



BOARD OF HEALTH

# TOWN OF WESTBOROUGH MASSACHUSETTS

TOWN HALL  
34 WEST MAIN STREET, ROOM 210  
WESTBOROUGH, MA 01581

TEL. (508) 366-3045  
FAX (508) 366-3047

## Minutes of Board of Health Meeting November 1, 2016

The regular Board of Health meeting was held on Tuesday, November 1, 2016, in room 24 in the Forbes Municipal Building, 45 West Main Street. The meeting was called to order at 5:37 p.m. by Chairman Walsh. Present: Members Ehrlich, Hashmi, Director Baccari, Sanitarian Gauthier, and Inspector Gilchrist.

The minutes of the meeting held on September 13, 2016, were approved.

Director's reports (September and October) were discussed and approved. Algae is still present at Lake Chauncy but should be dissipating soon with the weather getting colder. A non-resident came to Household Hazardous Day (proof of residency is required) who had a dump sticker on his car. The number on the sticker was traced to a Westborough resident who purchased two stickers in July. Director Baccari sent a certified letter to the non-resident demanding the sticker be returned and it was. Director Baccari confronted the Westborough resident who gave the sticker to the non-resident at her home. He told her that stickers were for Westborough residents only and what she did was illegal. She could be subject to a \$100 fine for violating that regulation. Member Ehrlich said there needs to be a plan for checking stickers at the transfer station.

Sanitarian's reports (September and October) were discussed and approved. A recent inspection at Paradise Biryani Pointe was discussed. Several violations noted; they are already on probation. They were ordered to make repairs to a stainless steel wall months ago; the repairs still have not been made. The owners have been in discussion with the landlord for several months regarding the future of their lease and do not want to make the repairs until confirmation of their lease extension. Director Baccari will send a letter to the owners ordering the repair within the next three weeks. If the repair is not completed in that timeframe, the owners will be ordered to attend the Board's December meeting.

Health Inspectors' reports including part-time Health Inspector (September and October) were discussed and approved. A recent inspection at Sapporo found several violations. Many of the violations were concerning the preparation of sushi. The BOH granted Sapporo a variance for the preparation of sushi; revoking the variance was discussed. Director Baccari will send a letter to the owner notifying him that the Board is very concerned about the violations and will closely monitor future inspections reports. If there is no improvement in the next inspection, Sapporo will be brought in for a hearing with the possibility of being placed on probation and/or revoking the variance. The next routine inspection will be conducted in January.

### New Business

#### **Cumberland Farms - Variance Request**

The Board prepared to meet with John Ciarametaro, Food Safety Manager for Cumberland Farms, Jim Owens and Justin Whiteside, representing HFA/Allevato (architects).

Cumberland Farms is moving their corporate offices from Framingham to their Westborough distribution location at 165 Flanders Road. The company plans to build a "convenience store" similar to their company stores inside their headquarters; it will be for employees only.

The company is seeking a variance from a section of the current FDA Food Code that would allow the company to use time as a public health control in lieu of temperature in conjunction with time for their pizza that will be held in a display case and sold ready-to-eat in the company store. The variance is for the employee store only. A letter outlining their variance request along with a *Pizza HACCP Plan summary* and *Cumberland Farms Ambient and Hot Held Pizza Procedures* were submitted (copies attached).

**Member Ehrlich made a motion to issue a letter to Cumberland Farms to approve the plan outlined by Cumberland Farms to use time as the sole means of public health control for up to four (4) hours for pizza service at the 165 Flanders Road, Westborough location. The motion was seconded by Chairman Walsh; the vote was unanimous.**

### **Food Manager Certification Proposal**

Director Baccari explained that the purpose of the proposal would require food establishments to have at least one full-time employee on each shift who has satisfactorily completed an approved food manager certification program. The employee must be in a supervisory status. It could be a mandatory requirement for all food establishments or a requirement just for the establishments that are placed on probation. Two variations of the wording were presented. Restaurants would be notified of the new requirement and will be given time to comply. Copies of the certifications will be kept on file in the office as they have been in the past. Certifications are also required to be displayed on the wall in the food establishments.

After considerable discussion, the Board agreed to the proposal making it a town-wide requirement. Director Baccari will send a letter to the owners and managers of food establishments in Westborough informing them of the proposed amendment to the Food Code and of a public hearing that will be held sometime in January 2017. If passed, the effective date of the amendment would be on or about April 1, 2017.

Director Baccari will research how other municipalities handle food establishments that are on probation.

### **Director's Issues**

The FY18 budget for the BOH has been submitted to the Town Manager. There was small increase submitted for mosquito control and training/education for staff. Under Goals & Priorities 2017-2018, Member Hashmi commented that he wants to add "Vials of Life" program, foodborne safety, and investigate source control of water.

