

Time being 7:00 p.m. **August 6, 2018** Eric Arvedon opened the meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts. 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.** Eric Arvedon made it known to those present in the room that Chairman Paul Steeves was running late and would arrive shortly. Mr. Arvedon did not wish to begin the discussion on proposed tobacco amendments until the Chairman's arrival and stated he would like to move forward with the meeting, taking the agenda out of order.

**7:04 p.m.** Todd Whitehouse made a motion to approve the following bills:

HealthCare Options, Inc. (July Services)	\$2,463.75
HealthCare Options, Inc. (August Services)	\$2,463.75
The Arc South Norfolk (August Services)	\$812.83
W.B. Mason (Office Supplies)	\$82.23
The Pro's Car Care Complex (Car Wash/Vacuum)	\$28.00
P.Z. (August Communications)	\$50.00
D.P. (August Communications)	\$50.00
J.R. (August Communications)	\$50.00

Eric Arvedon seconded the motion. Hearing no discussion, Eric Arvedon called for a vote. All in favor, motion passed, 2 – 0.

**7:06 p.m.** Todd Whitehouse made a motion to approve the minutes of July 23, 2018 as written. Eric Arvedon seconded the motion. Hearing no discussion, Eric Arvedon called for a vote. All in favor, motion passed, 2 – 0.

**7:08 p.m. Health Directors Updates**

- Brett Rodman of Rodman Ford Sales paid the \$500 fine issued to him for failing to repair his septic system at 53 Washington Street before the Board specified deadline of July 26, 2018. Installation on the property has since begun and Kevin Duquette has performed one inspection to date.
- A letter was sent to Paul Farren of McDonalds ordering the submittal of design plans for their system in failure on 212 North Street. Bob Silva with Septic Preservation has been in communication with the Office and has updates relative to the Site. A formal letter explaining these updates was requested.

- Kevin Duquette and John Robertson inspected Gillette food concessions during the Taylor Swift concert.

**7:12 p.m.** Chairman Paul Steeves arrived.

**7:13 p.m. Discussion of the current Town of Foxborough Tobacco Regulations and Proposed Amendments**

*(During the July 23, 2018 Board of Health meeting, Marilyn Edge and Cheryl Sbarra provide the Board with a list of policy decisions, that if decided upon, could be incorporated to form a new and more comprehensive tobacco regulation for the Town of Foxborough. It was the intent of this meeting for the Board to decide which policy changes they wish to incorporate and those they did not)*

Marilyn Edge, Director of the Western Bristol County and Foxborough Tobacco and Alcohol Prevention Collaborative, was present to assist the Board with questions related to the Town's current tobacco regulations and the proposed amendments.

Others in attendance relative to this agenda item:

Dennis Lane, Executive Director - Coalition for Responsible Retailing

In discussion, each Board member brought forth the policy changes they were for and against incorporating into a new draft Town of Foxborough tobacco regulation. In the end, the Board agreed to incorporate the following:

- Expand the current definition of tobacco products
- Require a cessation sign at the register
- No annual permit renewal if an establishment has sold tobacco to a minor three times within the previous permit year
- No new tobacco retail permits within 500 feet of a school
- Ban tobacco sales in health care institutions
- Change language for suspensions from "may" to "shall"
  - Second offense – Shall suspend permit for 7 days
  - Third offense – Shall suspend permit for a minimum of 7 days and up to 30 days

Other policy changes available to the Board were discussed but ultimately rejected. These items included; a minimum cigar package size and price, a cap on the number of tobacco permits allowed in the Town, a restriction for new permits within a set distance from an existing tobacco retail permit (distance never specified), a restriction on flavored tobacco and a ban on blunt wraps.

Marilyn Edge recorded all changes requested by the Board. Ms. Edge stated she would forward this information to Cheryl Sbarra, Senior Staff Attorney with the Massachusetts Association of Health Boards, who will draft new proposed regulations. After developing the draft regulations, the Board may review and request any changes. The final draft of the proposed regulations will then be available to the public and a public hearing will be held for discussion and a vote.

