

Town of Mansfield
Board of Health
May 2, 2019 Minutes

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MANSFIELD
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Mission Statement: The mission of the Mansfield Board of Health is to protect, preserve and improve the public health, environment and wellbeing of our citizens through the enforcement of federal, state and local statutes and regulations, education and promotion of sanitary living and working conditions, and protection of the environment from disease and pollution.

Present: Michael Healey; Chair, Leah Gillespie, Antonia Blinn, Graham Wilson, Amy Donovan-Palmer; Board of Health Agent,

Guests: John Spiezio (Genos), Nicholas Riccio (11 Sawmill Ct.), Wilson Samrout (54 Chauncy St.), Ira Korn (122 Rumford Ave.), Donald Ames (7-Eleven), John Velez (Xfinity Center), Kevin Doherty (Xfinity Center), Kevin Duquette (Xfinity Center), Eileen Hicks (Xfinity Center),

I. Meeting Called to Order

The meeting of the Board of Health was called to order at 7:00pm by Chair Michael Healey at the Mansfield Municipal Airport, Building H.

Mr. Healey introduces Graham Wilson as a new member of the Board. Mr. Wilson introduces himself.

II. Review and Approve Consent Agenda

***Motion to approve consent agenda made by Ms. Blinn, 2nd by Ms. Gillespie, Vote 4-0 PASSED**

III. Meeting Minutes

Acceptance of the March 28, 2019 Meeting Minutes:

***Motion to approve consent agenda made by Ms. Blinn, 2nd by Ms. Gillespie, Vote 3-0-1 PASSED**

IV. Request for Food Code Variance

John Spiezio of Genos Restaurant

Mr. Healey says there has been a notification sent to Genos in regards to sinks specifically handwashing sinks. He gives Mr. Spiezio the floor to discuss his variance request.

Mr. Spiezio provides some background on himself and the business. He's been the owner of Genos for 38 years, works full-time with his wife and five other employees who work part-time. He says the cost, from two estimates, is over \$8,000 and he doesn't believe it's necessary for his establishment. He invites the Board to inspect his restaurant. He explains how the restaurant utilizes a two sink system. He says his employees do wash their hands in one of the shared sinks. He provides two estimates to the Board which are detailed below:

“Scope of work: Remove existing 2 bay kitchen sink, grease trap, and dishwasher. Install new 3 bay sink, new hand sink, dishwasher, and properly sized new grease trap in kitchen. Install new hand sink at bar and relocate beer coolers. All drainage will be copper DWV type tubing. Obtain plumbing permit and inspection from Town of Mansfield. Labor and Materials Quote Total: \$8450.00” –Todesco Plumbing & Heating

“Scope of Work shall include removing 2 bay sink, new grease trap, dishwasher in kitchen, adding 3 bay sink, hand sink, dishwasher and upgrading grease trap in kitchen. Adding hand sink at bar, relocating beer coolers. Includes all new plumbing, labor, material and permits. Demo and rebuild of kitchen done by others. Total cost due upon completion: \$7900.00” –Dave Silva

Mr. Riccio introduces himself as a patron and former building inspector. He says that Mr. Spiezio’s kitchen is always immaculate and he’s a really good guy. He explains how construction in Town has directly affected his business and Mr. Spiezio has never complained. He says he understands the new FOG regulations but he says the current cost is too much of a financial burden for a small business. He asks for them to consider a variance in support of a local business that has been maintained for 40 years.

Mr. Healey says he would like to go over an email from the Board of Health Agent that deals specifically with the hand wash station. He says he believes that the hand wash station is the one they’d like to understand why he’d like a variance on that. He says hand wash stations are very specific to the code and something that has been there for a very long time. He says it comes down to them doing more detailed inspections in Mansfield to get the Town to code. He asks how they plan for their hand washing sink in their variance.

Mr. Riccio says it comes down to a lack of space. Mr. Spiezio says yes, it’s due to a lack of space and provides pictures to the Board. He explains the space of the kitchen area. Mr. Healey asks Ms. Donovan-Palmer if her conversations about the sink in the bar area has been addressed with Mr. Spiezio says yes and she has provided all information that explains how to file a variance to both Mr. Spiezio and the Board along with Mr. Spiezio’s letter.

Mr. Healey says the letter does not have sufficient information on the handwashing sink and invites Mr. Spiezio to work with Ms. Donovan-Palmer on providing information for the variance. Mr. Healey says there isn’t a workaround for the handwashing sinks but says if they understand the language in the variance then they should be able to work something out. Mr. Healey offers himself to be present to help. He reiterates the importance of having a handwashing sink. He says Ms. Donovan-Palmer is able to help with anything he needs. Ms. Donovan-Palmer says there is processes for utilizing just a 2-bay sink with the use of a dishwasher. She says they just need to see the plan if the dishwasher broke. She offers to help with writing that information.

