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Inspection Services
41 Elm Street

TOWN OF SOUTHBRIDGE

April 24, 2021 SPECIAL Board of Health Meeting 9:00am

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- Chair Stephens reads a paragraph summarizing Gov. Baker's March 12, 2020 Order suspending certain provisions of the open meeting law. 9:02am

Agenda #2- Roll Call

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

All present

Note for record: Caller One is Jason Dubois of DC Engineering; Caller known as Michelle D. did not identify self.

Agenda #3- Determine Habitability of 318 (320) Main St 1st floor rear-A. Pelletier explains on December 30, 2020 the court ordered that Ms. Sarah Landry be relocated from 718 Main St (previously Declared as Unfit for Human Habitation) to 320 Main St (aka 318 Main St) basement apartment with a white paper called Unit 6. This is identified as 1st floor rear.

Upon a request by Sarah, A. Pelletier conducted an inspection on the property and determined there were violations within the States Sanitary Code. Critical violations noted were; no heat in the room, no 2nd means of egress, there were smoke detectors concern and no window in the unit.

A subsequent inspection revealed smoke detectors restored and 2nd means of egress was installed by opening the divider door between the apartment and commercial space thus allowing the use of commercial space as a 2nd means of egress. Also, the heat has improved with the heat from the commercial space however, still no heat on its own other than supplemental space heaters. No permanent heating source has been installed. Several re-inspections revealed no further improvements were noted.

A. Pelletier states during an April inspection, conducted with Emily discovered that the 2nd means of egress was no longer available; a window was not installed; and the heat still had not been restored.

In addition, it was noted one other room did not have a window and the main door was a two key locking device which is an entrapment issue and should be changed.

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A. Pelletier explains: as of April 23rd, the main door is now unlocked however, now it becomes a security issue.

Property owner, Mr. Hunter Foote requests clarification on which rear unit is being discussed.

A. Pelletier reiterates the unit being discussed is through a glass door (closest to dumpster); has a #6 on a white scrap paper and it is assumed to be identified as unit #6. This is the only unit believed to have a direct link to the commercial space.

Mr. Hunter Foote agrees.

R. LaRoche questions if the locks on the door is still a double key in and out?

A. Pelletier responds yes. There are two doors to get through. The outside door into the entryway is a two key lock and as of yesterday, it was unlocked. The unit door has an approved lock on it.

For the record, R. LaRoche states the egress from the building can be secured by a key either outside or inside that would trap residents in the building. The apartments in contention here or any room; other space that is being occupied, leased, rented, given a place for someone to rest their head on a pillow because if somebody locks the door with a key and there is a fire; they're dead.

Mr. Foote states that's understood that the other unit in the back has a different door. Mr. Foote claims the subject of this hearing is one particular unit that was referenced by the hearing notice and is not prepared to discuss any other units that have not been cited and no inspection has been made to any other unit.

A. Pelletier states he was not aware there was another living unit and the one in question right now is where we know there are violations. The board can order to have the lock replaced immediately OR; if the board deems that it is an emergency, then it should be declared without a hearing.

E. Stephens questions why there is not a 2nd egress since December?

In response, Mr. Foote states the tenant was offered an alternate living arrangement, which she accepted to move to Dudley and then failed to move. Mr. Foote states her comment was "I'd rather stay here and basically, I'd rather sue you".

The building is in default because no one is paying rent. We have sent maintenance over there with access issues and claims to have had COVID.

N. Duffey asks Mr. Pelletier if there is any truth on what Mr. Foote claims about the tenant's agreement to move?

A. Pelletier states he discovered at the most recent inspection that she hadn't move and that she was offered space in Dudley but that it wasn't to her convenience to take it.

N. Duffey questions why wasn't a window placed?

Mr. Foote explains he was hoping that this area of the building would be vacant for the work to be performed due to safety and convenience concerns for the contractors hired to complete the work. Mr. Foote claims if the board declares it unfit for habitation it would greatly assist the vacating of the unit to get in there and do the work. Upon completion get an inspection prior to any future occupancy of the dwelling.

E. Stephens questions Mr. Foote; if there were plans to work on the building anyway, why did he put anyone in there? Now, in the same situation as before with claims they won't move, they have COVID, they deny access. Mr. Foote

takes somebody from one dump into another dump and refuses to do the job as a landlord, which is to keep up with your properties and take care of your buildings that meet codes.

