

Time being 7:00 p.m. **July 23, 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. Discussion of the current Town of Foxborough Tobacco Regulations and the movement towards a more comprehensive regulation/compliance checks

Present to facilitate the discussion and assist the Board in identifying the proposed regulation changes, were Marilyn Edge, Director of the Western Bristol County and Foxborough Tobacco and Alcohol Prevention Collaborative and Cheryl Sbarra, Senior Staff Attorney with the Massachusetts Association of Health Boards.

Also present for this agenda item:

Michael Lindley, Foxboro Shell

Rich Carrigg, Stadium Gulf

Anthony Fares, Stadium Gulf

Ms. Edge began the discussion saying she was asked by Pauline Zajdel to speak to the Board on developing a new comprehensive Tobacco regulation as well as the initiatives from the Massachusetts Department of Public Health (MA DPH) that have occurred since the initial promulgation of Foxborough's current tobacco regulations in 2014. She stated the Board has the opportunity to review these new proposed regulations and decide what they would want or not want to be part of the Town's new tobacco regulations.

Eric Arvedon stated he wanted to hear from both Ms. Edge and Ms. Sbarra on what other Towns have been doing relative to tobacco regulations, what they see on a professional level as a concern, and what the MA DPH is moving towards.

Ms. Sbarra informed the Board that both the Massachusetts Senate and the House passed a bill that would; raise the legal age to 21 across the State of Massachusetts, restrict tobacco sales in pharmacies, and ban vaping in areas where smoking is currently not allowed. The next step is for the bill to go to Governor Baker's desk to be signed. She continued, stating there is a difference between the proposed State bill related to the legal purchasing age of 21 and the current Foxborough regulations. The State law would allow an individual who turns 18 on the day the law became effective to have a grace period, making them able to purchase between the ages of 18 and 21. Ms. Sbarra commented that this would require employees while verifying ID's, look for three different dates and strongly suggested to the Board to leave the current Foxborough regulations as is, as it relates to the age requirement of 21.

Ms. Sbarra continued and presented to the Board the policy changes available for implementation that would form a more comprehensive tobacco regulation.

- Expanding the current definition of tobacco products and better define nicotine delivery products. The proposed definition is comprehensive and takes into account those products that may be coming down the line. This will alleviate the need for changing the definition each time a new product becomes available.
- Requiring a three inch by three inch cessation sign to be posted at the register. This allows the opportunity for an individual who may be thinking about quitting, to get the help they need if they so choose.
- Increasing the minimum cigar package size and price. This would help limit kids from purchasing inexpensive tobacco products.
- Requiring all fines paid prior to renewal of a permit.
- Placing a cap on the number of tobacco retailers in the Town of Foxborough.
- Not allowing new retailers within 500 feet of a school.
- Not allowing new retailers within 500 feet of an existing tobacco establishment.
- Restricting the sale of flavored tobacco to adult tobacco stores only. The main issue seen is that 95% of the marketing is found in convenience stores and these are the locations visited frequently by kids.
- Banning blunt wraps. Blunt wraps are commonly used to roll marijuana, however, while the individual is smoking, they are also consuming nicotine.
- Prohibiting the sale of tobacco and nicotine products in pharmacies. This is in the proposed State law that may want to be included in local regulations.

Mr. Arvedon asked if the State was moving towards a Statewide flavor restriction and if there were any restrictions on what can be in the liquid used for vaping. Ms. Sbarra stated there is talk that flavor restrictions may be brought up during the next legislative sessions. In response to the content of the liquid, she informed Mr. Arvedon that the Attorney General only requires that the liquid be sold in a child proof container. The Food and Drug Administration does not currently have any publications discussing the effects of vaping.

At this time, Paul Steeves opened the room up for questions.

Richard Carrigg, Owner of Stadium Gulf located at 20 Washington Street, commented on the policy change related to the increased package size of cigars. He questioned why there should be restrictions on what the consumer can buy even after the individual is of legal age to purchase. Anthony Fares, also with Stadium Gulf, added her experience with upset individuals over 18 but younger

than 21, traveling to the neighboring Towns where purchasing of tobacco is allowed at 18 years of age.

Ms. Edge informed her that the surrounding Towns do require the individual to be 21 years of age to purchase tobacco. Mr. Arvedon added that prior to promulgating the Town's tobacco regulations in 2014 we spoke with the neighboring Towns for them to come on board. It was our intent that when we went to Tobacco 21 other Towns would as well.

Michael Lindley, Owner of Foxboro Shell located at 32 Commercial Street asked about the requirement related to the minimum cigar package size and questioned if this would be required at the Store level and they will need to "tape" cigars together to sell at the required price.

Mr. Lindley also asked the Board if there were any known effects of capping, and used the example of whether there were effects when the Town limited the number of liquor licenses available. He questioned whether a cap had any bearing on growth in the Town. Mr. Arvedon stated this is a question that would be best answered by the Board of Selectman. Mr. Steeves also added that even if a cap was included in the regulations now, this does not mean we wouldn't be able to amend this requirement in the future.

Mr. Lindley then asked about the flavor menthol. Ms. Edge responded menthol is allowed according to the FDA. Ms. Edge also responded to a previous question asked by Mr. Lindley regarding cigar packaging requirements. Ms. Edge informed him that the policy reads that units sold require manufactured packaged products only, so the combining of multiple cigars to reach the cigar/cost ratio would not be allowed at the Store level. She continued saying there is always time between the public hearing when the Board signs the regulation and the date the regulation becomes effective, and she recommends to Boards this be typically three months. This allows time for her and her staff to educate the establishments on the new requirements and assists in lessening their inventory at the Store level of items that may be restricted in the new regulations, such as single cigar units.