Mr. Riccio asks what a reasonable timeframe would be. Mr. Healey says to first work with Ms. Donovan-Palmer. He says they’re a flexible on timing but not on the code as they are merely enforces of the code.

Mr. Healey fields for questions or comments. Ms. Blinn explains how the hand washing sink is important in cross contamination and the Board is here to help with whatever they need. Mr. Healey says they’re flexible with timing as long as they provide updates to Ms. Donovan-Palmer and he’d like one next month.

Ms. Donovan-Palmer says that Mr. Spiezio had other items that came up and got them fixed immediately. She says he’s been very communicative about resolving any issues.

V. Tobacco Control Compliance Check

Mansfield Gas and Service (Violation)

Mr. Samrout introduces himself. He says he was shocked with his violation. He says he reviewed the cameras. He says he's always been very strict and that he has full-time employees that are also very strict. He says he takes responsibility for it and says that it won't happen again. He says he has a nest that only records 7 days back. He says he went from 3 and up but didn't see anything.

Mr. Healey says he's very comfortable that the people going in to do code checks did a good job. Mr. Samrout says he's been working there since he was 18 and that being 21+ may be a little confusing to some but he does educate his employees. Ms. Blinn asks what their process is for having their employees trained. Mr. Samrout says that they ID everybody. He says it's straightforward. Mr. Healey says that from appearances that someone did look at the ID but they didn't verify the date on the ID. Mr. Healey asks if they have a written plan on controlling the sale of tobacco. Mr. Samrout says he has someone who's been there ten years and he's never had an issue since day one. He says he does educate his employees. He says he sees a lot of fake IDs from New York and they don't sell to them.

Mr. Samrout says he'd like to eventually upgrade to having the scanners for IDs. Mr. Healey asks if he's going to be purchasing the system for scanning the ID. Mr. Samrout says yes. Mr. Healey says he would like to see that as part of their plan on how they're going to prevent future violations. Mr. Samrout asks if that's required by law yet. Mr. Healey says no.

Ms. Blinn says what they would like to see is a plan on how they're going to train every employee and what frequency that happens. She explains a standard training process and provides an example of what other establishments do. She offers this to Mr. Samrout as a template to use. Mr. Healey says that they're here to help in whatever way they can but they're looking to see verification of no future violations. He suggests they consider looking to upgrade their system because it's not that expensive.

Mr. Samrout says he will look into it. He agrees to write the plan. Ms. Donovan-Palmer says that the ticket has already been paid.

Mr. Korn asks to make a suggestion. Mr. Samrout agrees. Mr. Korn says they have cheap calendars at Staples that show "Do not sell if born before this date" and it's a cheap easy system to use.

Tedeschi/7-11 (Discussion)

Donald Ames introduces himself. Mr. Healey says he wants to congratulate whoever prevented the tobacco sale. He says there was a second set of eyes there that stopped it. He says they're very pleased a manager was there to prevent the employee from selling the tobacco product. He says his only concern is they had a violation recently and asks if that employee underwent that training. Mr. Ames says that they have computer based training, a form employee's sign, and other information provided to all employees. He says the employee who almost committed the violation no longer works at the establishment. Mr. Healey says its good operations because of the manager and there's no concern if the employee has moved on. He thanks Mr. Ames for coming in to explain. Ms. Donovan-Palmer asks if the employee was let go or left. Mr. Ames says the employee left on his own. Ms. Donovan-Palmer asks how he knew who it was. Mr. Ames says they have an older video system. He says he can't necessarily see the brand but he can tell who the employee is.

VI. Old Business

Delaware North at Xfinity Center

Mr. Velez introduces his team from the Xfinity Center. Mr. Healey says the Board has been working heavily with the former manager, Steve Kelley, and he wants to make sure the new leadership understands the Board is looking for. Mr. Velez says they're working with Ms. Donovan-Palmer on this using the same action plan that was provided. He says a lot of the items they looked at that are easy to correct. He says he's put this team together to get ready for the opening.

Mr. Healey says one of the things he asked for last year, that he did not get this year, was a Food Service Technician reports. These say they've been cleaned and operate at the minimum standards required. Mr. Velez says he's already discussed this with Ms. Donovan-Palmer and will provide these items. He says cleaning has already been done and will provide this information. Mr. Healey says the Board is looking to have inspections and would like the Board of Health to be allowed inspections.

