

Town of Mansfield
Board of Health
May 4, 2023 Minutes

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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: Chair, Antonia Blinn; Clerk, Graham Wilson, Michael Healey, Kasia Frenette, Health Agent, Amy Donovan-Palmer. Student BOH Liaison, Mahathi Kosaraju; Regional Food Inspector, Paul Gilpin and Ashwani Rathor, Cold Stone Creamery **Absent:** Ryan Maxwell

I. Meeting Called to Order

The meeting of the Board of Health (BOH) was called to order at 7:03 pm by Chair Antonia Blinn.

II. Correspondence

Mr. Wilson reads from a prepared announcement that Mansfield Fire Chief Marc Goyette will retire from his position on July 1st, 2023. Lieutenant Eric Dufort will be the Chief EMS Officer effective May 1st, 2023. He started as a paramedic in 2003 and has been a firefighter and EMT paramedic for Mansfield Fire since 2014. Lt. Dufort will complete training for the Massachusetts Virtual Epidemiological Network (MAVEN) and will attend a Board of Health meeting to formally introduce himself.

Ms. Blinn congratulates Captain Goyette on his retirement and applauds his collaboration with the Board of Health and Health Department. She also expresses her excitement to work with and to meet Lt. Dufort soon.

Ms. Blinn announces that the MDPH's Public Health Council drafted a letter for all 351 Boards of Health in Massachusetts at their most recent meeting on April 19th. The letter is a statement of gratitude from MDPH for the local public health contributions especially made during the COVID-19 pandemic as read at the meeting by Dr. Harold Cox of the Public Health Council and Boston University School of Public Health.

III. Consent Agenda

Ms. Blinn asks a question about the temporary food approval for Clover Food Lab and Ms. Donovan-Palmer confirms that the establishment is a food truck.

Mr. Healey asks Ms. Donovan-Palmer why Flynn's Irish Pub needed a fats, oil and grease (FOG) discharge permit. She clarifies that the business changed ownership and needed to complete that process.

Mr. Healey makes a motion to accept the consent agenda, 2nd by Ms. Frenette. Approved 4-0.

IV. Acceptance of Minutes

April 6, 2023

- **Motion to approve the minutes from April 6, 2023, made by Mr. Wilson, 2nd by Ms. Blinn. Approved 2-0. Abstained by Mr. Healey and Ms. Frenette.**

V. Food Protection Program Variance Request

Ms. Blinn reintroduces the BOH process to receive HACCP plans and variance requests from establishments that serve sushi rice.

On April 6th, there was a wasp nest on the ceiling and Ms. Tate contacted Mr. Rathor's wife. Jacob Swenson, the assistant manager, was coming to the store to check it out and eventually knocked down the nest before the owners could get to the store. Mr. Rathor had already called Big Blue Bug Solutions, the pest control company contracted by the establishment. When the technician arrived at the store on April 7th, there were no more wasps, but they reported finding fruit flies. A pest control report was generated, and the company recommended fumigation, but Mr. Rathor did not want to do so. Mr. Gilpin spoke to a technician from the company and the technician corroborated that it was recommended that the store be fogged. Mr. Rathor has since reported that he purchased fruit fly traps and placed them around the store, but Mr. Gilpin and Ms. Donovan-Palmer only found one by the ice cream machine during their visit. Additionally, all staff, managers, and owners agreed to pour hot water down the drains to limit the fruit flies.

On April 13th, Ms. Tate received a text from Mr. Rathor saying he had fogged the store the night before. When she got to the store, she found toppings and ice cream covered with plastic. Mr. Rathor told her that the food she found covered with plastic was still safe for consumption, but she said that the store still smelled horrible. An email sent from Mr. Swenson to Ms. Donovan-Palmer stated that Mr. Rathor explicitly said he intended on using a bug bomb himself after he originally said he would hire Big Blue Bug Solutions for a fumigation service. Mr. Swenson had told Mr. Rathor that he should have the pest control technicians do it because of the danger with the presence of food.

On April 26th, Ms. Donovan Palmer emailed Mr. Rathor that they had found conflicts with his statement and had information that he had bug bombed the store. She told him that he needed to be present at the May BOH Meeting and he agreed in addition to asking what information he needed to be prepared to bring. On April 27th, Ms. Donovan-Palmer sent an email that described what he needed to bring for specific information about the bug bomb and the measures he used to protect the food, customers, and staff after the pesticide was used.

