

MINUTES
STURBRIDGE BOARD OF HEALTH MEETING
Monday, April 2, 2012 7:00pm

Meeting called to order 7:05pm.

Present: Members Ms. Cocalis, Dr. Audet, and John Degnan. Members of the public: Dan Chaput. Health Agent, Alyssa Rusiecki.

Minutes: (3/5/12) Dr. Audet makes a motion to approve, and Ms. Cocalis seconded voted (2-0-0), with Mr. Degnan abstaining, APPROVED.

Agent's Report, see attached. Discussion items below:

Pioneer Brewing, 195 Arnold Rd., Fiskdale, MA. Relative to a proposed "Chili cook-off" that was not allowed by the Sturbridge Board of Health because after confirming with the Department of Public Health Food Protection Program (written policy attached), owner Todd Sullivan was told by three members of the Board of Health (BoH) staff that "home cooks" were not allowed to cook "potentially hazardous food, (PHFs)" at home kitchens and provide it to the public. There is no operating licensed kitchen at Pioneer Brewing or Hyland Orchards. Subsequently, Mr. Sullivan wrote an email that was forwarded to Chairman Cocalis; his email stated that the Health Agent wouldn't personally allow the chili fest and the Agent wouldn't allow girl scout cookie sales on the town common. The Agent stated that this was incorrect and that this misinformation should be corrected. Mr. Degnan stated that he went to the Pioneer Brewing/Hyland Orchard inspection in which there is a sub-standard kitchen that is not permitted by the Board of Health and that the conditions are unsanitary. The bar area for Pioneer Brewing is fine and the bar snacks, (individual bags of chips, etc.) must be kept in bar area and not the back area.

Ms. Cocalis states that the Health Agent operates under the jurisdiction of the Board of Health; the Board was notified by the Agent of the policy from the State, and the Board of Health directed the Agent to inform Mr. Sullivan of the requirements – so the Agent should not be criticized personally. The Agent also wants it clarified that we do ask that girl scout sales to register at the Board of Health office, but that no girl scout cookie sale was ever denied by the Board of Health or its Agent. Dr. Audet stated that the Board of Health should ask for an apology and a retraction from Mr. Sullivan. Ms. Cocalis stated that she talked to Mr. Sullivan. Mr. Degnan stated that he will write a letter.

Hearing: Lola's Restaurant, 630 Main St., Fiskdale: Owner George Pirpiris: Request for a variance to the Sturbridge Board of Health Grease Trap Regulations which requires an outside 1000-gallon grease trap. There are 30 seats in the restaurant according to the owner.

The Health Agent recommends that an alternative grease collection system be installed in the interior, similar to that of the Whistling Swan unit.

Chairman Cocalis stated that Lola's is more similar to BT's and there was a variance given to them for no outside tank and no alternative grease trap previously; she feels that the Whistling Swan is larger. Mr. Degnan states that the owner should be careful in cleaning his interior grease trap and providing reports to the Board of Health. The owner states that Western Mass Rendering shall pick off the grease that is pour off from the fryolater. Ms. Cocalis states that she thinks the variance requires is reasonable and it can be evaluated by efficacy prior to the next round of annual permitting. Dr. Audet states that any changes to the menu or use, the variance would have to be re-visited.

Motion to approve the variance for lack of an outside grease trap: LC Seconded: JD
APPROVED: (3 – 0).

Interdepartmental Reviews: New gas and service station owned by JCJ Realty, 173 Main St, next to the old Rom's building. Mr. Degnan asks if the owner/applicant has submitted the proper application to the Board of Health office for food service. The Agent responds that they have not, despite numerous requests by the Board of Health staff to obtain the application so that it can be reviewed in a timely fashion.

New Business: Budgeting and Finance Committee Meeting attendance discussion. Mr. Degnan and the Health Agent attended a recent evening Finance Committee meeting. At the suggestion of the Board of Health's liaison for Finance Committee, it was discussed that additional administrative help is sorely needed in the Board of Health office. Although (20) twenty hours of additional help was requested in order to make the secretarial coverage full-time for the BoH office, (7) seven hours of additional file clerk time was requested in the budget narrative proposal for FY13. Ms. Cocalis stated that the Board of Health did not want to divert from the process, but that since the Planning Board was able to discuss their additional needs at a Finance Committee meeting recently, the Board of Health members felt that we should be able to present our data and request as well.

