

Time being 7:00 p.m. **December 16, 2019** Eric Arvedon opened the meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts. Eric Arvedon, Chairman presiding, Paul Steeves, 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: Elana Dekkers, M.D., Clerk

7:00 p.m. Conrad's Restaurant – Robert Conrad, Owner – New Establishment: 121 Main Street

Robert Conrad was present to discuss his anticipated mid-January 2020 opening of his fourth Conrad's Restaurant, to be located at 121 Main Street in Foxborough. He explained training of staff has already begun and the General Manager expected to run the Foxborough location has been with the Company for twelve years as the General Manager in Walpole.

E. Arvedon asked if there had been any updates or improvements made to the existing establishment. R. Conrad responded saying, the major renovations were taking place in the front of the house with minimal changes occurring in the kitchen. Updates to the kitchen focused on the replacement of some equipment that was old or not operating well. R. Conrad added that his restaurant could be considered family dining and has made an area available for patrons to use as a function space. The location will not be offering live entertainment.

P. Steeves asked if R. Conrad has had any issues with Boards of Health associated with his other food operations. R. Conrad stated he has not been in front of any Board of Health due to food violations.

E. Arvedon welcomed R. Conrad to Foxborough and thanked him for coming.

Hearing no further discussion relative to Conrad's Restaurant, E. Arvedon declared the matter closed at 7:12 p.m.

7:12 p.m. William O'Brien, Property Owner, 212 North Street – Update on current status and operation of the on-site septic system

Representing the property located at 212 North Street were;
William O'Brien, Property Owner
Robert Silva, Septic Preservation Services
Sandra Martel, McDonald's Representative

R. Silva began by summarizing to the Board the history of the on-site septic system located at 212 North Street and the system failure that occurred in 2008. He explained how failures were also being seen at other McDonalds across the region which initiated a study to determine the cause of these pre-mature failures. The study found the failures to be caused by the high organic loading directly related to their day to day commercial operation. In 2008, they (Septic Preservation Services) were hired to repair the failing system. At the time of repair, the system was designed and installed with aerobic treatment to take into account the high organic loading. The system currently installed on the property is called a “White Knight”.

R. Silva stated the system was working well until 2018 when some mechanical failures were encountered. A break in a frozen irrigation line, poor stormwater drainage and tank covers in disrepair all caused the system to flood. Repairs were made and since that time, the system has been operating well.

R. Silva continued and explained the current maintenance schedule of the system including quarterly inspections and monthly pump outs of the grease trap and 1,500 gallon septic tank. R. Silva assured the Board that the frequent pump outs were not because the system was in failure, but at the request of the Owner. Monthly pump outs by the Owner is a preventative measure to stay ahead and manage massive hydraulic spikes seen during high volume Gillette Stadium events.

E. Arvedon repeated the information just presented to them by R. Silva to confirm the system was indeed operating well.

R. Silva confirmed yes and also informed the Board that the property owner is taking a parallel path to have the property connect to sewer as well.

W. O’Brien spoke on the sewer connection update with the Town of Walpole. He also spoke on the recent communication between himself and the Foxborough Town Manager that provided him with information related to the potential for sewer to be available in his area within the next two to four years.

P. Zajdel stated the current failure notice will remain in the file and further informed them, if the Foxborough Health Department observes or receives any future complaints with respect to odors or back-ups, they will be back in front of the Board.

(Information related to the science, overall operation and benefits of a White Knight system was provided to the Board during the meeting. This information has been included as supplemental meeting documents)

Hearing no further discussion relative to the property at 212 North Street, E. Arvedon declared the matter closed at 7:35 p.m.

7:35 p.m. Asian Ginger – Xue Mei Chen, Owner – Non-compliance to the State Sanitary Food Code (105 CMR 590.000)

Those present relative to the agenda item:
Xue Mei Chen (Gary), Owner, Asian Ginger
Maureen Lee, MoJin Solutions, LLC
Jin Lee, MoJin Solutions, LLC

Jin Lee introduced himself as an available translator for Gary should it be needed during the meeting. J. Lee also provides translation services during on-site trainings.

