

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes - November 21, 2022

Members Present: Betsy Allo, MPH, Chair, Paul Steeves, Vice-Chair, Sophia C. Manos, Clerk
Members Absent: None

Health Department Staff Present: Matthew Brennan, R.S., Director of Public Health, Diane Passafaro, Public Health Coordinator and Meeting Recorder, Clifford Pierre, Bristol Norfolk Public Health Partners Housing Inspector

Others Present: Monir Behery, Emelie Bonin, Stephen Feins, Mark Ferencik, Hao Zhang

Betsy Allo opened the regular meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts, at 6:59 p.m. on November 21, 2022. Meeting took place in the Andrew A. Gala, Jr. meeting room inside the Foxborough Town Hall, 40 South Street, Foxborough, MA.

Quorum was established.

7:00 p.m. Hao Zhang, Owner – Hao Sushi, 70 Central Street
New food establishment – Introduction to the Board of Health and variance request from 105 CMR 590.000 for the acidification of sushi rice

Hao Zhang was present to introduce himself and to discuss his newly opened restaurant, Hao Sushi, to the Board members. H. Zhang explained he is currently having a soft opening of the restaurant and will not be fully opened until he receives his liquor license following an upcoming Selectman's meeting.

M. Brennan stated the establishment's opening inspection went well and Mr. Zhang holds all the required food safety certificates. His establishment prepares sushi rice which requires a variance approval from the Board of Health, but added that their sushi operations were witnessed by the Health Inspector and the Health Department is comfortable with their procedures. M. Brennan further discussed and explained the process and food safety measures associated with the acidification of sushi rice to the Board members.

S. Manos made a motion to accept the variance request from 105 CMR 590.000, to Hao Sushi at 70 Central Street, for the acidification of sushi rice. The motion was seconded by P. Steeves. Hearing no discussion, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye
Motion passed, 3-0-0

Hearing no further discussion related to the new establishment, Hao Sushi, B. Allo closed the matter at 7:05 p.m.

**7:05 p.m. Monir Behery, Owner – Foxboro Sports Center Café, 10 East Belcher Road
New Owner/Operator of existing food establishment – Introduction to the Board of Health**

Representing the Foxboro Sports Center Café, was the new Owner of the establishment, Monir Behery. M. Behery stated he opened approximately three weeks ago and provided a brief overview of the establishment, including a sampling of the menu, which he discussed was the same offerings as the previous owner. He also stated he was operating on a six day a week schedule and will be the individual present during all operating hours.

M. Brennan informed the Board that a food service permit had been issued and confirmed not much changed within the establishment since the previous owners.

P. Steeves asked for M. Behery's kitchen experience, to which M. Behery responded that he's worked in several pizza kitchens within multiple Towns.

Hearing no further discussion related to Foxboro Sports Center Café, B. Allo thanked Mr. Behery for coming and closed the matter at 7:12 p.m.

**7:12 p.m. 255 South Street – Property in Violation of 105 CMR 410.000 and Possible Receivership
Update, discussion and a possible vote to refer the property identified as 255 South Street, Foxborough, MA to the Attorney General for receivership**

Those in attendance for this agenda item:

Emelie Bonin

Stephen Feins

Mark Ferencik

Clifford Pierre, Housing Inspector for the Bristol Norfolk Public Health Partners, began the discussion and provided the Board with a summary of actions taken, associated with the property located at 255 South Street. C. Pierre explained, a complaint about the property came into the Health Department in late August stating that the house in its current state was a public nuisance. In response, an inspection was conducted and violations were noted and documented. A second inspection was conducted by the Attorney General's Office at which time violations associated with the property were still noted to be present. Since the inspections, both the Foxborough Health Department and the Attorney General's Office have attempted to contact the Owner, but the Owner has not responded to any communication to date. C. Pierre closed the discussion and provided the recommendation that the property should be referred to the Attorney General's Office for receivership.

M. Brennan added that one of the most recent communications was a demand letter, sent certified by the Attorney General Office, to the next available known address for the Owner, it being in New Hampshire, but there has been still no response. Town taxes are also deficient. M. Brennan informed the Board that since receivership is essentially taking the house away from the Owner, the Health Department wanted to bring the matter in front of the Board during a public meeting. Should the property go into receivership, the court would assign an independent party to correct the violations noted on the Health Department's inspection reports. After the violations are corrected, a lien would be placed on the property, and if the Owner doesn't pay, the property is placed in foreclosure and sold.

B. Allo allowed those present for this agenda item to speak.

Emelie Bonin spoke to the Board on her personal connection to the 255 South Street property and stated that she and her late husband were the previous Owners of the property. She emphasized the historical significance of the home and expressed her concern of what the receivership could do and her fear of the home being ultimately torn down.

