

**Board of Health
Meeting Minutes
January 6, 2014**

Members Present:

Tom Kinzer, Co-Chair
Bea Brunkhorst, Co-Chair
Sarah Thompson
Kevin Wormstead
Anita Raj

Staff Present:

Heidi Porter, Director
Mary Firestone, Recording Secretary

Also attending:

Eric F. Nussbaum, Ph.D.
Wheelwright Consultants, Greenfield, MA
Aphrodite Stamatakos, Sparta Restaurant, Bedford

The meeting was called to order at 7:05 P.M. Dr. Brunkhorst chaired.

Food Establishment – Request for Variance – Sparta Restaurant, 321 Great Road;

Dr. Nussbaum introduced Ms. Stamatakos. Ms. Porter summarized the case. Stephanie Scogland, the Board of Health contracted food inspector, identified some items of concern at the restaurant. Some problems were corrected onsite. The outstanding issues involved the lack of a dedicated hand-washing sink and the use of a dish machine which is not up to current standards. Dr. Nussbaum met with Ms. Porter and they agreed that Board of Health approval of two variances from the Food Code would be necessary for this Food Establishment to continue operation. Dr. Nussbaum explained that according to the Massachusetts code, there are 2 ways to sanitize dishes in a dish machine: 1) high heat and; 2) or lower heat, with sanitizer (e.g. chlorine at 25 parts per million). The current machine at Sparta is 37 years old and Ms. Scogland measured the maximum temperature below the required 165 degrees Fahrenheit. Dr. Nussbaum indicated that replacement would be very expensive. He proposed that the dish machine continue to be used but all items be run through twice with the addition of a bleach sanitizer to the second cycle. He stated that a log should be kept, recording who did what, when, and at what temperature. This was the first part of the request for a variance from the Food Code. He expressed as preferable a refit enabling mechanically measured injection of sanitizer; currently, addition of chlorine is done by hand. He said that a new commercial dish machine would cost \$6,500 new or possibly \$3,500 used. He said the two cycle system has been used by Sparta since the dish machine has not been functioning properly; however, the use of a log sheet documenting the process has not been done previously. The log will be kept moving forward. The current food code requires up to 7 sinks in a food establishment; at present, the restaurant has 2. The owners of Sparta are requesting permission to use a 2-cycle system to wash then sanitize dishes and equipment and to log the tests; they hope to get the equipment to enable mechanical addition of the sanitizer.

Dr. Brunkhorst asked what would be the duration of the requested variance. Ms. Porter said that she hoped to add a date for full compliance within 6 months. Ms. Wormstead made a suggestion on supplying hot water as the method of sanitizing; Dr. Nussbaum said that it would be taken into consideration. The Board considered whether they would take votes on the variance requests before or after hearing the second variance request. Dr. Nussbaum said they would request a 6-month variance because of the need to negotiate other business items with the landlord. Ms. Stamatakos said that there is a question whether the landlord will be willing to renovate the premises for an old tenant or only for a new tenant, as may be indicated by previous events in the plaza.

Mr. Wormstead said that the restaurant staff should start keeping a log immediately and that more than a handwritten log would be preferred. Ms. Thompson asked whether the Sparta plan is the usual practice in the industry. Ms. Porter said that the procedure in the industry is not the one that Sparta proposes. Dr. Brunkhorst asked Ms. Porter for her recommendation on the length of the variance

period. Ms. Porter said that she prefers a shorter period --- 3 or 4 months instead of 6 months. Ms. Stamatakos explained that she and her husband will be negotiating a lease agreement with their landlord in the next several months so decisions about restaurant improvements and their associated costs will be considerations during those negotiations.