On May 1st, Ms. Donovan-Palmer had not yet received a response from Mr. Rathor and asked him again what bug bomb he used, and he sent her a screenshot of "Hot Shot Fogger." Ms. Donovan-Palmer shared this information with the Board and met with Ms. Blinn on May 2nd to discuss what should be done as they consulted with the Massachusetts Department of Public Health (MDPH). After that meeting, it was recommended for the store to be closed and cleaned to ensure that any residues that were left were cleaned. Mr. Rathor took this action and was asked to be present at this meeting for a discussion about a possible suspension of the permit with notice based on three food code criteria:

- Failure to comply with the requirements of 105.CMR.590
- Providing false or misleading statements or documents to the Board of Health or the Department or agents thereof; or keeping any misleading or false records or documents intended to satisfy the requirements of 105.CMR.590
- Permit holder or owner, if the permit holder or owner is a corporation, or a corporate officer of the facility has engaged in conduct that endangers the public health

Mr. Gilpin has had frequent contact with Big Blue Bug Solutions and based on their assessment, it seems that Mr. Rathor appropriately protected the food after the big bomb was activated. Mr. Rathor had Big Blue Bug Solutions fumigate the store last week to get rid of the fruit flies.

Ms. Donovan-Palmer also shared that MDPH sent recommendations for the employees so they could protect themselves from potential chemicals at work. Ms. Tate shared with Ms. Donovan-Palmer that the smell was overwhelming, and she had asked Mr. Rathor if she could open the doors to air out the store. Ms. Tate reported that he said that she could not do so until the store was open. Ms. Donovan-Palmer attests that the bug bomb instructions say to air out the space for two hours after activation but to continue airing out the space if the smell persists. Ms. Donovan-Palmer also says that she invited both Ms. Tate and Mr. Swenson to attend the meeting if they wanted to speak.

Ms. Blinn apologizes to Ms. Donovan-Palmer and Mr. Gilpin that they had to investigate to find this

Mr. Rathor use the natural air circulation rather than the A/C so the chemicals can be completely removed from the store.

Mr. Healey asks about the age of the grease traps and Mr. Rathor says that both external and internal grease traps were installed in 2008. Mr. Gilpin has been present for FOG inspections in August 2022 and February 2023 on both occasions observing the diminished state of the grease traps. Mr. Healey comments that he remembers having issues with Cold Stone Creamery when the FOG requirements were implemented years ago and though there were issue due to limited knowledge by Mr. Rathor at the time, he should have a better understanding now. Mr. Healey recommends that Mr. Gilpin's next inspection should include a recommendation for the grease trap to be replaced and the Board should be provided with a work order to ensure it happens in a timely manner.

Ms. Blinn asks if there are any visitors who are present via phone or the virtual webinar who would like to speak. Mina Tate is present virtually and begins to speak.

Ms. Tate was the manager at Cold Stone and wanted to share that she was not a disgruntled employee but cared about the store. Ms. Tate shares that she wanted to address health concerns of the store and was concerned that the professional cleaners were not doing enough to keep the store clean. She admits to frequently opening the door but only doing so because of the smell in the store and that there were already insects in the store. She says that Mr. Rathor was not easily reached by employees and the communication problem worsened when his wife became unavailable—she was the person Ms. Tate could more easily get in contact with. Ms. Tate also rebuts Mr. Rathor's comment that she was manipulating the workers to leave as she mentioned that he altered timesheets and employees were being paid less. Ms. Tate and Mr. Swenson had a meeting with Mr. Rathor about these concerns before she reached out to the Health Department. Ms. Tate returned to the topic of the cleaners and commented that she has cleaned on the weekends and does not think they do enough to keep the store clean. Customers asked about the smell in the store as she commented it smelled like vomit. The grease trap pumper told Ms. Tate to tell Mr. Rathor that the grease trap needed to be replaced but Mr. Rathor told her he would deal with it.

Ms. Blinn interjects Ms. Tate's statement to ask her to stay on topic related to the issues presented at this meeting. She refers to Mr. Gilpin about a comment he wants to make.

