

TOWN OF BOURNE BOARD OF HEALTH

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Cynthia A. Coffin
Health Agent

MINUTES April 22, 2015

Members in attendance: Kathy Peterson, Chairman; Stanley Andrews, Vice Chairman; Galon Barlow and Kelly Mastria

Support Staff in attendance: Cynthia A. Coffin, Health Agent, Terri Guarino, Health Inspector and Lisa Collett, Secretary

- 1. FOOD ESTABLISHMENTS – Kathy Peterson – General discussion of inspections and procedures of food establishments with possible vote –** Ms. Peterson stated that the board as a whole is a little concerned, not with how the agent and the inspector do their job, that has never been called into question at any time, but as a board, they would be remiss in not looking into how to make something better. The town has had 2 restaurants that go from open one day to being closed in a 6 month period. Ms. Peterson stated that she knows it is hard to find every little thing and there is not an establishment within that town that you could go into and not find problems. Some of the practices maybe that the restaurants think we will not be back or maybe they know when we are coming back. There is some concern with some of the items that were asked to fixed back in April and were not fixed. That doesn't mean that the office has not done their job but as a board we do have a right to question practices and policies to try to make things better. With that being said the board would like input from the office staff as to how to make things better. It's been a while since there has been any changes and the board has some ideas moving forward and would like to implement them. **Mr. Barlow informs the Chairman that he is stepping off for this item.** Ms. Guarino stated that one way to improve the overall sanitation of restaurants is to require having more Servsafe certified employees. Ms. Peterson stated that she had thought about that and went back to the minutes of the last meeting and having worked in a small establishment this past winter, people come and go every few days. It would be very prohibitive for the restaurant owners to keep training these employees. Mr. Andrews asked how many people are required to be Servsafe certified. Ms. Guarino answered just one on the premises. Technically there is supposed to be a full time employee, owner, manager or the person in charge must be Servsafe certified and able to train other employees of food safety. Ms. Guarino stated that it also depends on the size of

the facility. Not necessarily everyone would be required because some restaurants only have one person in the kitchen. Ms. Coffin stated that one of the frustrating situations that has been brought to her attention is that the owner will be Servsafe certified but the employee who is actually working is not. The majority of the time it is the chef who may not always be in the kitchen. Ms. Coffin agrees with Ms. Guarino to enforce more training but not make it cumbersome on any business. Mr. Andrews asked if it would be an advantage to the establishment have more people certified just so they would have more knowledge. Ms. Peterson stated that maybe after a waiting period of 8 months or so if the same people are still employed. Mr. Andrews stated that it should be the establishment's decision who they would need to have Servsafe qualified. Ms. Guarino stated that a Servsafe certificate is valid for 5 years so the establishment would not be paying for everyone all of the time. Also, these are personal certificates so the establishments could hire those who are already Servsafe certified in advance. Ms. Coffin stated that if a restaurant has a good record and the office has not received any violations, maybe they would not need to be enforced so strictly. Mr. Andrews asked if there were any guidelines that the board could follow to mandate that. Ms. Guarino answered it is the opinion of the inspector based on prior history of previous inspections and the severity of the violation. Ms. Peterson stated that she also feels that now that it is taken out of the board's hands to keep restaurants' names out of the newspaper that the board now needs to use this as an enforcement. Ms. Peterson stated if upon the reinspection, the violations are not corrected, then they will be required to come before the board. Mr. Sylvester, Bourne Fire Chief, stated first and foremost, he would like to congratulate Ms. Guarino for a phenomenal job on handling the restaurant. Mr. Sylvester stated that he witnessed Ms. Guarino work, talk to the owner etc. was aces hands down. He commended Ms. Guarino and stated he would support her one hundred percent. This all started for the simple reason that Chief Sylvester was doing another restaurant inspection and with some code enforcement experience, he understood what he was looking at. What caught his attention was the grease coming off of the roof. That triggered him to look a little closer to the point where the grease was physically melting from the stainless steel and dripping down. No one would notice that unless they were actually standing exactly where he was and looking across the roof line. In doing so the restaurant owner did hire a proper cleaning company to take care of the vents and such and had proof that every quarter he was paying this company to do the job. The cleaning company is ultimately responsible for the issue with all the grease. With that being said, Mr. Sylvester stated he was the one who decided to close down the restaurant because of an immediate fire hazard. Mr. Sylvester stated that the restaurant was closed for 2 or 3 days. He visited the restaurant 6 different times to help the restaurant owner get back open. The restaurant owner paid another company to do the job. The company that failed to do what they were paid to do is now under investigation by the State of Massachusetts and their operating licenses voided. Mr. Sylvester stated that the fire department works just like the board of health with issuance of licenses. In the future, if the issues are not addressed or fixed then licenses should not be given the following year until a

