

Ashland Board of Health  
Meeting Minutes  
August 4, 2020  
Zoom/Online Meeting

*Diane Mortensen, Chair  
Judi Teller, Clerk  
Mark Oram, Agent/Director*

*Chris Daniele, Vice Chair  
Ronald Etskovitz, Member  
Koduvayur Narayana, Member*

**Members Present Via Zoom Meeting:**

Diane Mortensen, Chris Daniele, Judi Teller, Ron Etskovitz and Koduvayur Narayana

**Others Present:**

Sergeant Ed Burman, Covid Director, Ashland Police Department  
Tom Curran, Food Inspector  
Mark Dassoni, Resident  
John and Julio Santos, King Bibi's Restaurant  
Ryan Brumley, Shaw's Supermarket  
Kristopher Doyle, Shaw's Supermarket

**Call Meeting to Order - 6:00 PM**

Ms. Mortensen called the meeting to order at 6:03 and noted the meeting was being recorded by WACA-TV.

**Citizen's Participation**

Mark Dassoni noted that there have been reports of EEE cases in areas near Cape Cod; he asked if there will be a complete breakdown of the Covid-19 numbers. Ms. Mortensen responded that Tim Deschamps of Central Mass Mosquito Control Project gave a great presentation during the last Board of Health meeting, which can be found on our website; and there have been no positive mosquitoes found in Ashland. Sergeant Burman noted that the Covid numbers are updated weekly and can be found on the website, the next update will be put out tomorrow.

**Food Establishments – Inspection Violations**

**Shaw's Supermarket – 6:25 PM**

Tom Curran reported that he had received a citizen complaint regarding expired meat and cleaning practices at Shaw's. Mr. Curran conducted a full sanitary inspection on July 30, 2020 and observed the front end procedures were not up to par. Mr. Curran went through several areas of the market and the back room, Mr. Curran found unacceptable conditions including damaged ceiling tiles and observed several packages of meat out of date by a couple days. Mr. Curran noted that Mr. Doyle has been very responsive to address the issues, he had responded in writing with a plan of what will be done which included additional training for employees, particularly in the meat department. Mr. Curran would also like to see additional staff trained to be Certified Food Managers. Sgt. Burman added that Mr. Doyle contacted him and Mr. Curran immediately and he was extremely responsive when he met with him the following day. Acting Store Manager, Ryan Brumley, was transferred to Ashland three weeks ago. Mr. Brumley has been working with Kris Doyle, they have brought in specialists to address every issue, including deep cleaning and retraining of staff. There are store logs for each department, cleaning is logged, they are collected and reviewed, this was not followed up on. Going forward they will be following up to ensure the work was done. Mr. Narayana suggested including

checking the ceiling tiles, since this was an issue that was brought to the Board in 2018. Kris Doyle reiterated some of the points and discussed steps taken, including working with specialists in validating procedures to ensure they are maintaining standards. As issues are identified they will submit work orders so they can be addressed immediately. Managers will be hosting a training for all associates Thursday and Friday. Mr. Doyle stated that this is not a standard of the Shaw's company and that they are committed to making this store a priority. Mr. Narayana suggested having multiple Certified Food Managers, Mr. Doyle and Mr. Brumley agreed. Mr. Daniele thanked both store managers for taking the actions they have; he noted that as a Board they must emphasize the seriousness and noted that fines should be imposed accordingly. Mr. Curran noted that the State has recommended a \$300 fine for repeat Covid violations.

**Motion:** Mr. Daniele made a motion to fine Shaw's \$300 for repeat Covid violations and are subject to additional inspections at Inspector's discretion, which they would pay for. After further discussion, Mr. Etskovitz seconded the motion.