Mr. Healey fields the Board for more questions or comments. Ms. Blinn says she's glad to see the plan improved and looking forward to inspect.

Mr. Healey says when they did a walkthrough that certain items didn't have a manufacturing date or manufacturing code. He says it's focused around produce. Mr. Velez says he was surprised by this. Mr. Healey asks for them to request a date from the manufacturer to place on all these items. He reiterates that he has faith in Mr. Duquette's ability to help them with this.

Creamery

Ashwani Ratha introduces himself. He thanks Ms. Donovan-Palmer for adding him at the last minute. He explains that all items they get are pre-mix cream and they have a machine that freezes it. Mr. Healey asks how the units are cleaned. Mr. Ratha says they clean it in one cycle. Mr. Healey says then they do need a grease trap. Mr. Ratha says they have an interior and exterior grease trap. He explains their business is extremely seasonal. He says he's asking if there is any kind of variance to have less frequent cleanings during the slower months. Mr. Healey asks what the size is of the interior grease trap. Mr. Ratha says 20 gallons.

Ms. Donovan-Palmer says this is an item they're working with a lot of establishments in Town, but she has not had a lot of communication from Mr. Ratha. She said there's been some confusion of what the establishment has in place. She says she's been having to lead all communication and has requested Mr. Ratha come to this Board meeting. She says there is a process in place and they need it to be followed. Mr. Ratha apologizes for this to the Board.

Mr. Healey says that Mr. Ratha has plenty of time to write the variance. Mr. Healey says the expectation is that they clean the grease traps monthly. Mr. Ratha says he understands there is something that says they could be provided a variance with their off-season months. Mr. Healey says yes and this is something that Ms. Donovan-Palmer can help him with. Ms. Donovan-Palmer asks if Mr. Ratha has read any of the regulations that she has sent him. Mr. Ratha says he may have but will have to read them again. Ms. Donovan-Palmer says she's willing to send him them again. Mr. Healey offers to visit the establishment to help in any way he can. Ms. Blinn says she's looking over the variance documents and believes he may be within the parameters of a variance.

Discussion on establishment adherence to the Health Code

The Board has a discussion on updating all Town of Mansfield establishments to adhere to the Health Code. Ms. Donovan-Palmer explains her communication process and how she's trying to help these establishments. She explains that they provided Fresh Catch a provisional variance to clean their own grease traps. She says they were assessed by a certified drain cleaner. She says they're lacking information on some items and she asks if the Board would like to extend this provisional variance.

Mr. Healey says they knew that this was going to be a difficult task to get the Town to compliance and that they should show patience. He says they had a deadline of around December. He says this is new for a lot of business and it shouldn't be new by no fault of theirs. He suggests they extend this until the next. The Board agrees with this.

***Motion to extend the provisional variance until June 1, 2019 for Fresh Catch made by Ms. Blinn, 2nd by Ms. Gillespie. Vote 4-0 PASSED**

Rumford Ave

Mr. Korn introduces himself. Mr. Healey explains how they had a public hearing where they had heard from the Health Agent and the Fire Chief. Mr. Healey says the Board voted to give an additional 30 days to help clean up so that upon re-inspection they wouldn't need to condemn the unit and force the resident out of the unit. Mr. Healey asks Ms. Donovan-Palmer what has occurred since that meeting.

Ms. Donovan-Palmer says she has called Mr. Korn several times and left messages that she sent the letter deeming the unit unfit for human habitation, that she tried to set up bi-weekly meetings, she attempted to have the Town Social Services attain services for Mr. Korn, and that the first time that she has seen or heard from him is tonight at this meeting.

Mr. Korn says it hasn't been a good month. He apologizes for missing the last meeting and said he was unaware that he should go. Ms. Donovan-Palmer says she has been personally putting the notifications into his mailbox. Mr. Korn says he's only gotten two certified letters that he picked up back to back. He said he got a voicemail or a letter that mentioned this meeting. Ms. Donovan-Palmer asks if he received any of the voicemails from Sharita Gregory, the Town social worker. Mr. Korn says he's not sure. He said he started looking for apartments. He explains his current life situation. He says he contacted Courtney at South Shore but she's booked. He says she provided him some inspirational guidelines and he has made some more progress on his apartment. He says he doesn't understand what his expectations are.

