



## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### BOARD OF HEALTH MEETING MINUTES DECEMBER 7, 2017 Great Barrington Town Hall, 334 Main Street, Great Barrington, MA 01230

#### **Present:**

Michael Lanoue, Chair  
Peter Stanton, Vice Chair  
Ruby Chang, MD

-Locke Larkin, Health Agent/ Inspector  
-Rebecca Jurczyk, Health Agent  
-Jeffrey C. Kennedy, RS/ Health Agent.

#### **A. CALL TO ORDER**

Michael Lanoue called the meeting to order at 6:00PM

#### **B. APPROVAL OF MINUTES**

- September 7, 2017 Regular Meeting Minutes. (discussion/ vote)

**Motion:** Peter motioned to approve the September 7, 2017 Regular Meeting Minutes with the suggested changes.

**Second:** Ruby Chang

**Vote:** 3-0

- October 12, 2017 Regular Meeting Minutes. (discussion/ vote)

**Motion:** Peter Stanton motioned to approve the

**Second:** Ruby Chang

**Vote:** 3-0

#### **C. BUSINESS**

- Public Hearings:**

- To review the appeal of an Emergency Condemnation Order** under the statute 105 CMR 410.850(A) issued on November 7, 2017 of the 4 rental units located at 232 Stockbridge Road, Attorney Christopher Hennessey representing property owners Mr. Harry Sano and Mrs. Deborah Sano.

#### **-Motion to Open the Public Hearing**

**Motion:** Peter Stanton motioned to open the public hearing

**Second:** Ruby Chang

**Vote:** 3-0

#### **-Speak in Favor or Opposition of the Condemnation**

Attorney Christopher Hennessey filed for the appeal of the Condemnation Order. Dr. Ruby Chang asked what had initiated the Board of Health inspection of the rental units. Administrative Assistant, Ms. Jurczyk said that the inspection was follow up to a notification from Fairview Hospital that several people were seen in the ER within the last 24 hours for carbon monoxide poisoning. Atty. Hennessey said that his clients have made efforts

to address the issues that pose an immediate threat to health and safety by installing smoke and CO detectors. Atty. Hennessey said that all of the violations listed on the Condemnation Order can be solved with a Correction Order and there is no reason to keep people out of their homes. Atty. Hennessey requested that the Board of Health lift the Condemnation Order, allow the tenants back into the units, and request that the owners make the necessary repairs through a correction order. Agent, Jeffrey Kennedy said that the inspection was conducted under 105 CMR 410.000 Minimum Standards of Fitness for Human Habitation, State Sanitary Code. The code is issued by the Commonwealth of Massachusetts as the minimum standards for health, the units observed by the Agents of the Board of Health during the December 7, 2017 inspection did not meet the minimum requirements for human habitation. Mr. Kennedy further explained that the only egresses in or out of the units were in complete disrepair, deteriorating stairs and two story landings, lack of guardrails, and adequate guarding. Mr. Kennedy said that the danger to health and safety found at the time of the inspection was cause to issue the emergency condemnation. As of the end of the business day today, December 7, 2017 no heating or electric permits were issued through the building department. If repairs had been made to the furnace and heating system the work has been done illegally. Mr. Kennedy states that because there is not an efficient heating system he would not advise that the Board lift the Emergency Condemnation Order. Mrs. Sano said that two of the units have heat, one has an electric heater and the other has a gas heater. Mr. Kennedy said if the Board wanted to lift the condemnation order we would immediately issue a correction order with the violations outlined in a specific timeline. Some of the violations would need to be corrected within 24 hours and some of the work would have a 30 day deadline. If the Sano's violate the Correction Order civil or criminal charges may be filed against the property owners in housing court. Michael Lanoue asked if, in the current condition, any of these units would meet Buildings, Fire, or Health Department Code. Mr. Kennedy said that there is no way any of these units would be issued a certificate of occupancy from any department or inspector, primarily because of the egress hazardous and electrical issues. Peter Stanton recommended that the Board rescind the Emergency Condemnation Order and act in accordance with a Correction Order.

