

Time being 7:00 p.m. **June 17, 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, 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: Todd Whitehouse, Vice Chairman

7:00 p.m. Mr. Steven Feins, 168 South Street – Septic Variance Request

Mr. Steven Feins first appeared in front of the Board of Health with his variance request on February 25, 2019. The request was discussed but could not be approved without a stamped engineer's plan of the construction and abutter notification. These documents were received by the Foxborough Health Department Office on May 28 and May 30 respectively, and Mr. Steven Feins was placed on the agenda for June 17, 2019.

Mr. Steven Feins along with wife and property owner, Emelie Bonin were present to request a septic variance relative to their property located at 168 South Street. A proposed addition consisting of a garage and breezeway, constructed on a slab foundation, requires the installation of footings that will encroach on the ten (10) foot minimum setback to the existing soil absorption system.

Board members were provided a copy of the engineer plan.

E. Arvedon made a motion to approve the variance for 168 South Street and allow the addition consisting of a garage and breezeway to be four (4) feet and two (2) feet respectively, from the soil absorption system where ten (10) feet is required. P. Steeves seconded the motion and called for discussion.

E. Arvedon stated the motion to approve is based on the construction being of a slab foundation.

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

P. Steeves called for comments from those present in the room relative to 168 South Street. Hearing none, P. Steeves declared the matter of 168 South Street closed at 7:08 p.m.

7:08 p.m. E. Arvedon made a motion to approve the minutes of May 20, 2019 as written. P. Steeves seconded the motion. Hearing no discussion, P. Steeves called for a vote. All in favor, motion passed, 2 – 0.

7:09 p.m. E. Arvedon made a motion to approve the following bills:

HealthCare Options, Inc. (June services)	\$2,463.75
The Arc South Norfolk (June services)	\$812.87
P.Z. (June Communications & Travel)	\$73.08
D.P. (June Communications)	\$50.00
J.R. (June Communications)	\$50.00
W.B. Mason (Office Supplies)	\$236.53
Nat. Env. Health Assoc. (Annual membership – DP)	\$100.00
ThermoWorks, Inc. (Food Insp. Equip.)	\$68.99
Sarah LeRoux (Tobacco Compliance Checks – May)	\$390.00
Mass. Health Officers Assoc. (Food Training – DP, JR)	\$80.00
Mass. Assoc. of Health Boards (Annual Membership)	\$150.00

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

7:11 p.m. **ERE Foxborough FG, LLC, Owner of Five Guys – Operating without a valid license.**

Representing ERE Foxborough FG (ERE) was Matt Reid and Paul Doherty.

M. Reid explained ERE had recently taken over nine other area Five Guys and commented on how different each Town was related to what was required during a transfer of ownership. He apologized for the confusion and miscommunication with the Foxborough Health Department which resulted in their establishment operating without a license. In response to this occurrence, he stated the Company will now be confirming that existing permits are valid, twice a month, throughout all their establishments.

P. Zajdel informed M. Reid and P. Doherty that the Board has the authority to issue a ticket for each day operating without a license up to \$300.00 per day. E. Arvedon commented that aside from operating without a license, the inspection conducted on May 29 resulted in a very good report and did not see a need for action resulting in monetary fines. M. Reid commented that food safety is important to his Company and this is evident through not only Health Department inspections but also through their internal safety audits as well.

P. Steeves stated for the record that the time was 7:20 p.m. and there was no one present relative to this agenda item.

M. Reid informed the Board that renovations, to include replacement of tile and some equipment, are expected to begin in early July with the establishment being closed during construction. P. Zajdel reminded both M. Reid and P. Doherty that

an inspection will need to be conducted after construction is complete and prior to re-opening.

Hearing no further discussion, P. Steeves called the matter of Five Guys closed at 7:25 p.m.

7:25 p.m. Health Directors Updates

- The Massachusetts Department of Public Health has developed a question and answer guidance document relative to cannabidiol (CBD) in food manufactured or sold in Massachusetts. The document was provided to Town Counsel and we will continue to wait for Town Counsel's response as how the sale of CBD should be addressed specifically in Foxborough.

7:30 p.m. William J. O'Brien, Property Owner of 212 North Street – Update on status of sewer tie-in to the Massachusetts Water Resources Authority in Walpole.

(Also present for discussion – Paul A. Mullins)

William O'Brien provided the Board with a history of the septic system located at 212 North Street and the repairs and problems it has had for many years dating back to the years George Young was the Health Director. Due to the most recent failure of the system the Board of Health issued an order requiring the property to be connected to sewer. At that time, options were evaluated by W. O'Brien.

W. O'Brien explained there was a request made to be connected to the municipal sewer system in Foxborough but that request was ultimately denied. A request is currently with the Walpole Water and Sewer Commission to tie-in to the Massachusetts Water Resources Authority's sewer system through the Town of Walpole. He stated he has attended meetings on the matter and approval requires additional actions including, a determination and agreement of a hook up fee and approval during the Walpole Town Meeting. He added that he has support from the State, but timing this year did not allow him to get on this year's Walpole Town Meeting.

Following W. O'Brien's discussion, E. Arvedon confirmed his understanding of the status and stated that the earliest the property could tie-in would be next year following the Walpole Town Meeting in 2020. He also asked if the property is continuing to be pumped.

W. O'Brien responded yes and added that the system has improved immensely. Changes have been made inside the establishment, including the installation of low flow faucets and training of personal on proper water usage. Repairs to exterior fixtures have also occurred including repair of the irrigation break,

replacement of the pump chamber cover and dumpster spigot. He stated these repairs have resulted in less water use and improvement in system operation has been seen.

P. Zajdel recommended that the Board comprise a letter to the Superintendent of the Walpole Water and Sewer Department stating that the connection to the MWRA sewer system through the Town of Walpole for property located at 212 North Street is in the best interest of public health and the environment. The Board agreed a letter would be drafted and signed by Board of Health Chairman, Paul Steeves.

Hearing no further discussion relative to the property located at 212 North Street, P. Steeves declared the matter closed at 8:10 p.m.

8:10 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 July 8, 2019.

Eric Arvedon, Clerk/dp