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TOWN OF SOUTHBRIDGE
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TOWN OF SOUTHBRIDGE

January 14, 2021 Board of Health Meeting 6:00 pm
6:15pm Public Hearing: To Determine Habitability of 718 Main St

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southbridge Board of Health will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southbridge website, at <https://www.ci.southbridge.ma.us/>. For this meeting, members of the public who wish to watch the meeting may do so in the following manner; as usual, via cable access, TV Charter Spectrum channel 192.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of Southbridge website an audio or video recording, transcript, or other comprehensive records of proceedings as soon as possible after the meetings.

Agenda #1- Open Meeting- 6:02pm

Agenda #2- Roll Call

- E. Stephens
- R. LaRochelle
- N. Duffey
- A. Postale

Agenda #3- Accept Meeting Minutes

- a. December 10, 2020- Motion made to accept minutes of December 10, 2020 by A. Postale; 2nd by R. LaRochelle-
Roll Call
E. Stephens-Yes
N. Duffey-Yes
R. LaRochelle-Yes
A. Postale-Yes

Motion passes unanimously by those present. December 10, 2020 minutes accepted.

- b. Special Meeting-January 7, 2021- N. Duffey expresses concerns the meeting minutes of January 7, 2021 did not include any comments. Motion to table minutes made N. Duffey; 2nd by A. Postale-
Roll Call
E. Stephens-Yes
N. Duffey-Yes
R. LaRochelle-Yes
A. Postale-Yes

Motion passes unanimously by those present. January 7, 2021 Special meeting minutes tabled until next scheduled BOH meeting.

Agenda #4- Citizens Forum-

- a. Jon Cournoyer represents Big Bunny- states on January 4, 2021 the Inspector addressed the Manager of the store and would like to clear up some confusion. Mr. Cournoyer explains paper bags were provided and available at the self-check and regular lanes when the plastic bag ban was lifted throughout the end of the year. Mr. Cournoyer apologizes if there was any confusion. Board expresses their appreciation to Mr. Cournoyer for coming forward to discuss matters.

Agenda #5- COVID-19

- a. Update- A. Pelletier reports stats and update for the Town of Southbridge:
- 1170 cases as of noon today
 - 23 deaths in Town- according to the death certificates COVID is the cause and not a contributor.
 - There have been 2,031 COVID tests completed within the last 14 days. Of this, 279 have tested positive. This is a positivity rate of 13.7%
 - Sbdge Rehab update: no COVID activity for 14 days. They did have a worker with an exposure but was not in the building. A vaccine clinic held on January 8th ran smoothly. The 2nd vaccine is scheduled for the 29th to administer the 2nd dose and other clinic sometime in February to administer the 2nd dose from the 1st vaccine administered on the 29th.
 - Vaccine distribution by Harrington at the Armory began as a clinic for the Town of Southbridge and a couple of other surrounding towns. Harrington has since then been recognized by the State as a Regional Statewide clinic. The State has allowed vaccinating anyone who is in Phase I but to hold off on Phase II.
 - The clinic at the Armory is currently serving 180 persons per day with the resources they have. We have reached out to other towns to obtain

additional resources/personnel primarily to staff the registration area in order to better prepare for Phase II.

- The office is fielding anywhere from 3-5 calls per day asking for guidance for the schools/daycares and or interpretation on the law. In addition, the office has been receiving 20-30 calls per day for vaccine inquires and 1-2 complain calls per day on businesses not following the States guidelines on social distancing/not wearing masks. E. Stephens questions why the Town is not utilizing the Everbridge program to keep residents updated on COVID. This would help minimize the calls coming into the office. A. Pelletier reports the department has been encouraging residents to register for the Everbridge Alert system as the calls come in.

6:15pm Public Hearing: To Determine Habitability of 718 Main St opens at 6:20pm-

A. Pelletier reports a housing inspection was completed on October 22nd of 718 Main St, known as a sober house by the owner, Hunter Foote. During this inspection 30 violations were identified and cited from the States Sanitary Code including 8 critical violations. On November 10th, an order to correct was issued to the owner, Hunter Foote. A visit completed in December concluded that none of the conditions cited were corrected. Some of the conditions cited included: failed smoke detectors, no running cold water, leaky sink, blood spatter on walls and ceiling on 2nd floor, rodent activity, covers missing on electric panels, unauthorized wiring and plumbing in the building and heat throughout building did not work.

