

Board of Health / Public Meeting Minutes

Adams Town Hall, 8 Park Street, Adams MA

1st Floor Mahogany Room and Zoom

Wednesday, August 18, 2021

BOH Members Present: Chairman David Rhoads, Vice-Chairman Peter Hoyt, Member Joyce Brewer

Others Present: Mark Blaisdell-Code Enforcer, Michelle DeRose-BOH Administrative Assistant, Vice-Chairwoman Christine Hoyt-Board of Selectman Vice-Chair, John Barrett- Water Dept Superintendent,

James E Daunais (103 Friend St); Gloria and James Hahn (170 Howland Ave); Alexis Baker (172 Howland Ave) virtual; Paul Trczinski-owner (25C Pleasant St); Kristi Briggs-tenant (25C Pleasant St) virtual; Michael G. Ciemba-owner and Michael J Ciemba-manager (76B Howland Ave) virtual, Christine Peltier – tenant (76B Howland Ave) virtual; Catherine Foster (constituent) virtual; Edward St. John -Town Council virtual, Greg Fournier-iBerkshires; Jay Ellen LeBeau virtual, David Gvirtual;

In person or virtual participation in this meeting is allowed by Ch. 20 of the Acts of 2021 suspending certain provisions of the Open Meeting Law, MGL c.30 §20. The Zoom information is given below. This meeting will be recorded via Zoom; a copy can be provided upon request.

Call to Order: Chairman Rhoads called the meeting to order at 4pm

Note: If you are having trouble joining, please call David B. Rhoads, Ph.D., BOH Chair, at 781-507-1627

Zoom information: Meeting ID 934 3001 6501 / Passcode 403502

Direct URL: <https://zoom.us/j/93430016501?pwd=ZjliMXhaUnpERE1QjBxRldKSzQzQT09>

or go to “zoom.us/join” or call 1-646-558-8656 (New York) & enter meeting information.

Notices on Recording & Post-Pandemic Waiver to Conduct Public Meeting Virtually (Above)

Dr. Rhoads requested a moment of silence in memory of Todd Rhinemiller who recently passed in an unfortunate accident this past Saturday.

Dr. Rhoads requested a motion to move the subject from Local & County Updates on the agenda to the next order of business. Ms. Brewer motioned, Dr. Hoyt seconded, all voted in favor unanimously.

Mr. Blaisdell reminded Dr. Rhoads about the waiver and Dr. Rhoads repeated that the meeting is being recorded.

Local & County Updates:

- **AFD & water supply to Greylock Glen**

Guest Speaker: John Barrett- Water Dept Superintendent

Dr. Rhoads and Mr. Barrett explained that the process has begun with the Adams Water Dept to supply water to Greylock Glen. It is noted that the Glen is outside the fire district. The first step was taken on August 9, the Fire District voted to enter into a memorandum which is required by MassDEP with the understanding with the Town to connect a consecutive water system with the Fire District’s water system and enlist their engineers, “Stantec” to run a feasibility test to determine if there is sufficient capacity in the Fire District water supply to add onto the Glen. In 2020, a master plan was created for the Adams Fire District Distribution System and took note of several pipes that are undersized to today’s standards. They created a hydraulic model of the existing distribution

system. Mass DEP expects to see 35 PSI and during a fire, it should not go below 20 PSI. Once the demand needs collected from the Town, the data will be entered into the hydraulic analysis system and make sure that the current water distribution system can provide that without creating a detriment to the existing public water system. As things progress, Mr. Barrett can join a future Board of Health meeting to see how things are moving along. Mr. Barrett left the meeting when this subject has closed.