**Vote:** 5-0. Motion approved.

### **King Bibi's – 6:10 PM**

Mr. Curran explained that Sgt. Burman had gone to King Bibi's for a Covid inspection and based on Sgt. Burman's findings, he called Mr. Curran to come in the following day, July 29, 2020, to conduct a full sanitary inspection. Upon his arrival, Mr. Curran noted that there was no Certified Food Manager on duty. There were two broken refrigerators, the food prep sink was being used for handwashing, and the hand sink was obstructed. Raw shell eggs were kept in a refrigerator that was at 70 degrees, which is a risk to public health, they were told to discard the eggs. The three compartment sink had not been set up and Covid practices were not being followed. Mr. Curran issued a 72-hour Notice to Correct. When he went back on July 30, 2020, there was a slight improvement. They will reduce their menu, but he feels there is a lack of active managerial control. Overall unacceptable findings.

John Santos, son of the owner, said that he had told his father that the refrigerators are broken and noted that they will be getting two new refrigerators next week. He noted that the other items, such as hand soap, have been repaired. Ms. Mortensen noted that this is a time when food establishments should be at their cleanest. Mr. Santos noted that Marcellio Silva is running the Ashland location. Mr. Santos translated for his father, who said that the refrigerator has been repaired, and that Marcellio is working on obtaining a Certified Food Manager Certification and needs two more weeks, Mr. Curran emailed him a list of CFM classes. Ms. Teller said she understands that small businesses have been affected financially, but noted the importance of food safety and keeping everyone healthy during this time, particularly without a properly functioning refrigerator or a CFM on staff. The Board concurred as to the seriousness of the matter and agreed there needs to be immediate action taken.

### **Motion:**

Mr. Daniele made a motion that, effective immediately, King Bibi's is closed for business until they can meet all of the necessary requirements to be open under the laws of the Town, until there is a Certified Food Manager available during their open hours, and all violations have been cleared up, including refrigeration; and furthermore, should be fined the maximum amount allowed by our Food Code for Covid violations and all outstanding offenses. Mr. Narayana seconded the motion. Ms. Teller did not agree to additional fines and made an amended motion.

### **Amended Motion:**

Ms. Teller made a motion that King Bibi's may open when there is a CFM on site, including John going to that location, but until refrigeration works properly, and other violations corrected,

they may not reopen until a reinspection is conducted by Tom Curran. Mr. Etskovitz seconded the motion.

**Vote:** 5-0. Motion approved.

Ms. Mortensen explained to Mr. Santos that due to the nature of the violations, the Board has ordered an emergency closure of the establishment tonight, and they need to notify staff in Ashland to remain closed until all requirements are met and a reinspection by the Food Inspector, they may not reopen. Mr. Curran asked that someone from the Board ensure that they do close up tonight and noted he will visit them tomorrow. Mr. Burman and Ms. Mortensen will ensure they close tonight.

Mr. Narayana asked if the notice was sent out to establishments regarding Certified Food Managers, Mr. Curran will be sending out tomorrow. Mr. Daniele suggested that because King Bibi's has additional restaurant locations, this information be disclosed to Malden's Board of Health. Ms. Mortensen will contact them.

Mr. Curran anticipates the next virtual training for the new food software program is coming up and expects a rollout date in early September. Once the implementation of the new program has begun we can move into the grading system phase. The timing of the inspection is included in the report, but not the time for education with the manager.

#### **Updates on COVID-19**

Sergeant Burman noted that he has been busy doing Covid inspections 2-3 times per week, the phone line has been extremely busy. There are six new confirmed cases, nine probable cases, which is a significant jump. This is consistent with surrounding towns. Sgt. Burman noted this is due to people engaging in more social activities and backyard events. The Governor has said that if the numbers continue to rise, he will consider dropping the State down a Phase. Sgt. Burman discussed a future Covid vaccine clinic, and what that will look like. Unlike a flu clinic, it will need to include proper social distancing. Sgt. Burman has been looking at software for scheduling vaccination times; he looked up programs for purchase but found a way to create a program through Google, he will forward to the Board for their review. Sgt. Burman was able to create the program to include Google translator, and it would be secure through the Town's website. Sgt. Burman checked the supplies at the MRC trailer and noted that additional supplies will need to be ordered. Ms. Mortensen suggested checking with Mike Gurnick to see if there is already an inventory list.

