

**Town of Foxborough Board of Health**  
Regular Meeting  
Meeting Minutes – August 28, 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: Natasha Boyd, Melissa DaCosta, James Daigneault, Mario Gomes, Clifford Pierre, Constantina Rocha

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 August 28, 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. 131 Morse Street, Summit Castings – Declaration of Public Health Nuisance**

M. Brennan summarized the most recent actions taken at the property identified as 131 Morse Street. Following an inspection of the Summit Castings building on the property, conducted by the Foxborough Health Department, a letter was sent to the property Owner on record and the Attorney working with the estate, declaring the property as a public health nuisance. The letter was sent via certified mail and was received by the Attorney, with the green card being returned.

Representative Jay Barrows, Senator Paul Feeney and the Foxborough Select Board have all been made aware of the issues surrounding the property and see the importance of the matter. They have all agreed to be present for an on-site meeting that is scheduled for September 25, 2023 at 12:30 p.m. M. Brennan stated he also expects representatives from the Massachusetts Department of Environmental Protection to be present as well. He then welcomed all Board of Health members to attend. B. Allo requested that Mansfield, the Town that abuts 131 Morse Street is also invited to this on-site meeting.

M. Brennan offered his interpretation of the September on-site meeting as a way to verify the public health nuisance, which in turn, will give the Town more legal authority to clean the site up.

R. Chapell made a motion to vote that the Summit Castings building located at 131 Morse Street is a public health nuisance pursuant to Massachusetts General Law Chapter 111, Sections 122 and 131. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0-0**

The discussion concluded with M. Brennan stating he would also send all site information to the Environmental Protection Agency.

**7:13 p.m. 22 School Street, Owner – Cavaio Armando, LLC – Condemnation Hearing**

Representing Cavaio Armando, LLC was Mario Gomes.

M. Brennan provided the Board both verbally and in written form, the history of non-compliance associated with the property, 22 School Street.

*(The “22 School Street – History of Non-Compliance” document provided to the Board of Health members, is included as supplemental meeting documents)*

M. Brennan explained the numerous enforcement actions already taken against Mr. Gomes to date, including violation notices, non-criminal fines, and filing in court, however, full compliance still has not been seen. A settlement agreement between parties was also attempted in early Spring 2023, but was never fully executed by Mr. Gomes. Following the sewage overflow on June 24, 2023, the condemnation order was served and the case was filed in court again. M. Brennan offered a recommendation that the Board of Health condemn the vacant units and not allow Mr. Gomes to rent the unit out until all violations are corrected.

M. Gomes spoke and confirmed that only one unit is currently vacant, but the number may increase on September 1 due to on-going evictions, adding that he had plans to fix the violations pertaining to these units once the occupants have vacated the unit. He further expressed the struggles he’s had regarding correcting the violations, including not being able to get into the apartments to fix the violations and the poor housekeeping of those living in the units, that he believes is continuing to contribute to the pest issue. He added that the sewage overflow was fixed and cleaned on the same day he was notified of the incident, and was due to socks and rags in the line. M. Gomes also explained the reason for the two most recent court dates needing to be rescheduled was due to a death in the family. He asked that the Board extend making any decisions until after the next scheduled court date of September 12, 2023.

S. Manos asked Mr. Gomes if he was aware of the septic issue upon obtaining the property in March 2021 and if there were any other issues with the property he was aware of. M. Gomes stated he was aware the property had a cesspool and that it would need to be repaired, and was informed by the Foxborough Fire Department that the fire alarm system needed to be upgraded. He added he was also made aware of some leaks at that time, which have all been fixed.

R. Chapell commented on the length of time Mr. Gomes was made aware of the violations and still, to date, not all violations have been corrected, opining that the window of time to fix the violations should be small. She also added the Owner should not be waiting for occupants to move out in order to fix the violations.

B. Allo commented that a timeline to correct the violations should be established and that as a landlord he is required, prior to renting, to provide a safe and healthy living space that meets the minimum standards.

B. Allo opened the floor to the public.

Constantina Rocha, business owner whose business is located within 22 School Street, spoke to the Board. She had questions on whether or not the condemnation notice would affect her business. M. Brennan informed Ms. Rocha that the Board of Health only regulates living units and not commercial spaces.

R. Chapell made a motion that a condemnation notice is served to the Owner for the current vacant apartment located at 22 School Street, that the unit is placard and is not rented until all violations are fixed. The motion was seconded by S. Manos. B. Allo called for a discussion. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0-0**

R. Chapell made a motion that for the remaining occupied units, a plan is established demonstrating all violations noted will be fixed and a timetable of these corrections. Also, that progress in correcting the violations is seen prior to the next scheduled court date. The motion was seconded by S. Manos. B. Allo called for discussion.

S. Manos requested that the plan include a list of contractors the Owner has reached out to for the repairs.

B. Allo moved to amend the motion by adding “The plan must be presented to the Foxborough Health Department within the week”. S. Manos seconded the motion as amended. Hearing no further discussion, B. Allo called for a vote on the amended motion.

**Motion passed, 3-0-0**

M. Gomes requested a meeting with Mr. Brennan to discuss the remaining violations. M. Brennan acknowledged his request and also confirmed he would be on-site to placard the one vacant unit the following day.

R. Chapell asked for 22 School Street to be an item on the agenda at the next scheduled Board of Health meeting.

Hearing no further discussion related to 22 School Street, the matter was closed at 8:16 p.m.

**8:16 p.m. Discussion Recent Health Department Inspections and Updates**

**255 South Street:** M. Brennan informed the Board members that a settlement agreement, signed by both the current owner of 255 South Street and the Attorney, established a 30-day timeframe to fix the violations. If violations are not corrected by the deadline, the property will go into receivership. He also stated that the Owner’s ultimate plan is to sell the property.

**Saga Hibachi Steakhouse & Sushi Bar:** The last inspection performed by Food Inspector, Paul Gilpin resulted in an exceptional inspection report. Through conversations during the work setting between Mr. Brennan and Mr. Gilpin, Mr. Gilpin attributed the positive inspection to a newly hired chef who demonstrated good working food safety knowledge during the inspection.

**8:22 p.m.** R. Chapell asked about the Health Department’s involvement and the services to be made available for the migrant families that are scheduled to take residence in a local Foxborough hotel. M. Brennan stated, to date, he had done a full inspection of the hotel where the families would be staying and the Foxborough Health Department has been involved in multiple meetings discussing ways services can be provided to these families.

**8:35 p.m. Approval of Board of Health Meeting Minutes**

S. Manos made a motion to approve the minutes of July 31, 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**

**8:36 p.m.** S. Manos made a motion to adjourn. The motion was seconded by R. Chapell. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0-0**

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Sophia C. Manos, Clerk/dp