



# TOWN OF WESTBOROUGH MASSACHUSETTS

BOARD OF HEALTH

FORBES MUNICIPAL BUILDING  
45 WEST MAIN STREET, SUITE 25  
WESTBOROUGH, MA 01581-1916

## BOARD OF HEALTH MONTHLY MEETING

TEL. (508) 366-3045  
FAX (508) 366-3047

Tuesday  
February 14, 2012  
Forbes Municipal Bldg., Room 24  
5:30 p.m.

## AGENDA

1. Minutes of Meetings (1/17/2012)
2. Director's Report (Jan)
3. Sanitarian's Report (Jan)
4. Health Inspector's Report (Jan)
5. New Business
  - A. George Bell - Hearing regarding the housing code - 5:45 p.m.Old Business
  - A. Acacia Functions - Duc Troung and Lesa Tu - 6:00 p.m.
6. Director's Issues
7. Adjourn



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## Minutes of Board of Health Meeting February 14, 2012

The regular Board of Health meeting was held on Tuesday, February 14, 2012, in room 24 in the Forbes Municipal Building. The meeting was called to order at 5:30 pm. by Chairman Federici. Those present were Members Ehrlich and Walsh, Director McNulty, Sanitarian Baccari and Inspector Gilchrist. Bills and payroll were signed.

Minutes of meeting held on January 17, 2012, were approved.

Director's report (January) was discussed and approved.

Sanitarian's report (January) was discussed and approved.

Health Inspector's report (January) was discussed and approved. An update was given on two recent inspections at Acacia.

### **NEW BUSINESS**

#### **George Bell – 5:45 P.M. – Hearing regarding the housing code**

The Board met with Mr. Bell, 1 Ashley Way, who is in dispute with the condo association (Walker Meadows) regarding snow removal from the rear porch stairways.

Mr. Bell maintains, with his interpretation of the Department of Public Health, *Minimum Standards of Fitness for Human Habitation*, 105 CMR §410.452, the removal of snow and ice from the rear porch stairways is the responsibility of the association. Last winter, snow and ice were removed from every place around the units with exemption of rear stairs. At that time, letters were mailed to the residents from the association informing them that snow and ice removal from the rear porch stairs is their responsibility. Mr. Bell said many of the condo residents are elderly and have health issues. The association maintains they are not responsible for those stairs; the tenant/resident is responsible, according to the master deed. Mr. Bell believes the association is in violation of the State Sanitary Code. This is a maintenance issue and not a legal dispute.

Director McNulty said this a legal dispute between Mr. Bell and the condo association.

Sanitarian Baccari contacted members of the condo association and they declined to attend the meeting.

Sanitarian Baccari stated that the state housing code states that the owner is responsible for clearing exterior stairways of snow unless there is a written agreement stating the tenant is responsible. Usually it's more clear cut, but not in this situation. This is a matter between the condo association and condo owners.

In response to a question from Chairman Federici, Town Counsel said he has not seen the documents and is unclear who is responsible.

Member Ehrlich said he is not a lawyer and is uncomfortable interpreting technical terms with the code and the condo deed. He is not going to be able to come to a solution based on these documents. His preference is to cite them both and see what happens.

Sanitarian Baccari said that he assumes Mr. Bell will not shovel; association won't shovel and it will end up in court.

Member Walsh commented that it hinges on the definition of the code and "owner".

Mr. Bell summarized sections of the code.

Member Ehrlich said if the Director and Sanitarian are called out again to Walker Meadows and see something that is in violation, he suggests they cite both parties because it is unclear where the responsibility lies.

Discussion ended 6:15 pm.

### **OLD BUSINESS**

Acacia Functions (Indian Meadows) – 6:00 p.m.

The Board met with Lesa Tu and Tom Troung for an update on the progress of staff training, equipment repairs and recent BOH inspections.

The Health Inspector gave updates on two inspections. Repairs had been done to the equipment as instructed. She is seeing improvement.

Chairman Federici said she has been there twice with the inspector and appreciates all the work that has been done. Keep up the good work. We need you in business.

Member Walsh stressed that it's important for us to get the cleaning logs. He was also pleased that the second inspection went well.

In response to a question from Member Ehrlich, Ms. Tu said the pest control company has not seen any rodent activity.

Discussion ended 6:22 p.m.

### **DIRECTOR'S ISSUES**

Dump stickers for 2012-2014 will be available starting April 17<sup>th</sup>. Information inserts will be included with the real estate tax bills. The tax bills are scheduled to be mailed in March. In the interim, passes will be issued instead of selling the current sticker that expires June 30, 2012. After considerable discussion, **Member Ehrlich made a motion to approve a special dump pass that will be valid from now until April 16, 2012, for \$25.00 for residents only. The motion was seconded by Member Walsh; the vote was unanimous.**

There are two articles on the Annual Town Meeting warrant to renovate both the Forbes Municipal Building and the Town Hall. The Municipal Building Committee has recommended, among other things, to relocate the Board of Health to the Town Hall. The Planning Board and Building Department will remain on the second floor of the FMB. There is considerable collaboration on a regular basis among the three departments. The Board will send a letter to the Municipal Building Committee expressing their concern with the possible relocation of the BOH.

A couple wants to open a vintage flea market in the old roller skating rink. There is the possibility of food vendors at the proposed flea market. Director McNulty asked the Board to consider a fee for the vendors. After some discussion, the Board determined more specific information was needed. The project is still in the early planning stages and a decision will be made once more information has been received.

There being no further business, the meeting adjourned at 6:55 p.m.

The next meeting will be held Tuesday, March 20, 2012.

Respectfully submitted,

  
Kathleen Smith