A. Pelletier reads Exception to Notification and Hearing: If, at any time, the Board of Health determines in writing that the danger to life or health of the occupants is so, immediate that no delay may be permitted, then the Board of Health may immediately issue a finding.

With this, A. Pelletier proposes the Board move forward on the apartment in question and get a vote. Then the board as a whole can make a vote to determine; if that double key lock makes the other one also unsafe of immediate. This would avoid the liability of not notifying the tenant of the other apartment and notifying Mr. Foote that we're going to include the other apartment.

R. LaRochelle questions if smoke and carbon monoxide detectors have been an issue within the entire building because if this is not up to par along with the dual key, is a hazard to any residential unit. R. LaRochelle requests A. Pelletier get together with the Fire Department and complete an inspection to ensure it is up to fire code, smoke detectors, heat detectors and any other thing for the entire building.

Motion made by R. LaRochelle to determine 318 (320) Main St 1st floor rear; confirmed as Unit #6 Uninhabitable; motion is 2nd by A. Postale;

Roll Call

E. Stephens-yes

R. LaRochelle-yes

A. Postale-yes

N. Duffey-yes

Motion passes unanimously. A. Pelletier requests Mr. Hunter Foote make himself available for an inspection of the entire building accompanied with the Fire Department.

As previously stated, A. Pelletier informs the board if they want to act on the other apartment that uses the double key door lock, it is sufficient enough for imminent threat to health and safety.

R. LaRochelle requests an inspection of the entire building to include Building Inspector, Gas/Plumbing Inspector, Fire Inspector and any other inspectors needed to determine occupancy safety.

Motion made by R. LaRochelle to amend or make another motion that the tenant is to be removed from that building within 24 hours to be relocated in a suitable place whether she wants to or not.

Discussion:

Motion withdrawn by R. LaRochelle.

R. LaRochelle states he would like verification if the locks have been updated and only interpreted by A. Pelletier and other inspectors on Monday morning.

Tenant, Ms. Sarah Landry questions should the board asks to move her out if this cost is out of pocket. A. Pelletier proposes the board order Mr. Foote to relocate the tenants in the effected apartment at his expense. Should Mr. Foote appeal to recoup monies he can do that through the courts.

Motion made by R. LaRochelle that the tenants affected behind the double key locked door be relocated immediately at the owner's expense; until such time an inspection is completed and the facility is deemed habitable.

Mr. Foote questions whether or not there was a complaint from so-called unit #7?

E. Stephens explains A. Pelletier has previously addressed this and because you have a double key lock door that affects both of the units, the board is well within their right to vote to remove those affected. This is an imminent danger.

Discussion:

Motion is 2nd by N. Duffey

Roll Call

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

Motion passes unanimously. Both apartments affected are to be vacated forthwith. A scheduled inspection to be set up with Mr. Foote on Monday to satisfy the common areas and conditions that were declared uninhabitable.
Hearing closed at 9:58am

Agenda #4- Request for local upgrade approvals for 3 Grandview Drive – 9:59am A. Pelletier explains a perc test conducted at 3 Grandview Drive determined the seasonal high groundwater was only 12 inches below the surface. Therefore, installation of a system would require 3 local upgrade approvals.

A. Pelletier presents 3 requests:

- 1) Because of the high groundwater table, a percolation test could not be done. The code allows a sieve analysis in lieu of an on-sight perc with Board of Health approval.
- 2) Code requires a 4-foot separation between the bottom of the soil absorption system and the high groundwater table. Because of the resulting slopes parts of the resulting system would end up on neighboring property. Applicant is requesting reduction of the separation from 4 ft to 3 ft.
- 3) Code requires inlet and outlet pipes for the tanks be 1 ft above the groundwater table. This would result in the tank projecting out of the ground. Applicant is requesting a reduction in the pipe to groundwater separation to no less than 1 inch.

Following full discussion: Motion made by R. LaRochelle to allow the 3 upgrades; 2nd by A. Postale:

Roll Call

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

Motion passes unanimously to allow the 3 upgrades at 3 Grandview Drive. Closed at 10:10am

Agenda #5- Adjourn- Motion to adjourn by R. LaRochelle; 2nd by A. Postale:

Roll Call

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

Motion passes unanimously 4-0. Meeting closed at 10:11am

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A handwritten signature in black ink, appearing to be 'W. Duffey', is written over the access code information.

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