

FOOD ESTABLISHMENT INSPECTION REPORT R-10

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number	Date	Time In/Out	Inspection Type	Client Type	Inspector
78535	9/24/24	11:58 AM 11:25 AM	Routine	Restaurant	B.Oram
Permit Number	Risk	Variance	Violation Summary:		Priority
BOH160413	1		4	7	13

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT= out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)					
1. PIC present, demonstrates knowledge, and performs duties	1	<input checked="" type="checkbox"/>				15. Food separated and protected	1	<input checked="" type="checkbox"/>			
2. Certified Food Protection Manager		<input checked="" type="checkbox"/>				16. Food-contact surfaces; cleaned & sanitized	2	<input checked="" type="checkbox"/>			
Employee Health	IN	OUT	NA	NO	COS	17. Proper disposition of returned, previously served, reconditioned & unsafe foods		<input checked="" type="checkbox"/>			
3. Management, food employee and conditional employee knowledge, responsibilities and reporting		<input checked="" type="checkbox"/>				Time/Temperature Control for Safety					
4. Proper use of restriction and exclusion		<input checked="" type="checkbox"/>				18. Proper cooking time & temperatures		<input checked="" type="checkbox"/>			
5. Procedures for responding to vomiting and diarrheal events		<input checked="" type="checkbox"/>				19. Proper reheating procedures for hot holding			<input checked="" type="checkbox"/>		
Good Hygienic Practices	IN	OUT	NA	NO	COS	20. Proper cooling time and temperature			<input checked="" type="checkbox"/>		
6. Proper eating, tasting, drinking, or tobacco use		<input checked="" type="checkbox"/>				21. Proper hot holding temperatures			<input checked="" type="checkbox"/>		
7. No discharge from eyes, nose, and mouth		<input checked="" type="checkbox"/>				22. Proper cold holding temperatures		<input checked="" type="checkbox"/>			
Preventing Contamination by Hands	IN	OUT	NA	NO	COS	23. Proper date marking and disposition		<input checked="" type="checkbox"/>			
8. Hands clean & properly washed		<input checked="" type="checkbox"/>				24. Time as a Public Health Control; procedures & records			<input checked="" type="checkbox"/>		
9. No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed		<input checked="" type="checkbox"/>				Consumer Advisory					
10. Adequate handwashing sinks supplied and accessible	5	<input checked="" type="checkbox"/>				25. Consumer advisory provided for raw/undercooked food		<input checked="" type="checkbox"/>			
Approved Source	IN	OUT	NA	NO	COS	Highly Susceptible Populations					
11. Food obtained from approved source		<input checked="" type="checkbox"/>				26. Pasteurized foods used; prohibited foods not offered			<input checked="" type="checkbox"/>		
12. Food received at proper temperature				<input checked="" type="checkbox"/>		Food/Color Additives and Toxic Substances					
13. Food in good condition, safe & unadulterated		<input checked="" type="checkbox"/>				27. Food additives: approved & properly used		<input checked="" type="checkbox"/>			
14. Required records available: shellstock tags, parasite destruction,				<input checked="" type="checkbox"/>		28. Toxic substances properly identified, stored & used		<input checked="" type="checkbox"/>			
Repeat Violations Highlighted in Yellow						Conformance with Approved Procedures					
						29. Compliance with variance/specialized process/HACCP			<input checked="" type="checkbox"/>		

Good Retail Practices

Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils					
30. Pasteurized eggs used where required				<input checked="" type="checkbox"/>		43. In-use utensils: properly stored	1	<input checked="" type="checkbox"/>			
31. Water & ice from approved source						44. Utensils, equip. & linens: property stored, dried & handled					
32. Variance obtained for specialized processing methods				<input checked="" type="checkbox"/>		45. Single-use/single-service articles: properly stored & used					
Food Temperature Control	IN	OUT	NA	NO	COS	46. Gloves used properly					
33. Proper cooling methods used; adequate equip. for temp. control		<input checked="" type="checkbox"/>				Utensils, Equipment and Vending					
34. Plant food properly cooked for hot holding						47. All contact surfaces cleanable, properly designed, constructed, & used					
35. Approved thawing methods used						48. Warewashing facilities: installed, maintained & used; test strips	1	<input checked="" type="checkbox"/>			
36. Thermometers provided & accurate						49. Non-food contact surfaces clean					
Food Identification	IN	OUT	NA	NO	COS	Physical Facilities					
37. Food properly labeled; original container						50. Hot & cold water available; adequate pressure					
Prevention of Food Contamination	IN	OUT	NA	NO	COS	51. Plumbing installed; proper backflow devices					
38. Insects, rodents & animals not present						52. Sewage & waste water properly disposed					
39. Contamination prevented in prep, storage & display	2	<input checked="" type="checkbox"/>				53. Toilet facilities: properly constructed, supplied, & cleaned			<input checked="" type="checkbox"/>		
40. Personal cleanliness						54. Garbage & refuse properly disposed; facilities maintained	1	<input checked="" type="checkbox"/>			
41. Wiping cloths; properly used & stored						55. Physical facilities installed, maintained & clean	2	<input checked="" type="checkbox"/>			
42. Washing fruits & vegetables						56. Adequate ventilation & lighting; designated areas use	1	<input checked="" type="checkbox"/>			
						60. 105 CMR 590 violations / local regulations	6	<input checked="" type="checkbox"/>			

