

**Minutes of the Carlisle Board of Health
December 13, 2006
Approved January 16, 2007**

Present: Board members Martha Bedrosian (Chairman), Michael Holland, Jeffrey Brem, Bill Risso, Leslie Cahill absent; Linda Fantasia (Agent); Laura Foley (Carlisle Mosquito)

The meeting was called to order at 7:45 p.m. at the town hall.

MINUTES – It was moved (Bedrosian), and seconded (Holland) to approve the minutes of 4/25/06. Motion carried 3-0-2 with Cahill and Brem who were absent for the meeting abstaining. It was moved (Bedrosian), seconded (Brem) and unanimously voted (5:0) to approve the minutes of 5/16/06 and 5/30/06. It was moved (Bedrosian), and seconded (Cahill) to approve the minutes of 6/6/06. Motion carried 4-0-1 (Brem abstained). It was moved (Brem), seconded (Bedrosian) and unanimously voted (5:0) to approve the minutes of 6/14/06, 6/20/06, 7/18/06, 8/29/06, 9/12/06, and 10/3/06. it was moved (Brem) and seconded (Bedrosian) to approve the minutes of 10/24/06. Motion carried 3-0-2 (Cahill and Risso abstained). It was moved (Brem) and seconded (Bedrosian) to approve the minutes of 11/8/06. Motion carried 4-0-1 (Cahill abstained). It was moved (Bedrosian) and seconded (Holland) to approve the minutes of 4/11/06. Motion carried 3-0-2 (Cahill and Brem abstained).

BILLS – It was moved (Bedrosian), seconded (Brem) and unanimously voted (5:0) to approve the bills as presented.

LOT 14 TRILLIUM WAY – Cultec I/A System for new construction.

The Board reviewed a request dated 12/11/06 from Stamski & McNary to use the Cultec system in place of a previously submitted conventional system. The Cultec is approved for General Use. The design reduces the size of the footprint, associated breakout grading and overall height. The amount of vegetation removal and fill required will be reduced resulting in less impact to the environment. The Cultec system is a specially designed component. It does not require ongoing maintenance or monitoring. Brem asked that a note be placed in the file requiring special inspection of the bed preparation since the system does not have any stone beneath the trenches. The plan was reviewed by Rob Frado. The only item to be addressed is the addition of a swale due to proposed grading within 5' of the southern property line. A revised plan is required.

It was moved (Brem), seconded (Cahill) and unanimously voted to approve the sewage disposal plan entitled "Sewage Disposal Plan, Lot 14 Trillium Way, map 7, parcel 21, designed by Stamski & McNary, Inc., dated 2/28/06, revised 11/15/06" conditional upon submitting a revised plan showing a swale along the southern property line.

FERN'S COUNTRY STORE – permit to operate a food service establishment. Present were Larry Bearfield, proprietor, Greg Peterson, Michael and Donna Barach, and Michael Moore of the Concord Health Department (CHD). Bedrosian introduced Moore who is in charge of inspectional services for the Concord Health Department (CHD). CHD handles food service inspections for Carlisle, Lincoln and Concord.

Bedrosian explained that the Board had received two complaints on or 11/16/06 concerning spoiled food, one of which had no date marking. Fantasia asked Gabi White of CHD to do an unannounced inspection. According to White's report dated 11/28/06 the initial inspection conducted on 11/16/06 found two refrigeration units holding potentially hazardous foods at 50 degrees instead of the required 41 degrees. She ordered the food discarded and immediate servicing of the equipment. A full inspection was then scheduled for the following day. This inspection revealed serious issues regarding temperature abuse of both hot and cold food holding, temperature logs not being kept, and general cleaning problems. The temperature abuse violations were corrected during the inspector's visit. A reinspection conducted on 11/27/06 showed most violations corrected except for deep cleaning of the floors, improper storage of "in use" utensils and a faulty gasket on the small refrigeration unit.

Bedrosian noted that the only official complaints brought to the Board's attention were about spoiled food. Some employees at town hall recently experienced a stomach flu but these were only anecdotal and not medically diagnosed.

