

**Board of Health
Meeting Minutes
April 6, 2015**

Members Present:

Tom Kinzer, Co-Chair
Bea Brunkhorst, Co-Chair
Sarah Thompson
Caroline Donnelly

Staff Present:

Heidi Porter, Director
Faye Andrews, Health Inspector
Gem Mercado, Administrative Assistant

Member Absent:

Anita Raj

Also Attending:

Kenneth J. Leitner, Jr., 9 Nickerson Road
Man Chiu Ho, 200 Great Road, Asiana Bistro

The meeting was called to order at 7:04 P.M. Dr. Brunkhorst chaired.

Board of Health Reorganization

The Board Members discussed reorganization of officers. Dr. Brunkhorst indicated that she would like to remain as co-chair; Mr. Kinzer asked whether Ms. Thompson or Ms. Donnelly would like to serve as co-chair and suggested they consider the position in the future. Ms. Thompson suggested Mr. Kinzer serve for another 6 months as she would consider co-chairing in the fall of 2015. Ms. Donnelly will consider co-chair position and was in favor to maintain the current board member structure. All reelected board members have been sworn in by the Town Clerk.

Ms. Thompson moved to keep Mr. Kinzer and Dr. Brunkhorst as co-chairs of the Board of Health, effective April 6, 2015. Ms. Donnelly seconded the motion. Vote count: 4-0.

Hearing – Sanitary Code Violations, 9 Nickerson Road

Dr. Brunkhorst called for a roll-call vote to open the hearing. All members present voted affirmatively to open the hearing. Vote count: 4-0.

Ms. Porter provided background on the housing case. She stated that Mr. Leitner, owner of the property, requested the hearing as he did not believe that some of violations identified in the March 6, 2015 Order to Correct were valid. She then explained that a 4th Order to Correct letter was sent to Mr. Leitner relative to the violations that were noted by Ms. Andrews during the 4th inspection. Ms. Andrews summarized the violations:

- electricity was not functioning in the back area of the house;
- tiles not secured in the bathroom; this could be due to water intrusion into the walls;
- front door was damaged due to ice damage;
- outside light fixture was damaged due to presence of ice.

Mr. Leitner said that the tenants vandalized the property and then moved out, which has created more work for him and he would therefore need an extension to complete the repairs. He also stated that Ms. Andrews had not mentioned the missing tiles from the bathroom in any of her previous inspection reports that took place over the span of October 2014 – February 2015. Mr.

Leitner indicated that he would like all letters sent by Ms. Andrews during the dates that the tenants moved out to be corrected with the tenant's new address.

Mr. Leitner stated that the wiring in the house is new, as a result of a fire that took place a few years back, and has been approved by a licensed electrician: 100 amps in the sub panel, 1 with a circuit breaker, and 1 with a fuse box. He then said that the reason why the electricity did not function properly at the time of Ms. Andrews' inspection was due to a fuse being out. In the matter of the outside light fixture, Mr. Leitner stated that he will change the light. Mr. Leitner requested that the Board of Health provide him with the tenant's new address. Ms. Andrews informed him that she was not given this information.

Mr. Leitner additionally mentioned that he will have an expert come out to repair the trip pads, tiles, and the area behind the stove where the floor meets the wall. He explained that the source of heat behind the stove is a vent. Ms. Andrews asked Mr. Leitner to provide documentation and pictures from an expert proving that a vent is indeed located behind the stove, as she did not see one when she inspected; Mr. Leitner agreed to Ms. Andrews' request. Ms. Porter stated that the initial 30 days given to Mr. Leitner to correct items listed as violations (through the 3rd inspection and subsequent order letter) had expired and violations had not been corrected. April 3, 2015 was the deadline for correction. She also stated that access was not provided to the Board of Health, which prevented Ms. Andrews from performing the required inspection prior to this Board meeting.

Mr. Leitner informed the Board members that a considerable amount of work would need to be done in order to be compliant with the Orders of Correction issued by Ms. Andrews. He then stated that based on his perception, the tenants deliberately vandalized his property, leaving him with a significant amount of work to do and should therefore be given an extension to make the required repairs. Ms. Porter recommended the Board allow Mr. Leitner an additional 30 days to remedy ALL of the outstanding violations; if full correction is not made within that timeframe, criminal charges would be filled in Concord District Court. Ms. Thompson then suggested that the Board members be provided with an update report at the May 4, 2015 Board meeting. Ms. Brunkhorst stated that Ms. Andrews must be provided with access to the unit by May 1, 2015, so that an inspection could be made prior to the May Board meeting.

Ms. Thompson moved that the Board of Health issue a 25 day extension, until May 1, 2015, for Ken Leitner to correct all of the uncorrected sanitary code violations as outlined above. If correction is not achieved by May 1, 2015 the Board of Health staff will file a criminal complaint at the Concord District Court; Dr. Brunkhorst seconded the motion. Vote: 4-0.

