

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes - July 18, 2022

Members Present: Paul Steeves, Chair, Betsy Allo, MPH, Vice-Chair
Members Participating Remotely via Video Conferencing: Sophia C. Manos, Member
Members Absent: None

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

Others Present: Yeanie Bach, Matt Cohen, Joseph DePasquale, Taib Gorgy and Phi Pham

P. Steeves opened the regular meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts, at 7:02 p.m. on July 18, 2022. Meeting took place in the Andrew A. Gala, Jr. meeting room inside the Foxborough Town Hall, 40 South Street, Foxborough, MA. Paul Steeves, Chair, presiding, and Betsy Allo, MPH, Vice-Chair, both present. Sophia C. Manos, Member participating remotely.

Audio and video conferencing was operable.

Quorum was established.

B. Allo read the agenda of the July 18, 2022 Foxborough Board of Health meeting aloud.

**7:02 p.m. Anh Bach Ve, Owner – Banh Mi Oi, 8 Wall Street
New food establishment – Introduction to the Board of Health**

Representing the new establishment “Banh Mi Oi”, not yet opened, was Yeanie Bach and Phi Pham. Y. Bach and P. Pham offered the Board information related to their seven years of experience in the food industry including recent ownership of another Vietnamese restaurant.

After review of Banh Mi Oi’s application documents provided to the Board, B. Allo read aloud equipment and fixtures that the Health Inspector called out as missing following his application review. Y. Bach confirmed that the information missing was an oversight when preparing the application and floor plan, and the establishment is in compliance with the requirements noted by the Health Inspector.

M. Brennan stated the Foxborough Health Department has not yet been inside the facility to confirm compliance and reminded Y. Bach and P. Pham to call for a pre-operational inspection.

Hearing no further discussion relative to Banh Mi Oi, P. Steeves closed the matter at 7:12 p.m.

**7:12 p.m. Taib Gorgy, Owner – Lovely Pizza, 6 Railroad Avenue
New food establishment – Introduction to the Board of Health**

Representing Lovely Pizza was Owner, Taib Gorgy. P. Steeves commented that Lovely Pizza is currently operating and asked T. Gorgy how business was going. T. Gorgy responded and stated things were going well.

M. Brennan informed the Board the most recent inspection was conducted a couple of months ago revealing good temperatures and only minor issues. He added that the facility is small, but brand new, and most equipment was brand new as well.

Hearing no further discussion, P. Steeves thanked T. Gorgy for coming and closed the matter at 7:14 p.m.

**7:14 p.m. Avi Shemtov, Operator – Kamper’s Kitchen, 72 West Street
New Operator of Normandy Farm’s Concession Stand – Introduction to the Board of Health**

Representing Kamper’s Kitchen was Matt Cohen, Chief Operating Officer for Avi Shemtov’s company. M. Cohen confirmed his company was awarded the contract to operate Kamper’s Kitchen concession stand located within Normandy Farm’s Campground. He explained they are currently operating daily until November, at which time they will be reduced to Friday and Saturday only. Staff runs about ten to twelve individuals with a couple that are certified food managers with the goal of more becoming certified soon.

M. Brennan shared positive comments about the facility itself and about the staff operations noted during inspections.

Hearing no further discussion, P. Steeves thanked M. Cohen for coming and closed the matter at 7:19 p.m.

**7:19 p.m. Joe DePasquale, Owner – 3 King Phillip Place
Pool enclosure variance request from Board of Health Regulation No. 4 –
Residential Swimming Pool**

M. Brennan provided the Board with a brief summary related to the property identified as 3 King Phillip Place. After receiving a complaint stating there was no fence surrounding the inground swimming pool located on the property, Health Inspector Cameron Shamey conducted a plain view inspection. The inspection confirmed there was no fence or

barrier surrounding the perimeter of the inground swimming pool which is a violation under the current Board of Health Residential Swimming Pool regulations and a violation notice was sent to the Owner, Joe DePasquale. After receipt of the violation notice, Mr. DePasquale came to the Foxborough Health Department to inform us that in lieu of the fully enclosed barrier, an automatic pool safety cover was installed which is compliant with the new Building Code. Since the use of a pool cover does not meet the current Board of Health regulations, M. Brennan recommended that the Board discuss the 3 King Phillip case relative to the current Building and Board of Health regulations and what the Board may want to do with the residential Board of Health pool regulations in the future. He added that the current Board of Health regulations also do not allow for a variance request.

Owner of 3 King Phillip Place, Joe DePasquale was present and P. Steeves invited him to speak on the matter.

