

**TOWN OF SHEFFIELD
BOARD OF HEALTH
PUBLIC HEARING
AUGUST 6, 2014
UPSTAIRS MEETING ROOM
6:00 PM**

Board Members Present: Priscilla B. Cote, Chairman
Rene Wood
Nadine Hawver

Board Members Not Present: Scott Smith
Fred Panitz

Others Present: Jill Hughes, Board Secretary

Members of the public (see sign in sheet)

Chairman P. Cote called the public hearing to order at 6:00 pm and stated the purpose of the hearing was due to a recent complaint and house inspection at 33 Kellogg Road, Unit #4 and the Order to Correct that was issued by the Board of Health. The hearing was requested by the owner Jeanette Gavroy. Attorney Eve Schatz was present to represent Ms. Gavroy and spoke on her behalf.

Ms. Schatz explained that her client purchased the property 5 years ago and thought it was up to code and had made improvements to the house. She was unaware of any problems in Unit #4 until her tenant filed a complaint with the Board of Health and an inspection was conducted. She stated that her client had the best of intentions to make all of the necessary repairs and has already installed the smoke/CO2 detectors and did some painting. One of the outstanding issues is the second means of egress, which is going to cost a substantial amount of money. Her client has spoken to Berkshire Regional Planning Commission (BRPC) and was pre-qualified for the Community Development Block Grant and felt she could do the repairs with the money she would receive, since it was unlikely she would qualify for a loan.

R. Wood stated her concerns over Ms. Gavroy stating that she was pre-qualified for the CDBG program as BRPC has not received the paperwork from the State. She also believes that rental properties will not qualify for the grant. R. Wood will contact BRPC to clarify. The Board provided suggestions for possible funding to Attorney Schatz for her client to pursue. N. Hawver suggested she contact the mortgage holder to see about a low interest loan.

Fire Chief Getchell entered the meeting room and presented a letter to the Board stating he had inspected the installation of the smoke/CO2 detectors in Unit #4.

Building Commissioner Tom Carmody was present and spoke about the process for remediation that would apply to the entire building, not just Unit #4 and a discussion ensued. He also informed the Board that he had prepared a draft letter to Ms. Gavroy that he had previously reviewed with Attorney Schatz, but no formal letter has been sent. He explained that there are several violations to the building code and that an architect or engineer would have to be hired to draft plans and to oversee the work for the second means of egress. Building Commissioner Carmody also stated that he had not inspected the smoke/CO2 detectors nor had a permit been issued to install them. He explained the process for inspections for rental units that it was the property owner's responsibility to initiate.

A discussion ensued as to whether Unit #4 was currently vacant. Ms. Gavroy stated in her letter that she would not rent Unit #4 while the Order to Correct is open. Attorney Schatz said she did not know if the Unit was vacant. The Board requested she provide a letter to the Board stating whether the unit was rented or not. Building Commissioner Carmody stated that he would wait to hear from the Board if the Unit is occupied and then issue a letter to Ms. Gavroy in 30-60 days if not occupied or within 10 days if the Unit is occupied.

The Board discussed a re-inspection of the Unit and decided that one was required. Health Inspector Krzanik suggested a date of Wednesday, August 13, 2014. Attorney Schatz will contact Ms. Gavroy to see if she would be available.

Chairman Cote led the Board in its deliberations and conclusions, which were:

- The Order to Correct will stand as written.
- Unit #4 shall not be rented until all violations have been corrected and the Board of Health issues a letter specifically stating Unit #4 may be rented.
- Attorney Schatz will provide the Board of Health with a letter stating whether or not Unit#4 is currently rented.
- Re-inspection of Unit #4 was tentatively scheduled for Wednesday, August 13 with the time to be arranged. This re-inspection will cover all of the violations and allow the inspector to close those which have been addressed to satisfaction. For Violation 8, while smoke and CO2 alarms have been certified by Fire Chief Getchell as having been installed, the Building Commissioner has not done his inspection so the violation is still open.

The Board will send a letter stating their findings to Attorney Schatz and Ms. Gavroy and will also contact Berkshire Regional Planning Commission for clarification regarding Ms. Gavroy's statement about the CDBG program.

Following receipt of Attorney Schatz's letter and the re-inspection, the Board will determine what, if any, additional actions are required.

A motion to close and adjourn the public hearing was made by R. Wood, with a second from N. Hawver. The motion passed 3-0.

The public hearing was closed and adjourned at 6:50 pm.

The following documents were reviewed during the Board's public hearing and have been retained as required by the Massachusetts Public Record Retention Policy: Notice of Hearing dated 7/18/14; Notice of Hearing –Rescheduled dated 7/28/14; Letter to Ms. Eve Schatz, Esquire dated 7/28/14; Letter from Jeanette Gavroy, undated and marked Received 7/8/14 Board of Health; Order to Correct dated 6/26/14; Letter from Fire Chief Getchell dated 7/27/14; Agenda dated 8/6/14; Sign in Sheet dated 8/6/14.

Respectfully submitted by:



Jill Hughes

Board of Health Secretary