

Time being 7:00 p.m. **June 25, 2018** Paul Steeves opened the meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts. Paul Steeves, Chairman presiding, Eric Arvedon, Vice Chairman, Todd Whitehouse, Clerk, Pauline Zajdel, Health Director, and Diane Passafaro, Public Health Coordinator were present. Meeting took place in the Andrew A. Gala, Jr. Meeting Room inside Foxborough Town Hall at 40 South Street. Minutes were taken by Diane Passafaro.

**7:00 p.m.** No one representing Waxy O'Connor's was present for their 7:00 p.m. appointment. Since the next agenda item was a public hearing scheduled for 7:30 p.m., Paul Steeves stated he would like to move forward with the meeting and approve the bills and minutes while waiting for Waxy O'Connor's to show.

**7:02 p.m.** Todd Whitehouse made a motion to approve the following bills:

P.Z. (Travel to Monthly Meetings)	\$21.69
Commonwealth of Massachusetts EZDriveMA	\$7.70
Payment Processing Center - (Tolls to training site)	
MEHA (Annual Membership for PZ, JR, DP)	\$120.00

Eric Arvedon seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 3 – 0.

**7:04 p.m.** Eric Arvedon made a motion to approve the minutes of June 11, 2018 as written. Todd Whitehouse seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 3 – 0.

**7:06 p.m.** **Waxy O'Connors** **Repetitive non-compliance**  
**Paul McKenna, Owner** **during inspections**

Paul Steeves called Waxy O'Connor's, food establishment located at 121 Main Street, in front of the Board. Representing the establishment was Paul McKenna, Owner and Julie Doherty, General Manager.

Mr. Steeves began by commenting on the number of pages and violations noted on the most recent inspection report dated June 6, 2018. He explained to Mr. McKenna and Ms. Doherty that their role as the Board of Health is to look out for everyone in the Town and expressed his concern with the report in hand.

Ms. Doherty explained the establishment is going through a complete kitchen overhaul which included receiving quotes for new equipment, a new chef and a new menu. She informed the Board that staffing has been an issue but all staff are currently ServSafe certified.

Eric Arvedon commented on the repetitive nature of the violations and the several violations associated with cleaning noted on the report. He added this was not the first time the establishment had been seen in front of the Board and stated it was at each of these former meetings that those representing the establishment assured the Board there would be future compliance. He also addressed the fact that if all employees are ServSafe certified, they should be aware of the safe operation of the establishment and the need for them to inform Management when there is an issue.

Ms. Doherty responded saying, she has been working to correct the issues since her return to the company in March of this year and has a goal of July 15, 2018 to complete the overhaul as discussed earlier. She expressed that the most recent inspection report does not reflect the hard work the establishment has been doing. She added that she has currently initiated the use of logs to help maintain compliance.

Pauline Zajdel updated the Board on the results of the re-inspection conducted on June 20, 2018. She confirmed Ms. Doherty's comment regarding the use of logs and stated many violations had been corrected. She thanked Ms. Doherty for the work she had done, which was apparent to the Inspector at the time of the re-inspection. She added however, the importance and the need for oversight of the staff to maintain this compliance.

Ms. Zajdel continued and informed the Board that Waxy O'Connor's has been moved to a risk level 4 in accordance to the Foxborough Health Department's risk base inspection frequency, due to their repetitive non-compliance history. Inspections will now be conducted four times a year, increased from their original placement at three inspections per year. Ms. Zajdel concluded by expressing her opinion relative to the limited amount of lighting available in the bar area and believes this low light is causing the area not to be cleaned properly.

Mr. Arvedon stated the Board has the authority to close establishments down until compliance is seen. Paul McKenna stated, if needed, he could mobilize teams from other locations and expedite getting the equipment into the establishment within 24 hours instead of the original date of July 15.

Todd Whithouse made a motion for Waxy O'Connor's to be inspected on Friday, June 29, 2018 at which time all equipment must be installed and no repeat violations shall be noted or the establishment shall be closed for 48 hours. Eric Arvedon seconded the motion. Discussion followed to include Paul McKenna asking for clarification as to the length of the inspection report that would be permissible during this inspection. The Board briefly discussed and Paul Steeves responded for the Board stating they are not placing a number value on the violations that would be allowed, only that the inspection shall result in a stellar report. Hearing no further discussion, Paul Steeves called for a vote. All in favor, motion passed, 3 – 0.