Bearfield said that the refrigeration units were serviced and repaired on 11/17/07. A gasket is on order for the small unit. Moore said it is difficult to keep a refrigerator operating correctly without a good seal. It is an important part of maintaining safe temperatures. The Board then asked Bearfield how he was addressing the cleaning problems. Bearfield explained that a previous company was not working out and he is looking for a replacement. Because of the wax build up, the floors need to be stripped and resealed. The Board noted that the original license issued in January 2004 included a timeline for items to be fixed or replaced. Moore said he had not inspected for an update of this schedule. Moore said his comments could only deal with the items observed during White's inspection.

Bearfield said he is aware that the operation includes a number of different types of equipment which he inherited from the Daisys. He claimed that for the most part the refrigeration units function properly. Cahill said that it is the overall temperature monitoring that is the problem. Whether it is one unit or another is not as important as keeping an eye on what is happening. The Daisy family had hired a food service consultant, Randy Phelps, who prepared an operational plan. Bearfield said he is aware of the plan. It includes a log book and daily checks. He admitted there was a lapse in monitoring for a few weeks which will not happen again. He is getting a new service contract for the refrigeration units and will provide the maintenance records if necessary. The Board asked for a copy of the maintenance agreement. Bearfield again repeated that there were no repeat violations, only equipment problems that he was addressing. The Board noted that its records showed similar problems in December of 2005. Bedrosian said the important thing is to decide where to go from here since the current permit expires on 12/31/06. Bearfield has submitted an application for 2007. The Board is concerned about the inspection results, no dates on the self service food items, and no monitoring. The fact that the problems were addressed immediately is a good sign, but that they were only picked up with a surprise inspection is not. The Board asked Moore for suggestions.

Moore noted that "Ferns" is the only market/take out service in Carlisle. It is located in an old building that would be difficult to bring to code. These features make it unique and it is within the Board's discretion to determine whether sufficient progress is being made to allow the business to continue to operate without risk to the consumer. If the Board asks for additional inspections, there will be an additional cost.

Bearfield said he had researched and copied the Board's files on "Ferns". He held up an empty folder to demonstrate that there were no complaints on file. He explained that the take out food (American Chop Suey) had an internal code date to which the staff referred. The rumors of stomach complaints should not be associated with Ferns. He agreed there was no monitoring of temperatures for a short period but this was addressed as soon as it was identified. A soup warmer was unplugged for a short period. Management is relooking its entire operation. Holland said that an internal dating code was not of use to the consumer. Bearfield agreed to change this procedure.

Moore suggested that the Board could issue temporary permits which would give the Board more supervision over the operation. Additional inspections would pick up critical violations not being monitored by the staff. Moore provided possible schedules for either three or four inspections per year. Typically the store is inspected twice a year. Brem said older equipment is prone to having problems. The fact that they were addressed immediately is important as well as the fact that all violations were addressed within the ten day reinspection period. Obviously the store needs to monitor its operation more closely by keeping logs and having a work plan. Brem would like to have the store inspected two to three times a year. Bedrosian was concerned about infrequent inspections. Records show that initially there is full compliance but then there is a tendency to slack off. If the Board had not ordered the unannounced inspection the violations would not have been noticed. Management was not monitoring the operation. The Board does not have the money to pay for additional inspections. She suggested that the applicant pay for the additional inspections if he wants to be licensed. This would also give the applicant an incentive to maintain full compliance and reduce the frequency of inspections. She warned Bearfield that the store has potential liability if someone does get a food borne illness. Management needs to educate its staff in proper techniques and the importance of food

safety. She asked Moore how much the additional inspections would cost. Moore said the Board could either pay for the inspections, have the applicant reimburse for them, or require the applicant to hire a food service consultant who would submit regular reports to the Board.

Brem suggested issuing a license for a six month period until June 30th with an inspection sometime in March so that the applicant would have time to correct any problems prior to that date. The Board would then consider a second, six month permit. Fees would be collected for both permits (\$200 each). This would cover the cost of the additional inspections. Brem would like to see at least three inspections for the year. Board members agreed with this proposal. Bearfield has an application pending before the Selectmen to renew his Victualler's License.

