



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, November 12, 2013, in the Selectmen's Meeting Room of the Northborough Town Offices. The meeting was called to order at 6:03 PM by Chairman Glenn French.

Chairman Glenn French made a motion to approve the minutes for the August 13, 2013 as read, Dilip Jain seconded the motion and the vote was unanimous.

Chairman Glenn French made a motion to approve the minutes for the October 8, 2013 as read, Deirdre O'Connor seconded the motion. Motion passed with Dilip Jain abstaining due to absence.

6:10 PM - 515 Howard Street

Mr. Robert A. Schultz, homeowner of 515 Howard Street appeared before the Board tonight requesting that a Title V failure be overturned by the Board of Health. Ms. Terry informed the Board that a Title V inspection report was done by George McGuirk of CHASE/harris. The Title V was performed on August 28, 2013 and submitted to the office as a failure on September 19, 2013.

Mr. McGuirk was in attendance at tonight's meeting and addressed the Board in regards to this matter. Mr. McGuirk informed the Board that he made the determination that the septic system at 515 Howard Street was in failure based on the fact that surrounding homes have raised systems and thought that this property was in groundwater. Mr. McGuirk reports that he camered the lines and those appeared dry, Mr. McGuirk dispersed pictures of the d-box and stone to the Board members. Mr. McGuirk informed the Board that at the time of the inspection Mr. Schultz disputed his findings and he then suggested that the homeowner contact an engineer to perform a deep hole test. Mr. McGuirk reports that he never received any additional information for this property and as he was approaching the thirty (30) day requirement to submit the Title V to the Board of Health. He submitted the Title V to the Board of Health claiming that it was in the best interest of the homeowner and his company.

Ms. Terry informed the Board that Mr. Schultz hired Connorstone Engineering after the Title V had been submitted to the Board of Health. William J. "Jack" Maloney, Jr. of Connorstone Engineering was also present at tonight's meeting and addressed the

Board in regards to this matter. Mr. Maloney reports that a deep hole test was performed on September 27, 2013 and no sign of groundwater was found throughout the hole that had a depth of 96"(8'), stone appeared to be clean and there is no sign of this system ever backing up.

Ms. Terry and the Board discussed the facts that were presented by all of the individuals at tonight's meeting. Ms. Terry stated that even though we are unable to remove a Title V from our records the Board can legally overturn the failure after carefully considering the facts presented and voting on the matter. Ms. Terry indicated that if the Board overturns the failure, she would write a letter indicating the facts and also ask George McGuirk to write a letter and those would then be attached to the Title V document that is currently on file.

Based on the information provided to the Board tonight Chairman Glenn French made a motion to overturn the Title V failure that was performed on August 28, 2013. Deirdre O'Connor seconded the motion and the vote was unanimous.

6:30 PM - Mandarin Pan Restaurant Hearing

Mr. Jian Xin Huang appeared before the Board tonight to discuss an inspection reported dated October 31, 2013. Ms. Terry informed the Board that on this day she was following up on a foodborne illness complaint and found 13 critical violations at the establishment. Ms. Terry reported that she did not close the establishment as many of the violations were corrected while on-site leaving the situation much improved. However, she felt that the violations were serious enough to be brought before the Board for discussion.

Ms. Terry and the Board reviewed the previous inspection reports for this establishment. The Board is especially concerned as it appears as though similar critical violations continue to occur at this establishment. Critical violations are those that create or have the potential to create an imminent risk to public health. Once critical violations are found it is imperative that corrective action must be taken, if that is not possible a plan of corrective action would be required. Ms. Terry stated that in her opinion Mr. Huang is a knowledgeable manager however she does have some concern over his employees and states that they need to be monitored more closely. The Board explained that they are charged with protecting the public's health through the promotion of food safety and while they understand employee issues ultimately it is the owners responsibility to supervise and educate his staff to a higher level.

Based on the critical violations found and discussion that has occurred tonight there is no question that food safety is not being taken seriously at this establishment and members of the Board questioned if closure would make them take things more seriously. Ms. Terry stated that it was her opinion that closure was not appropriate at this time. Ms. Terry feels as though the staff at this establishment would benefit from a training session stating that staff members need to take responsibility for their actions that led to the repeat critical violations. The Board of Health stressed that any critical violations that are left uncorrected are more likely to directly contribute to food contamination, or foodborne illness. It is extremely important that Mr. Huang

and his employees understand the serious nature of these repeated critical violations. The Board of Health has put Mr. Huang on notice that any continued non-compliance could possibly result in a minimum twenty-four (24) hour suspension of the permit to operate a food establishment.

Chairman Glenn French made a motion ordering 1) this establishment hire a food safety consultant within the next ten (10) days, providing a signed contract by Friday, November 22, 2013. The food safety consultant that is hired is to provide a one-time training in safe food handling practices and proper sanitization practices for all six (6) members of the staff. The establishment is to be closed for business during this one-time training session as it is important for everyone to focus on the food safety consultant. Training is to be completed on or before Saturday, November 30, 2013. Once the training has been completed, the Board of Health is requiring written notification from the consultant in addition to the attendance sheet for the training that was held. 2) ordering this establishment to hire an independent inspector of their choosing to perform restaurant audits once a month for the next three months, November, December & January. Copies of the audits performed are to be forwarded to the Board of Health for review. 3) ordering that the head chef at Mandarin Pan obtain ServSafe Certification by Tuesday, December 31, 2013. Once the ServSafe Certificate is obtained please forward a copy of it to the Board of Health for review. Deirdre O'Connor seconded the motion and the vote was unanimous.

Ms. Terry informed Mr. Huang and the Board that she will write a detailed letter to this establishment as a follow-up to tonight's meeting.

Ms. Terry and the Board discussed the medical marijuana meeting that was held on Tuesday, October 15, 2013 at 7PM. Ms. Terry reports that she forwarded the presentation slides to all members of the Board for review.

Ms. Terry and the Board discussed a grant that she has applied for in conjunction with the Town of Hudson, Town of Framingham, and City of Marlborough. Ms. Terry reports that this grant is supposed to bring people such as clinical providers, local Boards of Health and other agencies such as the YMCA together to cover the 4 following areas; pediatric asthma, falls in the elderly, hypertension, and tobacco use. Ms. Terry informed the Board that she would like Northborough to participate in pre-occupancy housing inspections that would occur in rental units, prior to occupancy to better serve tenants when it comes to certain hazards and triggers. Ms. Terry indicated that at first this program would be voluntary but would most likely become mandatory.

Meeting was adjourned at 7:30 PM

Next meeting scheduled for Tuesday, December 10, 2013 at 6PM.

Respectfully submitted,

Sarah Jean