

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes – July 31, 2023

Members Present: Betsy Allo, MPH, Chair, Robin Chapell, M.S., R.S., Vice-Chair, and 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.

Others Present: No public in attendance

Betsy Allo opened the regular meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts, at 7:00 p.m. on July 31, 2023. Meeting took place in the Andrew A. Gala, Jr. meeting room inside the Foxborough Town Hall, 40 South Street, Foxborough, MA.

7:00 p.m. Discussion of Recent Health Department Inspections and Updates

131 Morse Street – Summit Castings: M. Brennan informed the Board he had spoken with the Town’s Attorney, Pat Costello and the Acting Assistant Town Manager, Paige Duncan on the Town’s responsibilities related to the Summit Castings building. Mr. Costello confirmed the Town has liability because the property is currently in tax title. M. Brennan added there has been no action to date from other Town departments including the Department of Public Works and the Fire Department. Mr. Costello also agreed with identifying the property as a public health nuisance. As a result, a full inspection of the Summit Casting building was conducted and a public health nuisance order, condemning the building, was posted and sent to the owner of record. M. Brennan stated he expects a walk-through of the site in September, with multiple parties and invited the Board members to attend as well. Participants expected to be part of the walk-through include Representative Jay Barros, Senator Paul Feeney, representatives from the Massachusetts Department Environmental Protection and the Environmental Protection Agency, as well as members of the Select Board.

11 Pumping Station Road – State Sanitary Code Violations: M. Brennan provided the Board with an Inspections Department correspondence, between the Building Commissioner and the Owner, stating that 11 Pumping Station Road is a single-family dwelling only. This will require two of the three units to be vacated. Following notification of the single-family status, the Health Department sent a notice to the Owner stating two of the units were not fit for habitation. M. Brennan further stated, the outstanding violations that will ultimately need to be fixed will

be dependent on who leaves and who ultimately occupies the dwelling once it returns to a single-family home.

22 School Street – State Sanitary Code Violations and Notice of Condemnation: M. Brennan provided an update and informed the Board of the recent sewage overflow that occurred at the Foxboro Appliance store located at 22 School Street. Following notification of the septage overflow, an inspection was conducted and the Owner was notified that he was required to resolve the issue and get the locations affected by the wastewater professionally cleaned. Enforcement actions in response to the sewage overflow, coupled with the remaining outstanding violations still present at the property, resulted in a condemnation order served to the Owner and a copy was posted on each habited unit on the property. To date, the septic issue has been fixed. M. Brennan added that the septic system at 22 School Street is currently in failure and has been in failure since 1999. The Owner is aware of the failure, due to it being documented in previous violation orders. M. Brennan expressed his hope that as each occupant leaves, the condemnation order is posted and the unit is not rented again until it meets the State Sanitary Housing Code.

7:24 p.m. Discussion of Health Department Communications and Policies

In light of the recent condemnation notice given to each of the occupants residing at 22 School Street, S. Manos commented that she observed social media discussion among some of the occupants. Written dialogue between occupants and others seemed to demonstrate a lack of understanding related to the condemnation notice and what was required of them. In response to what she saw, S. Manos asked if the Health Department had informational handouts, such as a FAQ, that could be provided to occupants so they would know their role and what they needed to do. M. Brennan acknowledged S. Manos' inquiry and suggestion, but added that each condemnation case may be different as well as the actions required of the occupant may also vary.

Other Board members agreed with S. Manos' statements and the overall goal of informing and educating the public. A suggestion was voiced, stating that the website be updated to include periodic newsletter or similar communication, that would highlight what the Health Department does to keep the Town safe.

M. Brennan acknowledged the Board's comments and suggestions, but added that Town Management is currently working on a Town-wide communication plan and each individual town department website, like the Health Department, may go through changes when the plan is officially rolled out.

7:50 p.m. Discussion Regarding Updating Board of Health Regulations

Tobacco & Nicotine Delivery Products: M. Brennan stated there were not many updates to the regulation as presented, however, extended the invitation to the Board to expand the regulation if they so choose. He added that the prohibition of the sale of flavored tobacco is currently in the State's tobacco regulations and the reason it is not in the local regulations.