A report on the lead testing at the schools was given. The report is also on the Town's website. All schools were tested with the exception of the Gibbons Middle School. The Gibbons school was not tested because of on-going construction. Drinking water sources at Gibbons will be tested once renovations are completed. Director Baccari met with the School Department today and half of the water locations that tested above the action level for lead (0.015 mg/l) have been fixed. The bubblers that were affected were turned off or disconnected because they are no longer needed. Many of the faucets affected in the high school were in the science wing. The faucets were in prep rooms that teachers were using for making coffee and washing dishes. Those faucets will be labeled "for hand washing only". The School Department sent out a notice on Connect-Ed regarding the testing and the 21 violations. The test results are on the web. The Board expressed great concern about the results. Member Hashi said there are children involved.

Director Baccari said all the testing was conducted using DEP guidelines. They're allowed to designate faucets as "hand washing only". The bubblers that are located in classrooms are going to be disconnected and that's allowed. For bubblers they still want to use, they will implement a daily flush program. Many towns use this plan in their schools. Some more testing is scheduled for those faucets to determine if daily flushing is working. Director Baccari said there are approximately 10 faucets that require the daily flushing. Every morning custodians have a sign-off sheet and perform a two-minute flush on the faucets.

The Board expressed concern about the results of the test and are skeptical that just flushing is going to fix the problem. Member Ehrlich said there needs to be a plan to address the pipes that are going into the schools.

Chairman Walsh said he wants to have a discussion with the School Committee.

Director Baccari said more testing is scheduled and the flushing protocol will continue in the short term. In the long term, if the Board has concerns, he believes a discussion is warranted with the School Committee. He understands the Board's concerns. He emphasized that all the testing was conducted using DEP guidelines and protocols using a State grant that School Department applied for.

The School Superintendent is holding a public forum on November 14 at 7 pm for parents and residents to discuss the test results. Director Baccari will be attending.

Member Hashmi said he wants to pursue the distribution of the "vials of life". He wants to share the information with the schools. He would like to pursue the possibly of having the vials sent home in students' backpacks. He would like the information on the website and share it with the School Committee. He's still concerned about what is going into the water. He wants the Board to be proactive about run-off. He wants to work with the Conservation Officer and Director Baccari.

A flu vaccination clinic is scheduled for Westborough children ages 9 through 18 on Tuesday, November 15<sup>th</sup> from 5:30 pm to 7:30 pm at the Mill Pond School cafeteria.

(Member Ehrlich left the meeting at 7:22 pm.)

Discussion continued regarding the water issue in the schools. Chairman Walsh said flushing is not solving the problem and neither is turning off the faucets. The School Committee has to realize there is a problem. Director Baccari said he hopes to have test results by the 14<sup>th</sup> for the public forum, but the lab is very backed up with dealing with testing from many other school districts.

There being no further business, the meeting adjourned 7:30 pm.

The next meeting is scheduled for December 13, 2016.

Respectfully submitted,

  
Kathleen Smith



RECEIVED

OCT 20 2016

TOWN OF WESTBOROUGH  
BOARD OF HEALTH

October 20, 2016

Westborough Board of Health  
ATTN: Steven Baccari  
Cc: Ray Gauthier  
34 West Main Street  
Westborough, MA 01581

**Re:** Request for Health Code Variance Approval for Cumberland Farms Store to be located at 165 Flanders Road Westborough, MA 01581

To the Board of Health:

On behalf of Cumberland Farms, Inc. ("Cumberland Farms"), I would like to respectfully request the approval by the Westborough Board of Health ("the Board") of a Health Code variance which would allow Cumberland Farms to use time as a public health control in lieu of temperature in conjunction with time for our pizza that is held for display and service at our 165 Flanders Road Westborough, MA retail location.

**Reason for Request:**

Cumberland Farms has dedicated a substantial amount of time and resources into the research and development of fresh, quality products and ingredients. Our Culinary, R&D, Quality, and Production teams take tremendous pride in the sourcing, formulation and presentation of our food service offerings. We strongly feel that the practice of heating our pizzas, (CCP 1), then holding them in the display case at ambient temperatures to be reheated for service provides us with a significant market advantage over our competitors. Not only is the presentation visually more appealing, but the pizza also retains its superior quality, texture profile, and flavor characteristics. From a practical standpoint, by not exposing the pizza to constant high heat there is notably less product shrinkage and degradation, resulting in measurably reduced loss due to waste.

When certain editions of the FDA Model Food Code have been adopted by a particular town or district, the Massachusetts Code of Regulations requires that a variance be granted by the Board in order for Cumberland Farms to be allowed to use time as a public health control, rather than time in conjunction with temperature, (See 105 CMR 590.004(H) adopting and expanding upon FC 3-501.19 Time as a Public Health Control, Variance Requirement.\*). Accordingly, Cumberland Farms hereby requests that a variance be granted for the food service operation described above.

