



TOWN OF WESTBOROUGH MASSACHUSETTS

BOARD OF HEALTH

TOWN HALL
34 WEST MAIN STREET,
WESTBOROUGH, MA 01581-1998

TEL. (508) 366-3045
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BOARD OF HEALTH MONTHLY MEETING

Tuesday
June 21, 2016
Westborough Town Hall, 34 West Main Street,
Lower Level Conference Room
5:30 p.m.

AGENDA

1. Minutes of Meeting (May 17, 2016)
 2. Director's Report (May)
 3. Sanitarian's Report (May)
 4. Health Inspectors' Reports (May)
 5. New Business
 - A. Bruce Tretter - Discussion of possible curbside trash collection - 6:00 pm
 - B. Discussion of M.G.L. Chapter 111, Section 27A
 6. Director's Issues
- Adjournment



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Minutes of Board of Health Meeting June 21, 2016

The regular Board of Health meeting was held on Tuesday, June 21, 2016, in the conference room in the lower level of Town Hall, 34 West Main Street. The meeting was called to order at 5:40 p.m. by Chairman Walsh. Present: Member Hashmi, Director Baccari, Sanitarian Gauthier, and Inspector Gilchrist. Absent Ehrlich.

The minutes of the meeting held on May 17, 2016, were approved.

Director's report (May) was discussed and approved.

Sanitarian's report (May) was discussed and approved. Following a complaint inspection, an administrative meeting will be scheduled for Mandarin.

Health Inspectors' reports including part-time Health Inspector (May) were discussed and approved. Recent inspections at Moe's were discussed. Administrative meeting will be scheduled for Target.

New Business

Bruce Tretter- Discussion of curbside – 6:00 pm

The Board met with Selectman Tretter to give a general overview on the proposed curbside SMART program. Director Baccari stated that the BOS will get a powerpoint presentation later this summer. The Materials Recycling Committee has been meeting for the past several months to investigate options to reduce trash and increase recycling rates.

Director Baccari explained that Westborough's tonnage figures are higher than most central MA towns. Because of that, a DEP Coordinator is encouraging the Town to consider a program where trash is collected curbside with special bags and discontinue the current drop-off arrangement. Trash would be picked up once a week and recycling every other week. Residents would receive a 96-gallon container for single-stream recycling. Bags would have to be purchased for trash. If the Town goes with PAYT, there will be no disposal of demolition material. Bulky items would be collected on a schedule and residents would pay a fee. This is the model that Grafton uses and their trash tonnage is half of Westborough's.

Selectman Tretter said this needs to be discussed with the residents and the numbers must be correct. In the message there has to be the content and the delivery in the presentation.

Director Baccari said if the BOS and Finance Advisory Committee agree with the proposal, an informational meeting will be held for the residents. The presentation has to be easily understood and make sense. The residents are going to have to make the decision.

Chairman Walsh said this is not going to be forced on the residents. The BOH does not want to go with a policy that makes illegal dumping worse.

Director Baccari commented that the reason the BOH is involved is that the BOH handles the budget for trash.

Discussion of MGL Chap 111, Section 27A

The Office of Inspector General recently wrote a five page letter addressing the risks of "time abuse" by health agents that work for another municipality while being employed full-time by their "original appointing authority". The Inspector General stated that there is a state law that permits a board of health to hire a health agent employed by another town if the agent has received written approval from the "original appointing authority". Both Sanitarian Gauthier and Inspector Gilchrist work for boards of health in other towns on their own time. Sanitarian Gauthier works for Sutton and Webster; Inspector Gilchrist for Northbridge. Their notification letters have been submitted (attached).

A motion was made by Member Walsh for the Westborough Board of Health to approve the employment of Sanitarian Gauthier and Inspector Gilchrist by other towns as written in MGL Chap 111, Section 27A. The motion was seconded by Member Hashmi; the vote was unanimous.

Director's Issues

The probation period for both Mirchi and Mayuri will end on June 30th and the Board needs to make a determination to either remove the establishments from probation or extend the probation period for an additional 12 months. **After reviewing the results of their quarterly inspections for the past 12 months, a motion was made by Member Hashmi to extend the probation period for both Mirchi and Mayuri for twelve more months. Motion was seconded by Chairman Walsh; the vote was unanimous.** The probation time period covers July 1, 2016 to June 30, 2017. Member Hashmi asked Director Baccari to contact other local boards of health to see how they manage food service establishments that continue to perform poorly.

There was discussion regarding obtaining Town email accounts for the Board members.

