The meeting of the Melrose Board of Health came to order at 8:00 pm on Thursday January 18, 2018 in the Lower Level Conference Room of Melrose City Hall. Present at the meeting were board members Maurine Garipay, Frank Brincheiro, and Joe DiPietro as well as staff Ruth Clay, Deputy City Solicitor David Lucas, and owner of Feng Shui, Alan Mark.

Approval of minutes of November 9, 2017: Motion was made by DiPietro, seconded by Brincheiro to approve the minutes. Minutes were approved 3:0:0.

Variance request from Tsukiji: Clay noted that this is the second floor operation that was originally described as part of Stearns and Hills. It is now a separate restaurant and will apply for a separate food establishment permit. They are requesting a variance to use Time as a Public Health Control for their sushi rice. All appropriate documentation has been submitted. Motion was made by Brincheiro, seconded by DiPietro to approve the variance request. The board voted 3:0:0 to approve.

Suspension of Food Establishment Permit with Notice – Feng Shui: Clay gave a summary of the inspections from the past two years. She noted that there are a number of critical items such temperature issues that are documented multiple times, as well as relatively easy violations to address such as having a policy and spill kit for vomiting and diarrhea incidents that are noted continually. She noted that the Board required this establishment to hire a consultant in 2015 to help them comply with the Food Code yet there has been no improvement. At this point she felt that this situation is a danger to the public and recommends that the operation be suspended until such time that they can show that they can operate safely. Lucas asked Mark if there was anything that he wanted to say in his defense. His answer was if the Board would just give him another chance. When asked what it is that he intended to do, this answer was “to clean everything.” When Mark was asked if he met with a food consultant, he said “yes.” When asked what the consultant discussed with him, he said, “he spoke very fast and he basically said things need to be clean.” Lucas asked repeatedly if Mark understood was being said and each time Mark answered yes. Clay gave an example of hundreds of pounds of boxes of meat on the floor. Mark said, “I tell the cooks this but sometimes they don’t listen to me.” Garipay reviewed the violations and the times they were not in compliance. She suggested that the permit be revoked rather than suspended. She said she was uncomfortable with her name on the permit of an establishment with a record such as this. DiPietro said that action should have been taken before this time. He noted that he had been given every opportunity to come into compliance, e.g. access to consultants. A discussion was held about the merits of revocation and suspension. It was decided that the permit would be suspended. Motion was approved 3:0:0 to suspend the permit of Feng Shui until such time as all violations are corrected and verified by a representative of the Board of Health. The Board asked that they be given an update at the next meeting. Clay noted that staff was in the process, with a consultant, of writing written policies and procedures for enforcement which will be given to the Board to approve.

Health Director’s Report: Board reviewed the report submitted by the Health Director.

Meeting adjourned at 9:15 pm.

Meeting handouts:

Agenda  
Draft minutes of November 9, 2017  
Documentation for variance request from Tsukiji  
Copies of all inspection reports of Feng Shui in 2016 and 2017  
Copy of letter of Notice of Suspension letter to Feng Shui dated January 8, 2018  
Melrose INTERFACE Activity Report July 1, 2017 – December 31, 2017  
Health Director’s Report

Respectfully submitted,

Ruth L. Clay, MPH  
Health Director