

## BOARD OF HEALTH

Minutes of Meeting of April 7, 2015

Chair Carol Bradford, Board members Susan Sama, Linda Huet-Clayton, William Murphy, Health Director and Michele Korman, Health Coordinator were present in the DPW conference room at 4:05pm and the meeting commenced at 4:05pm.

1. Minutes of Meeting of March 24, 2015 were approved.
  2. Invoices were Approved
  3. Correspondence was reviewed & included the following:
    - a. Health Director's Report: March 2015
    - b. Nurse's Report: March 2015
    - c. Board of Health Housing Violation Order: 1055 Boston Post Road, Sudbury
- Chairman Bradford called the meeting to order to discuss Board of Health Housing Violation Order regarding property at # 1055 Boston Post Road, Sudbury.
  - This administrative hearing is in response to correct housing violations detailed in a Board of Health housing correction order dated March 12, 2015.
  - Health Director, William Murphy started discussion regarding a complaint order that was issued in February 2015 to correct housing issues which included:
    1. an order to correct a non-working gas fireplace
  - Mr. Richard Mucci, Attorney representing the homeowner at # 1055 Boston Post Road, Sudbury discussed that the current state of the fireplace is that it is in-operable at this time since the gas-line has been disconnected
  - Mr. Mucci and his clients disagree that the current in-operable fireplace needs to be replaced with a working gas fireplace. Their argument is that the tenant did not contact the landlord at any such time to connect gas-line to the fireplace, therefore it would not fall under the correction order and fireplace does not need to be maintained by the owner per the original rental agreement.
  - Mr. Mucci went on to discuss that his clients, the homeowners would be amenable to re-configuring fireplace structure into a wood-burning fireplace. He is also asking for an additional 30-days beyond the Board of Health Housing Violation Order to seek out contractors in order to meet the repairs enclosed in the Order.

Chairman Bradford:

- Questioned whether or not there was a current gas line hook-up at the property?

Diane Plunkett, Property Manager for 1055 Boston Post Road, Sudbury:

- The fireplace was not intended as a gas-fireplace when originally rented out.

Chairman Bradford:

- Can the fireplace be converted to a traditional wood-burning fireplace?

Atty Mucci:

- Yes, the fireplace can be converted to a wood-burning unit

Linda Huet-Clayton:

- Discussed the request as to why the current fireplace would even need to be converted?

Atty Mucci:

- It would be a cost issue to update current fireplace to a gas-conversion

Chairman Bradford:

- Discussed whether or not the gas-line was capped off at this time

Atty. Mucci:

- Yes., current fireplace is not in use at this time

Linda Huet-Clayton:

- Wanted to know the estimated time frame for updating to a wood-burning fireplace?

Atty. Mucci:

- Approximately 60-days including work involved with chimney repair, propane company schedules, etc.

Health Director, William Murphy:

- Regardless of whether or not fireplace is eventually wood-burning or gas-chimney work needs to be completed beforehand.

Atty. Mucci:

- Homeowner has already installed heating equipment devices, but the current order does not include steps on how to move forward.

Atty. Wade Ricks:

- Discussed that his clients, Mr. and Mrs. Dirk Kiefer are asking that the Board of Health enforce the current standing order without any further delays
- His clients have gone through a lot of hardship with the hard winter they have endured- contractors coming and going without notice, any further delay to this order is putting an undue burden and cost on clients, the health order needs to be held to the maximum- order needs to be enforced as it stands without any modification or extension.

Mr. Dirk Kiefer: Resident:

- Introduced himself to the Board, discussed his background as a food-state-auditor
- Brought in photographs for the Board to look over- photos of pieces of the chimney that were falling and coming apart, also brought in actual pieces for the

Board to see, discussed how this is causing a dangerous situation- cannot use backyard due to this hazard

- Discussed the health issues that he and his family have endured due to the health hazards that they have been living with including: no heat from the fireplace, chimney falling apart, water damage in every room of house, family has been in and out of the hospital, property has not been properly maintained, propane filtering throughout the house due to malfunctioning fireplace.

Atty. Wade Ricks:

- Detailed how he and his clients have appreciated the Board's response to current concerns. Situation needs to be remedied- it is negatively impacting the Kiefer's quality of life

Health Director, William Murphy:

- Discussed conversation with State colleague concluded that there is a reasonable expectation that the fireplace would operate as intended and that it should be maintained. The Board of Health order will stand- the fireplace should be fixed as far as a timetable is concerned? Chimney also needs repair/maintenance work.

Tenant Dirk Kiefer:

- Argued that the fireplace is a heat-source in room- family is paying rent as well as hotel costs since they are unable to stay in house due to inefficient heat.

Atty. Mucci:

- Discussed need to stay on track and discuss the current Board of Health order dealing with the fireplace issue
- Discussed that a mason would need to be hired first to come out and look over property in order to determine an estimate for the work. They are currently waiting on an estimate from Osterman Propane.

Chairman Bradford:

- Chimney needs to be repaired and fireplace as well from top to bottom

Health Director, William Murphy:

- Timetable:
  1. Estimate within 14-days time
  2. Re-visit issue after 30-days

Tenant Dirk Kiefer:

- Discussed extensive water damage and that it is excessive throughout the home
- Water damage has caused damage to electricity, orifice, entire chimney, propane system
- Are asking the Board to waive part of the rental agreement so that they may entertain other contractors beside Osterman.

Atty. Mucci:

- Chimney work was discovered during an inspection today: April 7, 2015

Health Director, William Murphy:

- Fireplace needs to be able to vent outside through the chimney- so chimney work needs to be completed

Atty. Mucci:

- Estimates that homeowner has gathered include:
  1. Chimney work= 45-days approximate

Health Director, William Murphy:

- 30-days for estimate/repair on chimney work, Board will re-visit after 30-day window.

Chairman Bradford:

- Chairman Bradford made motion for repair to fireplace including chimney work within 30-days from this date, April 7, 2015, estimate for work in writing within 30-days and completion of work within 60-days from this date April 7, 2015. Susan Sama, member seconded, Linda Huet-Clayton, member, approved. Motion Granted.

#### **Nurse Report:**

- Continued work on Medicare report/paperwork submission
- Application has had to be repeatedly re-submitted
- Have been approved for extensions

#### **Director's Report:**

- Conrad's Restaurant has opened for business
- Pete and Jens. Backyard Birds: discussed this business and how they are severing their relationship with Verril Farms and looking for property in Sudbury in order to continue their organic farming business
- Odor & trash complaints received by the Board of Health office were resolved
- Restaurant complaint at Dunkin Donuts was received, investigated, no violations were found.
- Continued on-going housing inspections occurring
- Septic inspections are on-going
- Nuisance complaint at Maynard Farm Road was investigated along with the Sudbury Fire Dept.-was resolved
- State lab trip into Jamaica Plain, Boston
- Attended MRC meeting
- Training conferences were attended as needed

Next Board of Health Meeting scheduled: Tuesday May 12, 2015 @ 4pm

Meeting Adjourned: 5:15 Submitted: Michele Korman, Sudbury BOH