

MINUTES
STURBRIDGE
BOARD OF HEALTH
October 5, 2015

Present: Linda Cocalis, Robert Audet, and Richard Volpe
Health Agent Alyssa Rusiecki; Wendi Denning Health Inspector; and Lynne Girouard, Clerk

Also in Attendance: John Marinelli, Sturbridge Fire Inspector and Nelson Burlingame, Sturbridge Building Inspector. Residents Crystal Minga, et al, and business owner/landlord Jayesh Patel.

Chairman Linda Cocalis opened the meeting at 5:30 pm.

Approval of Meeting Minutes: The minutes from the August 24, 2015 meeting were reviewed. Linda Cocalis motioned to approve the minutes from August 24, 2015, with minor revisions and/or additions. Bob Audet seconded. APPROVED (3 – 0). Rich Volpe notes for the record he was not in attendance at that meeting.

360 Main Street Inspection – emergency housing hearing pursuant to 105 CMR 410.000

On Friday, September 25, 2015 Health Inspector Wendi Denning (along with Building Inspector Nelson Burlingame and Fire Inspector John Marinelli) conducted the housing complaint at 360 Main Street, Apartment #351, concerning no heat in the Apt. Upon their inspection it was noted that leaking kitchen faucet, an unsecured air conditioner (also no weather tight seals around the unit), no screens on the windows, no outlet covers on (5) of the electrical outlets were also violations of the Housing Code. There were additional violations under the Fire and Building codes as noted by both respective inspectors. A follow-up inspection was done on Wednesday, September 30, 2015, the heat was working, but the occupant was unable to regulate it.

Building and Fire Inspectors proceeded to the remaining rooms/apts. In addition to the Board of Health Order Letter and Inspection reports, certified letters went out to the owner concerning rubbish, Building Issues (no permits for work done in the apts.) and inoperable smoke detectors. The Fire Inspector would like to have appointments made so that all units can be evaluated for smoke detectors. The owner doesn't know if he get the tenants all lined up. The Fire inspector recommended that the notice be made in writing. The Building Inspector stated that the owner has to get back to them with a design professional for either R1 or R2 use group. Nelson, the Building Inspector stated that the owner cannot mix and match R1 and R2 use groups. Bob Audet asked if the owner has obtained building permits (in other areas of the building). The owner has not obtained building permits as of yet. If the use changes, then other requirements take place, such as monitored fire suppression requirements. There is discussion regarding what the use is based on the Building Code and whether the property should be separated from the Super 8 motel use group. That is an assessment issue.

Chairman Cocalis and the Board members stated that occupants must have control of their own heat.

A call from occupant Minga over the weekend stated that the occupant had no heat again and due to a rain storm there was a leak in the bedroom ceiling. Mr. Patel stated that they are working on the heat issue and that the roof had been repaired. The Agent questioned whether the ceiling crack should be patched at this time. Linda states that it looks like a seam. The owner states that the roof is above that.

Chairman Cocalis received a call over the weekend so she did follow up today, Monday. The repairs should be done with notice, and the occupants don't need to be there. Crystal Minga stated that she let him right away, especially for emergencies, and understands the requirement to allow entry but she doesn't want to be intimidated. At this time, the thermostat is not working. Jayesh Patel states that it is being worked on. There is discussion about entry and police matters. Rich Volpe asks for further information. There is additional discussion. The Chairman states that this is beyond public health matters and the discussion must move forward. Copies of BoH correspondence will be dropped off at the Super 8 Motel 24-hr desk in addition to certified letters.

Linda explains the condition of the flat roof and leak. There is additional discussion regarding the requirements of the Fire and Building.

The Board members re-iterated to the landlord that the occupant must have heat, and be able to control the heat, or temperatures must stay within the Housing Code requirements (105 CMR 410.201). The occupants cannot have the thermostat unavailable to them. Bob Audet asks when the heat and the thermostat will be fixed. Owner Jayesh Patel states that it will be fixed today, or by Wednesday. There is discussion about others controlling the occupants' heat. Jayesh Patel states that "it could be fixed right now."

Wendi will re-inspect on Wednesday for the heat issue.

Bob Audet states that it is important that both landlord and tenant feel comfortable with both making requests for repairs and for the landlord to make the repairs.

Chairman Cocalis states they must have heat and they must be let in to make repairs. All parties agree. Wendi confirms that she will re-inspect on Wednesday. Linda stated that everything is completed except for the screens; Linda does not feel that the ceiling, where it leaked, needs to be fixed because it is cosmetic. Linda looked at the air conditioning unit. The occupant states that the AC can be pulled out. The Board stated that the AC unit must be secured.

