

Time being 7:00 p.m. **November 26, 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, 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.

Members Absent: Eric Arvedon, Vice Chairman

**7:00 p.m. Moumad Mahamed, 92 Spruce Street: Discussion of recent annual livestock inspection, associated violations, and whether to suspend or revoke current Animal & Fowl permit**

Representing 92 Spruce Street was Lesa Dennis-Mahamed, current Animal and Fowl permit holder on record. Ms. Mahamed's daughter was also present.

Sue Thibedeau, Town of Foxborough Animal Control Officer, was present to provide the Board with a summary of the most recent scheduled animal and fowl inspection at 92 Spruce Street. She stated that the inspection revealed several violations to the Town of Foxborough's "Keeping of Animal and Fowl" regulations. Violations included the permit holder providing shelter that is of insufficient size, does not allow for proper sanitation, or adequate protection from the weather. She continued, explaining that inadequate shelter violations had been noted in previous years and as a result a shed was built last year to assist in housing. However, during this year's inspection, the shed was not being used for its intended use and instead was being utilized for storage.

*A letter dated October 16, 2018 was sent certified mail to Moumad Mahamed explaining the violations noted. This letter was provided to the Board for review. Also provided were photos taken during the initial inspection.*

Ms. Mahamed spoke to the Board and stated the pictures taken during the inspection do not adequately reflect the yard as a whole. She further explained that the current housing is used only at night to protect the animals from predators and rain and they are able to walk freely on the property during the day. She added that the keeping of animals is not year round and those that are raised are ultimately given to family and friends around this time each year. She informed the Board that the property is not housing any animals at this time.

Ms. Thibedeau also informed the Board that goats, sheep and a pheasant were also noted during the inspection and are not specified on their current permit. Ms. Mahamed explained there are some animals that are on their property for two weeks, typically sheeps and goats, during which time they are cared for and then later consumed during religious holidays.

Ms. Thibedeau expressed to the Board that violations have been an on-going issue at 92 Spruce Street since she began inspecting.

Todd Whitehouse made a motion to revoke the existing Animal and Fowl permit for 92 Spruce Street and no permit shall be issued until an inspection is conducted showing the property meets the minimum standards set forth in the Town of Foxborough's "Keeping of Animal and Fowl" regulations. Paul Steeves seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed 2 – 0.

Pauline Zajdel provided Ms. Mahamed with a copy of the regulations.

Ms. Thibedeau recommended that shelter plans be provided to her for review.

Hearing no further discussion, Paul Steeves declared the matter relative to 92 Spruce Street closed at 7:20 p.m.

**7:20 p.m. Toby Keith's I Love This Bar and Grill, Brian Burke – General Manager:  
Discussion of recent food inspection and associated violations**

Representing Toby Keith's I Love This Bar and Grill was Brian Burke, General Manager.

Paul Steeves began by commenting on the length of the most recent inspection report dated October 4, 2018 and read, in part, several violations associated with sanitation issues throughout the establishment. The Board was also provided with photos of the October 4 inspection and two other inspection reports dated June 27 and January 31, 2018.

Brian Burke agreed that the report was far from acceptable, but adding that the timing of the inspection was following a busy weekend at Patriot Place and assured the Board he had a deep cleaning scheduled for that following Sunday. He also explained that between August and September there was a transition to a new cleaning company. Since that time, more regular deep cleanings have been scheduled, the company has been shown the areas of concern to reflect those noted on the inspection report, and service with the new company has been going well. Mr. Burke also stated that he will continue to oversee the operation of the entire facility, but added he is also counting on his staff to report to him with issues.

Mr. Steeves asked if Mr. Burke could explain the photo of the dead rodent located outside the establishment near the garbage area. Mr. Burke explained that the dumpster/compactor was broken for approximately three weeks which resulted in leakage. He believed that the time period when the dumpster was broken corresponds to the time when activity was seen.

Todd Whitehouse commented on the repeat nature of the violations noted during the last three inspections and stated this could be seen as a blue print of the restaurant as a whole for any patrons reading the reports.

Paul Steeves was informed by Pauline Zajdel that the next inspection is expected to be conducted either in December or January. Due to the concerning nature of inspection reports Paul Steeves requested that the Inspector return sooner than January and an inspection be conducted in the month of December. Mr. Steeves added that if the next inspection does not produce a stellar report, the Board may decide to suspend the establishment's food service license.

Hearing no further discussion related to Toby Keith's, Paul Steeves declared the matter closed at 7:40 p.m.

**7:40 p.m. Foxboro Sunoco, Ali Hodroj – Owner: Discussion of the recent tobacco violation – the sale of tobacco to a minor**

Representing Foxboro Sunoco was Muthanna Waili.

Paul Steeves informed Muthanna Waili that the sale of tobacco to a minor occurred at the Foxboro Sunoco on November 11, 2018 and provided Mr. Waili a chance to speak.

Muthanna Waili agreed that this violation was not acceptable adding that he had children of his own and shares the view that tobacco should not be in the hands of under-aged children. He believed that the violation occurred due to a new hire from out of country who mis-understood the Store's tobacco policy. He stated that any future sales of tobacco to a minor, will result in the firing of the employee that made the sale.

Paul Steeves also commented on previous tobacco violations that had occurred at the Store during the last six years.

Mr. Waili informed the Board that compliance checks are also performed internally by Sunoco and stated that all employees will be re-trained.

Pauline Zajdel stated the two hundred dollar (\$200.00) ticket for selling to a minor was issued by Sarah LeRoux, our Tobacco Control Officer and will need to be paid to the Clerk's Office within 21 days. Ms. Zajdel also requested that a copy of the Store's tobacco policy be submitted to the Health Department Office as well as the signatures of each employee confirming receipt of the policy and their understanding of the policy.

Hearing no further discussion related to Foxboro Sunoco, Paul Steeves declared the matter closed at 7:53 p.m.

**7:53 p.m. Health Directors Updates**

- A petition, addressed to the Board of Health, was received today. The petition included 221 signatures from Town of Foxborough Parents and a cover letter from Dr. Lester Hartman insisting that the Board of Health taken action to restrict flavored tobacco to adult, 21 to enter, retail stores.

**7:55 p.m.** Todd Whitehouse made a motion to approve the following bills:

Sarah LeRoux, Tobacco Consultant (Compliance Checks)	\$477.05
The Arc South Norfolk (November Services)	\$812.83
J.R. (November Communications)	\$50.00
D.P. (November Communications)	\$50.00
P.Z. (November Communications/Mileage)	\$61.77
HealthCare Options, Inc. (November Services)	\$2,463.75
The Pro's Car Care Complex (Car Wash/Vacuum)	\$28.00
Ecolab Food Safety Specialties (Food Insp. Equipment)	\$26.65
The Foxboro Reporter (Public Hearing Notice – Tobacco)	\$82.72
Comm. of MA (Professional License Renewal - K.D.)	\$78.00

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

**7:58 p.m.** Todd Whitehouse made a motion to approve the minutes of November 5, 2018 as written. Paul Steeves seconded the motion. Hearing no discussion, Paul Steeves called for a vote. All in favor, motion passed, 2 – 0.

**8:00 p.m.** Todd Whitehouse made a motion to adjourn. Paul Steeves seconded the motion. All in favor, motion passed, 2-0.

The next meeting is scheduled for December 10, 2018.

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Todd Whitehouse, Clerk/dp