**-Motion to Close the Public Hearing**

**Motion:** Peter Stanton motioned to close the public hearing.

**Second:** Ruby Chang

**Vote:** 3-0

**-Motion to approve the Findings of Fact**

**Motion:** Peter Stanton motioned to approve the Findings of Fact

**Second:** Ruby Chang

**Vote:** 3-0

**-Motion to rescind, alter, or enforce the Condemnation for each of the four rental units**

**MOTION:** Peter Stanton motioned to request that the Agents of the Board of Health re-issue the Emergency Condemnation as an Order to Correct with the minimum time requirements for abatement as allowed by 105 CMR 410.000

**SECOND:** Ruby Chang

**VOTE:** 3-0

**b. To discuss the cause for the condemnation of 38 Christian Hill Road.**

**-Motion to Open the Public Hearing**

**Motion:** Peter Stanton motioned to open the public hearing

**Second:** Ruby Chang

**Vote:** 3-0

**-Discussion regarding the rental unit**

The initial inspection, conducted on September 1, 2017 was requested by the Western Mass Housing Court. The none of the violations noted in the Correction Order that was issued to the property owner, Mr. James Driscoll had not been abated by the time of the follow up inspection, October 23, 2017. Agents of the Board of Health requested that the Board vote to condemn the dwelling since no attempt has been made to abate the violations.

**-Speak in Favor or Opposition of the condemnation.**

Mr. Driscoll said he is in favor of the Board condemning the dwelling.

**-Motion to Close the Public Hearing**

**Motion:** Peter Stanton motioned to close the public hearing.

**Second:** Ruby Chang

**Vote:** 3-0

**-Motion to approve the Findings of Fact.**

**Motion:** Peter Stanton motioned to approve the Findings of Facts.

**Second:** Ruby Chang

**Vote:** 3-0

**-Motion to Condemn 38 Christian Hill Road.**

**Motion:** Peter Stanton motioned to condemn the dwelling at 38 Christian Hill Rd. but to not take effect for 30 days post receipt of the notice by the tenant.

**Second:** Ruby Chang

**Vote:** 3-0

- **Special Permit # 876-17** Donald and Cynthia Elitzer, 39 Alford Road, Great Barrington, to operate a moderate impact home occupation in a residential zone, in accordance with Sections 3.1.4 G(8), 3.3, and 10.4 of the Zoning Bylaw. The applicant seeks to host up to four weddings or similar special events on their property annually.
  - The Health Department must be given advance notice of all events involving food services.
  - All caterers must have a valid license in the Town of Great Barrington prior to providing food services for the event.
  - No food preparation is allowed in residential kitchen, food is to be provided by properly permitted caterer who will provide the Great Barrington Health Department with all necessary documentation.
  - The owner shall be responsible for ensuring portable toilets are present and in working order for each event.
  - The Board of Health suggests conditionally approving this special permit for a one year probation period, with a review of the events after one calendar year.

**MOTION:** Peter Stanton motioned to pass the Special Permit 876-17 on to the Selectboard with the conditions discussed.

**SECOND:** Ruby Chang

**VOTE:** 3-0

- **Review of the Williamstown M.O.U contract** (Discussion)

Jeffrey Kennedy said that this contract has so far been very enjoyable and successful. The Board was in favor of renewing the contract for an additional six months if the Selectboard should decide to extend the M.O.U

**D. HEALTH AGENT REPORT**

- Department updates

Ms. Jurczyk said that the online permitting process went well but we are still working out some details that will make the process smoother. The flu clinics have been completed for the season. The Animal Inspector completed his 2017 Barn Inspections.

**E. BOARD OF HEALTH TIME**

**F. CITIZEN SPEAK TIME**

**G. MEDIA TIME**

**H. ADJOURNMENT**

On a motion made by Peter Stanton, Seconded by Ruby Chang with a unanimous vote the meeting adjourned at 8:00PM.

Respectfully Submitted,



Rebecca Jurczyk  
Agent of the Board of Health