Ms. Gillespie says the Board has been on all communications between the Board of Health Agent and Town Social Worker. She says they believe they have been very clear about what the Board wanted him to do. Mr. Korn says there was an initial conversation about the hallway and he complied with that. He says that he was told to eliminate 30% of boxes in the unit and thought he had completed that but was told it wasn't enough by Ms. Gregory and Ms. Donovan-Palmer.

Mr. Healey details what occurred at the last meeting. He says they voted to have three requirements for Mr. Korn to stay in the residence. Those items are detailed below:

1. At the May meeting, the Board of Health will order the resident to vacate the dwelling unit unless it has been decided, by the Health agent and Fire Chief, to no longer be a safety hazard.
2. The Board of Health highly recommends that the resident secure outside resources which have been offered by the Town Social Services.
3. The Board of Health asks that bi-weekly visits are available to the resident to help him stay on track with the current clean up.

Mr. Healey asks Ms. Donovan-Palmer if the Chief and she were able to determine if the unit is still a safety hazard. Ms. Donovan-Palmer says she has been unable to do that. Mr. Healey asks if the resident has secured outside resources for help. Ms. Donovan-Palmer says no. Mr. Healey asks if there have been bi-weekly meetings. Ms. Donovan-Palmer says no. Mr. Korn asks why he never saw any of this. Mr. Healey says there were multiple communications sent to him. Mr. Healey says Mr. Korn has been working with the Health Agent and Fire Chief for months. Ms. Gillespie confirms there has been certified mail delivered to the address. Ms. Donovan-Palmer says she has verified the delivery herself. She says starting the Friday after the public hearing she began calling Mr. Korn. She said she called about 4 times. Mr. Korn says he was delinquent with that. Mr. Healey explains it's the responsibility of the Fire Chief to keep him and everyone else in that building safe. He says that Mr. Korn has to comply with what the Chief says. Mr. Korn says he's made progress even without the visits.

Ms. Blinn asks when the last time the Health Agent, Town social worker, or Fire Chief was there. Mr. Korn says probably the 20th of March. Mr. Healey says the last public hearing was to determine if the unit should be condemned and they voted not to under these requirements. He explains that they've provided him an additional 30 days already. Mr. Korn says that progress has been continually made. He says he's looking to stay and not be evicted. He offers to have them visit next week. He says these visits are an intrusion. He says he can get a storage unit but he's trying to avoid it. Mr. Healey says that he understands all of this but they've been given a problem to solve by the Board of Health agent and the Fire Chief. He says they've addressed it by having a public hearing and providing specific requirements. He says there is a frustration from the Board due to Mr. Korn's lack of communication when they're trying to help him.

Ms. Gillespie says that a big aspect to helping Mr. Korn was for him to contact outside services that could help him. Mr. Korn says that the way he read it is that the Town would pay for it. Mr. Healey says it says the Town offered services that would be able to help not that the Town would pay for it. Mr. Healey says this has been Mr. Korn's own choice to not contact Ms. Gregory or Ms. Donovan-Palmer. Mr. Korn says he's contacted Courtney but she's booked through May. He says he last spoke to her two days ago.

Mr. Healey says the last public meeting was open to the public and Mr. Korn was sent a specific invitation to be there; even though it was not a requirement to do so. Mr. Healey says that it's been proven that none of these items have been addressed.

Ms. Donovan-Palmer says that he has confirmed that he has received her voicemail messages and that he has received the certified mail sent to him. She says, on her end, that there has been open communication with no reciprocation.

Mr. Healey says they're voting on this tonight and requests to know from Mr. Korn what will change

tomorrow. Mr. Korn says they can come by next week and look at the progress he's made. He says whatever reasonable timeframe they decide on to let him know and he'll either get a storage unit or find another place to stay. Mr. Healey says that he needs to understand the Fire Chief and the Board of Health Agent do not decide what needs to get removed. He says their job is to determine what is safe for Mr. Korn and the other residents of the building. He says that he's had six months to clean out the apartment and they're in a very difficult place this Board has never been to before. He thanks Mr. Korn for coming to the meeting tonight.

Mr. Healey entertains a motion. Ms. Blinn says this is not an easy decision for them to make. Mr. Healey says they can extend the deadline, they can decline the motion, or they can table the motion. Ms. Gillespie says she'd be willing to extend for one more month. She says securing services would be her biggest aspect of this. She says they need to consider the safety of everyone in the building. Ms. Donovan-Palmer says a month is way too long. She says the original date was February 28, 2019. She says the lack of communication this past month is really troubling to her. She says she wished she had invited the Fire Chief but had not heard from Mr. Korn until he came to the meeting tonight. Ms. Blinn says because it's been too long and they need to be respectful of the process the Health Agent and Fire Chief have tried to implement.