joint inspection with fire, wiring, building health and plumbing are all in agreement that the establishment is ok get their operating license. All these departments should work together in the future to make all these establishments safe for the public and the staff. Mr. Guerino stated that there will be a code enforcement meeting on April 23, 2015. One of the items being discussed is how to coordinate inspections with the different departments. In addition to that, they are going to institute some education for the business and the restaurants as well and continue to do what has been done for code and lifesaving. Also he will reach out to area business to sponsor the seminar to do some training on what people can expect and what will be required in the future. Mr. Guerino wants an open, transparent mechanism to reach out to the business. Ms. Peterson stated that this meeting has nothing to do with whether or not Ms. Coffin and Ms. Guarino did their job. The board feels that something better can be done. It's been 25 years and maybe changes need to be made. This issue has come up twice in the past 6 months and if the board did not look at it, they would be remiss. Ms. Peterson stated that this meeting is not against the Board of Health staff. Mr. Guerino stated that it not bad to try new things and if it doesn't work, try something else so this meeting is good. Ms. Peterson stated that as a result of what happened last week she and the board members feel they should have new protocol. Ms. Peterson stated that the board does not like to see restaurants brought before the board because it does get into the newspaper but if the owners do not comply with what is requested of them then she feels no sympathy for them. Ms. Guarino stated the restaurant she is referring to did involve a joint inspections because there were some structural issues that needed to be addressed along with the health code violations. Ms. Peterson stated that she is getting the feeling that she and the board feel that Ms. Coffin and Ms. Guarino are not doing their job which is not true. Ms. Peterson has always thought the office was doing a great job but feels some changes are needed. Mr. Correia, Bourne Fire Department, stated he has spent some years on the Board of Health and has always worked well with Ms. Coffin and the office. We are very fortunate to have Chief Sylvester and his background. Starting out with these joint inspections is a simple way to start and help evaluate. Every department will benefit from joint inspections. Mr. Correia stated that this was the first time he worked with Ms. Guarino and was very impressed with her knowledge, professionalism and firm with the business owner. Ms. Peterson stated she appreciates that but the board never new of any of these issues or that the restaurants had been closed down before they were brought before them. Mr. Sylvester stated that the decision to close them down was made by him, then the other departments throughout the town. Ms. Guarino was simply following his order to close the restaurant. Ms. Mastria asked if it would have been better to state the closure as in conjunction with the fire department and the Board of Health to close the restaurant for these safety issues. Ms. Coffin stated that Ms. Guarino came to her after and said she probably should have worded this differently but she was only trying to back up the fire department. Ms. Coffin stated that she does not fault Ms. Guarino on anything. Grease and ventilation systems are part of the fire code but also involves safety issues. Ms. Guarino stated that if the gas is shut off then