Paul Steeves addressed the room emphasizing that the purpose of this meeting was to gather information only and added he appreciated the comments he had heard so far.

Mr. Carrigg, speaking as a citizen, stated restricting the sale of items even when you are of legal age, is taking away the individual's rights.

Mr. Lindley commented he believes Foxborough has a good reputation with not selling to individuals under 21 years of age. He added that with reasonable regulations and compliance checks, Foxborough will be able to keep that reputation.

Mr. Arvedon thanked all those who were present and provided comments. The next steps include holding a meeting to discuss what the Board believes should be included into the current tobacco regulations. He requested to Ms. Zajdel that all establishments be notified of this meeting when any discussion will take place. Following the discussion, a draft regulation will be developed and a public hearing will be held. The public hearing will allow for a final discussion and a vote to promulgate the new regulations will occur.

The discussion then switched to Ms. Zajdel reminding the Board of Ms. Edge's appointment and the Collaborative contract that is expiring on September 30th. This loss of services and the interest in continuing Ms. Edge's services for the Town was discussed with the Town's Finance Director, Randy Scollins. Following the discussion it was decided that the Town would encumber \$3,000, allowing Ms. Edge to be hired as a contractor and continue with inspections and compliance checks from October 1st to June 30th. With the money available, the Board will need to decide the number of inspections and compliance checks they would like Ms. Edge to perform up through June 30, 2019. If the Board would like to continue with Ms. Edge's services into FY20, an increase in budget would need to be requested and approved by the Advisory Committee. Mr. Arvedon stated a discussion pertaining to Ms. Edge's services should be an agenda item during the next meeting.

Hearing no further discussion, Paul Steeves declared the matter closed at 8:09 p.m.

8:09 p.m.

Pronti, Inc.

New mobile unit

(No interested parties present for this agenda item)

Representing Pronti, Inc. was Luis Esquilin. He informed the Board that the establishment currently does not have any contracts available within the Town of Foxborough, however, is currently working to attain a spot in Rhode Island. The foods offered on the truck would be the same foods offered in the restaurant which includes wraps, rice bowls, salads, fries and wings. All raw items are cooked in the restaurant, cooled at the restaurant and held cold on the truck. Food items are then reheated to order on the mobile unit. In response to a question asked by Mr. Arvedon, Mr. Esquilin confirmed there would be sanitizer on the truck as well as a certified food manager. He also added that the truck is equipped with a 3-bay sink with a separate hand washing sink. The truck has not yet been inspected, but Mr. Esquilin was informed he must call the office to set up an inspection to be conducted at the Town Hall.

Eric Arvedon made a motion to grant Pronti, Inc. a mobile food and beverage permit valid through December 31, 2018 providing a satisfactory inspection of the mobile unit. Todd Whitehouse 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 Pronti, Inc., Paul Steeves declared the matter closed at 8:15 p.m.

8:15 p.m. Eric Arvedon made a motion to approve the minutes of June 25, 2018 as written. Todd Whitehouse seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 3 – 0.

8:17 p.m. Todd Whitehouse made a motion to approve the following bills:

Rea-Craft Press, Inc.	\$119.00
Ecolab Food Safety Specialties	\$92.20
NEHA (Annual Membership for DP)	\$95.00
The Arc South Norfolk	\$812.83
Foxboro Reporter	\$75.69
P.Z. (Communications)	\$50.00
D.P. (Communications)	\$50.00
J.R. (Communications)	\$50.00
Wheelwright Consultants	\$157.25

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

7:36 p.m. Health Directors Updates

- A draft version of the new 2019 Fee Schedule has been developed. This draft will need to be discussed by the Board and ultimately voted on during a public hearing. Changes include an increase in permit fee for a tobacco establishment, the addition of a “HACCP Inspection/Annual Review” fee, placing an “Ice Cream Truck Mobile Vendors” in its own new category with one flat fee, and changes to the fees charged associated with hearing notices.
- Andrew Poce is scheduled for a planning board meeting on July 26th. No application showing his new plan has been submitted to the Health Department’s office.
- Upcoming dates:
 - August 7, 2018 – Night Out Against Crime to be held on the Common. Pauline Zajdel and Diane Passafaro to attend to represent the Board of Health.
 - September 6, 2018 – The Medical Reserve Corp will be holding an open house and provide hurricane preparedness information at the Foxborough Town Hall from 6:00 p.m. to 8:00 p.m.
 - October 10, 2018 – Kevin Duquette will be holding his Fats, Oils and Grease training.

- October 16, 2018 – Wheelwright Consultants will be holding a second ServSafe training. Todd Whitehouse is registered for the course.
- October 20, 2018 – This is a tentative date for an emergency set up drill to take place at the High School.
- November 8, 2018 – Septic Hauler Inspection Day. The Town of Norton and Mansfield will be joining Foxborough again this year. North Attleboro, Rehoboth, and Attleboro were also invited to attend.
- The deadline for Rodman Ford to install his septic system is Thursday, July 26, 2018. Through recent conversations with the installer, installation may not be completed by the deadline. The Board conferred, an on-site inspection should be conducted on July 26th. If the system is not installed, the \$500 fine, as discussed during the June 11th meeting, shall be issued. If there is evidence of an overflow, the location must be shut down.

8:55 p.m. Todd Whitehouse made a motion to adjourn. Motion passed.

The next meeting is scheduled for August 6, 2018.

Todd Whitehouse, Clerk/dp