J. DePasquale explained to the Board the rationale behind choosing the use of an automatic pool safety cover in lieu of a fence, how the pool cover operates, the safety measures and back up safety measures associated with the device, and the current layout of the fences that surround his property, less approximately fifteen feet. He too also informed the Board that the pool cover is compliant with the new Building Code as well as, it is acceptable to his insurance company.

The Board offered and suggested to the Owner to install the small section of fence missing, that would allow him to be in compliance with the current regulations. J. DePasquale provided comments in opposition to this request.

Discussion followed comparing the levels of safety behind fences and pool covers as presented, and the rationale behind multiple Departments having similar regulations and what to do in the future. M. Brennan commented that the current Board of Health regulations would assist the Foxborough Health Department should there be a fence in disrepair or an abandoned house, then enforcement could occur.

M. Brennan stated that the new Building Commissioner has been made aware of this regulation and does have the ability to send us pool permits for approval moving forward, commenting that the Building Commissioner currently employed was not the Commissioner at the time the 3 King Phillip Place pool permit was pulled.

Sophia C. Manos was involuntarily disconnected from video conferencing at 7:35 p.m.

Sophia C. Manos re-joined the meeting via video conferencing at 8:03 p.m.

P. Steeves recommended that the Board of Health evaluate the current language of the Residential Swimming Pool regulations and discuss further actions related to updating them or take different actions at a future Board of Health meeting. He added, if new or updated regulations are developed and promulgated, J. DePasquale's pool and property would need to comply. J. DePasquale acknowledged the Chair's comment.

Hearing no further discussion related to the inground swimming pool located at 3 King Phillip Place, P. Steeves closed the matter at 8:19 p.m.

**8:19 p.m. All affected parties – 68 Neponset Heights Avenue
Appeal of condemnation order served on June 17, 2022 for the basement apartment located at 68 Neponset Heights Avenue**

(No interested parties in attendance for this agenda item)

M. Brennan informed the Board that the basement apartment, located at 68 Neponset Heights Avenue, does not meet the Massachusetts State Sanitary Housing Code, nor does it meet the Building Code. A condemnation order was sent on June 17, 2022, which informed both the occupant and the owner the right to appeal. According to M. Brennan, the basement apartment has been vacated and the occupant has found alternative living arrangements and the basement unit will not be allowed to be rented until it meets Building Code. M. Brennan continued saying that Attorney Lovely would like to attend the next meeting to discuss the matter.

Discussion relative to 68 Neponset Heights Avenue closed at 8:24 p.m.

8:24 p.m. Reorganization of the Board of Health

B. Allo made a motion to re-organize the Foxborough Board of Health. S. Manos seconded the motion. Hearing no discussion, P. Steeves called for a roll call vote.

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

Paul Steeves made a motion to appoint Betsy Allo as Chair of the Foxborough Board of Health until the next election. The motion was seconded by Sophia Manos. Hearing no discussion, P. Steeves called for a roll call vote.

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

Betsy Allo made a motion to appoint Paul Steeves as Vice-Chair of the Foxborough Board of Health until the next election. The motion was seconded by Sophia Manos. Hearing no discussion, B. Allo called for a roll call vote.

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

Paul Steeves made a motion to appoint Sophia Manos as Clerk of the Foxborough Board of Health until the next election. The motion was seconded by Sophia Manos. Hearing no discussion, B. Allo called for a roll call vote.

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

8:30 p.m. P. Steeves made a motion to approve the minutes of April 11, 2022 as written. The motion was seconded by S. Manos. Hearing no discussion, B. Allo called for a roll call vote.

P. Steeves: Aye S. Manos: Abstain B. Allo: Aye
Motion passed.

(S. Manos had not been elected to the Board of Health at the time the April 11, 2022 meeting was conducted)

8:31 p.m. P. Steeves made a motion to approve the minutes of June 6, 2022 as written. The motion was seconded by S. Manos. Hearing no discussion, B. Allo called for a roll call vote.

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

8:32 p.m. P. Steeves made a motion to approve the following bills.

W.B. Mason (Miscellaneous Office Supplies)	\$48.65
W.B. Mason (Miscellaneous Office Supplies)	\$83.97
W.B. Mason (Printer Toner)	\$181.30
Verizon Wireless (Data Usage for Inspection Tablets)	\$75.98

The motion was seconded by S. Manos. Hearing no discussion, P. Steeves called for a roll call vote.

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

8:33 p.m. Department Updates

- M. Brennan asked if a Board member would like to assist in helping the Health Department pass out free Covid test kits during the upcoming “Community Night Out” event occurring on The Common. B. Allo stated she was interested.

8:36 p.m. P. Steeves made a motion to adjourn. The motion was seconded by S. Manos. B. Allo called for a roll call vote.

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

The next meeting is scheduled for August 15, 2022

Sophia C. Manos, Clerk