Following the discussion of proposed policy changes, Paul Steeves invited Dennis Lane, Executive Director for the Coalition for Responsible Retailing in front of the Board to speak.

Mr. Lane thanked the Board for a chance to speak and stated he has been in the industry as a tobacco retail owner for many years. He continued and voiced his opinion on a series of tobacco related topics. In summary, he expressed the important role Retailer's play in preventing access of tobacco to minors. He also considered vaping to be the biggest concern of today, adding, if local regulations restrict sales in stores, underage kids are still accessing these products through online sources. He concluded his testimony by thanking the Board for deciding against restricting the sale of flavored tobacco and believes having no restrictions is also in turn protecting adult rights. For the record, Mr. Lane provided a written letter addressed to the Foxborough Board of Health providing further testimony. This letter is included as supplemental meeting documents.

Paul Steeves thanked Mr. Lane for attending the meeting and the comments he provided.

The Board continued to the next discussion item on the agenda relative to tobacco. Pauline Zajdel reminded the Board that, the Health Department budget allows for \$3,000 to be used for tobacco related compliance checks and inspections. She continued to say that Marilyn Edge has agreed to provide independent contractual tobacco compliance related services from October 1, 2018 through June 30, 2019. Following a brief discussion and overview of cost per inspection break down, the Board agreed the services to be provided by Marilyn Edge would include;

- One store inspection and two compliance checks per year.

Mr. Arvedon added that these inspections and compliance checks must be performed within a fiscal year and not calendar year, to coincide with the Health Department's annual budget.

Hearing no further discussion, Paul Steeves declared the matter closed at 8:42 p.m.

**8:42 p.m. Discussion of Proposed Changes to the Current Fee Schedule**

*(No interested parties present for this agenda item)*

The Board was provided a summary of the proposed changes to the current fee schedule. Four of the proposed changes are related to either a fee increase, the institution of a new fee, or a new payment policy. After a discussion, the Board agreed to incorporate the following changes:

- Increase the tobacco license fee to \$250.00 using a tiered payment method.
  - Tobacco license fee for Calendar year 2019: \$175
  - Tobacco license fee For Calendar year 2020: \$250
- Institute an annual HACCP Inspection/Annual Review Fee of \$50
- Require the full cost of any Hearing Notice to be paid by applicant
- Develop an “Ice Cream Truck Mobile Vendor” License with a flat fee of \$100

The proposed fee schedule will be made available to the public and a public hearing will be scheduled for discussion and a vote. The Board requested that the public hearing be scheduled for September 17, 2018.

**8:59 p.m. Health Director Updates continued**

- The next National Drug Take Back Day is scheduled to be held on October 27, 2018. The Health Department will once again hold a Sharps Collection in conjunction with the Take Back Event.
- Multiple inspections have been conducted at 135 Chestnut Street, Apartment 11C. Inspections were conducted and required as part of a sign off for a Section 8 housing voucher. Following a non-compliant second inspection, a re-inspection fee was issued. Once paid, another inspection will be conducted.
- In response to a complaint, Inspector John Robertson inspected the trash area associated with the restaurant and building located at 2 Washington Street. The inspection revealed violations associated with the State Housing Code relative to keeping the parcel of land clean and sanitary. A letter and re-inspection fee was sent to the Owner. Also requested was a detailed plan for long term compliance to be submitted to this Office. The fee has been paid and an action plan was submitted.
- Recent Planning Board Request for Comments plans have included:
  - 14 Mechanic Street – Construction of an apartment building housing four, 1-bedroom apartments
  - Proposed construction of the “Wind Tunnel”, an establishment that offers simulated sky diving activities, to be constructed adjacent to the existing Showcase Cinemas

**9:08 p.m. Discussion of Adjusting Current Board of Health Meeting Start Time**

Paul Steeves and Todd Whitehouse stated their current work schedule is not conducive to an earlier Board of Health meeting start time. The Board agreed to leave the meeting at its currently scheduled time of 7:00 p.m.

**9:10 p.m.** Todd Whitehouse made a motion to adjourn. Motion passed.

The next meeting is scheduled for August 20, 2018.

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Todd Whitehouse, Clerk/dp