

**TOWN OF FRANKLIN
FRANKLIN BOARD OF HEALTH
November 4, 2011**

Present at meeting:

Bruce J. Hunchard, Chairman	Virginia McNeil, Health Agent
Paul J. Cheli, Vice-Chairman	Kimberly Leonard, Admin. Assistant
Donald G. Ranieri, Jr., Clerk, absent	Mark Cerel, Town Attorney
David McKearney, RS, Health Director	

Visitors present:

Michael Doherty, Attorney representing Wah Sing Restaurant
Dai Ah Leung, Wah Sing owner
Alice Leung, Wah Sing

The Board Chairman welcomed all present to the meeting.

The October 7, 2011 minutes were accepted as written. Mr. Ranieri abstained from the vote because he was not present at the October 7, 2011 meeting.

OLD BUSINESS

The chairman opened the floor for any old business. There was none.

NEW BUSINESS

The chairman opened the floor to new business. The first item on the agenda was the administrative hearing for the Wah Sing Restaurant. The Health Department staff was conducting inspections after the extended power outage to ensure that the food establishments who were without power properly disposed of perishable foods. The Health Director drove behind the Wah Sing restaurant and observed several employees removing food from the restaurant to store in outside trailers. They were trying to salvage food by placing it outside; with the rationale that outside would be cold enough to store food. The temperature of the food was already 56 degrees and should have been thrown away. The Health Director ordered the employees to dispose of all the food in the trailer and immediately closed the establishment until today's hearing. The Health Director drafted a letter to the owner to appear before the board. As of yet the Health Department has not received the certified return card. Mr. Leung, the owner of Wah Sing, acknowledged he received the letter and agreed to proceed.

Attorney Cerel asked the Health Director if the trailer would be a suitable place to store food if the food had not already gone bad. The Health Director said under no circumstances should food be stored in the trailer since they lack refrigeration and are unsanitary.

Attorney Doherty who represented Wah Sing stated that this was a family run business of 26 years, and has always been code compliant. Since the closure, the place has been cleaned top to bottom. The Building Commissioner ordered the trailer units to be

removed and Wah Sing has complied. Attorney Doherty also stated that it has been an incredible economic loss for Wah Sing with the storm closure and the hiring of a lawyer, and asked the Board if they would allow the restaurant to re-open the following day, November 5, 2011.

The Board asked the Health Director for his recommendation. The Health Director agreed they already incurred a significant loss since they had been closed for several days. The Health Director recommended the staff receive additional food safety training in their native language within 30 days. Also in the owner's absence, there must be a trained responsible person in charge. The Health Director inquired if all refrigeration was up to the proper temperature. Mr. Leung assured him that the temperatures were at the proper levels.

Mr. Cheli made a motion for Wah Sing to open on Saturday, November 5, 2011, providing the staff receives proper food safety training in their native dialect and send confirmation of the training to the Health Department when it is completed. Mr. Hunchard seconded the motion and was unanimously approved by the Board.

The last item on the agenda was the Health Director's Monthly Report for October 2011. The Health Director discussed the monthly activities of the Health Department.

The Chairman opened the floor for any other new business. Mr. Cheli welcomed the new administrative assistant, Kimberly Leonard to the Health Department. He also stated it was a pleasure and honor serving on the Board of Health for the last 4 years.

Motion to adjourn was unanimous. The next Board of Health meeting will be on Friday, December 2, 2011.

Transcribed by Virginia McNeil, Health Agent for the Franklin Health Department.