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).



B. Oram



Zac Laidlaw - Expires
Certificate #:

Follow Up Required: Y Follow Up Date: _____

FOOD SAFETY INSPECTION REPORT

Page Number

2

NY Bagel Factory
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Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Supervision

PIC present, demonstrated knowledge & performs duties

1 2-102.11 (A)(B) & (C)(1), (4)-(16) Demonstration of Knowledge - Establishment -

Pf Observed no employee on site with a valid food protection manager certification. Ensure at least one employee who is a certified food protection manager is on site during all business hours. *Code: The person in charge demonstrate to the RA knowledge of foodborne disease prevention, application of HACCP principles, and the requirements of this code. The person in charge shall demonstrate knowledge by having no violations of priority items during the current inspection; being a certified food protection manager; or responding correctly to the inspectors questions as they relate to the specific food operation.*

Employee Health

Management, food employee and conditional employee; knowledge,

60 FRAM: FC 2-201.11 105 CMR 590.002 (E) - Establishment -

Pr Observed no written employee health policy available on site. Ensure written employee health policy is available on site at all times. *Code: All food establishments shall maintain a written employee health policy that is maintained and accessible at the food establishments at all times.*

60 FRAM: FC 2-501.11 Clean-up Vomiting & Diarrheal Events - Establishment -

Pf Observed no written procedures for responding to vomit and diarrheal events available on site. Ensure written procedures for employees to follow when responding to vomiting or diarrheal events are available on site at all times. *Code: A food establishment shall have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.*

Preventing Contamination by Hands

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

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B.Oram

Inspection Report (Continued)

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Adequate handwashing sinks properly supplied and accessible

10 **5-205.11 Using a Handwashing Sink - Kitchen -**

Pf Observed hand washing sink behind food prep line obstructed by waste receptacle. Ensure all hand washing sinks are maintained so that they are accessible at all times for employee use. *Code: A handwashing facility shall be maintained so that it is accessible at all times for employee use and may not be used for purposes other than handwashing. An automatic handwashing facility shall be used in accordance with manufacturer's instructions.*



10 **5-205.11 Using a Handwashing Sink - Kitchen -**

Pf Observed utensil stored in handwashing sink. Ensure all handwashing sinks are not used for purposes other than hand washing. *Code: A handwashing facility shall be maintained so that it is accessible at all times for employee use and may not be used for purposes other than handwashing. An automatic handwashing facility shall be used in accordance with manufacturer's instructions.*



FOOD SAFETY INSPECTION REPORT

Page Number

4

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

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Inspection Report (Continued)

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10 5-205.11 Using a Handwashing Sink - Front of House -

Pf Observed hand washing sink with equipment in it. Observed windex spray bottles being stored on splash guard. Ensure all handwashing sinks are maintained so that they are accessible at all times for employee use. *Code: A handwashing facility shall be maintained so that it is accessible at all times for employee use and may not be used for purposes other than handwashing. An automatic handwashing facility shall be used in accordance with manufacturer's instructions.*



10 6-301.12 Hand Drying Provision - Kitchen -

Pf Observed hand washing sinks with no paper towels or other hand drying provisions. Ensure all handwashing sinks are equipped with appropriate hand drying provisions. *Code: Each handwashing lavatory or groups of adjacent lavatories shall be provided with: individual, disposable towels; a continuous towel system that supplies the user with a clean towel or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.*

