

North Andover Board of Health

MEETING MINUTES
THURSDAY, NOVEMBER 19, 2009
7:00 p.m.
120 Main Street, 2nd Floor
Selectmen's Meeting Room
North Andover, MA 01845

Present: Thomas Trowbridge, Larry Fixler, Joseph McCarthy, Susan Sawyer, Michele Grant, Debra Rillahan, Pamela DelleChiaie

I. CALL TO ORDER

The meeting was called to order at 7:10 p.m.

II. PUBLIC HEARINGS

A. Continued.....Septic Regulations for review

Discussion ensued about the updates on this regulation. The Board members have been reviewing the regulations and made suggestions to Ms. Sawyer. Dan Ottenheimer of Mill River Consulting will most likely have any additional suggestions or comments prepared for the December meeting. Ms. Sawyer will forward to Carol McGravey of Town Counsel once all revisions have been made.

III. APPROVAL OF MINUTES

A. Meeting Minutes from June 25, 2009, to be presented for signature.

B. Meeting Minutes from July 23, 2009, to be presented for signature.

C. Meeting Minutes from September 24, 2009, to be presented for signature.

The meeting minutes for June, July and September 2009 were approved and signed.

IV. OLD BUSINESS

A. Food Regulation Updates

Dr. Trowbridge spoke about the proposed local amended food code regulation. The Board members have been reviewing a draft version, and have been providing comments to Ms. Sawyer.

A determination needs to be made as to whether the Board of Health needs to have an open hearing next month to propose a new local food regulation. Boards of Health can make rules and regulations without hearings, but it is always best to receive public input.

Ms. Sawyer reviewed the administrative process of food plan reviews that are received by the Health Department, and how this guideline process is helpful to target issues that are important to incorporate into any local food code regulations which may be adopted.

Issues of cross contamination from accessing food storage outside, and strategic planning regarding the size of the establishment and future use, in order to cut out the need of temporary storage. Temporary storage may not be a truck or a shed.

Sections 1 and 2 are combined. Physical standards of any storage must comply with the state food code. Food storage facilities shall all be all non-porous – floors, walls, ceilings.

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Note: The Board of Health reserves the right to take items out of order and to discuss and/or vote on items that are not listed on the agenda.

Board of Health Members: Thomas Trowbridge, DDS, MD, Chairman, Larry Fixler, Member/Clerk, Anne Brennan, Member, Joseph McCarthy, Member, Francis P. MacMillan, Jr., M.D., Health Department Staff: Susan Sawyer, Health Director; Debra Rillahan, Public Health Nurse; Michele Grant, Public Health Inspector; Pamela DelleChiaie, Health Department Assistant

Emergency storage – granted upon identification of need. Note regarding allowing denial of application for not following Health Department policy. Waivers/extensions can be granted by Health Department staff.

Variations must be granted by the Board of Health. Fees for plans of temporary food storage should be considered due to need for review, meetings, and inspections. Plan review fees help to cover the cost and time of the actual plan review and pre-operation inspections for new establishments, or current establishments making physical changes within their establishment.

With regard to item 5, last line – should this apply to temporary as well? Do we want identical language? Should be in both or neither.

Ms. Rillahan suggested incorporating a daily fine to establishments that do not comply with operating under their food permit. It's about the permitting system, and being able to stay within the guidelines. Perhaps it is possible to fine and have an emergency hearing. Ms. Sawyer brought up issue of using and embargo process to prevent use of food until it is known that it is not contaminated. Wording: "may or can result" in fines and/or hearing before the Board of Health....and be "subject to penalties".....

Mr. Fixler suggested not having a hearing, and just placing it on as an agenda item.

V. NEW BUSINESS

A. Food – Little Sprouts – 2324 Turnpike Street – Food Plan Appeal Request

Ms. Krysta O'Neill, VP of Operations for Little Sprouts, Inc. was present to explain her request. A food plan review application was received by Little Sprouts and reviewed. There were some items in the application that was different than the previous daycare (Little Professionals) used, which was a lesser type of food service. Little Sprouts does snacks, pre-packaged pancakes, yogurt, cut-up cucumbers.

To comply with the food code, there is an issue with the three bay sink. They would prefer to install a sanitizing machine also known as a sanitizing dishwasher. Not using this option would incur about \$25,000 in plumbing costs and cutting into the concrete floor. To assure the BOH that the sanitizing machine is operating properly, they could institute a maintenance contract or regular testing. In comparison the 3bay sink comes to \$18,000. Right now, there is pre-packaged food brought in by the children from home. According to Ms. O'Neill, the Little Professionals had the exact same business model as Little Sprouts, and the requirements to comply, is very expensive.

Ms. Sawyer spoke about three bay sinks. Every establishment is required to have them. Some, but not all also have a dishwasher. One of the common violations is that the dishwasher does not have soap; the temperature is not right, etc. If a dishwasher is not working, one must use the 3-bay. In this case, if the dishwasher is checked, and not working, this establishment would not have a 3-bay sink.

Another issue is the sink basin large enough for the biggest item? Ms. Sawyer asked where the refrigerator shelf grills would be washed? Ms. O'Neil stated that the three bay sink is the same size as the dishwasher, and some items would not even fit in the sink.

This presentation is about the difference between the sanitizer and the 3-bay sink, not bringing the whole kitchen up to code.

Motion

A motion was made by Mr. McCarthy to:

Allow the installation and use of a commercial sanitizer and grease trap in lieu of a three bay sink and grease trap.

- If the sanitizer machine malfunctions, food cannot be prepared on site until repairs have been made the Health Department is notified.

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- Items which cannot be placed in the sanitizer machine must be cleaned in place. Procedures will be made available to the Health Department and posted on site.
 - The Health Department must receive written assurance of a maintenance schedule of the sanitizer machine.
 - Maintain a maintenance log for the sanitizing machine.
 - This motion is contingent upon acceptance of the sanitizing machine by the Health Department
- Dr. Trowbridge seconded the motion. The motion was denied based on a vote of two to one. Mr. McCarthy and Dr. Trowbridge were in favor. Mr. Fixler was opposed.

VI. COMMUNICATIONS, ANNOUNCEMENTS, AND DISCUSSION

- A. A 2010 schedule should be ready for review and discussed at the December meeting. It was asked that school vacations be considered when making the schedule. Dr. Trowbridge asked if it was possible to have the January meeting on the 21st instead of the 28th.
- B. A holiday gathering was discussed. Staff and Board members will look at possible dates in January for the to agree on.
- C. Mr. McCarthy stated that he has been reviewing TBI protocol to be sure that they are complying with the site assignment.

VII. CORRESPONDENCE / NEWSLETTERS

VIII. ADJOURNMENT

The meeting was adjourned at 10:10 p.m.

Prepared and Submitted by:

Pamela DelleChiaie
Administrative Assistant

Reviewed by:

Thomas Trowbridge & Susan Sawyer

Signed by:


Larry Fixler, Clerk of the Board

December 17, 2009
Date Signed

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