E. Arvedon stated his disappointment seeing Gary in front of the Board again due to non-compliance of the Food Code and repeats that were seen during recent inspections.

P. Steeves provided his opinion that someone needs to be there from the moment the restaurant opens to when they close to show Gary how the operation should be run with every step and every task. He asked Maureen Lee for her plans with the establishment.

M. Lee provided the Board with a document entitled “Asian Ginger: Food Safety Report” that detailed the training that had already taken place and a set of recommendations going forward. This report has been included as supplemental meeting documents.

M. Lee stated she spoke with Gary about overall attitude and approach to management and the need to develop and implement management tools, including standard operating procedures (SOPs) which they currently do not have. She stated Gary had agreed to this recommendation. She continued saying her company is available to offer services that provides consultation from the moment the Restaurant opens until it closes if that is what the Board requires.

M. Lee added that Gary cannot be the only person in charge and recommended that there is a well-trained staff member available to oversee the kitchen and a separate staff member to oversee the sushi area. Gary explained he had hired one individual, however, this individual is not currently certified in food safety.

P. Steeves asked M. Lee for a timeframe of when improvement and compliance could be seen. M. Lee responded saying she would need to be present in the establishment overseeing their operations and assessing the current knowledge of the Staff for a few days before she could provide a timeline. She offered to give the Inspector a daily summary of each visit.

E. Arvedon reiterated his opinion that more training and additional employees are needed. He reinforced that the consultants are the experts and should be listened

to. E. Arvedon also asked about the existing order to remove and replace the ice machine. Gary confirmed the ice machine would be replaced and a new cleaning company would be contracted out for services.

Hearing no further discussion relative to Asian Ginger, E. Arvedon called the matter closed at 8:10 p.m.

8:10 p.m. P. Steeves made a motion to approve the minutes of November 18, 2019 as written. E. Arvedon seconded the motion. Hearing no discussion, E. Arvedon called for a vote. All in favor, motion passed 2 - 0.

8:11 p.m. P. Steeves made a motion to approve the following bills:

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| W.B. Mason (Misc. Office Supplies) | \$51.61 |
| The Arc South Norfolk (December Services) | \$812.83 |
| Sun Chronicle (Tobacco Public Hearing Notice) | \$82.72 |
| National Env. Health Assoc. (Annual Membership – P.Z.) | \$100.00 |
| Mass. Health Officers Assoc. (Annual Membership – PZ,JR,DP) | \$180.00 |
| P.Z. (Dec. Communications, Travel, Phone) | \$1,228.27 |
| D.P. (December Communications) | \$50.00 |
| J.R. (December Communications) | \$50.00 |
| Sarah LeRoux (Round of Educational Visits – Tobacco) | \$390.00 |
| Ecolab Food Safety Specialties (Food Insp. Equipment) | \$79.01 |
| K.D. (Health Officer (CHO) License Renewal) | \$79.83 |

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

8:13 p.m. Health Directors Updates

- The Health Department’s FY21 budget has been submitted to the Finance Department. E. Arvedon agreed to attend the AdComm meeting in February with Health Director.
- Deputy Chief David Laracy with the Foxborough Fire Department is requesting that the Board of Health assist him with developing regulations for the Town of Foxborough related to the removal, replacement and/or installation of fuel oil storage tanks. The Board was receptive to this type of regulation and agreed that a discussion with Deputy Laracy about the regulation content should be scheduled for an upcoming Board of Health meeting.
- The State promulgated new tobacco regulations on December 11, 2019, restricting the sale of flavored tobacco within non-age restricted establishments like gas stations and convenience stores. Additional signage is also required of

the establishments. The Board agreed that the Tobacco Consultant should perform a round of compliance checks as opposed to an educational visit.

8:30 p.m. P. Steeves made a motion to adjourn. E. Arvedon seconded the motion. All in favor, motion passed 2 – 0.

The next meeting is scheduled for January 6, 2020.

Elana Dekkers, Clerk/dp