

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes – October 30, 2023

The Board of Health meeting held on October 30, 2023 was conducted in-person inside the Andrew A. Gala, Jr. meeting room within the Foxborough Town Hall, as well as remotely via Zoom, and was broadcasted live on Foxboro Cable Access. Betsy Allo, Chair opened the meeting at 7:00 p.m.

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

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

Others Present: Sarah McColgan (Remote Participation), Joe Sanders (In-person), Owen Smyth (Remote Participation)

7:00 p.m. A presentation by the University of Connecticut (UConn) Technical Assessment to Brownfields (TAB) on the Foxborough property identified as Parcel# 123-007-000 off Cocasset Street, also known as the Evelyn Porter Estate (RTN-0000792)

Representing UConn TAB and giving the presentation entitled “Record Review & Data Gap Analysis of the Evelyn Porter Estate” remotely, was Owen Smyth. No additional information or content was provided by Owen Smyth during the presentation, other than what was presented in the slides.

(The power point presentation given by the UConn TAB presenter, entitled “Record Review & Data Gap Analysis of the Evelyn Porter Estate” was provided to each board member and is included as supplemental meeting documents)

The presentation concluded at 7:28 p.m. and followed with questions from the Board members.

S. Manos had questions related to the area of concern identified as TP12 on the map found in the presentation, and the flow of groundwater that flows towards the wetlands and Conservation land located on the southern end of the property. O. Smyth provided more information regarding this concern and explained a portion of the wetland area is protected hydrologically due to a surface divide that bisects the groundwater flow in that area. Although not all of the wetland area is being protected from this natural occurrence, a good portion is. M. Brennan also commented that due to the large amount of information associated with this

contaminated site, the goal of the research, findings and presentation by UConn TAB was to educate the public and promote awareness of the contaminated area.

In response to whether the contaminated site could be easily accessed, O. Smyth stated that a full walkthrough of the property was not able to be conducted, so he could not confirm whether or not access was attainable. He continued and confirmed however that the test pit areas where contamination was noted are not fenced off or signed to indicate contamination concerns. Adding, that the reason it was not marked as such was due to the area not being close to residential developments.

R. Chapell inquired about the cleanup of cadmium that occurred. O. Smyth clarified the cadmium found on the site was not cleaned up. After determination that groundwater from that area was not flowing northward towards the residential property, it posed no threat, and the area was fenced off and provided signage which was deemed adequate enough to mitigate any risk. O. Smyth further explained this area, identified as TP1 on the map found in the presentation, was a known area of concern before the homes were constructed. It was only after the home was constructed on the northern parcel and sold, when environmental professionals performed further investigation of the area which was subsequently fenced off.

B. Allo thanked O. Smyth for his presentation and offered the opinion that more signage or fencing be implemented or more awareness of the contaminated area be made available. M. Brennan suggested a mailing to the property abutters to promote awareness. R. Chapell agreed signage is important due to the concern of individuals, other than abutters, accessing the property and who may not be aware of the contamination concerns.

M. Brennan informed the Board contact information for the Owner is known and that he and the Massachusetts Department of Environmental Protection attempted a site walkthrough, however, were unable to access the site at that time.

Hearing nothing further, B. Allo closed the Evelyn Porter Estate discussion at 7:38 p.m.

7:38 p.m. Model Tobacco Regulation Review

Sarah McColgan with the Massachusetts Health Officers Association (MHOA) was present remotely to assist the Board with updating the current Foxborough Board of Health Tobacco Regulations. S. McColgan explained updating the current regulations was necessary in order to align with the current State of Massachusetts 2019 tobacco regulations. As a guide, throughout the discussion, she would be referencing the MHOA's model tobacco regulation that S. McColgan stated is the one promoted across the State of Massachusetts. A copy

of this model tobacco regulation was provided to each Board member and is included as supplemental meeting documents.

Included with the model tobacco regulations was a checklist available to the Board members that could assist with deciding which standards they wanted to incorporate into the new regulations. S. McColgan commented that many items on the checklist are already included within the existing Foxborough regulations.