**Supporting Regulations:**

We have been advised that the town of Westborough has adopted a version of the FDA Food Code (the "Food Code") for regulation of food service operations that requires such a variance. The Food Code provides guidelines for food operations that have been granted a variance for the use of time, rather than time in conjunction with temperature as a public health control. The following conditions are required when using this method:

Cumberland Farms, Inc.  
100 Crossing Boulevard, Framingham, MA 01702  
508-270-1400



### **3-501.19 Time as a Public Health Control.\***

(A) Except as specified under ¶ (B) of this section, if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

(1) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;

(2) The food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control;

(3) The food in unmarked containers or packages or marked to exceed a 4 hour limit shall be discarded; and

(4) Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, that ensure compliance with:

(a) Subparagraphs (A)(1)-(4) of this section, and

(b) § 3-501.14 for food that is prepared, cooked, and refrigerated before time is used as a public health control.

(B) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

### **Cumberland Farms Food Safety and Compliance:**

1) As required in the Food Code guidelines, Cumberland Farms has prepared a written document: "Cumberland Farms- Pizza Handling Procedures", that specifies the methods used by food handlers to comply with all Food Code and company requirements. The document has been included with this letter for your review and it is also available for review by staff and Regulatory personnel at each retail location.

2) The Critical Control Points for control of biological hazards as determined in the Hazard Analysis are 1: Cook temperature (165°F for 15 seconds) and 2: Time at exposure to ambient temperatures ( $\leq 2$  Hours). The Critical Limit allowed by our own HACCP plan (enclosed for your reference) for the pizzas to remain at room temperature is two hours, safely meeting the requirement of a maximum allowed Critical Limit of four hours as noted in the Food Code.

3) The pizzas are received at the stores frozen, ready to be cooked. The pizzas are placed into a pre-heated, 500°F 'Merry Chef' oven for 6 minutes and cooked to a temperature that far exceeds the Critical Limit of 165°F/15 sec. The pizzas are then placed in the display case where they are shielded from environmental contaminants.



4) The pizzas are time stamped the moment they are removed from temperature control. Any pizza remaining in the case after 2 hours is discarded.

5) All team members who are involved in food service at Cumberland Farms retail locations are trained in Food Safety, and a minimum of two management level team members are required to be ServSafe certified.

**Supporting Documents:**

Please review the following documents which have been included with this letter:

- 1) Cumberland Farms Ambient and Hot Held Pizza Procedures (2 pgs.)
- 2) Pizza HACCP Plan summary (1 pg.)

Please feel free to contact me regarding any information or documentation either provided in this letter or which you may require to process this request. Thank you very much for your thoughtful consideration.

Kind Regards,

John Ciarametaro  
Food Safety Manager  
Tel: 508-270-1496  
Mobile: 508-686-0754  
Fax: 781-459-1253  
Email: [jciarametaro@cumberlandfarms.com](mailto:jciarametaro@cumberlandfarms.com)

## **Cumberland Farms Ambient and Hot Held Pizza Procedures**

The purpose of this document to define the steps, policies and procedures for ambient and hot held pizza procedures conducted by all employees in all Cumberland Farms locations.

- Pizza pies are held frozen until heated. The pie can be stored in the locations walk-in freezers (2 onsite) or the upright storage freezer located directly in through the foodservice door in the back room.
  - Pies should remain between 0 to -10 degrees at all times.
    - Storage and Walk-in freezers are monitored and logged 3 times per day by store staff for quality and food safety.
- For preparing a pizza for ambient display the employee removes the pie from the freezer. The employee washes their hands according to food safety guidelines, dons gloves and opens the pie on a properly sanitized surface.
- The associate places the frozen pie into the Merry Chef Oven and presses the button for 14" Cheese or 14" Pepperoni Pizza.
  - The oven cycle is 6:20 seconds and consists of 3 stages of convection, fan and radiant heat.
  - The pie once removed from the oven will be in excess of 180 degrees.
- After the pie is removed from the oven it is placed onto a pizza pan that has been previously washed, rinsed and sanitized. The pie is sliced into 8 equal slices and placed onto one of the 4 tiers of the ambient pizza display rack.
  - All employees are trained that cheese pizza is in the top position, while pepperoni will take rack positions below the cheese pie.
- The employee will now mark the pizza in the ambient display with a 2 hour pull time.
  - On the left hand side of the ambient display there are dry erase tags. The employee uses a dry erase marker to mark the exact 2 hour pull time from when the pan is placed in the display.
  - The pizza in the ambient display will can remain there until a customer orders a slice(s) or until it has reached the 2 hour pull time.
    - See "Reheat Process for Pizza Slices"
    - See "Waste Process for Ambient Pizza Slice Waste"
  - The pizza in the ambient display can also be reheated to use as a grab and go option on the warmer unit at the food service area.
    - See "Hot Slice Pizza Program"

### **Reheat Process for Pizza Slices**

- After proper hand washing and donning gloves, the associate removes the slices requested by the customer from the ambient display. The slices are placed into the Merry Chef Oven. The associate presses the button for "Reheat Slice" on the oven.
  - The oven cycle is 20 seconds and will reheat the ambient slices to over 165 degrees.
- The associate then removes the slices from the oven, places each slice on a pizza serving board and slides it into a bag. The slices are then presented to the customer.