Dr. Nussbaum was then asked to proceed with an explanation of the second variance request. He said that the code requires a designated hand-washing sink. Currently there is only a single 2-compartment sink and no space to add another compartment or another sink. They propose designating one side of one sink as the hand-washing area with a divider installed between the two sink compartments. He distributed copies of the proposed plan. He also explained the uses of the 7 sinks according to the present code. Ms. Stamatakos explained that for food preparation, the food is washed in a large clean pot within the sink, the food itself having no contact with the surface of the sink. She said that not a lot of pots are using in cooking since most foods are cooked on the grill, not in individual pots. Food preparation is in clean pots, not in the sink. Ms. Wormstead asked Ms. Porter whether this practice is typical; Ms. Porter said that it is not --- typical practice is preparation of the food in and on the side of sinks.

Ms. Thompson asked about water used in mopping the floors. Ms. Stamatakos said that dirty water is disposed of in the bathroom toilet; her husband does the mopping and uses a lot of Clorox.

Mr. Wormstead said that he thinks that dividing the sinks would work. He stressed the importance of hand-washing, saying that more contamination comes from hands than from improperly prepared food. Ms. Thompson asked whether it would be possible to put in a small hand-washing sink. Mr. Nussbaum said that it really would not. Dr. Brunkhorst asked what would be done after the requested 6 months. Dr. Nussbaum said that they must re-do something in the kitchen and that they could probably find a sink with a narrower compartment, but it would not have the drainboards required by the current code. Ms. Thompson asked about the use of hand sanitizers. Dr. Nussbaum said that they are not effective and that those installed in hospitals have been pulled out. Ms. Porter asked about a portable hand wash sink. Dr. Nussbaum said that they are made but had not been considered. They have 2 water tanks underneath plus soap and towel dispensers. He said that he can look into it and that it is a good idea. "More heads, more brains", he said.

Dr. Brunkhorst said that the proprietors of Sparta should approach the landlord NOW to determine how lease negotiations may impact their expenses. Ms. Stamatakos said that her landlord does not answer quickly. Ms. Thompson said, "We want you to stay in business but we want it to be safe." Mr. Wormstead said, "At some point you have to modernize; if we give a variance, these changes will have to be made." Dr. Brunkhorst said that they can't go forward with one and not the other variance. She asked whether there are any "showstoppers". Ms. Porter said, "No." Dr. Brunkhorst said that she is in favor of shortening the time to 4 months. Ms. Thompson said that that would be reasonable. "If you can't meet the deadline, you would have to come back to the Board." Mr. Wormstead said that he thinks everything can be done in 4 months and the changes must be done eventually. Ms. Thompson said that some businesses have been given only one month to come into compliance. Mr. Wormstead said, "The sooner the better." Wording of the proposed variance was discussed. Ms. Raj asked whether it would be OK for her to vote since she missed the first few minutes of the discussion. All Board members agreed that it would be OK.

Mr. Wormstead asked whether the addition of an automatic chemical dispenser to the dish machine would be acceptable. Dr. Nussbaum said that that would be code compliant. Ms. Porter said that that would enable them to achieve compliance as would installation of a 3-bay sink.

Mr. Kinzer said: I move that the Board approve a Temporary 4 month Variance of Federal 1999 Food Code Section 4-501.112 to include the following requirements: because the dish machine does not currently reach the sanitizing temperature of 165° F, each time the dish machine is used: 1) run one cycle to wash and rinse dishes; and 2) run a second sanitizing cycle with added chemical sanitizer (chlorine bleach). During each of 3 meal periods per day, a chlorine test strip will be run through the 2nd dish machine cycle to confirm the chlorine concentration (equal to or greater than 25 ppm) and test results will be logged. The log will be maintained on-site and available for inspection by the Board of Health. This temporary variance expires May 6, 2014, by which time one of the following outcomes will be achieved: 1) the existing dish machine will reach a minimum temperature of 165° F; 2) the existing dish machine will be fitted with an automatic injector for sanitizing solution at the code prescribed rate; or 3) the dish machine will be replaced with a code compliant unit. Documentation that one of the above outcomes has been achieved must be provided to the Board of Health prior to expiration of this variance. Ms. Raj seconded the motion. Vote count: 5-0

Mr. Wormstead moved that the Board approve approved a temporary 4 month variance to modify the existing 2-bay sink for use as both a pot washing and hand washing sink using the following procedures:

