

RECEIVED

By Jim Alexander - Asst. Town Clerk at 11:40 am, Aug 30, 2023

Maynard Board of Health Meeting August 15, 2023 – 6:30 p.m.

Hearing Minutes – August 15, 2023 – Hearing

The Maynard Board of Health met on Tuesday, August 15, 2023, at 6:30pm. Kathy McMillan and Lisa Thuot were present. Ivan Kwagala, Health Director, James MacDonald, Jacquelyn Macdonald, and Eliza Aldrich were also in attendance.

I. Call hearing to order.

A motion was made by K. McMillan and seconded by L. Thuot to open the Board of Health hearing at 6:30pm. The motion was supported unanimously.

II. Rules of conducting for housing hearing.

The Chair started the meeting by stating the following: The hearing requested in the matter of 1 Noble Park Unit 3 will be conducted in accordance with 105 Code of Massachusetts Regulations (CMR) 410.000: Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II, the Board of Health Chair will conduct the hearing. The hearing will be conducted with decorum. This means that the members of the Board and the public are required to respect each other at all times. We may not always agree with one another, but we can work to resolve differences with patience and understanding.

III. Opening background summary by the public health director.

The Director presented the procedure of conducting complaint follow-up, inspecting, and issuing the Order to Correct. The Director stated the purpose of 105 CMR 410.000 is to: Establish minimum standards for housing to protect the health, safety, and well-being of occupants and the public; provide enforcement procedures for the Board of Health to ensure compliance with these minimum standards; and facilitate the use of legal remedies available to occupants of substandard housing. Following, the Director stated that on Wednesday, 7/19/2023, public health received a complaint about mice, mold, and lack of repair from the Occupant. On 7/19/2023, the Director inspected the owner's property at 1 Noble Park, Unit 3. During the inspection, he found violations of 105 CMR 410.000 in the kitchen, bedroom, hallway, and living room. In his Order, the Director marked four violations as conditions deemed to endanger or materially impair health. Also, the Director indicated that two of the violations received a 24-hour timeframe; the rest had 30 days to correct. On 7/19/2023, the Director sent an Order to Correct to the owner via certified mail as part of enforcement to ensure that the owner is complying with 105 (CMR) 410.000: Minimum standards. The Director also sent a copy of the Order to the occupant along with an inspection report and Notice of the Occupant's Legal Rights and Responsibilities.

IV. Statement by the landlord.

After, receiving the Order, the owner requested a hearing. In his statement to the Board, Mr. MacDonald acknowledged that the violations of the Order have merit but explained that the occupant complained to the Board of Health because the rental agreement is ending. He added that housing complaints come to the Board of Health and other departments when occupants want a

seven-day extension to their moving date. On the contrary, he stated that they have a good history with the Board of Health through complying with Orders and correcting the few violations received from the Board of Health. Likewise, Jacquelyn from the management team reaffirmed that they are not arguing the merit of the violations but rather the purpose of the occupant's complaint and the timing of it. She assured the Board that they maintain their properties and will address the violations noted in the Order. She also added that they have a contract with a pest control company to control pests at the property.

V. Inquiry and discussion between Board members and landlord on the issues raised.

The Chair asked the owner if they were notified by pest control. The owner noted that pest control did not notify them of items the occupant was raising but acknowledged that the pest control inspected the unit. Then, the Board asked the owner if he knew of the housing conditions before the occupant moved in. The owner stated that they maintain the property and inform occupants to notify them in writing of issues in their units, then respond after occupants grants them access. Furthermore, the Board asked if they could go into the unit to correct the violation noted. However, the owner stated that he feels uncomfortable entering the unit because of the environment. As a result, the Board inquired from the Director about owner access to make repairs in the unit. The Director noted that under 105 CMR 410.000, the occupant is required to allow the owner to make necessary repairs after the owner notifies the occupant as described in 105 CMR 410.000.

VI. Comments may be heard from the occupant.

Eliza Aldrich (the occupant) brought the complaint to the Board of Health because of the issues in the unit. The occupant also added that housing issues have not been addressed for the past three years. The occupant provided a photo of the kitchen cabinet showing mouse droppings and a history of texts of her informing the owner about issues in the unit.