Bedrosian asked about the Public Water Supply status. Bearfield said he had heard nothing from DEP. The septic and well issues are unresolved and holding up the plans to expand. The entire facility will be upgraded during the renovations. The Board said that Bearfield needs to check with DEP. Moore asked whether there were plans to increase food production. Bearfield said the menu would stay the same.

Michael Barach, 387 River Road, said he was very pleased with Fern's operation. His family is a regular customer at the store. Ferns is more than a market; it is an improvement to the town center. Donna Barach said Ferns is an integral part of the community. The Board should not try to micro-manage the operation which benefits the entire Carlisle community and enjoyed by so many residents.

Risso said that while everyone appreciates the improvements, he is concerned that management did not pick up on the violations. The overall responsibility for food safety is up to the management. Obviously this was not being done and would not have been noticed except for the Board's inspection. The repairs, cleaning and servicing happened only after the violations were noted. Holland said he was disappointed that meat was being kept in a refrigerator at 50 degrees. If a state inspector found this at his cheese plant, everything would be discarded and the operation shut down. It is clear the Board needs to require more frequent inspections. Bearfield should invest in equipment rather than amenities. Donna Barach again emphasized the service to the community provided by Ferns and the need for local permitting boards to encourage this type of investment. Holland said that while the Board is aware of community benefit, it cannot overlook the need for full compliance. This is a public health issue. If the operation is to be licensed, Bearfield needs to manage the facility correctly in accordance with the public health laws.

It was moved (Brem), seconded (Bedrosian) and unanimously voted (5:0) to issue a six month Permit to Operate a Food Establishment until June 30, 2007 to Fern's Country Store, arrange an inspection during the month of March with a report to the Board by 4/1/07 and to send a letter to the Selectmen noting the Board's actions. (Cahill left the meeting)

DISCUSSION ITEMS

TECHNOLOGY – a list of current computer issues has been sent to the Selectmen as requested.

FLU CLINIC – 119 participants. The Board agreed to investigate offering a public clinic next year for town residents.

MOLD COMPLAINT – the tenant at 111 Sunset Road has complained about mold in the basement as a result of a flood last spring. No report has been submitted only a letter of complaint. Some types of mold can cause health problems, but there are no public health standards. The type of mold and amount would need to be identified. Fantasia will contact the landlord and follow up with the tenant.

MASSAGE THERAPY APPLICATION - Paul Hackbarth, 201 Baldwin Road.

Hackbarth has been licensed before by the Board. There have been no problems. The application states that there may be up to five clients per week. The Board did not believe this would have any impact on the septic system.

It was moved (Holland), seconded (Brem) and voted (4:0) to issue a one year massage therapy and facility license to Paul Hackbarth of 201 Baldwin Road, Carlisle, MA

BUDGET FY08 – Fantasia submitted a draft guideline budget. The Fincom meeting is scheduled for 1/8/07. Board members agreed to provide suggestions for the next meeting.

COVENTRY WOODS – the Board reviewed the waivers being requested. The Board would like to have garbage grinder and bedroom restrictions noted on the deed for each unit. The Board does not feel it is necessary to have flow meters in each unit, but would recommend a meter on each water line going into a building. This is the only way the Board has to track how much water is being used and whether it exceeds the capacity of the septic system. Fantasia recommended the following formula for septic fees: Application fee of \$1300 per SAS to cover two design reviews, up to six inspections of the leach field and associated as-builts; septic tank, pump chamber, forced main and sewer hookups will be billed at current engineering rate plus overhead. The additional fees are necessary since the systems are pressured dosed, larger than typical for Carlisle, and include alternative technology which requires special bed preparation.

TOWN COUNSEL OPINION – The Board reviewed counsel’s opinion on Chap 111 sec 27, the Board’s authorizing statute. Counsel’s opinion noted a contradiction between this statute and the town’s statutory fiscal authorization. Faced with this contradiction, counsel decided in favor of the town’s authority. The Board felt this was not an accurate interpretation of Chap 111 sec 27 and agreed to get a second opinion from the State Attorney General’s office.

MEETING DATES – 1/2/07 and 1/16/07.

There was no further business discussed. Meeting voted to adjourn at 10:10 pm.

Respectfully submitted,

Linda Fantasia
Recorder