



TOWN OF NORTHBOROUGH BOARD OF HEALTH

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Glenn French
Deirdre O'Connor
Dilip Jain
Jamie Terry, Board of Health Agent

The Board of Health met on Tuesday, February 12, 2013, in the Selectmen's Meeting Room of the Northborough Town offices. The meeting was called to order at 6:00 PM by Chairman Glenn French. Chairman Glenn French made a motion to approve the minutes from the January 8, 2013 meeting as read, Deirdre O'Connor seconded and the vote was unanimous.

Ms. Terry and the Board reviewed the recent food inspections that have been performed, no outstanding issues were reported at this time.

6:15 PM - Restaurant hearing for Zem Han located at 4 West Main Street.

Ms. Terry and the Board reviewed the inspection report dated January 29, 2013 and discussed the nine (9) critical violations that were observed. Ms. Terry informed the Board that there was raw food stored above cooked food, some food was being stored at room temperature, sanitizer strength was a major concern and test strips were not readily available. Also, there was some confusion as to food labeling and dating. While on site Ms. Terry offered suggestions/instructions as to how to make things better. Ms. Terry informed the Board that she re-inspected this establishment on February 11, 2013 and reports a lot of improvements have been made & she was impressed with the level that the establishment was brought up to. Ms. Terry reported that they now have new policies and procedures in place and have also instated a sanitizer log. The Board informed the owners, Ms. Krasnov and Mr. Zirh, that they were happy to see that things have turned around for them but that they should always be mindful of the potential challenges and dangers. Re-inspection to be done by Ms. Terry in three (3) months.

6:38 PM - Public hearing consideration of proposed changes to the Northborough Board of Health Smoking Rules and Regulations.

Ms. Terry summarized what the proposed amendments to the above referenced regulation will serve to accomplish:

New regulations will now address "other nicotine delivery products". As it is today, the existing regulations address only tobacco products. The tobacco industry has recently begun marketing additional nicotine delivery devices such as Snus and E-cigarettes.

New regulations propose:

- Owners of establishments with a permanent, non-mobile location in Northborough are eligible to apply for a tobacco permit and sell tobacco products and/or Nicotine Delivery Products at the specified location in Northborough.
- Tobacco permits will now become non-transferable. Any new owner of an establishment must apply for a new tobacco sales permit unless and until all outstanding penalties incurred by previous permit holders are satisfied in full.
- Vending machine sales of tobacco products will become prohibited.
- Tolling period changes from twelve (12) months to twenty-four (24) months to increase the establishments diligence in not selling to minors.
- Any refusal to cooperate with an inspection will result in an automatic suspension of the tobacco permit for thirty (30) consecutive business days.
- Prohibition of smoking in public places owned by the Town of Northborough - smoking will be prohibited at Gale Library located at 34 Main Street, Senior Center located at 119 Bearfoot Road, Police Station located at 211 Main Street, Fire Station located at 11 Pierce Street, Town Hall located at 63 Main Street, DPW Garage located at 190 Main Street & all Schools (Peaslee School, Proctor School, Zeh School, Lincoln Street School, Melican Middle School & Algonquin Regional High School)
- Prohibition of smoking in outdoor seating areas of restaurants. If food is served in this area, the area is considered part of a food establishment and therefore is prohibited from allowing smoking within 25' of the area.

Ms. Terry and the Board discussed a letter that was received on February 6, 2013 from Donald J. Wilson of the Municipal Tobacco Control Technical Assistance Program RE: amendments to "Smoking Rules and Regulations".

Dudley Darling and Paul Towne of Juniper Hill Golf Course sought clarification on the prohibition of smoking in outdoor seating areas of restaurants. They have some concern over this part of the regulation and wondered how this would affect the deck, pavilion, and food service windows. Ms. Terry and the Board discussed this part of the regulation and agree that Juniper Hill Golf Course is unique to the point of the regulation. The Board feels as though the deck would be unaffected by this regulation as it is a non-service food area. Food service windows on the other hand would require smoking patrons to maintain a 25' distance. The Board agreed that more information on the pavilion would need to be considered before a determination can be made.

Mr. Richard Nieber spoke to the Board about the new regulations now addressing “other nicotine delivery products”. Mr. Nieber, an e-cigarette user, explained to the Board that he feels as though there is a public health benefit to one using e-cigarettes and reported that he often uses this device at area restaurants and no one has ever complained. Mr. Nieber went on to explain to the Board that the vapor liquid of an e-cigarette doesn’t necessarily have to contain nicotine. The Board thanked Mr. Nieber for his input on the subject and explained that there is a reason why these regulations exist, why these proposed changes have been considered and will ultimately be adopted. The Board went on to explain that after all, the goal of these regulations are to prevent children from getting their hands on these particular items.

Ms. Terry and the Board discussed issuing temporary tobacco permits and how they apply to those who are organizing raffles, giveaways, etc.

Due to time constraints the Board agreed to continue the public hearing to be held at the next regularly scheduled meeting on Tuesday, March 12, 2013 at 6:30PM.

7:24 PM - Restaurant hearing for China Moon located at 259 West Main Street.

Ms. Terry and the Board reviewed the inspection report along with pictures dated January 29, 2013. Ms. Terry summarized the eleven (11) critical violations that she observed and reported that there were many food items out at room temperature that were disposed of. Ms. Terry reported that overall cleanliness of the establishment was lacking and that she was fearful of falling on the floor that was extremely grease filled. Ms. Terry reported that she re-inspected the restaurant on Monday, February 11, 2013 and some areas of concern still exist such as inadequate sanitizer strength, proper food temperature during storage & handling, and general overall cleanliness of the establishment. Ms. Terry and the Board reviewed the inspection report and discussed the five (5) critical violations that were observed. The Board spoke to Yizhen Chen, owner of China Moon, explained to him how these violations were unacceptable. The Board stressed that they are serious about food temperature control as it can go a long way in helping to prevent food borne illness. The Board suggested that Mr. Chen hire a consultant to go in to the establishment and train the entire staff on acceptable food handling procedures. The Board would like to have the consultant on-site by February 28, 2013 to correct all violations noted on the inspection records. Re-inspections by Ms. Terry are to be done at her discretion.

Meeting was adjourned at 8:15 PM

Next meeting scheduled for Tuesday, March 12, 2013 at 6PM.

Respectfully submitted,

Sarah Jean