Soon thereafter the visit in December, court documents provided showed the owner of the building had entered into court agreement to move the tenants out.

A. Pelletier seeks the board's determination on whether or not to declare it unfit for human habitation until such time violations are corrected with proper permits/contracting and Board of Health approves the repairs.

During a review of the file, A. Pelletier noted that on November 13th we dismissed a court case and part of the dismissal with the defendant, Hunter Foote was to keep the building vacant until conditions of the order were addressed. A. Pelletier reports he was unaware the building was occupied until the complaint was received in November.

Defendant, Hunter Foote claims Mr. Pelletier is correct. An agreement for partial of the building was to remain vacant which was the 2nd floor rear portion of the building and it continues vacant. However, the unit that was inspected (1st floor and or 2nd floor front) with the violations does not have anything to do with the court order.

A. Pelletier explains the November 2019 court dismissal referenced the 2nd floor in its entirety. The violations in November 2020 cited heat and water issues throughout the dwelling thus affecting the entire building (common areas). In addition, the house is treated as a single unit both all apartments are affected.

Members of the Board express disappointment with the department and lack of follow up from the initial complaint. The Order to Correct clearly states “violations must be corrected within 24 hours” AND “a reinspection soon or around November 12” is to take place. No one should be living without heat or hot water and in that kind of environment. No one bothered to go back and see conditions.

R. LaRochelle states why is this being brought forward for determination of Habitability when it is clear the Minimum Standards of Human Habitation are not met. This is unacceptable. This public hearing should not be before the Board. There is no discussion, there is no excuse, no one should be living in there.

A. Postale questions why this public hearing is before the Board.

A. Pelletier explains after the initial complaint was received, 3 attempts to complete a reinspection were unsuccessful, the complainant reached out to E. Stephens via social media. Repeated efforts to get back into the building failed. A. Pelletier discussed the case with E. Stephens who agreed to place the public hearing on the agenda.

E. Stephens stated she did agree to place this on the agenda but the board did not know these issues has been going for a year.

A. Postale states two issues here: Board being informed of the situation and the conditions of the building. A. Postale asked A. Pelletier if he has authority to act upon this without the Boards discretion. A. Pelletier states yes, he can declare it Unfit for Human Habitation.

E. Stephens expresses irritation towards owner, Mr. Hunter Foote who labels this property as a sober house, with no property management and allows people to live in squalor. No one should be living without heat or water in the middle of winter. E. Stephens states Mr. Hunter Foote has taken advantage of people in this town, advantage of this town, of this Board and the Inspections Office.

Motion to close Public Hearing made by R. LaRochelle who believes this public hearing should have been handled by A. Pelletier back on October 22nd when there was supposed to be a re-inspection.

N. Duffey states the Board should be more focused on making sure this does not fall through the cracks.

Mr. Hunter Foote states the plan is to fix the building. On numerous occasions throughout the year 2020 we visited the building to perform an inspection. The police were called and charges were filed. Other contractors arrived at the site to perform work and there were

threats of physical violence and many physical altercations. Mr. Foote states immediately when the tenant moratorium expired we pursued the eviction process on every single tenant in the building except for two. At this point, there is unrestricted access of the building to perform the renovations. We hired a licensed contractor, licensed electrician and a licensed plumber. M. Foote claims heat has been restored (no oil; other small issues) and the tampering with the electrical panels has been made safe.

Mr. Foote states we are obviously not moving anyone in there until we get a clean bill of health. At this point, we are looking forward to move forward and get it fixed correctly now that we do not have anyone in the building to impede our ability to work on the building.

Mr. Foote claims every single trade person will pull permits as required and guesses it will take about 3-4 weeks to get the work completed. This property will continue to run as a structured sober living community.

E. Stephens states she agrees with member R. LaRochelle specifically that this should not have come to the Board however, feels incline to keep it before the Board for follow up purposes.

Consensus of the Board to continue this public hearing for monitoring purposes prior to occupancy.

R. LaRochelle withdraws original motion to close public hearing.

R. LaRochelle inquires on whether the 8 violations cited in the October Order to Correct have been corrected within the 24 hours including the 22 violations to be corrected within 10 days.

Mr. Foote claims to the best of his knowledge the 8 violations have been corrected and has come prepared with photos for the Board to view.

