

MEETING OF THE FAIRHAVEN BOARD OF HEALTH
November 15, 2010

A regular meeting of the Board of Health was held at the Town Hall on Monday, November 15, 2010. The meeting was duly posted. Board members present: Peter DeTerra, Dolores Caton and Jeannine Lopes. Also present: Patricia Fowle, Health Agent.

Mr. DeTerra, Chairman, called the meeting to order at 6:30 PM and requested the minutes of the meeting of November 1, 2010 be amended or approved.

Motion to approve the minutes was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous.

Appearing before the Board was Mr. Ray Chen, owner of Asia Cuisine, 14 Fairhaven Commons Way. Over the course of the last two weeks, based upon routine and follow-up inspections by the food inspector Sue Griffin, Board members Jeannine Lopes and Peter DeTerra and the health agent, inspected the site and found unacceptable health conditions and no certified food manager on site as required by the State Food Code. Based on these observations the establishment was ordered closed by the Board on November 4 until the establishment was clean and the safety of the food and food preparation areas were in compliance with the Federal and State Food Codes. The owner Mr. Chen was also required to take the food safety course and secure a certified food manager certificate or to hire a certified food manager who would be on site at the restaurant full time. On the evening of November 8 the Board chairman noticed the establishment was open for business. An inspection that evening revealed that the food establishment was still not clean, the food was not being stored or prepared safely as expressed in the inspection report of November 4, 2010 and there was no certified food manager on site. No approval by the Board of Health had been given for the establishment to reopen. The Board again ordered the establishment to immediately close and posted the notice at the entrance to the store. Mr. Chen was required to attend the Board meeting this evening. Mr. Chen stated he has no operating money and a sizeable rental commitment. He opened the business without permission because he needed the money. He states he has since read the food codes and understands the seriousness of his situation. He has registered to take an approved food safety course and exam to secure a food manager certificate and has made great strides in cleaning the establishment and making the facility improvements required by the Board in its inspection reports. Mr. Wayne Silveira of Acushnet entered the meeting to attest that as a friend of Mr. Chen he has witnessed his commitment to operating properly and Mr. Silveira asked the Board for leniency on Mr. Chen's behalf. Board discussion ensued.

Ms. Caton motioned that the food establishment be allowed to open once the walk-in cooler was brought into compliance and approved by the health agent and a full time certified food manager is on site; seconded by Ms. Lopes. Vote was unanimous.

Ms. Lopes motioned that the \$300 per day fine be waived due to the owner's financial circumstance and that the money would best be put to use within the establishment. However should such an event reoccur the Board will be compelled to issue the fines as set forth in the Board's Rules & Regulations; seconded by Ms. Caton. Vote was unanimous.

Ms. Lopes motioned to allow the closure notices posted by the Board of Health to be removed from the store entrance with Mr. Chen acknowledging that he may not open the food establishment until the Board of Health has inspected the store and has approved it to reopen with a full time certified food manager onsite; seconded by Ms. Caton. Vote was unanimous.

Appearing before the Board were Ms. Nancy Bonell and Ms. Dawn Nicholson representing Voices for a Healthy SouthCoast which is a multi-faceted grass roots organization promoting healthy choices and lifestyles in the SouthCoast region. A draft resolution promoting the goals of the organization was presented with hopes that the Board would sign on to the efforts. There are 19 area cities and towns that the group hopes to meet with and secure their commitments to the resolution. Media information was distributed. The Board will follow up on the information.

The Board has been invited to attend a Sustainability Committee meeting on December 7, 2010 at 7:00 PM at the Town Hall to meet with Seth Pickering of the Green Initiative.

Ms. Fowle announced that the Board has received written approval from the CDC and Department of Public Health of the Board's financial proposal to expend residual funds from the Public Health Emergency Release (PHER) Funds of the 2009-2010 H1N1 flu season. Upcoming flu clinics are November 16 and November 30. There are 1,530 doses of vaccine remaining.

Invoices and payroll were reviewed and signed by the Board.

There being no other business before the Board, motion to adjourn the meeting at 7:45 PM was made by Ms. Lopes; seconded by Ms. Caton. Vote was unanimous. The next meeting is Monday, November 29, 2010 at 6:30 PM.

Patricia Fowle, Health Agent