



## **BOARD OF HEALTH MEETING**

September 29, 2015 – 6:30 PM

Rockport Town Hall Annex

**Present:** Board members Dr. Sydney Wedmore-Chair, Dr. Russell Sandfield, Dr. Sydney Jimenez, Health Agent Leslie Whelan, Assistant Town Administrator Mitchell Vieira, Food Inspector Laura Osmond, and Secretary/Clerk Marianne Peters. Also present were Attorney Jeff Ugino of Kopleman & Paige, Attorney Kevin Kiely of Kiely and Ferrante, LLC (representing Sandy Bay Estates), John Judd of Gateway Consulting (representing 65 Penzance Road).

**6:30 PM:** Meeting called to order.

### **6:35 PM: Executive Session - Sandy Bay Estates:**

Roll call to enter Executive Session. Each member voted in favor. The Meeting was held in IS&T Conference Room in Town Hall Annex.

### **6:45 PM: Public Meeting Reconvenes**

**Community Concerns:** None.

**Minutes of August 25, 2015 Meeting:** Dr. Wedmore moved to approve; Dr. Sandfield seconded and it was voted unanimously to approve.

### **65 Penzance Road – Septic System Upgrade, Variances:**

Property with failing septic system needing variances. John Judd of Gateway presented pre-treatment system which will be maintained by a licensed O&M provider. Dr. Wedmore questioned whether a 6.1 acre property might tempt property owners (current or future) into putting a more taxing system on the property if granted approval. Mr. Judd explained that the system, if approved, is for 3 bedrooms and approval would require a deed restriction recorded at the Registry of Deeds that expresses approval is for a 3-bedroom system/home only. Dr. Wedmore moved to approve; Dr. Jimenez seconded, and it was approved unanimously.

### **Trash Barrels Outside of Food Establishments Offering Take-Out Food/Drink:**

Laura Osmond, Food Inspector, reported that she again met with the DPW Director Joe Parisi and other DPW members and Beautification Committee Chair Stephanie Woolf to continue discussion on placement of the Town trash barrels in relation to the individual food establishments' barrels. The goal of the Town placing more barrels in the areas most needed

while trying is to attain an aesthetically pleasing solution with a uniform look. Dr. Wedmore instructed Ms. Osmond to encourage the DPW to add more of the Town Barrels; Dr. Jiminez concurred.

### **Sandy Bay Estates – #609 – Housing Order-Hearing:**

Attorney Kiely reported that Sandy Bay Estates Management has hired a licensed contractor to help remediate mold and other violations; he stated that the Health Agent's part-time availability makes it difficult for things to be done in a quicker manner than is being done now. Attorney Kiely questioned if the contractor has to wait for the Health Inspector to reinspect the apartment/property/work being done. Dr. Wedmore instructed Attorney Kiely to be sure that the standards for the contractor and the management are done; to do all work up to code and be in absolute compliance with the Health Code and the Building Inspector Code. Dr. Wedmore asked Health Agent if she is, in the future, given a 'heads up' by the contractor just before they start their work, if she could go out to reinspect in timely manner; Health Agent responded affirmatively. Dr. Sandfield and board members discussed and concurred that there remain serious infractions with respect to the property. Dr. Wedmore instructed Attorney Kiely to be sure that the work that the contractors perform doesn't get 'covered up'; i.e. if there's mold under the floor, don't just 'cover it up and say it's fixed'. Attorney Kiely begged to differ on the definition of mold and questioned Health Agent's certainty and expertise about mold. Dr. Wedmore reminded Attorney Kiely that when there are large amounts of water leaking into many units, there is likely real mold. Attorney Kiely stated that Sandy Bay Property Managers have hired people to fix the mold but that they are concerned with being held by the Health Agent to a 'standard that we can't reach'. Dr. Jiminez instructed Attorney Kiely to show progress, acknowledge the past issues, and remediate all health violations. Dr. Wedmore acknowledged that perhaps some progress is being made at this time. Attorney Kiely stated that the biggest obstacle currently is getting the contractors used to communicating with the Town but once they do, it should go smoothly. Dr. Wedmore instructed Attorney Kiely to have the property owners perform regular and proactive maintenance and repairs as good landlords would do. The Board asked Attorney Kiely if, after these particular repairs are made, is the Board going to be getting additional complaints and perhaps another hearing in a few months from now; Attorney Kiely stated that there has been a fundamental change with Jonathan Glick taking over the maintenance and upkeep of the property.

Dr. Wedmore and the Board instructed Attorney Kiely to appear at next month's meeting with another progress update/report; he also noted that Health Agent will make time available if given a heads up so that timely inspections and reinspections can be to done.

### **Agent Update:**

#### **Sandy Bay Estates - Outstanding Violations:**

Dr. Wedmore stated that the Board would like to see a list of outstanding infractions/violations and then what's outstanding in one month's time (next month) to see if the violations have been fixed. Health Agent Whelan to compile the list with fees, etc. Dr. Wedmore asked if we are charging for the reinspections; Health Agent said the first two inspections are free; after that, charge for reinspection.

**Seaview Street - Failed Septic System; Wastewater Leak:**

Health Agent stated that the homeowners continued to stay in the home (with a sub-par septic system). Now the water is off, so no effluent to septic system.

**17 Curtis - Problem with Rats at Empty/Abandoned Home:**

Several people have called with complaints about rats over the course of several months. The home is empty and is currently in hands of a mortgage company; mortgage company was tracked down but no action taken when Health Agent asked them to respond so that she could inspect. The next step is a court order to inspect without their permission.

**Bruce Cohen - Candidate for Board of Health Member:**

The Board would like to nominate Bruce Cohen as a member of the Board of Health. Mr. Cohen to come to next meeting for nomination; it must go before the Board of Selectmen for approval; to be requested in writing to the Board of Selectmen shortly.

**Den Mar Nursing Home - Smoking:**

The nursing home is now a non-smoking nursing home but either Den Mar or their parent company is now allowing employees and others to smoke on and around the property; complaints came in to the Board of Health about it. Dr. Wedmore instructed Health Agent and Administrative Assistant to send a letter stating the regulations and that local regulations trump whatever parent company may think can allow smoking, etc.

**Board Member Stipends:**

Board Members have not been paid for two years due to a classification issue as to whether they would be paid through Payroll as 'employees' (and if so, would have to open a retirement account) or through Accounting as a vendor. Assistant Town Administrator Vieira assured the Board that these designations/issues are being working on in the Personnel Regulations and working with Accounting as well. Mr. Vieira to advise.

**Next Meeting Date:**

Next meeting to be held on Tuesday, October 27, 2015. Agenda Prep meeting October 19, 2015 @ 8:30 a.m.

Dr. Sandfield moved to adjourn; Dr. Jimenez seconded; approved unanimously.

**8:40 P.M.** Meeting Adjourned.