there is no hot water and if there is no ventilation system then there are other pieces of equipment that would not be able to be used. Mr. Andrews stated that one of the main things we are discussing here is how things can be changed for improvement. Mr. Andrews feels that educating the public is an important step in the right direction with a common policy. Specifically to the Board of Health, the board needs to work on what will assist the staff with the ability to do a better job and keep the board members informed on a regular basis. Ms. Coffin stated that there really is not a lot of real critical violations but there are some. Generally if there is food product out of temperature, that product is discarded on the spot. She and Ms. Guarino, on a day to day basis, try to get things corrected. Only when there are critical issues should the board be informed. That is how it has always been done. If there are violators that are completely ignoring her, then those are the people she wants to bring before the board. When people are trying to work with us and it is something that she feels is not a public health emergency, there have not been any food borne illness outbreaks does not rise to the level that it needs to be brought before the board. In Ms. Coffin's opinion, that is the day to day operation of the Health Department. A lot of the information requests are cumbersome and burdensome like copies of all the restaurant inspections which will take a tremendous amount of time and supplies because of the size of some of the files. The records are always available and if a board member would like to come in on the weekend, she would let them in the building to review. The goal is to enforce and educate and only when things have gotten to the point where she really does not think people are listening and or are willing to make the corrections that are necessary is when they should be brought before the board. Mr. Andrews stated that the other side of that education is educating the board so that they are aware of how the process works and how inspections are done. Ms. Coffin stated that most of the members on the board today have been on the board for over 6 years now and it is interesting that all of the sudden the food code is such an issue. The food code is online. Mr. Andrews stated that the board has already become educated over time but feels the education on how these are performed and what requires a follow up inspection are things the board should know. Mr. Guerino stated that the fire department went from a hand written database to a software application system to the point where while in the ambulance they can fill out forms which are electronically sent to the billing agency and to the fire department for their records. Ms. Coffin stated that she has actually brought up request to have electronic equipment to help organize the office work and was always told there is no money in the budget to accommodate that request. Mr. Sylvester stated that it's a world of technology and we should take advantage of it. Mr. Guerino stated that he will get the Board of Health to an electronic state. Ms. Mastria asked what is considered critical and non-critical. Ms. Guarino stated that the critical violations are usually address immediately but may not require a follow up inspection but will force her to do more inspections then normal. Inspections that are done only twice per year would indicate a picture perfect establishment. Ms. Mastria asked if there are any critical violations that can't be fixed on the spot. Ms. Guarino stated that there certainly are. Mr. Andrews asked for an example. Ms. Guarino stated lack of hot

water, cold holding temperatures etc. Ms. Mastria stated that to make it so it will not be burdensome, is if it was a critical violation that can't be fixed immediately, maybe that is when the board should be notified. She does not feel that the board needs to be made aware of every inspection. Ms. Coffin stated that if there is an establishment that only has one refrigeration system, they can sometimes get someone in to fix it same day. Although she would not allow them to remain open, she does give them a chance to voluntarily close. Mr. Andrews stated that the board has never had a problem with that. Ms. Coffin stated that most of the restaurants will agree to voluntarily close so that they don't end up on a meeting agenda. The problems are fixed. The establishment is re-inspected and the establishment reopens. Ms. Peterson stated that it is not the Fire Chief's job to inform the board of a closure. It is the Fire Chief's job to work with the Board of Health and the Board of Health to work with the Fire Chief. It is the job of the office to notify the board. Ms. Coffin stated that she believes Ms. Guarino did notify the board. Mr. Andrews stated that was true and she notified them in a timely manner. Ms. Peterson stated that there is still an issue with some critical violations. The board needs to be notified of critical violations. It does not need to come to a public meeting but the board does need to be notified. Ms. Guarino stated she may need to contact the board multiple times per day. Ms. Peterson stated then its ok to notify the board multiple times per day. Ms. Coffin asked why the board needs to be notified if it is an issue that she or Ms. Guarino will have corrected. She feels as though the board is trying to micromanage the office. She can certainly understand notifying the board if they can't get the establishment into compliance but the board is placing an undue burden on the office. She does not understand how notifying the board is going to accomplish when the office is already trying to do the job that the staff has been tasked to do which is to protect public health. Ms. Coffin apologized but stated the board will probably not receive information on the same day that the violation occurred. The office is just too busy for that. This request is just another load of paperwork. Maybe information can be sent once per week or so. Ms. Coffin feels this is an unfair burden. Ms. Peterson stated that she does not feel the same way. The board receives 2 packets per month and the information can be given then. Ms. Coffin stated that the problem is not mailing the information, it is the time it takes to gather all the information. Ms. Peterson stated that the board is asking for cooperation from the office in involving the board more on critical violations so that they are aware. Mr. Barlow stated that everyone has really opened up a can of worms with this fire inspection and the hood vents and the company not doing his job. The insurance company come once per year. Looks at everything including paperwork. If there is someone giving you the paperwork but not doing the job becomes a huge issue. Chief Sylvester stated that the establishments need to become educated on what is expected. The fire department and all the departments of the town are here to help these establishments not hurt them. Mr. Andrews stated that back to the reporting, he feels they have come up with a possible solution to look at which is the electronic data collection. The board should further evaluate that and bring that forward to the Town Administrator to determine if this is even feasible. We need to start looking at new technologies to