10 6-301.20 Disposable Towels, Waste Receptacle - Kitchen -

C Observed hand washing sinks with no waste receptacles. Ensure all hand washing sinks are equipped with waste receptacles. *Code: A handwashing sink or group of adjacent handwashing sinks that is provided with disposable towels shall be provided with a waste receptacle.*

Protection From Contamination

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

Inspector
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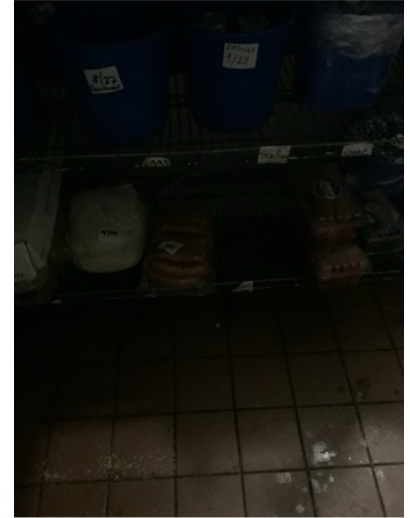
Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Food Separated and protected

15 3-302.11 (A)(1) Raw Animal Foods Separated from RTE - Establishment -

Pr Observed raw meat stored next to RTE foods in walk-in cooler. Ensure all food products are protected from cross contamination by separating raw animal foods during storage, preparation, holding, and display from RTE foods. *Code: Food shall be protected from cross-contamination by: (1) Separating raw animal foods during storage preparation, holding and display from: (a) Raw RTE food including other raw animal food such as fish for sushi or molluscan shellfish or other raw RTE food such as fruits and vegetables, and (b) cooked RTE food.*



16 4-501.114 (A)-(C) Chem.San. Temp./pH/Concentr./Hard. - Kitchen -

Pr Observed sanitizer concentration in 3-bay sink that was too low. COS. PIC created a new batch of sanitizer for 3-bay sink that was an appropriate concentration. *Code: A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under paragraph 4-703.11(C) shall meet the criteria specified under section 7-204.11 Sanitizers, Criteria, shall be used in accordance with the EPA-registered label use instructions, and shall be used as follows: A chlorine solution shall have a temperature of 55°F-120°F, depending on water hardness, and concentration range of 25ppm to 100ppm. An iodine solution shall have a minimum temperature of 68°F with a concentration range of 12.5ppm to 25ppm. A quaternary ammonium compound solution shall have a minimum temperature of 75°F, have a concentration as specified under section 7-204.11 and as indicated by the manufacturer's use directions included in the labeling, and be used only in water with 500 MG/L hardness or less or in water having a hardness no greater than specified by the EPA--registered label use instructions.*

NY Bagel Factory
 341 Cochituate Rd.
 Framingham, MA 01701

Inspection Number
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Time In/Out
 11:58 AM
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Inspection Report (Continued)

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16 **4-602.11 (A) Food-Contact Surfaces and Utensils - Establishment -**

Pr Observed food debris built up on slicer. Ensure all equipment food-contact surfaces and utensils are cleaned at any time during the operation when contamination may have occurred. *Code: Equipment food-contact surfaces and utensils shall be cleaned: before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry; each time there is a change from working with raw foods to working with RTE foods; between uses with raw fruits and vegetables and with TCS food; before using or storing a food temperature measuring device; and any time during the operation when contamination may have occurred.*



Prevention of Food Contamination

Cont. prevented during food prep., storage & display

39 **3-305.11 Food Storage - Kitchen -**

C Observed food products being stored less than 6 inches off the floor. Ensure all food products are protected from contamination by storing the food at least 6 inches above the floor. *Code: Food shall be protected from contamination by storing food: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.*



NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

Inspector
B. Oram

Inspection Report (Continued)

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39 3-305.11 Food Storage - Establishment -

- C** Observed food products being stored less than 6 inches off the floor. Ensure all food products are protected from contamination by storing the food at least 6 inches above the floor. *Code: Food shall be protected from contamination by storing food: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.*



Proper Use of Utensils

In-use utensils; properly stored

43 3-304.12 In-Use Utensils/Between-Use Storage - Kitchen -

- C** Observed scoop being stored with handle contacting food product in the bagel prep area. Ensure that during pauses in food preparation or dispensing, food preparation and dispensing utensils are stored in the food with their handles above the top of the food within containers or equipment that can be closed. *Code: During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored: in the food with their handles above the top of the food and the container; in food that is not TCS food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon; on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized every 4 hours; in running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes, in a clean, protected location if the utensils, such as ice scoops, are*