Wendi will check for the heat and individual control of the heat. Owner Jayesh Patel agrees.

Inspector's Report

- **478 Main Street – Express Inn**
Express Inn has on-going work on the 3rd floor with the 1st and 2nd floors being occupied. They must secure the area to make sure no one from the public can access the 3rd floor while work is being done.
- **Other Inspection Issues:** 23 Brookfield Road (housing complaint), 8 Birch Street (no power to run water and sewer), 468 Main St (trash) – Note: the Housing Court Judge ordered the property at 468 Main St. to be vacated by October 31st; Host Hotel (numerous violations - food establishment and pool), Kahula (cleanliness of kitchen and food handling issues), Wendi's (insects/flies), Baba Sushi (new establishment, plan review). Sturbridge Steakhouse and Seafood on the Fly are both pending application submittals and plan reviews.

Agent's Report

- **Host Hotel Pool** – Cannot be permitted until repairs are made (cracked pool finish must be corrected and re-sealed).
- **Baba Sushi** – The plan review is in the process. A HACCP plan is required for the rice.
- **136 & 138 Podunk Road:** (136 Podunk Rd. – Kevin LaRiviere; and 138 Podunk Rd. – Linda Almeida). The owners of these two properties are under Court Order to upgrade their failing septic systems. Alyssa noted that as of November 1st, 2015, both parties will continue to be in violation of the Board of Health Orders and they will also be in Contempt of Court. Liens can be placed on the houses. The houses could be condemned. Linda suggests going to Superior Court and Town Counsel should be informed.
- **83 Shepard Road:** An I/A System was installed by a newly licensed IA installer, Gabe Berthiune. Alyssa reports that it was a successful installation. Mark Farrell will be working with a Class 2M Wastewater Operator to accomplish the on-going routine O & M requirements.
- **215 Podunk Road:** D. Boyer, Wastewater Director at DEP CERO confirmed that Alyssa was utilizing the correct interpretation of the DEP Alternative to Perc Policy. Alyssa stated that she contacted Mark Farrell, RS, designer, and notified him of the confirmation; Mark Farrell stated that he had also spoken to Mr. Boyer and understood that the policy required an I/A system as Alyssa had instructed. Alyssa stated that she recommended to Mark Farrell that another perc test be attempted, and possibly a 'dewatered' perc test. An in-situ perc test was accomplished and this time the groundwater had receded and the site passed on its own and Alyssa stated that any re-designed system will be approved forthwith.
- **Office Schedule & Admin:** Alyssa Rusiecki requested to extend her existing vacation time to November 10th after the MHOA Annual Conference in October. Linda Cocalis motioned to approve the request and Bob Audet seconded, (APPROVED 3-0).
- **Training:** Alyssa attended the Yankee Conference this year and explained that she normally would not attend both conferences, but the Yankee Conference showcased all of the inspection software vendors and she attended all of these sessions (7) in order to evaluate the software systems and their fee structures. Alyssa confirmed that the WinWam inspectional software was the most appropriate and economical for the department's potential usage. Alyssa will start the purchase order process this week.

Lynne left the meeting at 6:45PM

Correspondence:

Linda reviews the Southbridge Landfill documents. Linda Cocalis states that she went to the last Sturbridge Board of Selectmen's meeting and that Craig Moran stated that Casella could put up a bond in the event that there are any damages, such as groundwater contamination. That question should go to Town Counsel. Linda stated that she wrote a response letter to the MEPA review for the Southbridge Landfill expansion. She stated that it does not meet the siting criteria as well as wetlands violations. DEP is taking over the wetlands enforcement because they did not get a recording of the Order of Conditions from the Southbridge Conservation Commission.

Steve Chidester, local hydrologist, recommended that we host a public forum and all of the other Boards and Congressman and Representatives can come to the meeting. DEP and the Division of Fish and Wildlife would also be invited. Our Board of Selectmen will be invited.

Concerns of the Members

Linda states that the Baker Administration is reviewing all of the State regulations. Linda and Alyssa attended the Worcester DEP listening session with other stakeholders. There is concern about changing the sludge regulations. There is a commenting period. Linda is also concerned about the potential decrease in state regulatory oversight, and then it will be put onto the responsibility of the local Board of Health. It is important that DEP maintains proper oversight over environmental regulation with an objective opinion.

Bob Audet asks what the deadline is the comment period. Linda states that there have to be hearings for any changes. Commenting can still occur, but there was not a deadline given. The Baker Administration has a goal of March of 2016 for changes.

Meeting adjourned at 7:08 pm

Respectfully Submitted

Lynne Girouard, Clerk
Alyssa Rusiecki, Agent

NEXT MEETING: *Monday, October 19, 2015 5:30pm*