assist the Health Department staff in doing their job more efficiently. Ms. Mastria stated that the upsetting part to the board was that they had no idea. The restaurant was just closed. Ms. Coffin stated that the Health Department had no idea either. Ms. Guarino went out in December and did an inspection. There were violations that were noted. The restaurant owner cleaned the hood. He was not due for another inspection. The Agent nor the Health Inspection knew that the restaurant was in the condition that it was in to cause closure. How could the office notify the board of something they did not know existed? Ms. Mastria stated that her point is that she is not sure that reporting to the board, every critical violation, is going to change anything if in fact someone gets closed on the spot. Ms. Mastria stated that she supports not being notified of every critical violation. She does not feel it is necessary because in the long run it does not matter because if there is a critical violation and the establishment needs to be closed immediately then it will close immediately whether the board is notified or not. Ms. Coffin stated that she wants to make it clear, there are some critical violations that she does not automatically close, if the issues are corrected. Ms. Mastria stated that if it is critical violation that can be fixed on the spot then she does not know why the board would want to be notified. If it is something that needs to be rechecked, then yes, try to notify the board. Ms. Peterson stated she sees no problem notifying the board for all violations. Mr. Andrews stated that if the board can make it easier for the office to do the notifications and the updates especially if everything can be dropped into a database. The board would like to see a spreadsheet at least once per month. Ms. Coffin stated that electronically, that is the way it will go and the staff was going to send them through email but then hard copies were requested and it took well over an hour to produce these copies. Mr. Sylvester asked exactly how the board would want to be notified. Mr. Guerino stated that will be discussed at the meeting in the morning. Mr. Sylvester stated that he just wanted to put it out there because he and his staff are willing to help in any way that they can to make sure the information gets out. All business owners, not just restaurants will know what is expected from both sides. Educate everyone at the seminar, place the information in the newspapers and also on the website and move forward. Ms. Peterson stated it's the same when there is a policy change. Good things come. You learn more, gain more knowledge and you do things a better way. Eventually all the business in Bourne will know what to expect. Mr. Guerino stated that if there are protocols that the Board of Health is looking to have improvements on, there is very capable staff that know the codes and what needs to be done on a daily basis. Mr. Guerino suggested that the board allow the staff to go over their own protocols and tweak whatever may be able to tweak. Mr. Guerino stated that he feels tweaking is much better then wholesale changing. There is always something that gets missed with wholesale changing. Ms. Mastria stated that would be technology and feels the office should be brought up to speed in regards to technology. Mr. Barlow stated that going back to the joint inspection issue, he has seen inspections done that the Fire Department and the Board of Health are together which is fine but to try to coordinate joint inspections all of the time will become complicated. Ms. Peterson stated that there is a group that is trying to get established for education