New Business: Budgeting discussion. Town Administrator (TA) Suhoski prepared the Warrant for the Special Town Meeting (STM) regarding the following items:

Motions by Mr. Degnan, and seconded by Dr. Audet:

1. To support STM Article 66, with the amount to pay for leachate adjusted to \$55,000.
APPROVED (3 -0).
2. To support same with new rate as bid by the new bidder and accepted by TA. APPROVED (3 -0).
3. To support full-time worker split between the DPW and BoH for landfill management and other tasks. (0 – 0 – 3) ABSTAINED. Discussion: Need more information and schedule which outlines the worker's responsibilities at the landfill so that there is adequate time to work on the landfill operation.
4. To support an additional \$4,851 for a file clerk for seven hours a week (*this is a decrease from the original fifteen hours requested*) to assist in the Board of Health office, if funds are available; (3 – 0) APPROVED.

Recycling Center/Landfill: Latex Paint. Information will be prepared regarding handling of Latex Paint. Latex Paint is not considered a Hazardous Waste and shall not be accepted at the HazMat Collection table anymore because it is costly to transfer and **not** hazardous material.

Concerns of Members: Ms. Cocalis states that she is still concerned with the high levels of lead and chromium found with the monitoring wells for the Southbridge Landfill as well as possible metals which may be emanating from the cover material used at the Southbridge Landfill. 1979 is the last time there was hydrogeological study Ms. Cocalis feels and she feels there should be a new ground-water study in order to protect public health.

Dr. Audet is thanked for his tenure on the Board of Health and he will be missed.

Motion to adjourn JD, seconded, BA, (3 – 0).
ADJOURNED at 9:20pm

Respectfully submitted,
Alyssa Rusiecki
Health Agent

BOARD OF HEALTH



MEMORANDUM

To: Board of Health members
From: Alyssa Rusiecki, Health Agent (REPORT)
Date: FOR April 2, 2012 MEETING

INSPECTIONS & TASKS:

FOOD -

- **Sal's & Sturbridge Seafood** Revision to application pending.
- **Lola's** – Second pre-operational inspection pending.
- **OSV** –New banquet room, pending.
- **Cups & Cakes** – Pre-inspection pending.
- **Kaizen** – Follow-up to inspection.
- **CineMagic** – Revision to plans pending.
- **Pioneer Brewing** – Regarding “Chili-Cook-off” email circulated by Todd Sullivan, owner, Pioneer Brewing, request action.
- **Various inquiries** – Hot dog carts, etc.

POOLS –

- No application received from **Sturbridge Heights** yet.

HOUSING –

- None.

COMPLAINT/NUISANCES –

- **181 Shepard Rd.** – numerous vehicles, referred to Building/Zoning Officer.
- **122 Wallace Rd.** – Excessive trash, letter sent.

REGION2 – No activity. Meeting attendance required in April for Coalition vote.

PREVENTIVE HEALTH – none.

INTERDEPARTMENTAL REVIEWS –

- **18 Birch St.** - Residence; on mun. sewer & pvt well. Project interpretation: Enclose existing deck into three season room and add a new deck. **BoH Agent's comment:** Caution must be taken to protect existing well and sewer during construction.
- **8 Hinman St** - Residence: on mun. sewer & mun water. Project interpretation: Convert (demo) residence into parking lot. **BoH Agent's comment:** No foreseeable health concern.
- **49 Main St** - Commercial: on mun. sewer and mun water. Project interpretation: Application notes that "an expansion/alteration to a pre-existing structure." Application states professional use - so no Board of Health permitted use. **BoH Agent's comment:** NA
- **179 Main St (aka "Rom's" Building)** - Commercial on mun sewer and mun water. Project interpretation: 10 x 12 entry remodel and facade upgrade with restaurant and mixed use. **BoH Agent's comment:** All food operations must submit a "New Food Application" with a fee and a 30 day lead time for review - prior to any construction taking place.

- **61 Bennetts Rd.** – Again, still no Board of Health requirements received, pending deed restriction language. No Building Permit should be issued.

TITLE 5 & WELLS –

- **36 Goodrich Rd.**, well permit, contractor re-assigned.
- **7 Ladd Rd.** – CoC Approved, Building Permit signed off.
- **12 Ridge Rd.** – Re-test of water, Building Permit signed off.
- **22 Mt. Dan** – Water treatment pending with re-testing.
- **234 Roy Rd.** – Water testing required.
- **434 Rte. 15 (or Haynes St)** – Roy Rogers septic system. – needs evaluation.
- **121 New Boston Rd** – CoC signed for septic system.
- **Hyland Orchards/Pioneer Brewing, 195 – 199 Arnold Rd.** – Correspondence received today with pump out reports.
- **“Well”/pump pit abandonment** – Town Property identified only as “near Robinson Crusoe camp” pending.
- **Various I/A & other septic documentation follow-ups:** (6 Champeaux, 7 Stearns, 124 Podunk)

OTHER:

- **Finance Committee meeting** – attended meeting on March 27, 2012 with Vice-Chair Degnan.
- **Tattoo Festival** – AAR pending. Thoughts for next year.

