



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Robert Scarano, Vice Chair
Melissa Tavares Brago, Clerk
Charles Roux, Member
Susan Amato, Member

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES April 21, 2022

The meeting was called to order by Raymond Barry, Chairman, at 6:06 p.m. Present at the meeting were Robert Scarano, Vice-Chair. Charles Roux, member, joined the meeting remotely. Also in attendance was Shannon Gillis, Director of Public Health and new members Melissa Tavares Braga and Susan Amato. Ms. Amato joined the meeting remotely.

➤ **Introduction of new Board members**

Ms. Braga and Ms. Amato introduced themselves.

➤ **Annual Re-organization of the Board:** - Election of Officers

Chairperson

Vice-Chair

Clerk

MOTION: Mr. Scarano made the motion to nominate Mr. Barry as Chairperson; seconded by Mr. Roux and the motion carried 4-0 with a verbal role call vote with Mr. Barry abstaining.

Mr. Roux mentioned that it would be helpful if Mr. Scarano helped Mr. Barry in his role as Chairperson due to the time involved with the role of Chairperson. Ms. Amato stated that she wanted to nominate Mr. Scarano as Chairperson. Although Mr. Barry has done a great job as Chair she stated that after watching many BOH meetings that she feels as though Mr. Scarano truly shines. Mr. Scarano stated that he appreciated the nomination and recognition but respectfully declined and a discussion ensued. Mr. Scarano stated that himself and Mr. Barry would work together as a co-chair. Ms. Braga asked how a co-chair would work. Mr. Barry stated that the roles would still remain chair and vice-chair and although the workload would still be on himself, he will be able to share some of the workload with Mr. Scarano. Mr. Scarano's background in law will be extremely helpful. A discussion ensued.

MOTION: Ms. Amato made the motion to nominate Mr. Scarano as Vice-Chair; seconded by Ms. Braga and the motion carried 4-0 with a verbal role call vote with Mr. Scarano abstaining.

Mr. Barry stated that the role of Clerk would be to review the meeting minutes as well as reading correspondence into record.

MOTION: Ms. Amato made the motion to nominate Ms. Braga as Clerk; seconded by Mr. Roux and the motion carried 4-0 with a verbal role call vote with Ms. Braga abstaining.

Mr. Barry stated that Board needs a representative to represent the Board on the Board of Tewksbury Cares. Mr. Barry stated that Ms. Braga would be the best member to represent the Board.

MOTION: Ms. Amato made the motion to nominate Ms. Braga to be the Board's representative on the Board of Tewksbury Cares; seconded by Mr. Scarano and the motion carried 4-0 with a verbal role call vote with Ms. Braga abstaining.

Mr. Barry stated that Ms. Zaroulis previously held the position for both Clerk and the Representative on Tewksbury Cares. Ms. Amato left the meeting at 6:29pm.

Approval of Meeting Minutes

- **March 17, 2022 meeting minutes presented for approval. Ms. Braga stated that she had read the minutes and watched the video and was prepared to vote on the approval of the minutes. Mr. Barry stated that although the minutes aren't supposed to be a live transcript, he phrased the motion regarding 199 Marston St. word for word as it was important to be specific for the letter that needed to be sent out.**

MOTION: Ms. Braga made the motion to approve the March 17, 2022 meeting minutes as submitted; seconded by Mr. Scarano and the motion carried 4-0 with a verbal role call vote.

New Business:

- **TBOH Frozen Dessert Regulations – Modification to Section 5.7**

Mr. Barry turned this section of the meeting over to Mr. Scarano to take role as Chair. Mr. Barry stated that section 5.7 of the Minimum Sanitation Standards for Frozen Desserts had the word daily in it which needed to be removed as daily cleaning and sanitizing is for manufacturers of frozen desserts as per the state regulation. The state regulation states that Soft Serve machines should be cleaned and sanitized in accordance with the machine's Manufacturer's instructions. Permit holders will need to maintain cleaning and sanitation logs, but they are not required to be kept daily, but rather up to the manufacturer's recommendations. Mr. Barry stated that having these logs would be helpful when reviewing the monthly testing to compare any high readings to the cleaning and sanitizing logs. Mr. Braga asked if "per manufacture" instructions should be added. Mr. Scarano noted that section 5.3 addresses this and would be repetitive. A discussion ensued.