purposes. Ms. Guarino stated that one of the key principals of public health is education. Ms. Peterson stated that maybe Ms. Guarino should be on the agenda every two weeks to inform the board what inspections have taken place and inform of any issues. Ms. Mastria stated that she agrees with Ms. Peterson. The intention is not to create more work. Ms. Peterson stated that starting in 2 weeks, general inspections will be put on the agenda to give the board an update. If you are unable to attend the meeting then the update will be put in presentable form to the board members. Ms. Coffin stated that maybe once a month but every meeting is going to be difficult. Mr. Andrews stated that maybe the update to educational system would be enough. This is referring to the joint inspections group. Mr. Sylvester stated that not all inspections are going to be done together but the ones that he calls big targets should be joint inspected. He will have an idea or a list ready for the meeting in the morning. Ms. Peterson stated that as a board, they want to be updated from the health agent and the health inspector as to what inspections occurred on any given day whether it is critical or noncritical. Just looking to keep the board informed. As with the landfill, once everyone safe, secure and returned to the office should they then inform the board members of what happened. Ms. Mastria asked Ms. Guarino how many inspections she does in one week. Ms. Guarino stated that it varies every week. It could be 5 one day but a couple of complaints come in and that takes priority. The Health Department must respond within 24 hours. Ms. Mastria stated that may be there is a program that Ms. Guarino can create that simply states how many inspections were done on a daily basis. Ms. Guarino stated that the difficulty in this request is that there are key components to the routine health inspection preventing a food borne illness. Every facility is different and the information needs to be specific which is very time consuming. Mr. Barlow stated that Ms. Guarino has already told the board the most important thing which is being Servsafe certified. The idea of having at least 2 people certified in an establishment is a good idea. If there are more than 2 then that is even better. Having 2 Servsafe qualified people makes a lot of sense. Mr. Barlow stated that he is in agreement with Ms. Guarino. Ms. Coffin stated that to come in every 2 weeks and tell the board there were 27 violations 3 of which were critical violations is not going to accomplish anything. Mr. Guerino stated that he gets Ms. Coffin point but feels the board is not making an onerous request. Ms. Coffin stated that any kind of reporting that is general is not going to give them the information they are really looking for. There is no continuity of what is going on. Ms. Peterson stated that in the report, you do not have to mention the restaurant name if they are compliant. If there is a restaurant that Ms. Coffin or Ms. Guarino feels is not in complaint and the time frame for which they become compliant then they should be brought before the board. Ms. Peterson stated that she feels there should be a shorter window to get into compliance. Ms. Peterson knows the office works very closely with these establishments and they are very happy about that. Ms. Peterson would like a reporting procedure that will not hinder the office staff. Ms. Coffin stated that maybe just creating a separate spread sheet that has the date, number of inspections, critical and noncritical that can be emailed to the board members. Ms. Peterson stated that the board has always received inspection reports in the

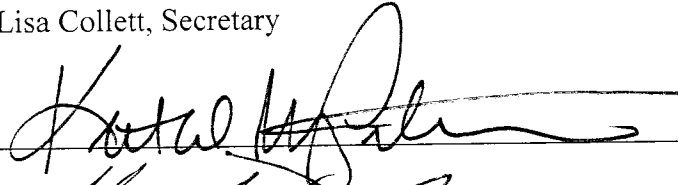
past and does not understand why this request is such a hindrance. Ms. Coffin stated that the only inspections that the board members have ever received are the establishments that had to come before the board for noncompliance. Mr. Guerino stated that what was said earlier makes the most sense. Let the office staff come up with the best way to try to accommodate the Board of Health member's request. Mr. Andrews suggested that something be put together and presented to the board member by the meeting dated May 27, 2015.

2. **Approve the minutes from April 8, 2015. – Mrs. Collett stated that the meeting were not ready for approval.**

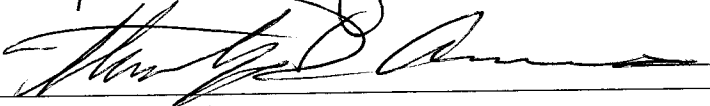
Mr. Andrews made a motion to adjourn the meeting. Ms. Mastria seconded the motion. It was a unanimous vote and the meeting adjourned at 8:22 PM.

Taped and typed by Lisa Collett, Secretary

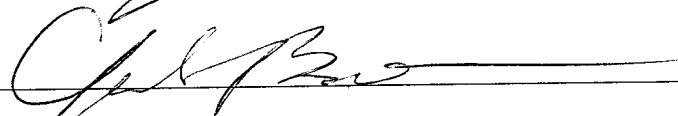
Kathleen Peterson



Stanley Andrews



Galon Barlow



Don Uitti _NOT PRESENT AT THIS MEETING

Kelly Mastria –



cc Board of Selectmen/Town Clerk