Public Hearing: 103 Friend Street – Nuisance & Housing Code Correction Order; Notice of Intention to Condemn

James E Daunais

Dr. Hoyt motion to open the public hearing, Ms. Brewer seconded. Voted in favor unanimously

Dr. Rhoads and Mr. Blaisdell explained the history of violations since 2005. Currently, there is overgrowth and debris, impeding entrance/exit and emergency access, house number not visible, front porch in disrepair and filled with debris, between front and South porch, many items that can house vermin. North side-more items, overgrowth and hay bales and a vehicle. The back has more items and overgrowth. Orders were issued as well as fines of \$50/day and took more than a few weeks to clean things up. The previous Code Enforcer settled on a fine of \$200 in which Mr. Daunais stated it was \$400. Dr. Rhoads thanked Mr. Daunais for his letter explaining what he had done for improvements. Dr. Rhoads stated that by the end of this hearing there will be a mitigation plan in place. Mr. Blaisdell added that the code enforcement started back in 2005 and previous code enforcement officers issued clean liens performed where the Town obtains a vendor to provide a service and invoice the responsible parties and if those parties do not reimburse the Town, then a lien is placed on the property. The order can be escalated to a condemnation of the property or a court order receivership where the court would appoint a third party to manage the property to make repairs, collect rents, etc.

Much of the downed trees have been cleaned up. Mr. Daunais is working with Stash n Dah Boyz Tree Service in regards to one tree that gently fell onto the house in late March, early April from a natural occurrence.

Dr. Rhoads requested a motion to have Mr. Daunais mitigate the issues with his house in stages over the next 2 months with the most pressing grievances, porch repair with professional carpenter assessment and North and East side of house cleaned of debris by next month and will revisit. Dr. Hoyt motioned, Ms. Brewer seconded . Voted in favor unanimously.

Dr. Hoyt motioned to close the hearing, Ms. Brewer seconded . Voted in favor unanimously.

Public Hearing: 172 Howland Avenue – Standard Housing Code Correction Order

Gloria and James Hahn - 170 Howland Avenue

Alexis Baker – 172 Howland Avenue

Dr. Hoyt motioned to open the hearing, Ms. Brewer seconded . Voted in favor unanimously.

Mr. Blaisdell outlined the issues: Complaints included a leak in the roof on an enclosed porch which caused damage to inside of ceiling porch. He said that the owners, Mr. and Mrs. Hahn were responsive however, there were delays in repair due to contractors. Mr. Hahn shared his information. He said that the tenant approached him and told him that the ceiling of the porch came down. Mr. Hahn told them to use the back door until it was fixed. He had cleaned up the debris and tarped the porch until roofers could fix which has been delayed for a few weeks as they are backed up. It has been since fixed on August 16. The front railing off the front porch deck that was loose has been fixed. Bathroom exhaust fan is loud and has been working for 25 years. It does require cleaning from time to time. Most fans are loud. There is a bowed tile by the fan and is bowed due to moisture and does not feel it is a code violation but is willing to change it if necessary. The middle bedroom has cracks in the plaster ceiling and with any 100 year old house, cracks are apparent. Mr. Hahn said he fixed that but did not feel it was a code violation. The kitchen fluorescent light blinking. 2 ballasts were replaced with new light fixture. The kitchen faucet sink, he explained that water pressure would not snap

the arm of the faucet off, you would have to physically break it off. He did replace it and does not feel this should have been a code violation and asked for reimbursement. Missing tile in the pantry has been put up and GFI outlets have been changed. He was not told in the past that it ever had to be replaced. The hook up of the water is near the outlet. Mr. Blaisdell mentioned that that may not have been a code violation at that time when the previous code enforcer had inspected the property.

Open items are for a professional for the fan exhaust. Mrs. Hahn stated that they had their electrician review the fan and was told that it is fine and it makes noise just has his does. Mr. Blaisdell stated that reinspection is scheduled for August 19. Mr. Hahn expressed that the tenant was living there for over 5 months, and she did not tell them that the light was blinking or the faucet wasn't working? It was clarified that a certificate of occupancy is required after the tenant (Alexis) vacates and before the apartment can be rented. It was also noted that Alexis' mother was the previous tenant and it was agreed by all parties that Alexis could live there. Mrs. Hahn questioned the number of unregistered cars can be on the property. Dr. Rhoads stated that question is not part of this hearing.

Dr. Rhoads requested a motion to uphold order of violations. Dr. Hoyt made the motion, Ms. Brewer seconded. Voted in favor unanimously.