### **Waste Process for Ambient Pizza Slice Waste**

- Pizza slices held in the ambient display that have reached the 2 hour pull time are required to be wasted.
- The waste procedure requires the associate to remove the remaining slices on the ambient display, count them and write them time and amount down on a "Pizza Waste Sheet".
  - The Store Manager or an assigned employee will waste the product for inventory purposes through our handheld system at a later time.
- All slices that have exceeded the 2 hour display time will be discarded into a trash can with lid in the foodservice area. That trash will be removed and placed in the outside dumpster for removal.
  - Pizza slices that have exceeded the 2 hour hold time are not repurposed in any fashion.

## HACCP PLAN PIZZA

Firm: Cumberland Farms, Inc.

Product Description: Ready-to-COOK Pizza

Firm Address: 100 Crossing Blvd Framingham, MA 01702

Critical Control Point (CCP)	Significant Hazard(s)	Critical Limits for each Preventative Measures	Monitoring				Corrective Actions	Records	Verification
			What	How	Frequency	Who			
Cooking	Pathogens	Heat Product to 165° F for 15 seconds	Product Temperature	Hand held thermocouple thermometer	Each pizza that is cooked once removed from storage	Food employee designated by Person In Charge	Continue to heat until product reaches 165° F OR Discard product if a temperature of 165 F can not be reached	Pizza HACCP Record	Manager observes procedures and reviews Pizza HACCP records once per week
Hold Ambient - 2 Hours	Pathogen growth and toxin formation	Hold product in display for ≤ 2 hours and then discard product	Hold time	Clock	Every 2 hours	Food employee designated by Person In Charge	Discard product found to be in display longer than 2 hours	Pizza HACCP Record	Manager observes procedures and reviews Pizza HACCP records once per week

Equipment utilized at each Critical Control Point listed above:

CCP 1: oven

CCP 2: Display case

Signature of Company Official: \_\_\_\_\_

Date: \_\_\_\_\_





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## **POLICIES AND PROCEDURES FOR ESTABLISHMENTS ON PROBATION**

Establishments that are placed on probation by the Westborough Board of Health due to excessive violations, repeat violations, failure to correct violations, or any other acts that have the potential to affect the health and well-being of the general public, will be placed on quarterly inspections (four times per year) instead of the minimum state-mandated, semi-annual (two times per year) inspections. Probation status will be established by members of the Board of Health at a Board of Health meeting.

Establishments on probation will be charged an administrative fee equal to the amount of their annual food service permit fee. For example, if the establishment pays a yearly food service permit fee of \$200, then the administrative fee will be \$200.

Within 45 days of being placed on probation, the facility must employ at least one individual on each shift who has satisfactorily completed an approved food manager certification program. Said individual must be in a supervisory status at the establishment, must be a full-time, on-site employee of the establishment, shall be present during operating hours, and be directly responsible for overseeing all foodservice operations.

The establishment will remain on probation for a minimum of 12 months. At the end of the 12-month period, members of the Board of Health will review the inspection results conducted during the probationary period with BOH staff. At that time, one of the following determinations will be made:

- Remove the establishment from probation.
- Extend the probation period.
- Schedule the establishment for a public hearing before the Board to consider the suspension or revocation of the establishment's food service permit.

If members of the Board of Health decide to extend the probation period, the establishment will again be charged an administrative fee equal to the amount of their annual food service permit.

Effective date: July 1, 2015

### **Food Manager Certification Requirements**

It shall be mandatory for anyone owning or operating a food establishment to employ at least one individual on each shift who has satisfactorily completed an approved food manager certification program. Said individual must be in a supervisory status at the establishment, must be a full-time on-site employee of the establishment, shall be present during operating hours, and be directly responsible for overseeing all foodservice operations. All food manager certifications must be renewed every five (5) years and a copy sent to the Health Department as well as posted in the establishment next to the Food Establishment permit.

### **Probation Language**

**Within 45 days of being placed on probation, the facility must employ at least one individual on each shift who has satisfactorily completed an approved food manager certification program. Said individual must be in a supervisory status at the establishment, must be a full-time on-site employee of the establishment, shall be present during operating hours, and be directly responsible for overseeing all foodservice operations.**