The Board appreciated and thanked Ms. Bonin for her comments but concluded that the property does exhibit a public health nuisance and further actions are necessary.

P. Steeves made a motion to vote and refer the property identified as 255 South Street to the Attorney General for receivership. The motion was seconded by S. Manos. Hearing no discussion, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye

Motion passed, 3-0-0

Hearing no further discussion related to 255 South Street, B. Allo closed the matter at 7:30 p.m.

7:30 p.m.

**Town of Foxborough Board of Health Regulations – Animal and Fowl
Discussion of the proposed Town of Foxborough Board of Health Regulations, Section IV –
Animal and Fowl. This is an existing regulation to be amended**

(Board members were provided a draft version of the proposed Animal and Fowl regulations)

M. Brennan informed the Board that he spoke with Kaycee Bailey, Town of Foxborough's Animal Control Officer, and asked for her input on the proposed amended regulations, at which time, she provided only a few minor edits.

M. Brennan also summarized the major change to the Animal and Fowl regulation amendments was removing the language that requires a public hearing for all new Animal and Fowl permits, and instead waiting until a complaint is received to take actions such as a public hearing.

Board members had no questions or comments.

Town of Foxborough Board of Health Regulations – Heating Oil Tanks

Discussion of the proposed Town of Foxborough Board of Health Regulations, Section VIII – Heating Oil Tanks. This regulation is a new, proposed regulation.

(Board members were provided a draft version of the proposed Heating Oil Tanks regulations)

M. Brennan explained the heating oil tank regulations were drafted as a new Board of Health regulation to assist the Foxborough Fire Department and the Foxborough Health Department in achieving a high level of protection for Foxborough's water resources. Up for discussion, was whether to require the installation of a double walled fuel tank, only on properties that are located in Foxborough's water resource protection district (often referred to as Zone II), or require a double walled fuel tank on properties in all of Foxborough.

M. Brennan stated spills occur every year, and although a double walled fuel tank is more expensive, it serves as better protection for the environment. He further explained that the Board of Health would adopt the regulation and the Fire Department would enforce the regulations.

Board members inquired about what would trigger the need for a double walled fuel tank to be installed. Discussion ensued and comments included different triggers such as part of a transfer of sale, or it be dependent on the age of the fuel tank. M. Brennan stated he would send the proposed regulations back to Dave Laracy, Deputy Chief for the Foxborough Fire Department, for his opinion and comments.

7:54 p.m. Department Updates

- A preliminary walk through was conducted at Everything Bagel, 211 North Street, a new establishment scheduled to open in mid-December.
- Shovelton Brewery, another new establishment, is also scheduled to open before the end of the year.
- The Town's noise meter is currently being calibrated by an outside vendor.
- The Foxborough Health Department has been charged to investigate a complaint regarding the property 23 East Belcher Road, alleged to be a public hazard and nuisance. If it is determined that a public hazard exists, it will be brought in front of the Board of Health.

- Two permitted tobacco establishments recently received a \$1,000 fine for the sale of flavored tobacco. Violations were noted during recent tobacco compliance inspections conducted by the Foxborough Health Department.

8:05 p.m. S. Manos made a motion to read the following bills.

Verizon Wireless (Data Usage for Inspection Tablets)	\$75.98
W.B. Mason (Misc. Office & Insp. Supplies)	\$24.42
W.B. Mason (Misc. Office & Insp. Supplies)	\$48.59
Hockomock YMCA (Grant funded wellness class payment)	\$50.00
Grainger (Inspection Supplies)	\$17.07
D.P. (November Communications)	\$50.00
M.B. (November Communications)	\$50.00
C.S. (November Communications)	\$50.00
Lifeworks, Inc. (November Services)	\$812.83
Hatrack Sportswear (Septic Hauler Insp. Stickers)	\$160.00
W.B. Mason (Misc. Office Supplies)	\$39.55
PeopleGIS (Annual Health Permit Software Fee – IT Account)	\$11,330.00
Relavent Systems (Annual Food Code Pro License Fee)	\$3,600
Janice Naimy (Grant funded wellness class payment)	\$480.00

The motion was seconded by P. Steeves. Hearing no discussion, B. Allo called for a vote.

S. Manos: Aye P. Steeves: Aye B. Allo: Aye

Motion passed, 3-0-0

8:11 p.m. S. Manos made a motion to accept the minutes of October 17, 2022 as written. The motion was seconded by P. Steeves. Hearing no discussion, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye

Motion passed, 3-0-0.

8:12 p.m. P. Steeves made a motion to adjourn. The motion was seconded by S. Manos. B. Allo called for a vote.

S. Manos: Aye P. Steeves: Aye B. Allo: Aye

Motion passed, 3-0-0

The next meeting is scheduled for December 5, 2022

Sophia C. Manos, Clerk/dp