- Designate the bay closest to the food preparation area (right hand bay when facing the sink) as the hand washing sink. This unit will be equipped with hand soap, a means of drying the hands, and a waste container and used during food preparation as the hand sink.
- To prevent the other bay from becoming contaminated from soap or water splashed off the hands when washing them, a divider will be installed between the two bays.
- When it is time to wash utensils or pots and pans, the right bay will be washed, rinsed and sanitized with a spray sanitizer before the washing of any items. This bay will be used for rinsing.
- Any items that will fit in the dish machine will be sanitized in the dishwasher using the procedure for the second run with additional of an approved chemical sanitizing agent.
- Any items that will not fit in the dish machine will be sanitized by immersion in a solution of an approved sanitizer in the left bay of the 2-bay sink. Prior to using the left bay for immersion sanitizing, the left bay will be washed, rinsed, and sanitized.
- To designate the right bay as a hand washing sink only, a waterproof representation of a hand will be attached to or hung from the faucet unit.

This temporary variance expires May 6, 2014, by which time a separate, designated hand wash sink must be in place. Documentation that the hand wash sink is in place must be provided to the Board of Health prior to expiration of this variance. Mr. Kinzer seconded the motion. Vote count: 5-0.

Dr. Nussbaum said, “Thank you for your consideration.” Mr. Wormstead said, “Thank you for serving Bedford for 35 years.”

Dr. Nussbaum and Ms. Stamatakos left the meeting.

Board members praised Mr. Wormstead for his service on the Board.

Minutes:

Ms. Raj moved to accept the minutes of the December 2, 2013 meeting as amended. Ms. Thompson seconded the motion. Vote count: 5-0

Mr. Wormstead moved to accept the minutes of the December 19, 2013 meeting as amended. Mr. Kinzer seconded the motion. Vote count: 3-0-2

Sanitary Code Violations – 8 Cedar Ridge Drive – Request for extension:

Ms. Porter recommended that no further extension be granted. Mr. Rose was not present at the meeting. It was reported that Ms. Porter received information that the landlord was attempting to evict the tenant. Mr. Wormstead moved to deny the request for extension for sanitary code violations. Mr. Kinzer seconded the motion. Vote count: 5-0

Continued Discussion of Preliminary FY15 BOH Budget:

Ms. Porter said that she has been trying to find a consultant to conduct a needs assessment and evaluation of the school nurse program. She said that Ms. Thompson had given her a document which will be a useful resource for developing the assessment. The need for a nursing supervisor would be determined as would the potential of shifting school nurse program oversight to the school department given that the program is more specifically aligned with the goals of the school and the requirements of the MA Department of Elementary and Secondary Education.

Ms. Porter said that the Board needs to meet together again before meeting with the Financial Committee (FinCom) on January 23, 2014. A meeting of the Board was scheduled for January 21, 2014 at 7 P.M. The fee for the nursing consultant must be determined before the meeting and the need for that consultant must be documented. Ms. Porter pointed out that the guideline number originally supplied by FinCom had been changed in order to account for the merit increases.

Ms. Porter will also review the information on grant funding requested and received and prepare a summary for review and deliberation by the Board on January 21, 2014.

Director's Report:

Ms. Porter said there have been a lot of housing inspections. She is concerned about the management of animals in emergency situations.

Ms. Porter met with the school nurses to discuss letters sent to students' parents with information about individual BMI (body mass index) scores. She recommended an outreach to parents with general information on the topic but not the issuance of individual letters; the individual data will be available to parents on request at the school nurses' offices.

Dr. Brunkhorst said that she will make comments on the town's new Comprehensive Plan.

Ms. Thompson moved to adjourn the meeting; Mr. Wormstead seconded the motion. Vote count: 5-0. The meeting was adjourned at 10:10 P.M.

The next meetings of the Board will take place on January 21, February 3, and March 3, 2014


Bea Brunkhorst, Co-Chair


Tom Kinzer, Co-Chair


Kevin Wormstead


Sarah Thompson


Anita Raj