



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**HEALTH & HUMAN SERVICES DEPARTMENT**

**JOSEPH A. CURTATONE**  
**MAYOR**

**DOUGLAS KRESS**  
**DIRECTOR**

**MINUTES**  
**BOARD OF HEALTH**

Regular Meeting  
September 14, 2014  
5:00pm

236 Highland Avenue, CHA Medical Building

**Present:** Douglas Kress, Director  
Brian Green, MD (Chair)  
Paula Machado, Board Member  
Robert Ciccio, Board Member  
Kathy Teixeira (Recording Secretary)

**Absent:** None

**Staff Members in Attendance:** Elise Collins, Ben Lipham and Bonny Carroll

**Guests:** Representatives/Owners from True Love Caribbean, SK Convenience, JP Licks, India Palace, Earl's Kitchen, O'Ginger, Genki Ya, Phon N Rice and Machu Picchu for tobacco/food inspection violations hearings and one variance hearing.

**Meeting Called to Order:** On a motion made by Dr. Green, the meeting was called to order at 5:03pm. It was seconded by Mr. Ciccio

**Previous Minutes:** On a motion made by Dr. Green, the August 3, 2017 minutes were approved. It was seconded by Mr. Ciccio.

**Hearings:**

**True Love Caribbean:** True Love Caribbean has been issued three (3) tickets for sales of tobacco products to persons under the minimum legal sales age in the last 36 months.

Dr. Green made a motion on the Tobacco Directors' recommendations that True Love Caribbean's permit to sell tobacco and nicotine delivery products are suspended for thirty (30) days beginning at opening of business on Monday, September 18, 2017 and reinstated on closed of business on Tuesday, October 18, 2017. It was seconded by Ms. Machado. All in favor.

**SK Convenience:** SK Convenience has been issued three (3) tickets for sales of tobacco products to persons under the minimum legal sales age in the last 36 months. The owner did purchase a \$3,500 ID Scanner to eliminate the selling of tobacco to minors.

Dr. Green made a motion that SK Convenience permit to sell tobacco and nicotine delivery products be suspended for fourteen (14) days beginning at opening of business on Monday, September 18, 2017 and reinstated on the close of business on Tuesday, October 2, 2017. It was seconded by Ms. Machado. All in favor.

**Earl's Kitchen & Bar:** Earl's violations consisted of temperature control, pest, and cleanliness issues. Earl's Kitchen has been diligently correcting all violations along with sending all leaders to be recertified in food safety, implementing

temperature log books; pest control has been increased three (3) times a week. The board members received a handout from Earl's a Health & Safety Protocol on steps to take when an inspection passes and/or fails.

Dr. Green made a motion that given the work of Earl's Kitchen, a re-inspection will be conducted upon the discussion with the Fire Department and if any violations were to occur a seven (7) day suspension will be immediately enacted with no additional BOH action. It was seconded by Ms. Machado. All in favor.

**JP Licks:** JP Licks dipping well was being improperly used; they have sanitizer violations and a portion of a wall separating service and prep areas was removed. JP Licks did provide all the necessary paperwork and Ben Lipham will review the plans within thirty (30) days.

Dr. Green made a motion if JP Licks plans are not in compliance/approved within thirty (3) days, JP Licks is to report back to the next BOH meeting on October 26, 2107. It was seconded by Ms. Machado. All in favor.

**India Palace:** India Palace did hire a food consultant, Lisa Berger mid-August. This is the third (3<sup>rd</sup>) time that India Palace has been in front of the board. Ms. Berger is the third consultant hired. India Palace has been out of compliance now for over a year and Ms. Collins recommendations were to suspend their licensees for at least two (2) weeks.

Dr. Green made a motion to suspend India Palace license for one (1) week from Friday, September 15, 2017 to Friday, September 29, 2017. India Palace will work with their consultant to bring the establishment into compliance in two (2) months. Ms. Collins will go back and do a re-inspection. It was seconded by Ms. Machado. All in favor.

**O'Ginger:** O'Ginger has one (1) out-standing violation during the inspection there was no person in charge (PIC) was present.