Sanitary Code Violations, 81 South Road- request for extension:

Ms. Andrews stated that the landlord, Ms. Jane Garland, had been trying to remedy the existing identified violations in her rental property due to ice damage from the harsh winter. Upon her recent inspection, Ms. Andrews was able to see that the water (a result of the melting ice) had stopped but damaged building materials remained: the ceiling in the main bathroom was warped, "black" residue in the bathtub, and a warped ceiling in the living room. Ms. Donnelly was curious to know if the intrusion of water was due to the home being old; Ms. Porter said no, it was a result of the home not being weather tight and Ms. Andrews would seek remediation under

code *105 CMR 410.501 (C): Weathertight Elements*. Ms. Andrews informed the Board members that Ms. Garland was given a 30 day Order of Correction but was unable to secure the services of a contractor that would install the insulation in the home and repair/replace the impacted building materials. She noted that the tenants had informed her of their inability to have access to the master bathroom, which is needed to bathe their 8 month old baby. Ms. Porter stated that it is reasonable to give a 30 day extension to Ms. Garland. Ms. Andrews then stated that the tenants are not comfortable cleaning the master bathroom due to their worry that mold may be present. Ms. Thompson proposed that Ms. Garland hire a professional cleaning service in addition to hiring a professional contractor. Ms. Donnelly asked for clarification as to what would propel the Board of Health toward bringing this case to court. Ms. Porter clarified that per *105 CMR 410.500: Owner's Responsibility to Maintain Structural Elements*, Ms. Garland has the responsibility to maintain the structure of the home and make it "weather tight". Ms. Porter asked the Board members to specify a reasonable time frame for Ms. Garland to make the corrections to prevent numerous inspections by Ms. Andrews.

Ms. Donnelly moved that the Board of Health issue an order for all structural repairs to be completed and inspected by May 29, 2015. Additionally, the owner must have the bathroom and living room professionally cleaned to remove all residue as a result of the water damage within 7 business days (completed April 15th, 2015); Dr. Brunkhorst seconded the motion. Vote count: 4-0.

Hearing – Food Code Violations, Asiana, 200 Great Road:

Ms. Porter explained that Mr. Ho was asked to attend the hearing due to the lack of correction of violations following recent routine and re-inspections of his food establishment. She stated that she would like to establish a plan of action since Asiana is a higher risk restaurant due to sushi service and must be inspected 3 times per year.

Ms. Andrews stated the areas of concern:

1. The sanitizer concentrations have consistently read below the mandated level for efficacy;
2. In order to prevent the spreading of germs, the wet cloths that are used to sanitize the counters should be returned to the sanitizing buckets and not left on the counters;
3. All food should be covered to prevent cross contamination;
4. There is concern as to why the "black substance" in the refrigerator became present and is persistent.

Ms. Andrews stated that the inspections were spread out due to the snow season. She said that Asiana Bistro lacks proper process and procedures for sanitizing, and the staff need additional training. Ms. Andrews explained that per the 1999 Food Code, refrigerated food temperatures that read above 44 degrees and below 100 degrees are in a "danger zone"; some of Asiana's refrigerated food temperatures had read 45 degrees, which is a violation. Ms. Andrews concluded that she was not assured that the employees and management know how to ensure compliance with the food code, especially since they do not have a plan and procedures in place to do so.

Mr. Ho stated that Asiana has experienced personnel changes: head chef had been traveling, new workers had to be hired and trained, and an employee resigned after being reprimanded for

smoking near the kitchen.

He defended each of Ms. Andrews claims:

1. The workers are confused as to how to properly read the sanitizing levels and as a result, the levels are off. **Solution: Mr. Chiu proposed to use a syringe to teach his staff the correct amount of bleach to add in the sanitizing bucket. Ms. Andrews proposed changing the bucket every 2 hours.**
2. The towels that are used to sanitize and carry hot and cold foods are the same color. **Solution: Ms. Porter recommended using different color cloths to avoid any mishaps; Mr. Ho obliged.**
3. The food has been covered since the return of the head chef.
4. Mold was not detected in the cooler by the professional cleaning company that Mr. Ho hired; discoloration is a result of the surface being worn.

Ms. Porter stated that due to the repeat violations at Asiana and that violations have existed beyond reasonable time, professional consultation and guidance is needed to establish proper procedures and plans. She recommended Mr. Ho render the services of an experienced food consultant, approved by Ms. Andrews and Ms. Porter, and provide monthly inspectional reports to the Board of Health. Ms. Porter clarified that the intent of her recommendations are a mechanism to get Asiana back on track. Mr. Ho stated that he was pleased with the results of food consultant, Mr. Sam Wong, and would attempt to render his services again. Mr. Kinzer asked Mr. Ho to state the location of the current plans and procedures; there are none in place Mr. Ho replied.

Ms. Thompson moved to have the ownership of Asiana contract an experienced food consultant (name submitted and approved by the Health Agent) to update food safety procedures, conduct necessary staff training, and conduct monthly inspections of the establishment over the next 3 months. Inspection reports, inclusive of any food code violations identified, shall be forwarded to the Board of Health within one week of inspection. If, upon the next follow-up Board of Health inspection, improvements have not been made, the Board of Health will hold a hearing to discuss next steps, including potential suspension or revocation of the food establishment permit.” Mr. Kinzer seconded the motion. Vote: 4-0.

