

Board of Health Meeting

Public Meeting

January 31st, 2022

Present: Mark MacDonald, Chairman; Paul Armstrong, Vice Chair; Tyler Nims, Clerk; Gary Russell, Director; Dan Thompson; Associate Director, Kathy Duddy; Admin. Assistant, Teresa Flynn, Public Health Nurse

Having quorum, the meeting started at 6:00pm.

Awaiting the arrival of Bento from Rooster's Family Kitchen, the Board reviewed the variance proposed for 783 Summer Street. The variance in question is to grant a sieve analysis to be performed in place of a percolation test. In addition, a reduction from the requirement of a 12" separation between the septic tank and pump chamber inlet and outlet tees and high groundwater. Mr. Armstrong called for a motion, all in favor of granting the variance; ultimately approved.

Mr. Bento Barbosa arrived in regards to his food establishment inspections at Rooster's Family Kitchen. Mr. Barbosa had an initial inspection with Mr. Thompson on January 11th, 2022. The inspection revealed 4 critical violations. On January 25th, Mr. Thompson conducted a re-inspection of Rooster's Family Kitchen in which 3 critical violations were found (all of which were repeated from the prior inspection). Mr. Thompson gave a brief explanation of the nature of the inspection, whereas the most imminent issue was having a Certified Food Manager on the premises during all hours of operation. Mr. Barbosa commented that he is currently taking the class, and confirmed he will be a certified Food Manager on February 1st, 2022. Mr. Thompson acknowledged this and said he will be visiting on February 1st to confirm this. Mr. Armstrong and Mr. MacDonald commented that repeated critical violations are unacceptable, and the Board will not hesitate to take action if there is no improvement immediately. Mr. Barbosa commented he has been in the food industry for twenty years and he knows what he needs to do. Mr. Barbosa also expanded on his issues with his hot water tank. In order to be compliant with 105 CMR 590 Rooster's Family Kitchen must have 100 degree Fahrenheit water within 1 minute at all hand sinks, which Mr. Barbosa's restaurant does not have. This issue has persisted since the original inspection on January 11th. Mr. Thompson commented he will expand on this issue in more detail at the visit on February 1st. In agreement, Mr. Barbosa was dismissed.

Mr. Rick Grady arrived to the meeting in regards to the property at 773 Summer Street. The variance being requested is as follows: Reduction in system location setback from a wetland from local requirement of 100' to 38.6'. Reduction in system (septic tank) location setback from a wetland from local requirement of 75' to 37.1'. Reduction in system (leaching facility) location setback from a property line from local requirement of 10' to 5'. Mr. Armstrong called for a motion, all in favor of granting said variance; ultimately approved. Mr. Grady takes his exodus shortly after.

General discussion regarding restaurants was had in terms of setting a new schedule of fees for the Board of Health restaurant inspections. The Board has determined that in order to motivate establishments that have poor inspections, the Board of Health will institute a new schedule of fees for restaurant re-inspections. The idea brought to mind is the following: First inspection and first re-inspection free. Second

re-inspection is a charge of \$200, in addition to a \$50 charge per repeated critical violation. A third re-inspection will result in closure of the food establishment until the Board of Health meets with the proprietor of the establishment. This meeting is up to the Board of Health's discretion, and not a set date for every circumstance. Mr. MacDonald makes a motion to institute new schedule of fees and policy for restaurant inspections, all members are in agreement; subsequently approved. Mr. Thompson was assigned the duties of scribing a letter to all food establishments via certified mail to inform all permit holders of the new policy.

In addition to the food inspection discussion, Mr. Armstrong and Mr. MacDonald conversed and were in agreement that China Wok needs to obtain a translator to ensure they are understanding why their inspection reports are poor. Mr. Armstrong suggested to Mr. Thompson that he contact Andrew Steele from the Scituate Board of Health, as he may be a valuable resource in locating a translator. The Board is in agreement.

Mr. MacDonald calls for an executive session in regards to interpersonal discussion with employees of the Board of Health.

Mr. MacDonald makes a motion to adjourn, all in agreement, the meeting was closed at 7:44pm.