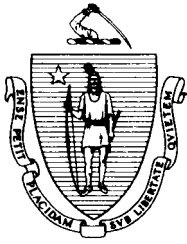
RECYCLING CENTER/LANDFILL:

- **Landfill Engineering/Leachate** – Partial plan must be discussed with CME based on existing limited budget.
- **Annual data report** – FINISHED! Compost report due next.

ADMINISTRATION:

- **EDUCATION & MEETINGS** – Pending: April 3 -5 Northeast Onsite Wastewater Regional Conference. April 10, DPH Annual Community Sanitation workshop.
- **OFFICE SCHEDULE** – Agent off April 13th.
- **COMMUNICATION** - Updating Inspector Woolhouse regarding pending food and community sanitation inspectional issues.

Pending: Various Title 5 reports. Minutes (lengthy) from March 19th, 2012 meeting. Many Thanks to Dr. Robert Audet for his service as a Board of Health member for the past three years.



MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

TIMOTHY R. MURPHY
SECRETARY

PAUL J. COTE, JR.
COMMISSIONER

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MEMORANDUM

TO: Local Boards of Health
MA Charitable Organizations

FROM: Paul Tierney, Director
Food Protection Program

DATE: July 28, 2005

RE: Temporary Food Events/Cook Offs

The purpose of this memorandum is to remind all local health officials of Massachusetts' regulations regarding enforcement of food served at temporary events. A temporary event food establishment (TFE) is defined by the 1999 FDA Food Code as a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. TFEs may operate either indoors or outdoors and often have limited physical and sanitary facilities available. As such, TFEs present special challenges to regulatory authorities that have the responsibility to license and inspect them.

Temporary food events, such as fairs, carnivals, circuses, cook offs, special interest fundraisers, restaurant food shows, and other transitory gatherings, have become extremely popular and are held at increasing frequency. An event (permanent or temporary) that is advertised with fliers, banners, newspaper articles, radio or TV announcements, or by other means, regardless of whether or not a fee is charged, is considered a public event and is subject to the health code requirements of the regulatory authority.

No person, firm, corporation, or organization (profit or non-profit) should be allowed to conduct an event (permanent or temporary) where food or beverages are served to the public without permits, licenses, or permission from the regulatory authority. Prior to issuing a permit or license to an event, either permanent or temporary, the Regulatory Authority is responsible for performing a pre-operational plan review to determine the ability of the establishment to conform to safe and hygienic practices at the intended venue.

Part of the plan review should include the types of foods intended to be offered at the event. Massachusetts regulations require that the source of the food must comply with law. All meat and poultry should come from USDA or other accepted government approved and regulated sources.

Home canned foods and foods cooked or prepared in a home kitchen may not be offered at temporary events. The only exception to this is for baked goods being offered at a bake sale for a non profit agency. Any potentially hazardous foods which are pre-cooked and pre-cooled off site for service at the temporary food service event must be prepared at an approved, permanently established, licensed food establishment.

Chili Cook Offs are one type of temporary event that have become annual events in Massachusetts. The MA Food Protection Program recommends that boards of health in communities which host these cook offs follow these guidelines:

1. Licensed as temporary events; the board of health should be conducting pre-event review of menu and facilities and making menu restrictions based on accepted food safety principles and the provisions of the Food Code and 105 CMR 590, and,
2. No potentially hazardous foods prepared in home kitchens should be offered at these events. Potentially hazardous foods, including chili and other meat dishes, must be either prepared on site at the event or, if prepared in advance, may only be prepared in permanent, licensed and inspected food establishments, not home kitchens.

According to a 5 year summary data published by the Centers for Disease Control for the years 1988 through 1992, the most commonly reported food preparation practices that contributed to food borne disease were: improper holding temperatures; poor personal hygiene; inadequate cooking; contaminated equipment; and food from an unsafe source.

For additional guidance on all aspects of permitting and inspecting temporary events, please read the FDA guidance document on temporary events at: <http://vm.cfsan.fda.gov/~dms/tfe-toc.html>. If you need more information or have question relative to the enforcement of issues around chili cook offs or other temporary events, call Assistant Director Priscilla Neves at (617) 983-6773 or Food Safety Specialist Kim Foley at (617) 983-6747 at the MDPH Food Protection Program.