit (remove Judith Quanrud as present). David Burgess seconded it. All VOTED in favor.

The next regularly scheduled meeting is April 20, 2010, 141 Keyes Road (1st Floor) at 7:00 p.m.

The meeting adjourned at approximately 8:45 p.m.

Board of Health
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Respectfully submitted by,

Karen M. O'Keefe-Byrne, Administrative Assistant
Concord Board of Health

David J. Burgess, Chairman

Dr. Susanna Bedell

Deborah R. Farnsworth