R. Chapell stated she would like to increase the violation penalties to include a three day suspension of the establishment's tobacco permit in addition to the \$200 fine, in the case of the establishment's first violation. In the case of a second violation, she suggested increasing the fine to \$400 with the seven day permit suspension. B. Allo stated she would be in agreement with a fee increase, however, as long as the upper monetary limit is within our authority to issue.

M. Brennan commented that the Health Department is falling short of underage compliance checks, but has made several attempts to hire someone. R. Chapell offered a contact of an individual who could be hired to assist in coordinating the Town's compliance checks.

A discussion related to the rolling paper ban found within Foxborough's Town by-law occurred and how it is hard to enforce due to the current definition within the by-law. In addition, enforcement is also difficult due to the variety of products out in the stores and the way they are labeled. R. Chapell recommended that someone come in and talk to the Board of Health who is knowledgeable in the current sale of tobacco and who can speak on the latest trends and ways retail stores and the tobacco industry are marketing to the public to buy their products. M. Brennan acknowledged the suggestion and will look into scheduling something for a future Board of Health meeting.

The discussion continued and a question of whether the Board of Health would like to promulgate a regulation related to CBD. The Board agreed to hold off until an inventory is conducted of the current products already being sold in Foxborough stores. If oversight on these products is warranted, the development of a regulation could be revisited at a later date.

Toilet Facilities: M. Brennan explained there is currently conflicting law that states you cannot have a portable toilet on the same lot as a habitable dwelling. As such, a variance section was added to the toilet facilities regulations. It is expected that yearly variances will be needed for properties associated with Gillette parking lots and variances associated with toilet facilities used in conjunction with construction activities.

Fee Schedule: M. Brennan shared new fees that were added to the current fee schedule and the rationale behind these additions. A discussion among Board members and Health Department staff resulted in the following comments, suggestions, and recommendations:

- The new “Innovative Technology/Non-Conventional Systems Review” is low.
- Changes to “Plan Review” fees
 - Make them comparable to the annual permit fee that the establishment would be annually permitted as
 - Plan review fees could be based off of the establishment’s square footage
 - A base plan review fee could be \$200 for 0-100 seats, then increase the fee by \$200 for each consecutive permit level, with a max of \$1,000.
- Establishing a flat fee for the “Family Style Campground” permit to equal \$500 for campgrounds having less than 50 units and \$1,000 for campgrounds having greater than 50 units.
- Change “Residential Kitchen” to “Cottage Food”
- How to permit Mobile Food Trucks when the vendor is applying for a one-day temporary event only.
- Change “Mobile Food” to “Mobile Food Establishment”
- Defining a Mobile Food Establishment/Truck
- Increase the Mobile Food permit fee to \$200
- Some current permit fee categories are specific to Gillette Stadium and not referenced in the Food Code.
- How to establish fees that will work for both Gillette Stadium and the Town’s local food establishments.
- Change late fees from \$200 to 30% of the requested permit fee. Change the required permit submittal timeline from 30 days prior to the event to seven days prior to the event.

M. Brennan to consider all comments made during the meeting and revise the fee schedule accordingly for approval from the Board at a later date.

9:14 p.m. Approval of Minutes

S. Manos made a motion to take from the table the discussion and approval of the June 12, 2023 Board of Health minutes. R. Chapell seconded the motion. B. Allo called for discussion.

Discussion confirmed that the June 12 minutes were corrected and a copy of the corrected minutes were presented to the Board.

S. Manos made a motion to approve the minutes of June 12, 2023, as corrected. The motion was seconded by R. Chapell. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

Motion passed 3-0-0

S. Manos made a motion to approve the minutes of July 17, 2023, as written. The motion was seconded by R. Chapell. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

Motion passed 3-0-0

9:17 p.m. R. Chapell made a motion to adjourn. The motion was seconded by S. Manos. Hearing no discussion, B. Allo called for a vote.

Motion passed 3-0-0

Sophia C. Manos, Clerk/dp

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