Utensils, Equipment and Vending

FOOD SAFETY INSPECTION REPORT

Page Number

8

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

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Inspection Report (Continued)

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Warewashing facilities: installed, maintained & used; test strips

48 4-302.14 Sanitizing Solution Testing Devices - Establishment -

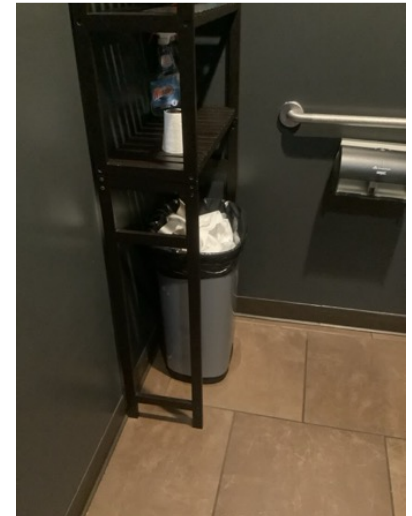
Pf Observed establishment with no sanitizer test strips available on site. Ensure establishment is equipped with product capable of measuring the concentration of sanitizing solutions at all times. *Code: A test kit or other device that accurately measures the concentration of sanitizing solutions shall be provided.*

Physical Facilities

Toilet facilities: properly constructed; supplies & cleaned

53 5-501.17 Toilet Room Receptacle Covered - Establishment -

C Observed no cover for waste receptacle in women's bathroom. Ensure that all toilet rooms used by females are provided with a covered receptacle for sanitary napkins. *Code: A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.*



FOOD SAFETY INSPECTION REPORT

Page Number

9

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

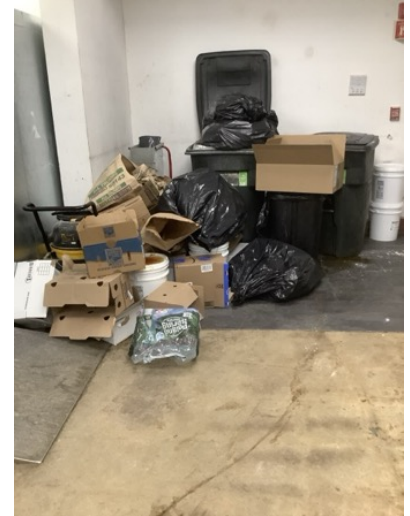
Inspector
B. Oram

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

54 5-501.110 Storing Refuse/Recyclables/Return. - Establishment -

- C** Observed trash being stored on the ground in dry storage area. Ensure all refuse is stored in receptacles or waste handling units so that they are inaccessible to insects and rodents. *Code: Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.*



55 6-501.12 Cleaning. Frequency/Restrictions - Establishment -

- C** Observed pooling water on the floor of the walk-in freezer. Ensure physical facilities are cleaned as often as necessary to keep them clean. *Code: The physical facilities shall be cleaned as often as necessary to keep them clean. Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed such as after closing.*



FOOD SAFETY INSPECTION REPORT

Page Number

10

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
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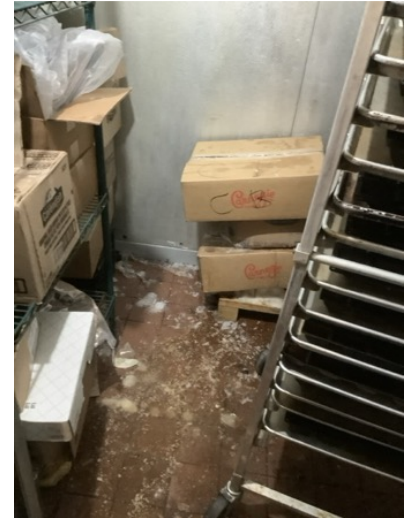
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B. Oram

Inspection Report (Continued)

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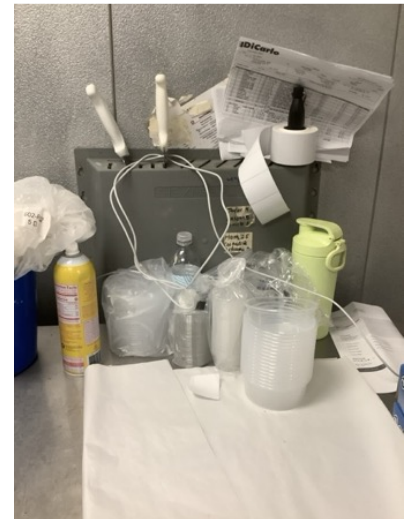
55 6-501.12 Cleaning. Frequency/Restrictions - Establishment -

