

Time being 7:00 p.m. **April 22, 2019** 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, 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: Todd Whitehouse, Clerk

**7:00 p.m. Public Hearing: To request an appeal of the fines that were imposed during a recent housing inspection conducted at 38 Main Street.**

*(There was no one present relative to this public hearing)*

Eric Arvedon read the public hearing notice that was published in the Foxboro Reporter on April 18, 2019.

Mr. Badawi Dweik, Owner of 38 Main Street since 2004, was present for his requested appeal.

P. Zajdel provided the Board with a short summary of how and why the inspection was first initiated. A comprehensive inspection was requested by the Occupant of 38 Main Street and the first inspection was conducted on February 7, 2019. At the time of the inspection, the unit was found to have violations considered deemed to endanger in accordance with the Massachusetts State Sanitary Code (105 CMR 410.000). At the re-inspection on March 20, 2019 all violations marked deemed to endanger were corrected.

The correction order was served to B. Dweik and included a \$150.00 fine, issued for the violations deemed to endanger and a \$100 re-inspection fee. She explained to the Board larger fines could have been imposed as the current fee schedule call for a \$150.00 fine per deemed to endanger violation. P. Zajdel further informed the Board that the Occupant called the Office on Friday, April 19<sup>th</sup> with the same concerns she spoke of during the initial complaint. These concerns included the smell of gas within the unit and the structural safety of the floor beneath the tub.

P. Steeves requested that P. Zajdel contact the Fire Department Tuesday morning to report on the situation. P. Zajdel commented that the Building Inspector did go to the house to inspect and did not see any issue. B. Dweik also commented that Columbia Gas was on site to also check and confirmed they found no issue as well. P. Steeves stated again that the Board should be prudent to the Occupant's concern about the smell of gas and requested that the Fire Department check all areas of the house including the basement and upstairs area.

E. Arvedon asked B. Dewik if he had seen the correction order issued to him by P. Zajdel and if he agreed with the violations that were noted and believed them to be accurate. B. Dewik stated he did disagree with some of the violations.

B. Dewik explained to the Board that prior to renting, he had lived in the house for 15 years. He recently made the decision to rent the unit as part of the voucher program, which required an inspection of the unit to be conducted by Boston Authorities. He made it known to the Board that the results of the Boston inspection made no mention of the violations noted by P. Zajdel during the Board of Health inspection.

He further argued his position, providing his opposition to each of the five violations that were marked as deemed to endanger. In summary, B. Dewik presented the following;

1. Heating is required in both bathrooms: B. Dewik stated this conflicted with the Boston inspection, as it was not required by them. He explained the bathroom is a small room adjacent to the kitchen, the kitchen being equipped with heat, and did not find it to be an issue at the time he was living there.
2. Heating is required upstairs in the second bedroom: B. Dewik stated that this room is not assessed as a bedroom, as it is a small room and has no closet.
3. Upstairs tub creaks upon standing in it: B. Dewik stated work had been done to the bathroom and tub and the Contractor via an e-mail correspondence stated there were no concerns with the floor beneath the tub. He further addressed an issue of concern with the Occupant not allowing the area to stay dry following the repair and how the Occupant removed the shower curtain. P. Zajdel informed the Board that the missing shower curtain violation, as well as informing her of her responsibility to keep the area dry, was cited on the Occupant's correction order.
4. First floor master bedroom – ceiling is bowing down: B. Dewik stated this was a loose ceiling tile and not associated with any structural deficiencies.
5. Vapor barrier in basement full of water: B. Dewik explained the leak was due to a frozen pipe bursting. He continued saying the frozen pipe was caused by the Occupant shutting the heat off at night. This problem occurred prior to P. Zajdel's inspection but the repair was not able to occur immediately after the incident due to the record freezing temperatures experienced at the time.

He reported to the Board that he had made a good faith effort to address the violations noted on P. Zajdel's report and hired a contractor on the second day to begin repairs. He stated the health and safety of the Occupants is important to him and all five violations have been corrected. He stated he was here to appeal

the fines imposed and challenge the interpretation of “deemed to endanger” associated with those violations within the report.

A motion was made by E. Arvedon to waive the \$150.00 fine issued to B. Dewik related to the violations cited as deemed to endanger and keep the \$100.00 fee associated with the re-inspection. P. Steeves seconded the motion. Discussion followed.

E. Arvedon commented that it appeared the Owner had taken action to make things right, however, a re-inspection was still required and therefore that fee should remain. P. Steeves agreed with E. Arvedon’s comments but thought the report itself was extensive, adding, as the Landlord it was his responsibility to know the Code going forward.

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

E. Arvedon thanked B. Dewik for the information he provided and reminded him that he would be receiving an invoice related to the expenses incurred from the legal notice published in the Foxboro Reporter.

Hearing no further discussion related to 38 Main Street, P. Steeves declared the matter closed at 8:15 p.m.

**8:15 p.m. Health Directors Updates**

- An inspection was conducted at Asian Ginger on April 8, 2019. *(The Board was provided a copy of the inspection report)*  
Following the inspection, a meeting with the Owner, Xue Mei Chen occurred to discuss the violations noted. A re-inspection was conducted today, April 22<sup>nd</sup> and an increase in compliance was noted.
- An inspection of the Commons is scheduled for the beginning of May.
- A recent e-mail from American Mobile Homes, Inc. was received and detailed their role and timeline related to the non-permitted mobile unit on 78 South Grove Street. The e-mail stated they expect the unit to be removed from the property by April 16<sup>th</sup>.
- Another round of tobacco compliance checks is scheduled to occur in May. A round of compliance checks in June will be dependent on the remaining FY19 budget.

**8:28 p.m. Eric Arvedon made a motion to approve the following bills:**

HealthCare Options, Inc. (March services)	\$2,463.75
The Arc South Norfolk (March services)	\$812.83

P.Z. (March Communications)	\$50.00
D.P. (March Communications)	\$50.00
J.R. (March Communications)	\$50.00
HealthCare Options, Inc. (April services)	\$2,463.75
The Arc South Norfolk (April services)	\$812.83
P.Z. (April Communications/Monthly Mileage)	\$73.08
D.P. (April Communications)	\$50.00
J.R. (April Communications)	\$55.78
W.B. Mason (Office Supplies)	\$69.84
Wheelwright Consultants (ServSafe Training – PZ)	\$157.25
Mass. Env. Health Assoc. (Annual Seminar – JR)	\$65.00
Ecolab Food Safety Specialties (Food Insp. Equip.)	\$73.48
Taylor Technologies (Pool Insp. Chemicals)	\$77.61
Sarah LeRoux (Tobacco Compliance Checks – March)	\$390.00
Foxboro Animal Hospital (Rabies Clinic Services)	\$473.00

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

**8:30 p.m.** E. Arvedon made a motion to approve the minutes of February 25, 2019 as written. P. Steeves seconded the motion. Hearing no discussion, P. Steeves called for a vote. All in favor, motion passed, 2 – 0.

**8:31 p.m.** E. Arvedon made a motion to adjourn. P. Steeves seconded the motion. All in favor, motion passed, 2 – 0.

The next meeting is scheduled for May 20, 2019.

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Todd Whitehouse, Clerk/dp