Dr. Hoyt made a motion to close the hearing, Ms. Brewer seconded. Voted in favor unanimously. Mr. and Mrs Hahn left the meeting.

Public Hearing: 76-B Howland Avenue – Condemnation Order

Dr. Hoyt motioned to open hearing, Ms. Brewer seconded. Voted in favor unanimously.

Mr. Blaisdell received complaint on July 27; Tenants have 3 small children, ages range from 7 mos to 7 yrs. Upon inspection, it was noted that the bathroom ceiling collapsed above shower, tub. It appears that the ceiling above the collapsed ceiling (roof), there appeared to be mold and rotting tin roof. Paint may contain lead and a black substance on underside of the newer ceiling and where the damage had occurred. The rear stair railing had missing ballisters with gaps more then 3 ½ inches. The back porch was leaning more substantially since the last visit by the code enforcer. He asked the owners to have architect look at it for assessment. The front door (common area) could not be opened due to couch in front of it. Mr. Blaisdell reported that he has visited this property before with prior correction orders that are still open due to covid delays.

Mr. Blaisdell stated that the Board of Health may escalate to condemnation due to non compliance of these open correction orders and because of minor children due to the the missing ballisters. They also cannot shower/bath due to ceiling debris still in tub that may incude lead, mold.

The "Landlord" is 3 parties; Rita and Michael Ciempa (white t-shirt in Zoom video) and Mr. Ciempa is also the property manager. Michael Ciempa (red t-shirt in Zoom video) who resides in one of the 4 units is the 3rd party. Mr. Blaisdell has filed a complaint with the Housing authority and notified Town council as the tenants were not offered alternative housing and Mr. Blaisdell was faced with hostility when he was at the property.

Mr. Ciempa (red T-shirt) provided his information regarding the minor repairs done. He had replaced every stair going up to the 2nd story when he found only a few that had cracks in them. The ballisters were removed by a tenant so they could move furniture, they have all been replaced. There was a couch placed in front of the door by a tenant that has since been removed. The front door handle has been replaced and painted. The front porch has been power washed, stained and water treatment applied. The window trimming has been painted and continues to do so. The yard has been picked up and continues to try to maintain. Other tenants have children that have contents in the yard and can be messy. He stated that 90% of the repairs are completed and noted that the inspector did not show up for the appointment, therefore does not know the repairs were done.

Mr. Ciempa continued stating that the downstairs apartment kitchen ceiling has been repaired. The upstairs apartment bathroom ceiling has not been done yet as they are waiting for the roof to get fixed. He has a roofer lined up this weekend. Once fixed, he will fix the ceiling. He stated that he inspected the apartment and did not find mold. He feels the apartment is in liveable condition. All that needs to be done is the ceiling in the bathroom which he is waiting for the roof to be completed first to ensure no further leaking occurs. Mr. Ciempa has requested a continuance so an inspection can occur to verify the work that has been done.

Dr. Rhoads asked Mr. Blaisdell to see if bathroom is in violation. Mr. Blaisdell had asked Mr. Ciempa for credentials for lead certificates, air quality reports and Mr. Ciempa had provided lead certificates for 76 unit A from 1995 and 78 unit A from 1998. There is no certificate for unit B that this hearing is for. Mr. Ciempa said he can provide one. He also stated that once the sheetrock is in place, any lead paint, etc would be covered up and sealed. It would not be accessible. Mr. Ciempa also noted that regarding the slant on the back porch, that was installed this way for water run off and the Town building inspector had signed off on it.

Mr. Blaisdell continued regarding the lead certificates stating that they do not remain valid indefinitely and the surfaces must remain in tact and covered. Currently there is damage and residue has fallen into the apartment. He suggests that inspections should be performed for lead, air quality and mold which would benefit all parties involved. He also asks that the porch be assessed (not a correction order) by an engineer or architect. Mr. Blaisdell stated he would not go back to the property without police due to hostility.