Dr. Green made a motion that O'Ginger has three (3) persons in charge (PIC) and to have their Servsafe certifications. Currently there are two (2) certified staff and O'Ginger must register one more staff person within a week and one registration be submitted within one week and full certification be done within sixty (60) days. It was seconded by Ms. Marchado. All in Favor.

**Pho N Rice:** Pho N Rice continues to have temperature control, sanitizer and hand washing violations, and lack of knowledge and execution.

Dr. Green made a motion on the recommendation of Ms. Collins that Pho N Rice hire a consultant within two (2) weeks of tonight's hearing and consultant to complete evaluation within those two (2) weeks, and prepare a contract and estimated timeline for Pho N Rice to work with kitchen staff to fully train all staff members, have a certified FPM on duty during all hours of operation (including prep time). Failure to comply with board order will result in new BOH hearing and license suspension for two (2) weeks. It was seconded by Ms. Machado. All in favor.

**Machu Picchu:** March Picchu main violation is the temperature of the refrigeration. During the last inspection, the temperature was above 41 degrees. Temperature control violations were also cited at the April May and August inspections. Existing violations is no glove use, the FPM on duty not being aware of the violations going on.

Marchu Picchu did hire a consultant, Mr. Gary Boudreau, after their May 18, 2017 hearing date. The consultant did note to the board that there might be a recording error on food temperature. Marchu Picchu 02/17/17 inspection report, the inline unit the tomatoes were temp at 41 degrees. The inspector wrote it as 47 as the PIC stated that the tomatoes were not cooled to 41 at the first operation. The owner will hire a chef/food production manager. The kitchen gets very hot due to no windows and no fans they were coming in at 10:30-11:00 to prep food. The owner, Ms. Cerna has implemented a new change the schedule of her prep staff to come in. Prep staff will now report to work at 8am to prep the food to alleviate the hotness of the kitchen. This should help the cold station maintain their temperatures.

March Picchu has been working diligently to get her establishment in full compliance. New floor was installed, new soda dispenser unit, and an ice bin has been installed. Containers were bought to store dry goods with tight-fitting lids. A new 3 bay sink system with a sanitizer has been installed. A new pest control company which will work on pro-active prevention of pest/rodents, etc. was hired. All of the above remedy actions and more can be found in the handout that was given to board members by the consultant. Proper methods of cooling food were discussed briefly.

Dr. Green made a motion on the staff recommendation that Marchu Picchu license be suspended for one (1) week from Monday, September 18, 2017 and can reopen on Monday, September 25, 2017. Consultant to audit Machu Picchu once a month for next six (6) months. Routine inspection will occur within those six (6) months if the Machu Picchu fails this random inspection, they will automatically be closed for two (2) weeks and the inspection will be conducted by both Ms. Collins and Mr. Lipham. It was seconded by Ms. Macharo. All in favor.

**Genki Ya:** Genki Ya presented their HACCP for a variance for acidified rice. Mr. Lipham gave a brief overview to the board members.

Dr. Green makes a motion to grant Genki Ya a variance for acidified rice. It was seconded by Ms. Macharo. All in favor.

**ALL NINE (9) MOTIONS CARRIED UNANIMOUSLY**

**HHS Updates:** Somerville Sports Club and Highland Market and a vendor from the Farmers Market will be asked to come to the next BOH meeting scheduled in October. The Well-Being report is in its final stages and Mr. Kress will send the board members a draft copy for review. Mr. Kress is looking into making the Somerville Health & Human Services an

Accredited Health Department. He is putting together the prerequisites for the application with the Public Health Accreditation Board.

**Next Meeting:** October 26, 2017 – Cross Street Center, 165 Broadway, Somerville MA 02145

**Adjournment:** On a motion made by Dr. Green the meeting was adjourned at 8:01pm. It was seconded by.  
Ms. Machado.

**List of Documents:** Agenda, August 3, 2017 Minutes, Sign-In-Sheet; BOH Action Sheets (9), Earl's Kitchen Health & Safety Protocol, Machu Picchu Actions Handout, MDH Board of Health 2016 Reporting Requirements

Respectfully Submitted,  
Kathy Teixeira (Recording Secretary)  
September 19, 2017