Mr. Gilpin clarifies that the person Ms. Tate spoke to about the need for a grease trap replacement was either himself or a representative from Wind River Environmental.

Mr. Healey asks Ms. Tate when the insect problem began. Ms. Tate responds that she observed the issue when she began in November 2022 and Mr. Rathor's wife instructed the employees to pour hot water down the drains to stop the fruit flies. There was not a wasp issue until the sighting of a nest on April 6th. She rebuts Mr. Rathor's comment that he was coming to the store and says that he asked her "what he was supposed to do about it."

Ms. Blinn interjects Ms. Tate and asks if another visitor has requested to speak.

While the Board is waiting for Mr. Swenson to connect via phone, Ms. Donovan-Palmer says that she received confirmation that the store's surfaces, floors, and walls have been cleaned but no photo evidence of the utensils being cleaned on May 2nd. Ms. Donovan-Palmer received an email from Mr. Rathor after she left work on May 2nd and upon receipt, she granted permission for the store to reopen on May 3rd.

Mr. Healey comments that Mr. Rathor has not made any comments about the violations of the food code that brought him before the Board.

Mr. Rathor apologizes and says that he has Big Blue Bug Solutions come once a month and most recently on

built up. He has sent photos of this to a health inspector at the Health Department. Mr. Swenson also references the grout on the floor that is broken and because it is uneven, it cannot fully dry after being mopped because the water pools between the cracks. The things he has considered hazards are what he believes contributes to the fruit fly issue like the piling of cardboard products that contain food beside the mop sink until the end of the night. Mr. Swenson also took pictures of the mop sink because it was covered in green buildup. Mr. Swenson communicated these concerns with Mr. Rathor, but he does not believe that his comments were taken seriously as action was not taken. In the situation with the wasp nest, Mr. Swenson came to the store and removed the nest because Ms. Tate, who is allergic to bees, had not heard anything from Mr. Rathor and was uncomfortable. Mr. Swenson noticed many things that he felt were hazards but felt that he was not being heard in his concerns.

Ms. Blinn interjects to give Ms. Donovan-Palmer the chance to speak from a document she is referencing. Ms. Donovan-Palmer speaks from a document from Big Blue Bug Solutions corroborating some of Mr. Swenson's comments. She says that the technician found organic buildup under appliances, triple sinks, and counters in addition to food debris buildup between the tiles. He recommended deep cleaning of all areas to remove all potential breeding areas, tiles need to be replaced near a floor drain that is backed up with food and water with pictures attached. He also recommended a deep cleaning of the kitchen bar, prep area, and food storage area which also contain debris. Ms. Donovan-Palmer thinks this aligns with the comments of Mr. Healey, Mr. Swenson, and Mr. Gilpin. Mr. Gilpin says that his information was reiterated to him from the technician manager from Big Blue Bug Solutions when they spoke earlier in the week.

Ms. Blinn invites Mr. Swenson to share more of his perspective if he has more information. Mr. Swenson continues to speak about the food debris he saw in the store and how he could not consider it clean with the level of dirt present in areas with food. Ms. Blinn thanks Mr. Swenson for his statement.

Ms. Blinn thanks Ms. Donovan-Palmer for presenting the report from Big Blue Bug Solutions. Ms. Blinn says that she does not believe there is a way for them to name all the concerns that need to be addressed in this meeting. Mr. Healey says that when an inspection occurs, the Board can have a to-do list prepared that includes these items. Mr. Healey wants to issue a full inspection and give Cold Stone 5-7 days to make the necessary repairs before it becomes a repeat violation if they are not fixed upon reinspection. After the reinspection, an action plan must be made to explain to the Board how the repeat violations will be fixed and maintained in the long term. Ms. Donovan-Palmer recommends that the Board give Mr. Rathor the weekend to make some changes before Mr. Gilpin and Ms. Donovan-Palmer inspect next week. Mr. Healey recommends that Cold Stone receive monthly inspections to make sure that changes are made, and Ms. Kosaraju asks when fines would be applied in this process. Mr. Healey responds that if repeat violations are found during a reinspection, fines are issued alongside the demand for an action plan.