Key discussion points associated with the October 30 discussion included;

- S. McColgan explained the different types of caps that could be associated with Checklist Item #3.
- S. McColgan explained that Checklist Item #4 and #5 would not affect existing permit holders.
- S. McColgan provided the definition of a smoking bar and informed the Board that there were 26 smoking bars in the State currently. Smoking bars are the only place where flavored tobacco can be sold and consumed for onsite consumption only. There are no restrictions to the type of tobacco sold within a smoking bar. A municipality can allow smoking bars, have a ban on smoking bars or could institute a cap associated on the number of smoking bar permits.
- S. McColgan confirmed a hookah bar would be considered a smoking bar.
- In response to the questions and comments associated with employee protection within a smoking bar, S. McColgan explained when the State of Massachusetts went smoke free in restaurants, an exemption was made for smoking bars.
- Related to Checklist Item #7, S. McColgan referenced a Boston study that showed a decrease in the purchasing of this type of tobacco by youth.
- S. McColgan explained the model tobacco regulations fine structure and explained the implementation of a unified fine structure, referring to page 13 within the model tobacco regulation document.
- All fines accompany a cease and desist order and the permit holder has the right to appeal in front of the Board of Health. The Board is also able to place more stringent requirements for each offense, such as, requiring an appearance in front of the Board at certain times or for certain offenses.
- Education for tobacco retail owners, managers and clerks is currently available with MHOA either in-person and on their website.
- M. Brennan suggested and will incorporate into the draft regulations suspension days to include 3 days, 7 days, and 30 days for the permit holder's first, second and third offense respectively.

B. Allo thanked S. McColgan for her time and discussion. S. McColgan offered to review and provide comments following the production of the draft tobacco regulations. The Board requested that a draft be produced and a discussion of the draft regulation occur in more detail during the next Board of Health meeting.

8:19 p.m. Department Updates

- Oake Knoll Farms – On October 11, 2023, the Foxborough Health Department was notified by the Massachusetts Department of Agricultural Resources (MDAR) of the cease and desist order served to Oake Knoll Farms in July, for the sale of their raw milk due to high coliform counts. MDAR further explained however, that milk sales were still occurring. M. Brennan informed the Board that if they are not allowed to sell under their MDAR permit, it is not allowed to be sold under their Foxborough Health Department permit, therefore, M. Brennan sent a violation notice. As an update, Oake Knoll Farms MDAR permit has since been reinstated following coliform counts being within standard and are now currently allowed to sell raw milk again. M. Brennan also updated the Board on the most recent issues related to their meat sales and stated the meat was taken off the shelves.
- 22 School Street – A comprehensive inspection of the property at 22 School Street was conducted on October 17, 2023 ahead of the November 13 trial date. Results of the inspection confirmed code violations still remain. According to the Town’s Attorney, if there is no resolution, next steps could include the property being placed into receivership.
- 255 South Street – The Owner of 255 South Street was present during the last court hearing at which time she stated violations would be corrected. M. Brennan confirmed with the Board however, no corrections have been noted on the property to date. Appointing of a receivership could not occur during the last court hearing since the court, in error, identified the last court proceeding as a status hearing, as opposed to a trial. The next hearing will be a trial.
- 131 Morse Street – M. Brennan confirmed that the Summit Casting’s building located at 131 Morse Street, was bordered up and secure. A Brownfield grant application was also completed and submitted relative to the property. Guidance from UConn TAB suggests the Town may be required to provide an educational component as part of the Brownfields grant. M. Brennan commented this could be the development of a website with information related to the Site on it, other information related to the Brownfield grant itself, and a place that can highlight grant success stories.
- Health Inspector position is ongoing. Candidate resumes continue to come in. M. Brennan stated a copy of the job opportunity was printed out and distributed during the recent MHOA professional conference.
- M. Brennan stated that the Board was provided and allowed review and comment on all of the current regulations and he would present a draft during the next upcoming meeting. Following that, it would be put out to the community for comment and will ultimately have a public hearing on the document.

- 175 Mechanic Street – The building structure is collapsing and the Town is in the process of taking ownership, and is in court right now. The main goal for the Town currently is to keep the property secure and fence the property. It is also uncertain the type of concerns that could be associated with the inside of the building such as heat, asbestos, lead.

8:34 p.m. Future Agenda Items

7 Revere Drive – Owner of the property living in a mobile trailer following the house burning down.

B. Allo requested that a future agenda include updates on food establishment inspections. M. Brennan acknowledged B. Allo's comments, but stated updates may be minimal due to the departure of the Foxborough Health Department's full-time inspector. He added however, he would ask for some assistance from the Shared Services Food Inspector to see if certain higher priority inspections could be done.

8:40 p.m. Joe Sanders, 400 Foxborough Boulevard, asked to come in front of the Board for Citizen Input. As a substitute teacher with the Foxborough school system he explained his recent opportunity of sitting with the in-school suspension students who were caught vaping in the bathroom. He followed that with restating the information provided during the meeting regarding 53 percent of Massachusetts banned smoking bars and stated his support of this type of ban in Foxborough.

8:41 p.m. R. Chapell made a motion to adjourn. S. Manos seconded the motion. Hearing no discussion, B. Allo called for a roll call vote.

R. Chapell: Aye S. Manos: Aye B. Allo: Aye
Motion passed, 3-0

The next meeting is scheduled for November 13, 2023

Sophia C. Manos, Clerk/dp