Hearing no further discussion related to Waxy O'Connor's, Paul Steeves declared the matter closed at 7:30 p.m.

**7:30 p.m.      *Public Hearing: To discuss a new application permit for the Keeping of Animals and Fowl in the Town of Foxborough for Jan and Robert Klos, 184 Oak Street, Foxborough***

*(No interested parties in attendance relative to this public hearing)*

Todd Whitehouse read the public hearing notice that was published in the Foxboro Reporter on June 21, 2018.

Pauline Zajdel provided a summary of the Klos' "Keeping of Animals and Fowl" application to the Board. The summary included the following;

- The size of the lot is over five acres
- Sue Thibedeau, Town of Foxborough Animal Control Officer, will be performing annual barn inspections
- The Building Commissioner and the Conservation Officer have signed off and express no issues

With the information provided in the application, Ms. Zajdel recommended to the Board permit approval.

Jan Klos spoke to the Board about her family's history of caring for horses. She explained she has not cared for horses since her children were young but wanted to start again for her granddaughter. Ms. Klos informed the Board she would be using the existing corral which will need to be "tweaked", but the barn structure will be new.

Abutter notifications informing them of the June 25, 2018 Board of Health meeting were mailed by the Owner on June 13, 2018. Three green cards were presented to the Board. One remains outstanding (Olivier Noel – Penscecola, FL).

Referring to the manure and insect control plan provided in the application, Eric Arvedon expressed to Ms. Klos that these plans are of the most interest to us because they are of the most interest to others. He continued and stressed the importance of having these plans in place.

Todd Whitehouse made a motion to approve the application of Jan and Robert Klos and allow the Keeping of Animals and Fowl at 184 Oak Street. Eric Arvedon seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 3 – 0.

Hearing no further discussion related to Jan and Robert Klos, Paul Steeves declared the matter closed at 7:36 p.m.

**7:36 p.m. Health Directors Updates**

- The contract with The Arc of South Norfolk to provide services to the residents of Foxborough from July 1, 2018 to June 30, 2019 has been received. All Board members present, the Contract was signed.
- Surrounding Towns have promulgated stricter regulations on the sale of tobacco and nicotine delivery products. Health Director, Pauline Zajdel asked if the Board had interest in revising the current Town of Foxborough tobacco regulations. The Board responded affirmatively and requested Marilyn Edge be invited to a future Board of Health meeting for further discussion.

**7:40 p.m. Bangkok Café**

**Request for Food Code Variance  
Acidification of Rice**

Representing Bangkok Café was Raungdet Titisuttikul. Throughout the discussion the Board referred to Mr. Titisuttikul as “Danny” which is the name used during day to day communications. Others present affiliated with the establishment were Todd Glickman and Luckana Sriweawnetr.

Danny explained to the Board his request to begin the preparation and offering of sushi at his establishment. This addition is directly related to his lease agreement in order to prevent another Asian type restaurant from moving in to the plaza. He informed the Board he hired a consultant to develop his Hazard Analysis Critical Control Point (HACCP) plan and the consultant will also be training the location on the plan and sushi related equipment. He further stated that he would be serving maki rolls only and will not be offering sushi containing raw fish.

Pauline Zajdel confirmed that the HACCP plan had been received and reviewed by John Robertson with no outstanding issues.

Danny provided the Board a copy of the corrected menu as requested by Mr. Robertson. The establishment’s letter requesting the Board to grant their variance to acidify rice at their location was also provided.

Eric Arvedon made a motion to allow Bangkok Café, located at 10 Foxborough Boulevard, to prepare and keep rice at room temperature through the process of acidification in accordance with the establishment’s approved HACCP plan and grants their requested variance to the Food Code. Todd Whitehouse seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 3 – 0.

**7:52 p.m.** Eric Arvedon made a motion to adjourn. Motion passed.

The next meeting is scheduled for July 16, 2018.

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Todd Whitehouse, Clerk/dp