

Scituate Board of Health Meeting
July 10, 2017
Scituate Town Hall- Selectman's Hearing Room
6:00 P.M.

MEMBERS PRESENT: Mr. Steve Pansey, Chairman
Mr. Russel Clark, BOH Member
Mr. Doug Whyte, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health,
Ms. Joan Schmid, Administrative Assistant

Mr. Pansey called the meeting to order at 6:01 p.m.

Acceptance of the Agenda- A motion was made and seconded with all in favor of accepting the agenda.

Scheduled Items:

6:00 MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

SCHEDULED ITEMS

Scituate Package Store- FDA Tobacco Retailer Inspection Violation

Mr. Frank Colpoys, Attorney from Marshfield and a Scituate resident, came to the meeting with his client, Mr. Elie Houayes, owner and president of the Scituate Package store. Mr. Houayes received the letter from Scituate Health Agent, Jennifer Keefe, and previously had received a letter dated March 30, 2017, from the FDA regarding a tobacco retailer violation. Mr. Colpoys informed the Board that his client, Mr. Houayes has accepted the FDA's violation warning as accurate. Mr. Houayes sent the required letter to the FDA in response to the FDA's documentation that the establishment sold tobacco to a minor. Mr. Colpoys noted that there has been no further action taken by the FDA.

Mr. Colpoys and Mr. Houayes are attending the meeting to answer any questions from the Board of Health. Mr. Colpoys indicated that Mr. Houayes takes this very seriously. The establishment has two forms of electronic identification machines. Mr. Colpoys indicated that Mr. Houayes' son was on duty and sold the cigarettes to the minor. He stated that the attendant was busy, got distracted and sold the cigarettes without requesting an ID to verify the age of the customer. The Board indicated that Mr. Houayes' son should also be in attendance. Mr. Houayes did not know that he should have attended. Mr. Colpoys apologized to the Board and said that it was his fault that the owner's son was not there. Mr. Colpoys indicated that the son could come into the office to speak to the Board.

Ms. Keefe asked Mr. Colpoys what the response was in the letter to the FDA. Mr. Colpoys informed the Board that the letter was acknowledging the violation and identified the steps that have been taken to be extremely diligent in checking IDs. Mr. Houayes has been very aggressive since then and the rules are being followed so everyone 27 years and under are carded. Mr. Colpoys indicated that they have had these two machines since they opened. They have been good at using them and a mistake was made in this situation. The Board asked if there are any signs posted on the wall at the establishment indicating they check IDs since some people get annoyed when you ask them for an ID if they are over a certain age. Mr. Houayes indicated that he believes they do have the signs but he will check and if not he will include.

The Board also indicated that they are concerned for the Scituate Package Store business. Since it is a liquor store it would be flagged for the Selectman who issues liquor licenses in Town and the Board does not want to see the business be jeopardized for a tobacco violation.

The Board stated they have suspended tobacco permits from establishments in the past and they do not want to see that happen to Mr. Houayes' store. The Board also informed Mr. Houayes that the Town does their own compliance inspections.

Mr. Colpoys indicated that the two machines the store has are very expensive. The Board indicated that this is a first violation; however, the next time could lead to a suspension of tobacco sales in the establishment and the Board has suspended and issued fines for tobacco violations in other establishments. Sometimes the Board has suspended during a vacation time, which is a loss to the business. The Board does not want to see Mr. Houayes in front of them again.

Ms. Keefe is not notified when the FDA does inspections. The Board pointed out that in Scituate the age is 21 years of age to purchase cigarettes. The Board wants to keep the tobacco out of the schools. The Board looked to increase the age to purchase tobacco for health reasons and found that only 5% of smokers start after 21 years of age.

Ms. Keefe asked for a copy of the response letter sent to the FDA to put it in the establishment's file. Mr. Colpoys gave a copy of the letter to Ms. Keefe for the file. The Board wished Mr. Houayes success with the establishment.

NEW BUSINESS

Ms. Keefe gave the following Director's Report:

- There are a couple of septic plans that are taking longer since there needs to be collaborate with DEP and the coordination takes longer. There are twelve failures with one new one since the last meeting. Ms. Keefe supplied the Board a copy of the letters to the owners who received a failed Title 5 inspection. There are six plans in various stages of review. There are two in the revision stage.
- There are two outstanding private well applications submitted prior to regulations being adopted by the Board.
- Three weeks into the beach season and they have all been open.
- There is still one outstanding pool inspection.
- Nine housing cases and one close to being closed out.
- There are five nuisance cases with one new since the last meeting. Working with the property owner.
- Six environmental releases tracking and nothing new.
- The food establishment inspections have been very busy. The carnival is starting tomorrow and Ms. Keefe with Nelly, the food inspector, will be conducting the food inspections. The Farmers Market has been inspected and will continue to have unannounced inspections throughout the season. Heritage Days will be here soon with food permits coming in for that weekend. There were thirty three total inspections between May 23rd and June 29th, including 10 preopening/seasonal openings, three inspections associated with ownership and five re-inspections. Some of the violations include problems with garbage/rubbish removal with more to follow on that issue. Critical violations include food not being held at the proper temperature or equipment was not maintaining the correct temperature. Nelly has seen temperatures in coolers between 45-70 degrees. Glass and dishwashers are not sanitizing and there was no paper towels at the hand washing sink. Nelly was very busy and very disappointed in the inspection results. She is struggling with the establishments not checking their own temperatures and keeping up with the logs, which can save product. Ms. Keefe stated she doesn't think they are listening or following through on basic items and the food inspector should not have to constantly be reminding

them of these types of requirements. The Board asked if Ms. Keefe needs to visit the establishments with Nelly. Ms. Keefe noted that she travels with Nelly approximately every other week for inspections. The Board indicated that it is more than just Nelly looking at it and if there are repeat offenders then they can be brought in front of the Board. It is the food establishments' business and their reputation; training must take place for staff to check temperatures.

Ms. Keefe indicated that it is all important and noted that Nelly works very hard with the food establishments to help them operate safely and that they are aware of the inspection findings. She is here to help them and not hurt their business.

Ms. Keefe also noted that when Nelly arrives she asks who is in charge and they go through the inspection together. Whatever Nelly sees is what the person in charge is seeing and they discuss it together.

They go over the violations together to include the corrective action that needs to take place and when she will be back for a follow up. The first visit is unannounced and the second inspection is scheduled to make sure they have fixed the problem. The only announced inspection would be to a bed and breakfast establishment because they are residential homes with people staying in the rooms. Hopefully, the food establishments will take a step back and look at their establishment as if they were a customer especially during the busy summer season.

OLD BUSINESS

The Board asked if Ms. Keefe has received any feedback on the well regulations. Ms. Keefe indicated that there was a question asked today if a single well can service two homes, which it cannot and they were directed to the regulations. Those that had well applications in place before the regulations are coming in to pick up their permits and taking a copy of the new regulations to know the requirements.

OTHER BUSINESS

The Board reviewed and signed the administrative invoices for approval.

The Board needed to re-approve the January 23, 2017 meeting minutes that were voted on at the June 26, 2017 meeting as the approval for these minutes was not on the agenda. There was a motion to approve and it was seconded with all in favor of accepting the January 23, 2017 meeting minutes.

ADJOURNMENT:

A motion was made and seconded with all in favor at 6:25pm.