Discussion for a policy for remote participation was tabled until next month's meeting when a full board will be present.

The Town's animal control officer is retiring on June 24th and there is currently no replacement. Member Hashmi expressed concern about potential risks to residents regarding Avian Flu and the new animal control officer should be made aware of this.

Member Hashmi said the EPA has recently issued guidelines for testing for lead in water in schools. He would like to take advantage of the summer break and pursue testing the water in Westborough's schools.

There being no further business, the meeting adjourned at 7:15 pm.

The next meeting is scheduled for July 19, 2016.

Respectfully submitted,


Kathleen Smith

6/13/16

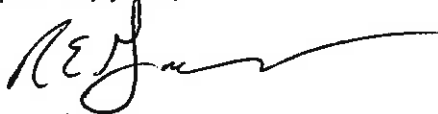
Members of the Westborough Board of Health

This letter is to inform the Westborough Board of Health that I am a contracted Health Inspector or Health Agent for other municipalities. According to M.G.L. Chapter 111 Sect. 27A I must disclose any and all outside employment that may conflict with my primary employer. The work I perform for the other Towns within the Commonwealth does not and will not interfere with the work I perform for the Town of Westborough.

Westborough is my primary employer and no work performed for other municipalities is performed during my working hours for the Town of Westborough. All work performed in other Towns is completed on my own time away from the Town of Westborough.

If you have any other questions concerning my contract work for other Towns please contact me.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Ray Gauthier', with a long horizontal flourish extending to the right.


Ray Gauthier

June 14, 2016

To All My Board Members on the Westboro Board of Health

In accordance with the MGL Chapter 111 Section 27A I am informing you that I work for the Town of Northbridge as a Health Inspector during my off hours from Westboro.

Theresa M Gilchrist



THE 189TH GENERAL COURT OF

THE COMMONWEALTH OF MASSACHUSETTS

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PART I

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CHAPTER 111

Section 27A

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PART I

ADMINISTRATION OF THE GOVERNMENT

TITLE XVI

PUBLIC HEALTH

CHAPTER 111

PUBLIC HEALTH

Section 27A

Appointment of health officer by two or more towns; duties; compensation; joint committee

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Section 27A. Two or more municipalities may, by vote of each, form a district for the purpose of employing therein a health officer and necessary assistants and clerks, all of whom shall be appointed and may be removed by a joint committee composed of either the boards of health of the municipalities or 1 or more representatives from the board of health of each municipality. Persons so employed shall perform such duties and receive such compensation as the joint committee shall determine and, in so far as their duties in a given municipality are concerned, shall be the employees of and responsible to the regularly constituted board of health of such municipality. The department, in consultation with the department of environmental protection, may adopt regulations to set minimum qualifications for health officer pursuant to this section. The joint committee shall annually elect a chairman and a secretary and shall determine the relative amount of service to be performed in each municipality of the district by employees of the district. The treasurer of 1 of the municipalities of the district, designated by the joint committee, or such other treasurer designated by the joint committee, shall be treasurer of the district and shall give to the district a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties as treasurer of the district, in such sum and upon such conditions as the joint committee may require. The joint committee, annually in the month of December, shall estimate the amount of money required to pay the costs and expenses of the district for the following year, shall fix and determine the proportion of such costs and expenses to be paid by the respective municipalities thereof during the year and shall certify the amount so determined for each such municipality to its assessors who shall include such amount in the tax levy of such year. Upon order of the board of health of each municipality, the municipal treasurer thereof shall, from time to time and subject to section 52 of chapter 41, pay to the district treasurer such sums not exceeding the amount certified by the joint committee as the municipality's share of the costs and expenses of the district. The district

treasurer shall disburse the money so received, upon warrants approved by the health officer. A member municipality of a regional health district formed pursuant to this section may withdraw by majority vote of its legislative body and the vote to withdraw shall become effective on the last day of the next fiscal year. This section shall not apply in the county of Barnstable.

Nothing in this section shall be construed to prohibit a board of health that is not part of a regional health district from appointing as its health agent, a health agent employed by another municipality pursuant to section 30, and setting the salary and terms of employment thereof if such health agent has received written approval from the original appointing authority and the health agent is either: (a) a physician, having graduated from an accredited approved school of medicine and registered, or eligible for registration, to practice medicine in the commonwealth, with 1 year of full-time graduate public health academic training or 2 years of full-time experience in public health; or (b) a lay person with professional academic training equivalent to a bachelor's degree and with 5 years of administrative experience and supervision of generalized public health programs or a registered sanitarian, certified pursuant to section 8700 of chapter 112. If a lay health officer is employed, a registered physician shall also be employed to perform such medical functions as are required.

