

BOARD OF HEALTH MEETING MINUTES

January 12, 2015

Board Members Donna Bagni, Chair, Thomas Driscoll, Clerk, Gary Fine, Member, and Health Agent, Lisa Cullity, were present. The meeting opened at 6:30 p.m. The Board signed payroll. Fine moved to accept the minutes as written from the December 15, 2014 and December 29, 2014 meetings; Driscoll seconded. All in favor.

Badges - As some new Board of Health badges needed to be replaced, Chair Bagni stated to the BOH members and Health Agent that the cost of new badges are about \$70.00 each.

Bagni moved that if any member vacates his / her BOH seat, the badges must be turned in to the BOH; if badges are lost at any time for any reason, the member is responsible and must pay for a replacement badge. Driscoll seconded. All in favor.

Oysters Bar and Grille, 254 Church Street – Joseph Emma, owner, appeared before the Board because of lack of renewal of required food permits for the years 2013 and 2014 and late fees for each year. Will Testa, friend of Emma, appeared as well. Health Agent Cullity stated that she feels the lack of renewals was a clerical oversight. She also stated the restaurant inspections showed no major violations. Emma stated that he never received the renewal forms that are sent out mid-November prior to the December renewal requirement. Bagni suggested he have future notices sent to another address beside the restaurant address. The food license fees totaled \$470.00 and the late fees totaled \$1,200.00 for calendar years 2013 and 2014 bringing the entire amount to \$1,670.00. Driscoll moved to reduce the late fees to \$600.00 for the 2 years plus \$50.00 for 2015. Fine moved to amend Driscoll's motion and made new motion to reduce the late fees to \$900.00 for the 2 years. Bagni moved to amend Fine's motion and made a new motion to meet in the middle in the amount of \$750.00 in late fees for the 2 years and to discard the 2015 late fee if payment in full is made within 5 days of this date. Fine withdrew his amendment to Driscoll's motion and seconded Bagni's motion. Driscoll opposed. A 2 to 1 favor passed Bagni's motion. The total amount in arrears was reduced to \$1,220.00. Emma stated he would submit payment of \$1,220.00 within 5 days of this date.

102 Furnace Colony Drive – septic variances request. (1) a reduction in the required setback cellar wall to S.A.S. from 20 feet to 10 feet, and (2) a reduction in the required setback between S.A.S. and public water supply tributary from the required 200 feet to the proposed 160 feet. Driscoll moved to approve the variances as presented; Fine seconded. All in favor.

72 Four Winds Drive – illegal apartment / condemnation discussion. The following Four Winds Drive residents appeared: Douglas Sprague, #65; Patrick Chilcott, #66; Christine Kidd, #71; Linda and Michael Ricciarelli, #78; James Gaines, #85; Joseph Suppa, #91. The ex-wife of owner Robert Ward, Maureen Ward, 3 Jaclyn Lane, was also present. Health Agent Cullity opened the discussion by stating a car fire in the adjoining garage resulted in the discovery of an illegal apartment and overpopulation of the property in general. An illegal apartment in the basement was rented to a mother and two school-aged children; the rest of the house was used as a residence by about 14 people who admitted they lived there as per the fire report

taken on the night of the car / garage fire. Ms. Ward was asked if she

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was the owner of the property. She stated her name was just on the mortgage but not on the deed. She was then asked if rent was collected. She stated that since her ex-husband was incarcerated and unable to collect any rent, she collected the monthly rent from the apartment *only* but those rent payments had stopped during 2014. Cullity stated the approved septic permit allowed 4 bedrooms only. The property now contains 5 bedrooms, which automatically violates State Code violations. Also, no in-law apartment building permit application had gone before the Zoning Board nor was presented to the Board of Health. Cullity also emphasized that an in-law apartment was to be used for blood relatives exclusively. The "tenant" in the basement apartment is not a relative to the owner. Cullity stated that due to the public health and safety violations, the property must immediately be vacated and condemned. Ms. Ward stated that she does not want to impede any actions the Board of Health may take. Driscoll moved to order the property to be vacated immediately and condemned as per Cullity's demonstrated violations. Bagni then asked what would happen now and was told the house would be boarded up to prevent any access and a condemned sign would be posted. Bagni amended Driscoll's motion to add that the house be boarded up. Driscoll seconded Bagni's motion, Fine seconded. All in favor. Cullity stated all the residents of the property will be notified in writing to vacate no later than January 20, 2015.

199 Pleasant Street – Kevin Baker, owner. *Discussion only* - Property line and junk storage issue. Cullity stated the house is designed for 3 bedrooms and there are too many people residing on this property i.e.: 4 people living in a barn not suitable for human habitation. Junk is being illegally stored on Town owned abutting property; property to be surveyed to determine correct lot lines.

At 7:43 p.m. Driscoll moved to go into Executive Session to discuss strategy with respect to pending or possible litigation if an open meeting may have a detrimental effect on the litigating position of the public body and if the chair so declares. Bagni then stated "I so declare". Fine seconded and a roll call vote was called: Mr. Driscoll – yes; Mr. Fine – yes; Ms. Bagni – yes.

After the Executive Session, Driscoll moved to adjourn at 8:15 p.m.; Fine seconded. All in favor.

Donna Bagni
Chair