MOTION: Mr. Barry made the motion to remove the word "daily" from Section 5.7 of the Minimum Sanitation Standards for Frozen Desserts so that it would state "Permit holders shall maintain a cleaning and sanitizing log for each frozen dessert machine." This section currently states "Permit holders shall maintain a daily cleaning and sanitizing log for each frozen dessert machine." As per 105 CMR 500.81 Section F, Subsection 3, Soft-serve Machines "The operator of any soft-serve machine shall comply with the machine manufacturer's instructions with respect to cleaning and sanitizing."; seconded by Ms. Braga and the motion unanimously carried 4-0.

For the record, the next BOH meeting is on May 19, 2022

- **Hearing – Minimum Sanitation Standards for Frozen Desserts, Paragraph 4.1.2** requested by Mity Pups, Inc. d/b/a Dandi-Lyons at 2119 Main Street, Tewksbury MA

Mr. Barry stated that the owner, Mr. Lyons, had submitted a letter to the Health Department with his unhappiness to the addition in the regulation. The section referenced in the letter was incorrect. The section that was stated in the letter is in reference to the food regulation. The main change in the regulation was to add the requirement that a Servsafe certified person be present at all times at each food establishment. Mr. Barry stated that Mr. Lyon's lawyer had spoken with Town Council and that Mr. Lyons thought that this would be cost prohibitive for his business to train all his employees. Mr. Barry wanted to clarify that the intent was not to have every employee ServSafe certified but to have one person on staff certified at all times. Historically, the Health Department has found that during health inspections, the staff had found out that the ServSafe certified person had left the building and the remaining staff were unaware on the basics of running a dishwasher or how to properly make sanitizer. Mr. Barry stated that in the 2017 Food Code, it requires that a person needs to be ServSafe certified or certified through any State approved food safe training courses and that they be present at all times. The Board felt that this is necessary to add right now and not to wait for the 2017 Food Code to be adopted by the State. A discussion ensued.

Continued Public Hearing:

- **199 Marston St. – Continuation of Keeping of Animals Permit**
It is anticipated the Board will continue this hearing until such time that the Farm is in compliance with prior orders issued by the Health Department. Mr. Barry stated that at the last meeting the Board had Ms. Gillis issue an order letter to 199 Marston St. to remove all the animals within seven days and have the site properly cleaned up within fourteen days. Mr. Scarano stated that he recognizes that the Farm had complied with the immediate clean up order from the Board and has brought the conditions into good standings. The first part of the order, the removal of the animals, keeps being continued. Mr. Scarano stated that the compliance with the order to clean up means that there is no longer a public health threat in regards to the conditions at the farm. Mr. Barry stated that the order was to remove the animals first so that there could be a good thorough cleaning. The presence of the slaughter chain animals (poultry) that are free ranging is considered a public health issue as well as the concern of bird flu from the animal control officers. Mr. Scarano stated that in order to be in complete compliance with the order removal of the animals then cleaning would be in satisfaction of the order. Mr. Scarano wanted the public to know that the feed and hay issues have been addressed. Mr. Barry stated that the issue is now with Town Council to take legal action and going forward all communication will be between Town Council and the Oliveira's attorney, Attorney Lawlor. Mr. Barry stated that the Board cannot move forward with the animal permit request until the outstanding order has been complied with.

MOTION: Mr. Scarano made the motion to continue to a date certain. Mr. Roux's concern is with the slaughter chain animals and pets. He wants to be updated on how the pets have been cared for since there were problems with the care of the animals. Mr. Barry stated that the animal control officers stated that the observed health of the mini horses and goats were better from the last time they were seen. They were more focused on the general conditions of the site. Ms. Braga asked is there will be more continuous inspections going forward. Mr. Scarano stated that interim inspections would continue as required and determined by the animal control officers. A discussion ensued. Mr. Scarano repeated with a formal motion to continue to date certain subject to the agenda change as the chairman deems fit after discussion with town council; seconded by Ms. Braga and the motion unanimously carried 4-0 with a verbal role call vote.