Sgt. Burman reported that Waterview Lodge recently had random testing, three patients tested positive but are non-symptomatic. Sgt. Burman explained that you can still test positive even after being cleared. Sgt. Burman commended the administrators at Waterview Lodge who have kept in constant contact with him. Ms. Mortensen added that Mill Pond has also been exceptional with their communications to the Town.

#### **Inter-Municipal Agreement for Nursing Services / Current Nursing Services Overview / Flu Clinic**

Ms. Mortensen noted that discussion of an Inter-Municipal Agreement had come about after Framingham Board of Health informed us there were a large number of Ashland residents who were utilizing the clinic and receiving services. Data was requested to see those numbers from Framingham, we learned there were 80 flu vaccinations given in 2019, 56 in 2018. We were also advised that there were a large number of school age children in need of vaccinations; 5 children in 2020; 25 children in 2019; 14 children in 2018. The Board agreed the numbers were not as high as expected. Ms. Mortensen discussed the IMA, which includes Framingham, Hudson, Holliston and Ashland, they are now looking to make it a purchase of services through Framingham. Ms. Mortensen noted that Framingham would continue with what they are doing for flu clinics, and will include a Covid clinic, when available. The job was posted 2 ½ months ago; the position is still open.

### **FY20/21 Budget**

Ms. Mortensen advised the Board as an update, the \$10,000 overage in the FY20 Budget was due to the non-union cost of living increase, and \$5,000 that is taken from the Food Revolving Account to offset Mark's salary had not yet been transferred.

### **Medical Reserve Corps. (MRC) Recruitment**

Ms. Mortensen explained it has been challenging to coordinate a meeting with the MRC Chair and the MRC group from Framingham, she noted that they will need to know the status of the supply inventory as well as recruitment numbers. Ms. Teller noted there doesn't seem to be a smooth process, she will contact Kitty Mahoney to see how Framingham streamlines the process, from signing up, to taking the class, to badging.

### **Review of Minutes – July 7, 2020**

#### **Motion:**

Ms. Teller made a motion to accept the amended set of minutes from July 7, 2020. Mr. Daniele seconded the motion.

**Vote:** 5-0. Motion approved.

### **Discuss Agenda Topics for Future Meeting Dates**

August 18, 2020 is the next scheduled Board of Health meeting.

Ms. Mortensen discussed the walk-through at the schools, she noted that it was an eye-opening process to see the measures they have gone to ensure the safety of the children. They were allowed to go into each classroom at the schools to see how the desks were set up, and the spacing lines in the hallway. Ms. Mortenson believes they have decided to have in-person classes two days per week, 3 days will be virtual. Sgt. Burman added that there will be 25 students aboard the buses at a time. Superintendent Jim Adams will be at the next meeting to discuss their plans. Teachers will be in school four days per week, with Wednesday being the cleaning day. Mr. Narayana noted that some teachers may not be comfortable returning full time and it may require some additional teachers to be hired.

### **Adjournment**

**Motion:** Mr. Daniele made a motion to adjourn. Ms. Teller seconded the motion.

**Vote:** 5-0. Motion approved.

The meeting concluded at 7:55 PM.

ASHLAND BOARD OF HEALTH  
DOCUMENTS REVIEWED AT THE 8/4/2020 MEETING  
(All items stored in the Board of Health files unless otherwise noted)

1. Shaw's Supermarket – Food Inspection Reports
2. King Bibi's Restaurant – Food Inspection Reports
3. Covid-19 Graphs of Positive and Cleared Cases
4. Inter-Municipal Agreement with Framingham
5. Spreadsheet of Services of Ashland Residents by Framingham BOH
6. FY20 and FY21 Budgets
7. July 7, 2020 Board of Health (Draft) Meeting Minutes
8. A recording of the meeting can be found on WACA-TV