- C Observed debris on the floor of walk-in freezer. Ensure physical facilities are cleaned as often as necessary to keep them clean. *Code: The physical facilities shall be cleaned as often as necessary to keep them clean. Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed such as after closing.*



56 6-305.11 Dressing Areas/Lockers. Designation - Kitchen -

- C Observed employee cell phone and charger being stored in food prep area. Ensure lockers or other suitable facilities are provided for the orderly storage of employees' clothing and other possessions. *Code: Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment. Lockers or other suitable facilities shall be provided for the orderly storage of employee' clothing and other possessions.*



Additional Requirement

Framingham Public Health Department: 508-532-5470

NY Bagel Factory
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Time In/Out
11:58 AM
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Inspection Report (Continued)

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Violations Related to Good Retail Practices

- 60 MA 590.011 (C)(3) Food Allergy Awareness Requirements - Training - Establishment -**
- C** Observed no employee with an allergen awareness certification on site during time of inspection. Ensure at least one employee who has been issued a Massachusetts certificate of allergen awareness training is on site during all business hours. *Code: Food establishments that cook, prepare, or serve food intended for immediate consumption either on or off the premises shall have on staff a certified food protection manager who has been issued a Massachusetts certificate of allergen awareness training by an allergen awareness training verification program recognized by the Department. The certificate will be valid for 5 years. (b) The certified food protection manager shall: 1. Demonstrate knowledge of major food allergens by posting the Massachusetts food allergen awareness training certificate; and 2. Ensure that employees are properly trained in food allergy awareness as it relates to their assigned duties.*
-
- 60 FRAM: MA 590.011 (A) Anti-Choking Procedures - Establishment -**
- C** Observed no employee with choke save certification on site. Ensure at least one employee trained in manual procedures approved by the state department of public health to remove food lodged in a person's throat is on site during all business hours. *Code: Every food establishment with any amount of seating shall have on its premises, when food is being served, an employee trained in a manual procedures approved by the state department of public health to remove food lodged in a person's throat. This will not apply to food establishments without seating such as to-go facilities.*

Compliance and Enforcement

PERMIT TO OPERATE

- 59 8-304.11 (K) Responsibilities of the Permit Holder - Establishment -**
- C** Observed no sign or placard stating that the most recent inspection report is available upon request posted in customer view. *Code: Upon acceptance of the permit issued by the RA, the permit holder in order to retain the permit shall notify customers that a copy of the most recent establishment inspection report is available upon request by posting a sign or placard in a location in the food establishment that is conspicuous to customers or by another method acceptable to the RA.*
-
- 59 8-304.11 (A) Responsibilities of the Permit Holder - Establishment -**
- C** Observed no food establishment permit posted in customer view. Ensure the food establishment permit is posted in a location in the food establishment that is conspicuous to customers. *Code: Upon acceptance of the permit issued by the RA, the permit holder in order to retain the permit shall post the permit in a location in the food establishment that is conspicuous to consumers.*

FOOD SAFETY INSPECTION REPORT

Page Number

12

NY Bagel Factory
341 Cochituate Rd.
Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
11:58 AM
11:25 AM

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B.Oram

Inspection Report (Continued)

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Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	Flip Top	Tuna		38 °F
Kitchen	Flip Top	Cream Cheese		41 °F
Kitchen	Flip Top	Pickles		40 °F
Kitchen	Flip Top	Cream Cheese		43 °F
Establishment	Walk-in Cooler	Chicken		40 °F
Kitchen	Flip Top	Ham		39 °F
Kitchen	Reach-In Cooler	Cream cheese		42 °F
Establishment	Walk-in Cooler	Sliced Turkey		39 °F
Establishment	Walk-in Cooler	Vegetable Cream		40 °F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

Routine inspection performed by Inspector Oram.

Inspection began at 11:58 AM and ended around 12:52 PM.

PIC Contact: zatticus1254@gmail.com

Owner Contact: sashkinos@gmail.com

Re-Inspection will be performed in approximately 2 weeks.

Framingham Public Health Department: 508-532-5470

FOOD SAFETY INSPECTION REPORT

Page Number

13

NY Bagel Factory
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Framingham, MA 01701

Inspection Number
78535

Date
9/24/24

Time In/Out
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11:25 AM

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