

Office of the  
Board of Health  
City Hall  
166 Boulder Drive - Suite 108  
Fitchburg, Massachusetts 01420  
978-829-1870

A Conference Call was held on April 17, 2020 at 1:00 pm.

**Present:** Stephen Curry, Director; Sandra Knipe, R.N.B.S.N.; John Bogdasarian, M.D., Chairman; Ian Murray, Board Member; Stephanie Holinko, Food Inspector; Donna Pawlak, City of Fitchburg Attorney; Jason Dulmaine, Inspector, Jean Leblanc, Inspector; Mark Barbadoro, Building Commissioner; Attorney Stephen Panagiotes, Representing SS Lobster; Felix Garcia, Food Inspector, Lawrence, Ma; William Smith, Resident; Rick Bosgardin, License Commission.

**Hearing: Hampton Fish Co., Inc. DBA: SS Lobster, LTD., 691 River St, Mark Strazdas, Owner:**

Dr. Bogdasarian opened the meeting. The purpose of this meeting at the request of the Director of the Board of Health would like to discuss three issues that have arisen at one of the permitted food establishments, Hampton Fish Co, Inc. dba SS Lobster, 691 River St.

The first issue for discussion is in regards to SS Lobster response to the Governor's orders regarding social distancing as it applies to a restaurant business.

The second issue is related to the Director of the Board of Health concerns on how the health department's staff is treated during inspections at SS Lobster and if they are allowed to conduct required inspections without attempts to impede the work of a duly authorized agent of the BOH department.

The third issue is repeated and reoccurring violations of the Food Code and Federal Food Code and the property maintenance ordinance adopted by the City Council of the City of Fitchburg.

In the conclusion of this hearing the Board of Health will make a decision whether to suspend, revoke or take any other action that deems necessary to protect public health regarding the food permit at SS Lobster.

I. COVID-19 Action plans and response/compliance with Governors orders.

Mr. Curry stated the Health department has received repeated complaints of long lines and the lack of social distancing at SS Lobster. Inspector Burns responded to several complaints between March 25 & March 27 regarding anywhere from four to twelve customers in line at that time. Mr. Burns reported that on a couple of occasions the social distancing was working but did speak to the owner on one occasion that it wasn't working. Mr. Curry said at the time the owner

would make adjustments. On March 27 the BOH received another complaint of fifty to sixty customers in line and not observing social distancing. This complaint was investigated on March 30, 2020 by Inspector Holinko. At this time Ms. Holinko was at the facility for a period of time and took pictures of what was happening.

Ms. Holinko clarified that on March 30, 2020 she did not go on site at SS Lobster and did not take any photos. At that time Ms. Holinko thought it would be in her best interest to have a conversation with the owner as she was working from home. She advised the owner to encourage pre-orders and advertise on the website due to the long lines. At that point Ms. Holinko was satisfied that SS Lobster would take additional steps to ensure social distancing and minimalize long lines. On April 10, 2020 she received an additional complaint and did go out and investigate and noticed there was no guidance about pre-ordering or curbside pickup on their website.

Mr. Curry stated on April 10, 2020 Inspector Holinko received an additional complaint of the lack of social distancing. Ms. Holinko did go to the site on that day and photos were taken that shows the individuals within 6 ft. of each other in the retail area. At that time she didn't make her presence known in the facility and left the facility and began to text Mr. Curry of what had occurred at that time. The owners approached her at that time.

Ms. Holinko clarified on April 10, 2020 she did make her presence known to a supervisor and let them know she was there on a social distancing complaint.

Attorney Panagiotes stated he received five photographs that were taken that day.

Ms. Holinko continued to testify in regards to the photographs that were taken that day. She then stated as she was texting Mr. Curry while sitting in her car she looked up and the owner of SS Lobster, Mark Strazdas was banging on her car window as well as his son as they were screaming vulgar language at her. She then began to roll down her window and advised them as a food permit holder they are subject to inspections during all hours of operation and failure to allow an inspection may result in permanent revocation and or permit suspension. Ms. Holinko completed her testimony.

Ms. Holinko then stated she and Director Curry have come up with some strategies to help with social distancing. Mr. Curry suggested no lines would be allowed in the building or on the ramp and front porch of the facility since there is only one door they could identify a starting line with tape starting at 6 feet apart and allowing one person in at a time and when the one person inside exits they can allow another person inside.

Ms. Holinko stated in addition to Mr. Curry's suggestion due to the popularity at SS Lobster and their ability to take orders over the phone she would like to see on their website promoting preordering. If they aren't in agreement with the line formation another option would be the BOH recommends that the building be closed off to the general public for the duration of the Governor's COVID-19 orders.

Attorney Panagiotes asked Ms. Holinko how she received the complaint on April 10, 2020.

Ms. Holinko stated she received a phone call from Inspector Burns on April 10, 2020.

Attorney Panagiotes asked Ms. Holinko if she left a written report while she was at the establishment. Ms. Holinko said she could not leave a written report because she was being yelled at by the owners and was trying to follow up with Mr. Curry as to how she should proceed.

Attorney Panagiotes asked if Ms. Holinko knew what the violations were before she left the building.

Attorney Panagiotes asked Ms. Holinko what time she arrived at SS Lobster on April 10, 2020. Ms. Holinko stated she arrived at 10:41 and left at 11:00 am.

Attorney Panagiotes asked Ms. Holinko if she needed direction regarding COVID-19 because this was all new to her. She said she did.

Attorney Pawlak asked if SS Lobster ever showed Ms. Holinko a banner on their website talking about COVID-19. She stated no they did not.

Attorney Pawlak asked Ms. Holinko if she was comfortable staying at SS Lobster. She stated no she didn't she was intimidated and afraid.

Attorney Panagiotes stated when he spoke to Mr. Curry he would only consider taking this case if the Strazdas's apologized to Mr. Holinko for the verbal abuse and name calling. Attorney Panagiotes did apologize on the Strazdas's behalf and also stated that they will issue an apology to Ms. Holinko as well.

Attorney Panagiotes asked Ms. Holinko if she wrote a report for SS Lobster within 72 hours. Ms. Holinko stated she did not.

After lengthy discussion and cross examination the board members and attorneys asked several questions to Ms. Holinko.

Mr. Curry stated his recommendations for the three issues are as follows:

1. Correct any violations that exist in regards to social distancing.
2. Hire a food consultant to help out SS Lobster with current food code violations at their expense
3. To make future food inspections safe by putting a person that is not one of the owners in charge for future inspections.

Ms. Knipe made a motion that the Strazdas family of SS. Lobster hire a food consultant firm to help them out with their business with food code violations. Motion was 2<sup>nd</sup> by Dr. Bogdasarian. All were in favor. Motion carries.

Sandra Knipe made a motion that the board is issue that a two day suspension be waived for three months pending there cooperation to Ms. Holinko. Motion was 2<sup>nd</sup> by Dr. Bogdasarian. All were in favor. Motion carries.

**COVID-19 Update/Discussion:**

Mr. Curry stated at this time there are 125 cases in Fitchburg. There are two deceased individuals however the cause of death takes a while to be determined. If they aren't buried in Fitchburg we tend to lose sight of them because we only issue a burial permit. There are 59 active cases and 64 people who have recovered.

Ms. Knipe made a motion to adjourn the meeting at 3:40 pm. Motion was 2<sup>nd</sup> by Ian Murray. All were in favor. Motion carries.