Ms. Donovan-Palmer explains that if this motion is served to the occupant, then they would have seven days to request a hearing by filing a written commission disputing the order.

***Motion to order the condemnation of 122 Rumford Ave, Apartment 2L, due to the violation of 105CMR 410.602(B) to order to vacate the dwelling unit and to order the owner to secure the dwelling unit made by Ms. Blinn, 2nd by Ms. Gillespie, Vote 4-0 PASSED**

Tobacco Regulation Discussion

Mr. Healey says there will be a workshop on e-cigarettes. He says they're being asked to pass certain regulations and he didn't feel educated enough. He says he'd like to move the June meeting to June 18th to incorporate this workshop. The Board agrees to this.

Food Inspection Summary

Ms. Donovan-Palmer says the contract food inspector did an amazing job. She details the report to the Board. Mr. Healey says that some are more critical than others. He says he read all inspections and re-inspections done up until this point and says he was disappointed in the lack of effort to follow the food code in critical violation. He says he's very concerned over the number of times they didn't fix their critical violations. Ms. Donovan-Palmer says she went somewhere today for the third time and did provide a fine. She says she understands it's a new code and a new inspector but once she's been there three times then that's enough. She says a lot of these issues are pretty critical issues with sanitation and hot/cold issues.

Mr. Healey says they need to start supporting the Board of Health agent in these issues. He says food safety is a big issue for him. He says good businesses train their staff properly so if there is the occasional critical violation then it can be addressed. Mr. Healey says if the Health Agent is constantly doing re-inspections then she is unable to do their job. He suggests they have a limit to critical violations. Ms. Donovan-Palmer says there's a lot of infrastructure and basics that are not in place. Mr. Healey says that communication is important. He says if they communicate with the Health Agent about fixing the changes then they're able to give leeway on the issues. Mr. Healey reiterates they need to support the Health Agent because she is acting on their charge based on their decisions.

To summarize violations:

Number of critical violations on the 1 st inspection	Number of Establishments
0	9
1	9
2	5
3	9
4	8
5	7
6 or more (maximum 14)	10

Number of inspections before 0 critical violation	Number of Establishments
1	9
2	35
3	8
Still outstanding violations	5

Mr. Healey asks if anyone has a thought around the limit of critical violations and decide who should be invited to the next meeting. Ms. Blinn says it's a bit scary looking at the amount of critical violations. Mr. Healey says they need to offer the education to the business owners. The Board agrees with this. Ms. Gillespie asked when fees would be instituted. Ms. Donovan-Palmer says, besides the first business discussed, most will start being fined after the next inspection.

VII. Correspondence

None

VIII. Agents Report

Housing Inspections

Ms. Donovan-Palmer provides an update on the on-going on Heritage St. She says that they're taking down more drywall to try and determine where it's coming from.

Ms. Donovan-Palmer says there's a house on Otis St. that had an issue with heating but that issue has been resolved. She says there are a few other items but she is taking care of it with the owner.

Ms. Donovan-Palmer says there was an issue with sub-metering on Charles St. She says it could be in the lease that you're paying for certain hallway lighting. She says the person was paying for basement, outside, and the hallway. She says the owner will need to take care of that.

IX. BOH Topics for Discussion

Gun Violence/Suicide Prevention Program

Ms. Blinn explains the Be Smart program. She says she had a chance to talk with people from Mom's Demand Action. She explains how the program would be beneficial to residents of Mansfield. She fields

the Board if this is something they'd like to pursue. Mr. Healey says he just attended a lecture at the library and that space would be perfect for that. He suggests they contact them first and is in favor of it. Ms. Blinn will provide an update at the next meeting.

Nursing Transition

Ms. Donovan-Palmer says they're holding TB training on May 23, 2019 at 1:00pm. She says the Chief has asked her to outreach to some other Towns; which she has done. She says she appreciates the level of documentation and communication that these departments have shown.

Possible Intern

Ms. Donovan-Palmer says she has spoken to one whom she believes to be a good match. She says putting together a toolkit would be incredibly helpful. She says another aspect she'd like her to focus on would be the website and putting out some pamphlets for residents/establishments.

X. Items not known 48 hours prior to meeting


None

XI. Visitor Comments

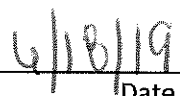
None

XII. Adjournment

***Motion to adjourn at 9:03pm made by Ms. Blinn, 2nd made by Ms. Gillespie. Vote 4-0 PASSED**



Kasia Frenette, Clerk
Antonia Blinn



Date