For purposes of this section, the term "board of health" shall include any body politic or political subdivision of the commonwealth that acts as a board of health, public health commission or a health department for a municipality.

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June 21, 2016

In accordance with Massachusetts General Laws, Chapter 111, Section 27 A, the Westborough Board of Health votes to give Terry Gilchrist approval to work as a Health Inspector for the Town of Northbridge outside of her regular working hours as Health Inspector for the Town of Westborough.

Nathan P. Walsh, Ph. D.

Alan M. Ehrlich, M.D

Syed Hashmi, M.D.



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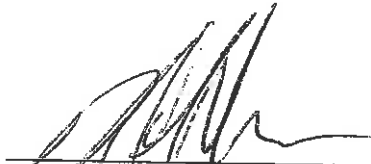
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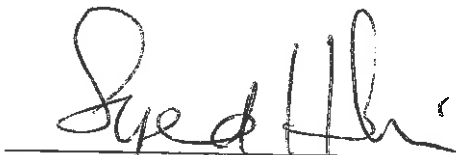
June 21, 2016

In accordance with Massachusetts General Laws, Chapter 111, Section 27 A, the Westborough Board of Health votes to give Raymond Gauthier approval to work as a Board of Health member for the Town of Auburn and a Health Inspector for the Towns of Sutton and Webster outside of his regular working hours as Sanitarian for the Town of Westborough.



Nathan P. Walsh, Ph. D.

Alan M. Ehrlich, M.D



Syed Hashmi, M.D.



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PROBATION REVIEW – MAYURI

In June of 2015 the Board placed Mayuri on probation and moved them to quarterly inspections, part of the probationary requirements was a review of the restaurant before the probationary period was over. I have compiled a list of the dates of inspections and violations.

August 2015- Initial Inspection

34 violations – 27 noncritical and 7 critical (**hot/cold holding, food contact surfaces-dirty, toxic storage, raw food storage, food protection, & plumbing**)

2 subsequent re-inspections needed to be in compliance. Non-compliance Fee charged.

December 2015 –Initial Inspection

22 violations – 18 noncritical and 4 critical (**food protection, toxic chemicals, contamination from hands, & cold holding**)

1 re-inspection, all but 2 noncriticals were corrected

April 2016 – Initial Inspection

19 violations – 16 noncritical and 3 critical (**toxic chemicals, food contact surfaces – dirty, & food contact with utensils**)

1 re-inspection – 2 noncritical and 1 critical (**toxic chemicals**) remained, critical was addressed while I was onsite, a new violation was found – (**improper thawing**) - this was corrected immediately

The next inspection is due in July.

Although the amount of violations has decreased the restaurant has a pattern of the same violations at each inspection.

PROBATION REVIEW

Summary of Inspections for Mirchi July 1st 2015 – June 30th 2016

On July 1st 2015 this facility was put on probation

September 28th 2015 – Routine inspection ---- 49 violations including 4 Critical noted

October 1st 2015 – Reinspection ---to check on the correction of the critical violations. 2 critical violations were not corrected.

October 13th 2015 – Reinspection ---to check on the outstanding critical violations from the 9/28/2015 report. 13 of the 49 violations were not corrected.

October 14th 2015 – A 2nd reinspection was conducted for the outstanding violations. Dishwasher was working properly.

October 15th 2015 – A 3rd reinspection was conducted to check on the outstanding violations. 4 violations were not corrected.

October 19th 2015 – Non-compliance fees of \$400 were charged to the facility. Fees were paid on December 9th after calls were made to the facility by the director Steve Baccari.

December 30th 2015 – A quarterly inspection was conducted at this facility. There were 16 violations including 2 critical noted.

January 14th 2016 – A reinspection was conducted at this facility. All previously noted violations were corrected.

March 9th 2016 – A routine inspection was conducted at this facility. There were 15 violations including 3 critical noted.

March 23rd 2016 – A reinspection was conducted at this facility. There were 2 minor violations that were not corrected however 2 critical violations were also noted. These 2 critical violations were corrected immediately.

June 15th 2016 – A quarterly inspection was conducted at this facility. There were 28 violations including 4 critical noted. The Director Steve Baccari and I made the decision to shut down the facility so that a thorough cleaning could be done. The facility was allowed to reopen after a reinspection and all critical violations were corrected. Another reinspection will be done after 10 days