

Time being 7:00 p.m. **October 22, 2018** Paul Steeves opened the meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts. Members present, Paul Steeves, Chairman presiding, and Eric Arvedon, Vice Chairman. Others present, Pauline Zajdel, Health Director, and Diane Passafaro, Public Health Coordinator. Member absent, Todd Whitehouse, Clerk. 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.

Paul Steeves read the agenda aloud.

7:00 p.m. Union Straw

**New Food Establishment
8 Mechanic Street**

Representing Union Straw was Executive Chef, Jennifer Mekler. Ms. Mekler stated that since her last appearance in front of the Board there had been a change in partners, commenting however, that she herself is one of the original. After being asked by the Board to speak about her background, she began by saying she has been in the culinary field, professionally, for forty years which has included roles as executive chef, a pastry chef, and Owner of multiple restaurants. She explained to the Board, she hopes to bring a family community feeling to the new establishment in Foxborough. She also commented on the proposed menu. The Board inquired about whether the establishment will be performing any special processes that would require a HACCP (Hazard Analysis Critical Control Point) Plan and who would be in charge and trained in the daily kitchen operations. Ms. Mekler informed the Board their daily operations do not require a HACCP Plan and further stated that she holds a certified food manager's certificate. She continued saying all kitchen staff will be up to date with their certification prior to their opening.

Pauline Zajdel informed the Board that Ms. Mekler had sent an e-mail formally requesting that the Board grant her a latex glove variance that will allow her to use latex gloves within the establishment due to a vinyl allergy. The request specifically states this variance would be for Ms. Mekler only and all other staff members would be instructed to use vinyl gloves. Ms. Zajdel commented on the State's position and their guidance document on latex gloves, stating the use is not recommended.

Eric Arvedon made a motion to grant Union Straw a variance, to allow the use of latex gloves on the premises, provided that appropriate notification shall be made available on the both the menu and door of the establishment. Paul Steeves seconded the motion. Discussion followed.

Paul Steeves wanted to make it clear that this variance was for the use of latex gloves by Ms. Mekler only and the use of these latex gloves by other staff is not allowed. Ms. Mekler understood and confirmed they would be used by her only

and added that she has had this variance in other establishments and the staff is aware that the use of the latex gloves is not allowed.

Hearing no further discussion, Paul Steeves called for a vote. All in favor, motion passed, 2 – 0.

Eric Arvedon opened the room for any comments or questions relative to Union Straw, 8 Mechanic Street. Hearing no comments, Paul Steeves declared the matter closed at 7:15 p.m.

7:15 p.m. Bay Colony Group Septic Variance
William Buckley, Jr. 9 Perry Drive

Representing the Owner of 9 Perry Drive was Principal Engineer, William Buckley, Jr. of Bay Colony Group. Owner, Kevin Laracy, also present.

Mr. Buckley presented the septic design plan for new construction of an office/warehouse building located at 9 Perry Drive. Due to the property's location, vegetated wetlands and a portion of Ganawatte Farm Pond being on the property, limits the land allowed for construction of the building and location of the septic system. Due to these property constraints, Mr. Buckley asked for the following variance;

- Soil absorption system to be located 122 feet from a wetland where 150 feet is required (Local By-law)
(Green cards were presented to the Board)

Mr. Buckley added that the property has been an established lot since the 1970's, prior to the Board of Health regulations requiring the 150 feet wetland and therefore, to deny the Owner the ability to use the land would be manifestly unjust. To satisfy equivalent environmental protection, Mr. Buckley informed the Board that the proposed system is designed with the use of an Innovative/Alternative sewage disposal system (FAST Treatment System).

Eric Arvedon made a motion to vary local bylaw regulations and allow the soil absorption system to be located 122 feet from the wetland instead of the 150 feet that is required for the construction of the septic system at 9 Perry Drive. The use of a FAST system is contingent on the installation of a backup generator, a disclosure recorded at the Norfolk Registry of Deeds, an inspections and maintenance contract showing services for a minimum of one year, and system owner acknowledgement of responsibilities. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 2 – 0.

Bill Buckley stated the use and location of the back-up generator was not noted on the current plan and he would provide revised plans to the Foxborough Health Department Office.

Eric Arvedon opened the room for any comments or questions relative to the septic variance at 9 Perry Drive. Hearing no comments, Paul Steeves declared the matter closed at 7:30 p.m.

7:30 p.m. **OSD System Associates, Inc.** **Septic Variance**
32 Lakeview Road

Representing 32 Lakeview Road was Owner of the property, Brian Grace. Mr. Grace informed the Board that he recently bought the property with intentions to rehab the structure to include the addition of a master bedroom with a master bath, and mudroom. He further explained that the addition will have a foundation resulting in the distance to the existing soil absorption system not meeting Title V minimum setback distances and requested the following variance;

- Reduce the existing soil absorption system setback distance to the proposed foundation wall from 20 feet to 14 feet.