Old Business:

➤ **Oliveira Farm Update**

Mr. Barry stated that the condition of the site was addressed but any future communication will be deferred to Town Council and the applicant's council. Ms. Pacheco asked to speak, and Mr. Barry stated all communication needed to go through her attorney. Ms. Pacheco stated that she does not have an attorney. Mr. Scarano stated that it will be put on the record that Ms. Pacheco stated that she is not represented by council at this time. The Board is aware of discussion with Town Council and Ms. Pacheco's former council and the Board can't take information over the table with the possibility of litigation and would like to leave the issue on the table that the two attorneys are discussing the matter and Ms. Pacheco should have a discussion with Attorney Lawlor to find out what the progress of the discussions are. At this time the Board has been notified that there has been a discussion between the attorneys and would want them to keep talking. If there is a letter from Attorney Lawlor that he has withdrawn from Ms. Pacheco's representation the Board would recognize it and have a discussion with Town Council on how the Board would handle that. Ms. Pacheco stated that she did not understand, and Ms. Scarano asked her to sit down at the table. Ms. Oliveira joined her at the table as well. Ms. Pacheco stated that it was her understanding that she was before the Board for a vote on the animal application permit and that the Board could not vote on it on the 17th because it was her understanding that there weren't enough members to vote on the application. Mr. Scarano stated that the matter was referred to Town Council because of the possibility of litigation. Town Council inquired with Ms. Pacheco's former attorney, Attorney Lawlor to see if there could be a resolution to which Attorney Lawlor stated that a resolution could possibly happen. There are two attorneys in discussions with this underlying matter which would allow Ms. Pacheco to apply for a permit. There isn't a resolution with the live order of the Board to remove the animals. Ms. Pacheco is in violation of this order and until the matter is cleared up, the Board cannot move forward on action on the permit until there is a resolution. The matter is moved to May 19, 2022 pending resolution of the attorney's discussion as well as whether or not Ms. Pacheco's attorney is withdrawing at which Ms. Pacheco would become pro se advocate of her own case. Ms. Pacheco voiced her concerns with the continuing fines accruing. Mr. Scarano stated that it's the Board's understanding that Ms. Pacheco is having difficulty in complying with the order to which Ms. Pacheco agreed. Mr. Scarano stated that Ms. Pacheco could possibly end up in Superior Court with the Town. The Board would have to go into Executive Order to discuss this. A discussion ensued. Until the letter of resignation from Attorney Lawlor is received, it is the understanding that Ms. Pacheco is represented by Attorney Lawlor and the Board needs to step back and can't act. Mr. Scarano stated that Ms. Pacheco also should not be having communication with the Ms. Gillis as well.

Director Reports:

Mr. Goo went back out to Burger King, 85 Main St., for a reinspection. Conditions were better than with the initial inspection. The Department will keep going back for re-inspections. There wasn't a reinspection of the Dunkin Donuts. Mr. Scarano asked if there needs to be peer oversight to which Ms. Gillis stated not at this time. Mr. Barry updated Ms. Braga on fines, education, and food safety consultants.

Ms. Thomas's Tewksbury Clucker's meeting was held on March 22, 2022. The meeting was very well attended and went well.

Board Reports:

Mr. Barry stated that it was hopeful that Mr. Beauregard would be joining the meeting tonight to discuss the tobacco regulations. Tewksbury's regulations need to be on par with the State's regulations. Unfortunately, Mr. Beauregard had a violation hearing he needed to attend. Hopefully Mr. Beauregard can join the next BOH meeting. A working group for updating the regulation was discussed. Ms. Gillis stated that Ron Beauregard is the Tobacco Control agent of the Board.

Mr. Scarano stated that in regards to masks, residents should do what is in the best interests of health, welfare and protection of their family. Mr. Barry and Ms. Braga agreed.

Mr. Barry discussed ways how Tewksbury Cares and the Board can make residents aware of resources available to them. Tewksbury Cares does not have a website at this time. A discussion ensued regarding getting a website up and running. Ms. Braga stated that as a nurse, she would like to educate people on how to make informed discussions regarding their health. People should know what the BOH does and cares about in regards to public health and wellness. Mr. Scarano stated that the Board of Health is the public health connector to the residents and to not hesitate to reach out. Mr. Barry stated that it has been a while since a nurse has been on the Board and it's very helpful to have a nurse back on the Board again.

Mr. Roux wanted to acknowledge Ms. Zaroulis and Dr. Boschetti on the work they have done over their years on the Board. He welcomed the new Board members and wanted to thank all three candidates who ran.

Announcements:

Adjourn:

MOTION: Mr. Roux made the motion to adjourn; seconded by Ms. Braga and the motion unanimously carried 4-0 with a verbal role call vote. Meeting adjourned at 7:26 pm.

Approved on: 5/19/22

**List of documents for April 21, 2022
Documents are located at the Tewksbury Health Department**

Approval of Minutes:

March 17, 2022

New Business:

TBOH Frozen Dessert Regulations – Modification to Section 5.7

Old Business:

Director Reports:

Board Reports:

Announcements: