

MINUTES
STURBRIDGE BOARD OF HEALTH MEETING
Monday October 1, 2012

Meeting called to order 7:00pm.

Present: Members, Linda Cocalis, Dan Chaput, John Degnan. Health Agent, Alyssa Rusiecki.

Chairman Cocalis opens the Hearing. Ms. Cocalis states that Hearing date was postponed from September 25th in order to obtain a sign-language interpreter for the occupants; an interpreter is here tonight. This Hearing is for Housing Code violations found at:

Heritage Motel - 501 Main Street, Fiskdale, MA.

Owners: Ed Galonek, Jr., (not present) and Dan Matte (present).

1. **Agent's inspectional report:** The Health Agent reviews the site; three buildings on one property, at 501 Main Street, known as the Heritage Motel. For the purpose of this report, Units 1 – 4 shall be known as Building A; Units 5 – 8 shall be known as Building B, and the front two-unit dwelling shall be known as the Duplex. The Agent states that a complaint was received from an occupant of Unit 3 in Building A (the discussion makes reference to "Unit 4," but it is corrected that the unit in question was "Unit 3"). The dates of the inspections were: August 1, August 15, and September 19, 2012. Joint inspections were conducted by the Health Department, Building Department, (building, electrical , plumbing), and Fire Department, and Order letters sent. Photographs are shown; the Agent states that the reason for this Hearing is: Non-compliance 104 CMR 410.750 and 410.810, Conditions which endanger or impair health and safety are noted, including but not limited to:
 - Structural elements - Roof leaking, window frame broken, hole in wall, ceiling falling down;
 - Chronic moisture,
 - Heating element not working;
 - Electrical issues – Referred to Electrical Inspector
 - Fire alarm and CO detectors – Referred to Fire Department;
 - Plumbing issues, and sewage ejector pump not working properly – Referred to Plumbing Inspector and Sewer Department.

At least thirty days have expired since the Order to Correct has been received by the owner(s), and the Code requires action within 24 hours or five days, depending on the particular citation. The Agent states that the Department of Public Health's Division of Community Sanitation has reviewed the paperwork and has recommended moving forward with this Hearing.

The Agent reports that all of the occupants have been moved out of Building A, which has the leaking roof and chronic moisture problems. The water temperature issues have been corrected according to the plumbing inspector. The heat has been corrected in Building B, which is occupied. The sewer ejector pump, which serves all of the buildings, was hazardous because it is located in an open sewage pit and needed to be switched on by hand twice a day.

2. **The Owner's response:** Mr. Dan Matte is one of the owners and responds to the report. He stated that the occupants of one side of the duplex (now voluntarily departed) were the managers of the property and did not communicate these problems to him. Dan states that if he had known of these conditions existed, he wouldn't have let it get this bad. Dan states the following items have been addressed:
 1. Smoke and CO detectors have been replaced;
 2. The electrical distribution panel for Building A has been repaired;
 3. An emergency switch and GFCIs installed;
 4. Heating elements repaired;
 5. Water temperature corrected; and
 6. The sewer ejector pump works.

The Agent states that the Sewer Department emailed her that additional electrical and sewer ejector pump work is still required. The Sewer Department will inspect the work once it is done.

3. **The testimony of the occupants:**

Four of the occupants currently occupying three units in Building B state that they like Dan Matte very much and that he has been very helpful to them. They state that they blame the previous managers for any problems.

4. **The Board of Health members comment and discussion:**

Member John Degnan states that it is incumbent on the owner to provide decent housing and that the goal is to make things better regarding long standing problems. Member Dan Chaput asks why there was a lack of response after the certified mail Order Letter was received, especially when the issues are 24 hr standard fixes for heat and hot water. Mr. Matte states that this is a hotel with short term rentals and that the complainants could have left at any time. He was not aware of the problems until the day of the joint inspection. Ms. Cocalis reiterates that four units are vacant and four units are occupied, as well as one side of the duplex. She states that it might be in the owner's to check the duplex side that is still occupied so a remediation plan can be implemented. Ms. Cocalis states that the owner must ensure that all of the permits for work must be obtained from the Building Department and that he should communicate with Shane from the Sewer Department and make sure that the Sewer Ejector pump conditions are correct. John Degnan states that we need to make sure that people are safe and we don't want anything tragic happening based on sub-standard conditions. Mr. Matte agrees and states that work is being done.

The Health Agent recommends that if the critical work is not done within five days, then move forward with the Order to vacate, condemn, and secure as set forth in Chapter II of the Sanitary Housing Code, 105 CMR 410.830(E). Ms. Cocalis states that we want to make sure that the Sewer Ejector is brought up to code. Mr. Matte states that it is working. Ms. Cocalis states that we should receive documentation of the repairs in our office and a follow-up communication from Shane. Mr. Degnan concurs that communication regarding the updates is critical. Mr. Matte agrees to follow-up.

5. **Decision of the Board of Health:**

Mr. Degnan states, and makes motion that if the repair work is not done within five days, or at least started with contracts and permits, then we will hold another hearing after five days for Order to vacate and condemn if not done. Mr. Chaput seconds, APPROVED (3 – 0). The Hearing is closed.

Appearance of a member of the public:

Mr. Mike Marketti appears to discuss the Southbridge Landfill; he has concerns about the groundwater testing from Feb, June, and September 2012 that show elevations of:

- a.) Chromium
- b.) Lead
- c.) Dichlorobenzene

Mr. Marchetti states that Dichlorobenzene could come from everywhere but the landfill could be a source. Because these elevated levels affect all of our drinking water, he wants to know what action will be taken and that he sent an email to the Mr. McQuaid at the DEP, CERO office.

Chairman Cocalis stated that there shouldn't be any exceedance, according to CME. Questions if it is the old well or the new well. It is a concern because the sampling well is 500 feet away from an unlined landfill. We should contact DEP, EPA as part of the Clean Water Act. Mr. Chaput makes a motion that our Chair should contact DEP and EPA and let them know we have on-going concerns; Mr. Degnan seconds, APPROVED (3 – 0) for Ms. Cocalis to write the correspondence.

Mr. Marchetti states that he is not a chemical engineer, but if the chemicals are in the groundwater at that location, then they are in our groundwater. Mr. Degnan asks isn't chromium the chemical from the Erin Brokovich case? Yes, states Ms. Cocalis. Mr. Chaput states maybe it is from some industrial dumping from before Casella took over the landfill? Ms. Cocalis states that this has been a concern for a long time. She states there is a new person who took over from Lynne Walsh at DEP, maybe they will respond; the reports are going to DEP, I brought it up previously, but no response received. Linda Cocalis will write the letter.

Agent's Report:

The Agent discusses nuisance reports at 69 New Boston Rd. and Podunk Rd., Ms. Cocalis feels bad, does not go to level of nuisance at 69 New Boston Rd., after viewing a photograph. The Agent will watch the conditions. Podunk Rd., in abeyance, no one ever came to the Board of Health about a nuisance.

The Burgess School maintenance staff requests a variance to the required quarterly schedule for cleaning and pumping of the outside grease trap; Ms. Cocalis makes a motion, Mr. Degnan seconds, APPROVED (3 – 0).

The state beach regulations are reviewed; all the operators will be invited to meeting to discuss the operational changes.

Recycling Center and Landfill:

Top for roll off \$2600; Ms. Cocalis states that we should budget for it, she talked to Greg. Mr. Degnan states that when we buy a roll-off, we should designate that it comes with a top. We may need another line item if it is not considered part of the roll-off. The roll-offs that need to be replaced are not road-worthy.

A discussion ensues regarding use of the landfill by other Town Departments:

Mr. Degnan asks if dead animals are disposed at the landfill.

Ms. Cocalis states that horses do not go to our landfill, have to bury very deep, need excavator.

Ms. Cocalis had asked Lynne, Recreation Director, to buy recycle bins for the Rec Program and fields, but that material is co-mingled and is going into burnables.

The Sewer Department is bringing “floatable” solids – not sludge, to the landfill. Ms. Cocalis states that as recently as 2008 all WWTP sludge was going there. Mr. Degnan asks if that would have affected Leachate.

Old Business:

There is a discussion that we have not heard from either Hyland Orchards or DEP regarding compliance issues at Hyland Orchards. The Agent will write a letter inviting to a future meeting to hear why the septic system has not been upgraded as of yet.

The Board discusses adding a nuisance violation to the existing Title 5 non-compliance violation to the owner of 181 Shepard Rd., David Pelletier.

New Business:

It was reported to the Agent that one of the Temporary food events that occurred at the Host Hotel recently resulted in disrespect and uncooperativeness to one of the Board inspectors. There is discussion as to whether to notify the Host directly or to tell the specific party that they would not be allowed to treat our inspector like that the “next time around.”

Mr. Chaput makes a motion that we continue with the current conditions for Maven review for another 6 months after we instruct the nurse about what we want, Ms. Cocalis seconds, APPROVED (3- 0).

The Agent reports that the Senior Center Director called to inform us that the flu clinic contractor did not provide the clerks as we had requested. Calls were not returned. We will look for a new vendor next year.

The Agent stated that one of the mobile food permittees complained that a fee was being charged for the Harvest Festival event. Ms. Cocalis states that no fee should be assessed. The Agent will communicate back to the vendor.

Concerns of the Members:

Mr. Degnan explains that there is a Grant from Central Regional Planning Commission that may be helpful to use. Regionalization of the landfill is discussed, it may be too problematic as a site assignment revision would be required for DEP. This would actually cost money for engineering and hearings. There may be another option for the planning grant; Mr. Degnan will follow-up.

Mr. Degnan makes a motion to close the meeting, Ms. Cocalis seconds, APPROVED (3 - 0). Meeting adjourned at 10:28pm

Respectfully submitted,
Alyssa Rusiecki
Health Agent

