

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes – March 25, 2024

Members Present: Betsy Allo, MPH, Chair and Sophia C. Manos, Clerk
Members Absent: Robin Chapell, M.S., R.S., Vice-Chair

Health Department Staff Present: Matthew Brennan, R.S., Director of Public Health and Diane Passafaro, Public Health Coordinator/Meeting Recorder.

Others Present: Marlowe Farrar, Kathryn O'Brien, Jean F. Smith

Betsy Allo opened the regular meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts, at 7:06 p.m. on March 25, 2024. The 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. Joe Matrullo, Owner – Joes's Butcher and Bay – Variance Request

Variance request from 105 CMR 590.000 to allow the establishment to package food(s) using reduced oxygen packaging under a current and approved hazard analysis critical control point (HACCP) plan.

Representing Joe's Butcher and Bay was Kathryn O'Brien. K. O'Brien informed the Board she was the certified food manager for the establishment. She explained using the reduced oxygen packaging (ROP) process on select products provides a longer shelf life and easier storage options for their customers. M. Brennan stated the establishment's ROP processes, as well as their HACCP, meet all applicable requirements of the Food Code. Furthermore, they are not packaging any foods that are prohibited from being packaged under the Food Code via this method.

K. O'Brien also stated the establishment maintains a log of all products packaged using ROP, utilize and place safe cooking instruction labels on all packaging, and use labels that identify and display the product's packing date and sell by date, which she explained was 14 days. Discussion among the Board member ensued about labeling transparency on the part of the consumer and whether labels should read "use by" or "sell by". M. Brennan interjected and stated the Food Code could be reviewed for proper labeling requirements.

B. Allo asked that any motion related to the variance refer to the exact section of the Food Code, 105 CMR 590.003.

S. Manos made a motion to approve the variance request from 105 CMR 590.003 and allow Joe's Butcher and Bay to package foods using reduced oxygen packaging, under a current and approved HACCP plan. B. Allo seconded the motion. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

Motion passed, 2 – 0

D. Passafaro explained the additional HACCP inspection/annual review fee now required due to the approved variance, would be posted on the online portal. Once paid, Joe's Butcher and Bay would be issued a revised permit to reflect the additional permit category. D. Passafaro also

mentioned the establishment would now be placed in Risk Category 4 and be inspected four times a year. K. O'Brien acknowledged the additional items.

Hearing no further discussion related to Joe's Butcher and Bay variance request, B. Allo closed the matter at 7:16 p.m.

7:16 p.m. 76 North High Street – Condemnation Notice

Discussion of Condemnation Notice served by the Director of Public Health to the property of 76 North High Street on March 15, 2024.

M. Brennan explained the series of recent events associated with the property of 76 North High Street. He explained the Town placed the property in tax title. When the notice was served to the property by the Constable, the Constable returned with concerns they saw related to the current living condition of the occupants living within the dwelling. Following a well check by the Foxborough Police Department at the property, the Foxborough Health Department was called to the site, at which time, confirmed squalor living conditions within the dwelling. Since the time of the inspection, town social services have assisted the occupants with finding alternative housing and the dwelling was condemned. M. Brennan affirmed no appeal to the condemnation notice has been received and the property was foreclosed on, with the Town of Foxborough as the current owner. He discussed his hopes that the Town can get into the dwelling to get it cleaned out, so it does not end up causing a nuisance.

B. Allo opened the room for comments related to 76 North High Street. No public comment was provided. Hearing no further discussion, B. Allo closed the matter of 76 North High Street at 7:45 p.m.

7:45 p.m. Department Updates

Rolling Stogies – Cease and Desist Order: During an inspection of the Northeast Golf Show that took place at the Gillette Stadium Field House on March 15, the Foxborough Health Department observed the vendor, Rolling Stogies, selling tobacco without a permit. A cease-and-desist letter was sent to the Owner with a fine. M. Brennan explained to the Board the Town's current tobacco regulations restricts the sale of tobacco to a brick and mortar location only.

255 South Street – Receivership Update: M. Brennan informed the Board a receiver was appointed for the 255 South Street property. Since being appointed, the receiver has been gathering quotes from multiple disaster and pest control companies that could perform work within the dwelling. Once a scope of work is established, all parties will return to court for next steps. In direct response to Board comments, M. Brennan acknowledged the noticeable work that has been done to the exterior of the dwelling and property itself, however, outstanding violations remain on the inside.

7 Revere Drive – Notice of Violation: M. Brennan provided an update and confirmed no progress had been made to the property or the home at 7 Revere Drive. As a result, a violation notice was recently sent to Mr. Bonfilio and detailed a deadline date of April 7 to remove the trailer off the property and begin repairs to the home. M. Brennan did add however, building permits are still not able to be issued due to non-payment of taxes owed to the Town. M.

Brennan did confirm Mr. Bonfilio's children were no longer residing in the trailer and Mr. Bonfilio confirmed with M. Brennan he also would no longer be using the trailer as well.

Jean Smith, 6 Revere Drive, voiced her concern with the current condition of the property stating nothing has been done to clean it up and adding she would like the trailer and the owner off the property. Comments provided by Ms. Smith also included police matters that the Board could not comment on.