BOH Meeting Minutes:

Ms. Donnelly moved to accept the minutes of the March 2, 2015 meeting as amended; Mr. Kinzer seconded. Vote: 4-0.

Nomination of Animal Inspections:

Ms. Donnelly moved that “The Board of Health, in accordance with the Massachusetts General Laws, Chapter 129, Section 15, nominate the following three Town Employees as Inspectors for Animals for the year ending April 30, 2016:

1. Mike Leskowski, Inspector of Animals, Bedford Police Department;
2. Faye Andrews, Health Agent, Bedford Board of Health;
3. Heidi Porter, Director of Public Health, Bedford Board of Health.”

Ms. Thompson seconded the motion. Vote: 4-0.

Board of Health Action Items---Old and New Business:

Ms. Porter reported that she, with Board of Health Co-Chairs Mr. Kinzer and Dr. Brunkhorst, met with Superintendent John Sills and School Committee Chair Brad Hafer, held on 3/18/15. The purpose of the meeting was to discuss whether a transition of oversight of the school nurses from the Board of Health to the School Department was feasible. Additionally, if determined to be feasible, whether the schools should be involved in the current nurses' contract negotiations. Ms. Porter reported that school nurse and union president, Tracy Fernald, and school nurse, Nancy Thorsen, both made a presentation to the School Committee. Each member of the School Committee asked questions directed to the nurses which resulted in a positive interaction. Mr. Hafer made a public announcement that there is a potential for the school nurses transition to the schools. Ms. Porter mentioned that Mr. Sills has committed to sending representation to the contract negotiation meetings that are scheduled between the town and the school nurses' union. Ms. Porter informed the Board that the Board of Health budget was passed at the Town Meeting.

Ms. Porter announced that the Community Meeting scheduled for May 13, 2015 will discuss the Pedestrian and Bicycle Master Plan. She indicated that CERT volunteers will participate in MA Walk and Bike to school day on May 6th. Ms. Porter attended a School Wellness meeting was able to obtain the health curriculum used in the Bedford High School. Ms. Donnelly informed the Board that she attended a Youth and Family Services meeting where it was announced that Spring Brooks Park will be closed on weekends during the summer, that the Recreation Department has a revolving fund that will aid in the expense of evaluating whether the pond can be converted into an outdoor pool, and that the Town of Bedford has issued its last liquor license to the Red Heat Tavern; the Town plans to apply for additional licenses.

Director's Report:

The Board of Health has been able to successfully close out its hoarding case at 2 Sunnyfield. Ms. Porter was initially disappointed with the lack of follow-up from Minuteman Senior Services but their cooperation over the past 6 months has enabled the family to achieve compliance with the State Sanitary Code. Joyce Cheng had great success with the Prevnar 13 pneumococcal clinic which provided 20 residents with vaccinations; she will order 10 additional doses to accommodate the residents that are on a waiting list. Ms. Porter attended the pesticide board meeting, which discussed allowing DPW workers to assist with the placement of mosquito pesticide in the catch basins throughout Town. BOH Recording Secretary, Mary Firestone, has resigned due to health issues. Ms. Thompson suggested sending her a card on behalf of the Board; Ms. Porter volunteered to get the card. Ms. Firestone's position has been posted, but not filled. The first of eight Hazardous Waste Collection events will take place on April 18, 2015. Pre-registration forms are no longer required; Ms. Porter envisions this change to be a success as time and money will be saved. Ms. Porter and Ms. Cheng both had the chance to sit in on the 2nd round interviews for the new Council on Aging Director. They had the opportunity to provide their input as to who would be the best fit for the position. Ms. Porter had the opportunity to attend a seminar on Suicide Prevention. She was quite moved and impressed with the presenter and the information that he provided: *"People that commit suicide do not want to die; they just do not know how to live."* Ms. Porter will seek a grant to potentially fund the same speaker to make a presentation in Town. It was stated that the flu clinic vaccination season for 2014-2015 was a great success and that evening clinics will be planned for the 2015-

2016 season. Public Health Nurse Joyce Cheng followed a reported case of suspected viral Hemorrhagic Fever; it was determined the patient did not have it.

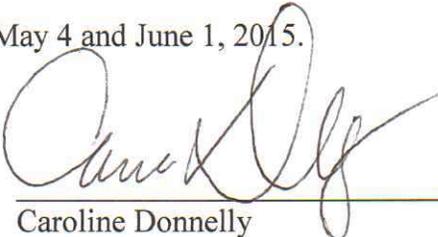
Ms. Donnelly moved to adjourn the meeting; Ms. Thompson seconded.
Vote count: 4-0.

The meeting was adjourned at 9:34pm

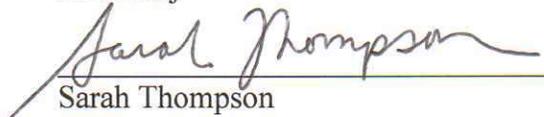
The next meetings of the Board will take place on May 4 and June 1, 2015.


Bea Brunkhorst, Co-Chair


Tom Kinzer, Co-Chair


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