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# TOWN OF SOUTHBRIDGE

May 5, 2021 SPECIAL Board of Health Meeting 4:00 pm  
TOWN OF SOUTHBRIDGE  
MASSACHUSETTS

*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- 4:02pm

Agenda #2- Roll Call

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

*Approved by  
Vote of BOH  
5-13-2021  
A. Pelletier*

Agenda #3- Determine Habitability of 318 (320) Main St in its entirety- A. Pelletier explains on April 24<sup>th</sup> he was instructed to complete a co-operative investigation of 318 (320) Main St. with the fire department, fire inspector and the building inspector. The purpose: to determine the common area fire protection and fire safety. This investigation was limited to only common areas.

A. Pelletier continues; on Friday, April 30<sup>th</sup> a walk thru of all common areas including the basement and rear common area which is the common area for two apartments and the store front.

The Fire Inspector along with the Building Inspector determined that the fire protection system was not adequate to coverage area or function. After meeting and discussing the conditions and immediate concerns, it was determined that the threat was to such a degree in which it could not wait for the regular BOH meeting on the 13<sup>th</sup> of May. A special meeting scheduled for today with one agenda item.

A. Pelletier adds; an immediate order was issued upon the owners, Mr. Salce as the listed agent of Southbridge RE LLC and Mr. Hunter Foote, as agent of Southbridge RE LLC. Both served the order by email and mailed to 119 Forest St Worcester, MA. In addition, all the tenants were informed of the hearing tonight by placing a notice on doors or handed to them.

Fire Chief Normandin states Lt. Lavoie attended the inspection on Friday.

Lt. Steve Lavoie states the inspection throughout the common areas concluded no signs of smoke detection in the rear egress; a panel located was completely dead; some smoke detectors were placed close together and to the best of his knowledge the smoke system is completely dead. This indicates there is no coverage.

Member LaRochelle questions how many tenants living in the building with zero fire protection are being affected?

Mr. Foote responds there are a total of seven residential dwelling units and not entirely sure of specific occupants. Regarding adequate fire protection each unit have battery operated smoke and carbon monoxide detectors.

E. Stephens believes these battery-operated detectors are only temporary and not a permanent solution to the problem.

R. LaRochelle is interested in the number of lives living and resting their heads on a pillow and not the number of units.

H. Foote responds with an estimate between 15 and 20 because some people have refused to leave; some have left their belonging there; some people sleep on a couch in the common area that were asked to leave. For this reason, it is very difficult to know the number of people.

To clarify, A. Postale states with the exception of these battery-operated detector, this is the only protection they currently have.

A. Pelletier responds yes, it is my understanding that the only protection in this building are the battery-operated smoke detectors put in place based on the order recently issued.

Lt. Lavoie indicates at a minimum, it would have to be a licensed fire alarm company to get the panel working and to complete a 72 NFP. They would also test the batteries and make sure everything is functioning. When asked H. Foote about the records, he was not aware and did not know there was a panel.

Lt Lavoie adds the problem with the battery-operated detectors is they are not inter-connected. There is limited coverage within the entirety of the building.

A. Pelletier states we will be looking for an inspection by a licensed fire alarm company to make sure the current system (detectors) are where they belong based on the currently layout of the building.

H. Foote explains there was never a concern about smoke detectors in the unit or in the common areas by an Agent of the Board of Health.

Lt. Lavoie indicates it is clearly in the Fire Code that the owner maintains the records on the system and Mr. Foote did not know he had a panel in that building.

R. LaRochelle shares concerns with the building in its entirety. If the building gets renovated/changed this changes the requirements for smokes and carbon monoxide detectors. It does not matter the condition or classification of tenants. This is irrelevant. The concern is the life and death of occupants and the lack of early warning of protection because this is a large building. Not a 1500 square foot single family ranch.

Mr. Hunter Footes claims he has owned the building for 5 years and had Lt. Lavoie in the building all through the building.

Lt. Lavoie states for the record; he has not been in the building. In the State of Massachusetts, anything over a two family require inter-connected smoke detectors in all common areas.

Dr. Howland questions what recourse do the tenant have should the Board condemn the building?

A. Pelletier response; this would be a civil action between the tenants, landlord and the Court.

Discussion:

A. Pelletier explains the Board could conceivably allow for an extended period if the Board felt that they could put equal safety measures in place to allow an extension but otherwise it would be forthwith order.

H. Foot announces baseless allegations being allowed to be made without any backup photos because permits have been pulled for work completed for plumbing, electrical etc. and there have been no violations.

Building Inspector Julian informs the Board he has researched permits for two days and there are zero permits.

R. LaRochelle states the discussion today is on the present condition of the building.

Motion made to move the question and discussion and take a vote to Determine the Habitability of 318 (320) Main St in its entirety; 2<sup>nd</sup> by A. Postale:

Roll Call

E. Stephens-yes

R. LaRochelle-yes

A. Postale-yes

Motion passes 3-1 excused N. Duffey.

Motion made by R. LaRochelle that 318 (320) Main St be Declared Uninhabitable in its entirety and tenants to be removed from the building forthwith; motion is 2<sup>nd</sup> by A. Postale

Roll call

E. Stephens-yes

A. Postale-yes

R. LaRochelle-yes

Motion passes 3-1 excused N. Duffey.

In closing, R. LaRochelle makes a statement: We, the Board, have to take information and do a risk benefit. We are on this Board to do right by our citizens and don't take it lightly. We do what we need to for protection of the people who are not being protected by those who are supposed to protect them. This is the basic right to live and live safely. If it weren't violated, we would not be here. Please reach out for help and contact Dr. Howland or other groups.

A. Postale agrees with statement. Adding: we are doing this for your health and safety. We understand it is a huge inconvenience.

Dr. Howland asks Mr. Foote to make a commitment officially to do what is necessary and assume financial responsibility, here and now to publicly commit to provide to these tenants.

Mr. Foote responds by committing, in his capacity, as an agent for Southbridge RE LLC, work with every single one of the tenants to try find alternate housing and to the extent the LLC is able to do so, participate and assist financially with this and resources. We have guys with trucks, other properties and will se to that a conversation is engaged with each tenant relative to immediate relocation to wherever would be workable for them.

MarcAnthony Salce requests any orders be sent to him personally.

Agenda #4- Adjourn- Motion to adjourn is made by R. LaRochelle; 2<sup>nd</sup> by A. Postale;

Roll Call

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

Motion passes 3-1 excused N. Duffey. Meeting closed at 5:11pm.

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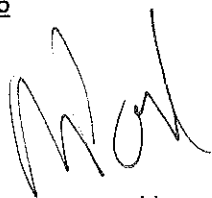
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