B. Allo summarized the next steps associated with 7 Revere Drive to the public in attendance and explained that Mr. Bonfilio had until April 7 to remove the trailer and begin repairs on the house. She acknowledged the concerns brought to the Board by the public during public comment, but added, actions taken by the Board are limited to the Board's power and what they have control over. M. Brennan confirmed he would follow up with Mr. Bonfilio on April 7 and update the Board at the next meeting.

J. Smith thanked the Board for their time. There were no further comments from the public.

131 Morse Street - Summit Castings Update: M. Brennan confirmed that the University of Connecticut Technical Assistance for Brownfields Program will be on the Board of Health agenda for April 22, to provide another educational presentation on 131 Morse Street (Summit Castings) and brownfield grants. M. Brennan also informed the Board that the warrant article related to the Town's acceptance of 131 Morse Street had been removed from the Town's warrant in May due to concerns around liability to the Town. To further clarify, he explained, if the Town holds the property in tax title only, there is no ownership, if the Town takes the property in a different manner, the Town's ownership may place the Town in an unfavorable liable and financial position. Additionally, he added, Federal grants are typically not awarded until a Town holds the property's title. M. Brennan reminded the Board that the 131 Morse Street, Summit Casting property was bequeathed to the Town of Foxborough in the last will and testament of the late Owner. Although the Town has not accepted the property, the next step would be to bring the matter to court.

S. Manos asked if the Town was still moving forward with the dam project. M. Brennan confirmed it was.

Youth Mental Health First Aid Training – May 3, 2024: M. Brennan informed the Board of the Youth Mental Health First Aid training that the Foxborough Health Department was offering for free, to adults in the community that work with children. He explained the course teaches adults how to recognize and aid children struggling with depression, suicidal thoughts, and other similar issues.

Items not anticipated at the time agenda was posted:

Sonesta Hotel: On Sunday March 24, M. Brennan stated he was called by Foxborough Police to the Sonesta Hotel in Foxborough. A large amount of fentanyl was found in one of the rooms which resulted in the unit being condemned. The hotel is in the process of contracting with a cleaning company to perform the cleanup. In response to B. Allo's inquiry regarding if it affected other units, M. Brennan stated he was not aware of additional units being affected.

Tetrahydrocannabinol (THC) Infused Beverages: The Foxborough Health Department was approached by a local food retailer, who asked if they could sell a seltzer water type beverage

that contained THC. M. Brennan educated the Board saying these types of beverages were considered an adulterated product and can only be sold at a Massachusetts cannabis dispensary. Guidance and supporting documentation received from the Massachusetts Association of Health Boards (MAHB) confirmed it is not legal to sell at the retail level. A letter will be drafted and sent to all Foxborough food retailers requesting these items are removed from their shelves.

Public Comment

B. Allo opened the room for public comment.

Marlowe Farrar, 33 Ridge Road, approached the Board and announced he had questions and input related to the proposed food establishment regulations. The following questions, comments and concerns were posed by M. Farrar.

- M. Farrar commented he would like to better understand what the Foxborough Health Department is doing related food inspections, such as frequency of inspections and the number of restaurants that have passed their inspections and failed their inspections.
- M. Farrar stated he would like to see the Foxborough Health Department provide an annual or semi-annual report to the Select Board and to the public related to food establishment inspection statistics. He provided examples of other Town Departments who provide public reporting, including the Town's Water and School Departments.
- M. Farrar commented there should be more transparency between the Foxborough Health Department and the public. Adding, the Board of Health should have a regulation or policy in place for reporting which food establishments are complying, and which are not.
- As a member of the Town of Foxborough Advisory Committee, M. Farrar opined the value of data as it relates to requesting additional inspectional staff during annual budget reviews.
- At the end of M. Farrar's comments, he acknowledged the current proposed food establishment regulations would not be the correct place for the Board to implement a reporting policy. However, he questioned whether the Foxborough Health Department had a strategic long-range goal that would include a plan to address reporting in the future.

In response to M. Farrar's comments, M. Brennan and the Board provided the following information:

- The Foxborough Board of Health's inspection frequency is based on risk with the higher risk establishments being inspected more frequently on an annual basis.
- All inspection reports and Board of Health meeting minutes are public information and available for public view.
- The Director of Public Health oversees all inspections and will bring a food establishment in front of the Board due to on-going and or recurring violations. The Board of Health stays well informed of any major issues seen during inspections and are aware of enforcement actions taken.
- The Foxborough Health Department does not currently have the electronic capabilities that would allow for a breakdown of each establishment's compliance status and for a report to be generated.
- A capacity assessment was recently conducted and identifies what percentage of the State's public health performance standards are being met. However, this was done at a regional level, and the Foxborough Health Department does not have results for Foxborough individually.

- More communication and transparency with the public through the Town’s website is a goal of both the Foxborough Board of Health and Health Department.
- A change in format associated with the annual report could be considered which would allow for permit and inspection data to be presented differently for the public to view.
- Everything the Foxborough Health Department and Board of Health does could have legal implications.

8:51 p.m. Approval of Board of Health Meeting Minutes

S. Manos made a motion to approve the minutes of February 26, 2024, as written. B. Allo seconded the motion. B. Allo called for discussion. Hearing none, B. Allo called for a vote. All in favor.

Motion passed, 2 – 0.

8:52 p.m. S. Manos made a motion to adjourn. B. Allo seconded the motion. Hearing no discussion, B. Allo called for a vote. All in favor.

Motion passed, 2 – 0.

Sophia C. Manos, Clerk/dp