Ms. Blinn asks if there is a motion on the floor. She recommends that the motion include fines, inspections, taking care of what is found during inspections, timelines, deadlines, and repairs. Ms. Frenette and Mr. Healey discuss the conditions mentioned earlier and how they will be addressed in the motion. Ms. Blinn reiterates that these changes need to be made because Mr. Rathor's food permit is in peril. Ms. Donovan-Palmer clarifies that the items mentioned in the report from Big Blue Bug Solutions should be included in the inspection checklist. Mr. Healey reiterates that Mr. Rathor needs to follow the recommendations of the companies he hired because they are professionals in that field that can keep his business and patrons safe.

Mr. Healey makes a motion to write a letter for food code violation documentation. Instead of issuing a fine, the Board recommends that four actions occur:

- 1. The interior grease trap underneath the sink will be replaced and a work order that presents what**

served. It is recommended that staff cool the food down before cutting or opening them, so the clock does not have to start (time stamp) as soon as they are being prepared.

Mr. Healey recommends that the Health Department hold a new food code training session for the establishment owners with a few months' notice before the standards are enforced. This would assist in their success in complying with the standards. He asks Paul Gilpin, who is in the audience, if the inspection checklist form changes based on the updated food code. Ms. Donovan-Palmer is amidst updating the digital inspectional software so that it will automatically change the inspection form based on the standard. Mr. Healey explains that he wanted to know so they could have that information at the training session for the establishments. Ms. Donovan-Palmer agrees that the meeting will be helpful and will allow her to engage with more establishments that have questions.

Ms. Donovan-Palmer shares that the new food code will be made effective in August. Ms. Blinn asks if there will be modifications that slow down the process and Mr. Healey shares that the open house should mitigate possible delays and address concerns from the establishments directly.

Mr. Healey makes a motion to pass the Mansfield Health Food Protection Regulations for FDA Retail Food Standards effective August 14th, 2nd by Ms. Frenette. Approved 4-0.

IX. Board of Health Goals and Objectives

This agenda item was skipped for time, but it will be revisited at the BOH Meeting in June.

X. Waste Reduction and Recycling Committee Update

Ms. Blinn shares that it was discussed during the April BOH meeting that Mr. Wilson can no longer attend the Waste Reduction and Recycling Committee meetings and asks if there is another Board member that represents the BOH at the meeting. The committee meets at 4:30pm on the first Thursday of the month but there has not been a meeting for the past two months. Mr. Healey volunteers to attend the committee meetings for the rest of the year.

Mr. Wilson makes a motion to appoint Mike Healey as the Board of Health representative to the ^{Waste}Reduction and Recycling Committee, 2nd by Ms. Frenette. Approved 3-0. Abstained by Mr. Healey.

XI. Diversity Equity and Inclusion

Ms. Blinn reminds the Board that the Diversity Equity Inclusion agenda item was added last month. She also mentions that it was decided that the Community Health Inclusion Index grant will be discussed during this agenda item.

Community Health Inclusion Index grant, Mill Pond Conservation Area

Ms. Donovan-Palmer mentions that the state had additional funds and granted Mansfield with \$21,000 which will be put towards the Mill Pond project. The town engineer is making improvements that are being photographed before and afterwards. They are making sure that the surface is compatible with mobility devices and the current benches will be accompanied by concrete areas so mobility device users can sit beside the benches. Ms. Donovan-Palmer says that the Department of Public Works (DPW) and Conversation agent have been great partners on this project.

Health Equity 101 Training

Ms. Blinn will make sure that the Board pays attention to the state offerings so they can attend local public health trainings in the future.

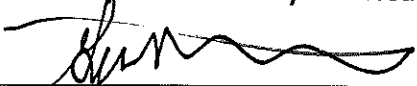
Ms. Blinn attended the pilot training and remarks that participants were able to better understand racism, how their local communities are affected, and why health equity matters. Ms. Frenette shares that she attended the training as well and felt like participation made it engaging and thought-provoking. Ms. Blinn

XV. Items Not Known 48 Hours Prior

This agenda item was skipped for time, but it will be revisited at the BOH Meeting in June.

XVI. Adjournment

Motion to adjourn made by Mr. Healey, 2nd by Ms. Frenette at 9:09 pm. Approved 4-0.



6/8/23

Clerk

Date