VI. Discussion among Board members before issuing a final determination.

The Board discussed correction timeframes for the violations noted on the Order to Correct. The Board ordered the owner to correct the following violations within 24 hours: Repair the hole above the cabinet to prevent pests from entering the unit, provide a smoke detector in the hallway, and provide lighting in the hallway within 24 hours. Then, they granted an extension of 30 days for the remaining violations listed on the Order to Correct. The Board also ordered the owner only to rent the unit once the owner corrected all the violations.

VII. Adjournment.

The Board of Health motioned to adjourn from August 15, 2023, at 7:10pm for the Board of Health meeting.

Meeting closed: 7:10 p.m.

Maynard Board of Health Meeting

August 15, 2023 – 7:11 p.m.

Hearing Minutes – August 15, 2023 – Hearing

The Maynard Board of Health met on Tuesday, August 15, 2023, at 7:11pm. Kathy McMillan and Lisa Thuot were present. Ivan Kwagala, Health Director, James MacDonald, and Jacquelyn MacDonald were also in attendance.

I. Call hearing to order.

A motion was made by K. McMillan and seconded by L. Thuot to open the Board of Health hearing at 7:11pm. The motion was supported unanimously.

II. Rules of conducting for housing hearing.

The Chair started the hearing by stating the following: The hearing requested in the matter of 9 Florida Road will be conducted in accordance with 105 Code of Massachusetts Regulations (CMR) 410.000: Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II, the Board of Health Chair will conduct the hearing. The hearing will be conducted with decorum. This means that the members of the Board and the public are required to respect each other at all times. We may not always agree with one another, but we can work to resolve differences with patience and understanding.

III. Opening background summary by the public health director.

The Director presented the procedure of conducting complaint follow-up, inspecting, and issuing the Order to Correct. The Director stated the purpose of 105 CMR 410.000 is to: Establish minimum standards for housing to protect the health, safety, and well-being of occupants and the public; provide enforcement procedures for the Board of Health to ensure compliance with these minimum standards; and facilitate the use of legal remedies available to occupants of substandard housing. Following, the Director stated that on Thursday, 8/03/2023, public health received a complaint about the state of the deck. On 8/03/2023, the Director and the Building Commissioner inspected the owner's property at 9 Florida Road. During the inspection, he found violations of 105 CMR 410.000: The wood deck has structural defects that expose the occupants to accidents and safety hazards. The Director condemned the deck and required the owner to secure and inform all occupants not to use it until is repaired and inspected by the Board of Health. In his Order, the Director marked the violation as conditions deemed to endanger or materially impair health. Also, the Director indicated that two of the violations received a 24-hour timeframe; the rest had 30 days to correct. On 8/03/2023, the Director sent an Order to Correct to the owner via Constable service as part of enforcement to ensure that the owner is complying with 105 (CMR) 410.000: Minimum standards. The Director also sent all affected occupants a copy of the Order along with an inspection report and Notice of the Occupant's Legal Rights and Responsibilities.

IV. Statement by the landlord

The owner acknowledged that the deck is in poor shape. The barrier for not addressing the deck issue is the ownership status of the land it is constructed on. The person who owns that deck

wants a large sum of money. The owner states that not owning the land where that deck creates a barrier to repairing or maintaining it. Despite not owning the land, the owner assured the Board that he would repair that deck. In fact, he hired an architect to work on designing the new deck. Also, he stated that if they construct the deck and experience pushback from the landowner, they will pay for the land. Now, they have secured the deck pending repairs. Also, Jacquelyn highlighted why the complaint came to the Board of Health: Occupant's failure to pay rent and attempt to stay in the unit prompted the occupant to submit a complaint to the Board. As a result, the occupant used the Order to exercise her rights.

V. Inquiry and discussion between Board members and landlord on the issues raised.

The Board inquired of the second egress in case. The owner responded that the occupants have means to egress and the deck serves as a second egress. The Board asked if they would repair the deck regardless of the ownership status of the land. The owner confirmed that they are going to repair the deck. They are going to obtain a permit from the building department. To emphasize, the owner stated that if they start repairing the deck and the landowner raises concerns, they will request a hearing for the board to override to repair the deck.

VI. Comments may be heard from the occupant.

The occupants were not present at the hearing.

VI. Discussion among Board members before issuing a final determination.

The Board discussed correction timeframes for the violations noted in the Order to Correct. The Board informed the owner to secure the deck. Then, the Board provided an extension of 30 days to provide plans for repairing the deck.

VII. Adjournment

The Board of Health motioned to adjourn from August 15, 2023, at 7:40pm for the Board of Health meeting.

Meeting closed: 7:40 p.m.