Mr. Foote claims the 22 violations are not completed because it was only last weekend they had access to perform the work.

A. Pelletier reports he has not completed a re-inspection and as far as he is aware no permits have been pulled for the heat.

Mr. Foote states A. Pelletier met with Anthony Havens who was working on the property and the heat was in working order. Mr. Foote reports he has photos of the completed work if A. Pelletier did not take photos.

A. Pelletier explains he was at the property yesterday to ensure the building was vacant to bring this before the Board. The basement door was locked therefore could not gain access.

Mr. Foote the declaration of Unfit for Human Habitation could have been avoided because many of the violations have been addressed. There now is heat, water and the electrical boxes. It is a safe building. The contractors that have been hired will pull permits and call for inspections and reason Mr. Foote is fighting so hard not to declare the building Unfit for Human Habitation is because the construction loan on the building the lender will not fund any~~else~~ thing. Then this building will be put in default and it will be 66 Central St all over again. thing

Discussion:

Mr. Foote asks if he is able to make a commitment to the Board that the work will get done within a certain amount of time and come into an agreement in writing now with time lines and deadline.

E. Stephens states absolutely not.

A. Postale does not want to see another vacant building in town.

R. LaRochelle asks A. Pelletier what would be a realistic time line to get these violations corrected.

A. Pelletier responds with a big crew to address all the problems and depending on what is causing the water damage to the ceiling with the work completed in a workman like condition, two weeks is not unreasonable.

N. Duffey asked Mr. Foote how much time does he believes would be appropriate to correct violations.

Mr. Foote responds 2 weeks is appropriate and appreciates the boards consideration.

Motion made by R. LaRochelle to hold off the Declaration of Uninhabitable of 718 main St until 8:00pm on January 28, 2021 to satisfy the Director's inspection. The findings of the inspection to be provided to all members via email on January 28th by 8:00pm. Motion 2nd by A. Postale.

Motion amended by R. LaRochelle to include: 718 Main St is to remain vacant and uninhabitable until such time inspections declares the property Fit for Human Habitation.

Roll Call

E. Stephens- No

N. Duffey- Yes

R. LaRochelle-Yes

A. Postale- Yes

Motion passes 4-1 (Stephens)

Motion to close the 6:15pm Public Hearing- To Determine Habitability of 718 Main St made by R. LaRochelle; 2nd by A. Postale.

Public Hearing closed at 8:07pm

Agenda #6- New Business

a. R. LaRochelle inquires about 60 Charlton St. A. Pelletier explains pieces of concrete (rocks) are falling off the building and onto the balcony. On both sides of the building, they have placed pipe staging with plywood to catch the falling pieces. Southbridge Housing Authority has been ordered to provide an engineering assessment plan for review and approval by the Building Department. They have proposed to begin work repairs by the spring. R. LaRochelle states there should be a contingency plan for the Fire Department now that the balcony emergency evac access is not in place.

Agenda #7- Old Business

- a. Blight- A. Pelletier reports 4 buildings have been removed from the blight list:
- 48 Sayles St- has been taken down
 - 528 main St- is occupied and no longer in a blighted position
 - 20 Sayles St- no longer in a blighted position
 - 23 Olney St- once vacant, now occupied (used to store personal belongings)
 - Update on 61 Idlewood St- a visit to the property took place before Christmas. The owner requested patience until after Christmas. Since then, visited the site 3 times and spoke with owner twice. Owner denied any access inside prompting an Order to Correct under 105 CMR 400- allow access to all places requiring inspection. The order for access is scheduled for January 20th. If access is denied, case will be discussed with Attorney Caprera to begin process for a warrant to enter.
 - Vienna- R. LaRochelle states nothing has been done to prevent the building from deteriorating and or to make it weathertight.

Agenda #8- Chairman Announcements- No announcement

Agenda #9- Health Director Announcements- No announcement

Agenda #10- Board Members Announcements

- a. R. LaRochelle- none
- b. N. Duffey- none
- c. A. Postale- none

Agenda #11- Schedule Next Meeting- Meeting scheduled for February 11, 2021 @ 6:00pm

Agenda #12- Adjournment- Motion to adjourn made by R. LaRochelle; 2nd by A. Postale

Meeting adjourned at 8:18 pm.

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