Mr. Grace informed the Board that the existing system installed in 2004 was designed for a four bedroom and stated that he would be reducing the number of bedrooms to three. He added that the installation of a 40 mil poly barrier is also proposed. Materials provided to the Board also showed the tank being replaced with appropriate setbacks from the foundation.

Eric Arvedon made a motion to allow the foundation wall to be 14 feet from the soil absorption system instead of the required 20 feet at the property located at 32 Lakeview Road, provided that a 40 mil poly barrier is installed to a depth below the footing of the foundation. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 2 – 0.

Eric Arvedon opened the room for any comments or questions relative to 32 Lakeview Road. Hearing no comments, Paul Steeves declared the matter closed at 7:38 p.m.

7:38 p.m. **Maine-iac Lobster Rolls** **New Mobile Food Establishment**
Mark Wertheim, Owner **Route One**

Eric Arvedon welcomed Mark Wertheim and his mobile unit to Foxborough and asked about his operation and the location he expected to operate. Mr. Wertheim stated he would be located at 95 Washington Street and expects to come up from Connecticut for Gillette games and special events. He informed the Board that he

expects to sell lobster rolls only. The lobster comes in frozen and at the time of service, warms the lobster in small batches in a water bath. In response to Mr. Arvedon's question related to serving food safely, Mr. Wertheim stated there is refrigeration on the truck and glove boxes are available. He concluded by thanking the Board for their time and appreciated the good service provided by both the Town's Health Department and Fire Department.

Eric Arvedon opened the room for any comments or questions relative to the new mobile food truck, Maine-iac Lobster Rolls. Hearing no comments, Paul Steeves declared the matter closed at 7:51 p.m.

7:51 p.m. Charles DePompo, present throughout the meeting, approached the Board and inquired when the Board would be discussing the new tobacco regulations. Pauline Zajdel informed Mr. DePompo that the proposed amendments to the Town of Foxborough's current tobacco regulations would be discussed at a public hearing occurring on November 5, 2018 at the Public Safety Building.

7:52 p.m. Eric Arvedon made a motion to approve the following bills:

Mass. Health Officers Assoc. (Conference – JR – 3-days)	\$500.00
Mass. Health Officers Assoc. (Housing Training – JR)	\$100.00
The Arc South Norfolk (October Services)	\$812.83
W.B. Mason (Miscellaneous Office Supplies)	\$45.63
W.B. Mason (Miscellaneous Office Supplies)	\$19.52
HealthCare Options, Inc. (October Services)	\$2,463.75
J.R. (October Communications/Insp. Equip.)	\$60.60
D.P. (October Communication)	\$50.00
P.Z. (October Communication/Travel to Meetings)	\$71.69
Seacrest Hotel (Conference Accommodations)	\$119.57
Tick Key Products (Tick Keys)	\$277.50
The Foxboro Reporter (Public Hearing Notice – 9/17)	\$63.08

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

7:57 p.m. Eric Arvedon made a motion to approve the minutes of September 17, 2018 as written. Paul Steeves seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 2 – 0.

7:55 p.m. **Health Directors Updates**

- Bill Keegan has asked several Town Departments to provide comments as it relates to the Neponset Reservoir Permanent Solution Statement. Pauline Zajdel stated that Paul Mullins had provided comments as a former Board of Health member, however was later informed by Bill Keegan that these comments could not be submitted on the Board's behalf. Eric Arvedon suggested that a cover letter be submitted to the appropriate party stating that the current Board members endorse those comments provided by former Board member Paul Mullins. Paul Steeves and Eric Arvedon agreed that a letter should be formulated, reviewed and signed by each Board member and to include Paul Mullins comments as an attachment.
- The Emergency Dispensing Site drill is scheduled for October 23, 2018 from 5:00 p.m. to 8:00 p.m. at the Foxborough High School. This is being conducted to assist new key employees within the Town understand the flow and their role during an event of this type. It is also a Department of Public Health requirement.
- The State of Massachusetts Department of Public Health promulgated amendments to the 2013 Federal Food Code and State Sanitary Code on October 5, 2018. Pauline Zajdel advocated to the Board to begin implementation of this new Code during inspections starting January 1, 2019 as to allow the establishments more time to understand and implement the new changes. The Board agreed.
- Pest control issues at Patriot Place continue. Health Inspector John Robertson, Jr. during inspections, is working with each establishment and recommending additional measures that could be implemented, such as logging pest activity observed, to help control the problem. The establishments are working hard in handling the issue as well.
- Health Agent comments were provided to the Foxborough Planning Department and/or Selectman for the following projects:
 - Outside storage area to be located at 7 Lincoln Road
 - University of Massachusetts versus Brigham Young University football game will be occurring at Gillette on November 10, 2018
 - The Americas Best Value Inn will be renovating and expanding their hotel by 33 rooms. The establishment will also be expanding their special parking permit to 614 spaces.

8:15 p.m. Executive Session: To discuss strategy with respect to pending litigation relating to 32 Oak Street.

The next meeting is scheduled for November 5, 2018.

Todd Whitehouse, Clerk/dp