Dr. Rhoads summarized the issues that need to be taken care of

- 1) Lead paint – an up to date lead paint certificate is required
- 2) Porch – need professional assessment and report. Correct any deficiencies if needed
- 3) Ceiling in bathroom (only 1 bathroom); unsafe for habitation

Mr. Blaisdell stated that the court will determine housing for the tenant when they hear the case. The Ciempas can appeal to the court should they disagree with the Board of Health decisions made in this hearing.

Dr. Hoyt asked what other copy of the lead certificate Mr. Ciempa said he has and has given to Mr. Blaisdell. Mr. Ciempa does not know the date off hand, it's in his file. Mr. Ciempa also stated that they have another tenant that had started complaints with the Board of Health 2 years ago and since then, they have not received rent from this tenant and cannot evict them when code enforcements are in affect. Mr. Ciempa also stated that the Building Inspector doesn't know what he's doing because he signed off on it when it was built and now the Code Enforcer doesn't like the pitch of the porch. Dr. Rhoads brought the meeting back to order and summarized the 3 issues that need to be taken care of (listed above).

Dr. Rhoads requested a motion to uphold Office Blaisdell's remaining orders and authorize him to proceed with court hearing and inspection with the Adams Police Dept, if necessary, to carry out this order. Dr. Hoyt motioned, Ms. Brewer seconded. Voted in favor unanimously. Mr. Blaisdell will coordinate with occupant for an inspection appointment. Dr. Hoyt motioned to close the hearing, Ms. Brewer seconded. Voted in favor unanimously.

Public Hearing: 25-C Pleasant Street –Housing Code Correction Order; landlord creating a condition imminently affecting/impacting occupants' health and safety

Paul Trczinski-owner; Kristi Briggs-tenant

Dr. Hoyt motioned to open hearing, Ms. Brewer seconded. Voted in favor unanimously.

Mr. Blaisdell explained that unit C has been subject to correction order for several months; the landlord has been trying to correct violations. There are a few items still open and disputed by landloard, Paul Trczinski.

- The living window (bottom portion) does not stay open, it had been secured with screws and an L bracket. This is classified as a point of rescue opening or emergency escape. This is in violation of emergency exit.
- The heating vent in ceiling and was stained by roof leaks which has been corrected, however there is one tile that is still soft to touch. Due to moisture from previous leaks, there could be mold. The tile should be replaced.
- Kitchen floor sections are spongy and should be replaced. Subfloor is damaged in areas. This should be repaired in a craftsmanship manner. The damage could have happened over the 9 years the tenant has occupied the apartment.

Mr. Trczinski provided a professional painter report after he had painted the ceiling and feels there is no need to do anything further with the ceiling. He suggested that one of the board come down to take a look to see it in person. Regarding the window, when he received the last email, because he had screwed the window, that he needed to take it out for emergency. He tried to get into the apartment on Friday morning and had no access. He had texted Mr. Blaisdell to see if he could convince the tenant to allow Mr. Trczinski access and had not received a response until Monday in which Mr. Blaisdell indicated to wait for the Wednesday meeting leaving Mr. Trczinski questioning if this is an emergency to remove the screws or not.

It was explained that if screws were removed, then window does not remain open when opened and can slam shut which is also a danger. Currently the top part of window can come down allowing screened air flow. There are 2 windows in the living room. One has an air conditioner in it and the other is the one that is not in working order.

Mr. Trczinski continued to ask for on site viewing by the board so they can see for themselves. Dr. Rhoads stated he is not a professional in regards to the work done and Mr. Blaisdell is the professional pertaining to code. A professional report is needed from the contractors that did the work. Mr. Blaisdell stated that one section of ceiling has the problem effecting 2 tiles which should be replaced. The professional painter painted them but did not replace. Mr. Trczinski said that the floor has been there for 20 years and feels it is fine. Dr. Rhoads said that we are here to ensure that tenants are protected from faulty living areas. Mr. Blaisdell agreed with Mr. Trczinski's statement about that Mr. Blaisdell has been on several of his properties and keeps them in code, but this is the first time he's had a disagreement about the orders. Mr. Trczinski stated that the tenants have not paid rent since January. Dr. Rhoads suggested an option for the tenant to repair and deduct. Mr. Trczinski stated that contractors won't go in there due to tenants being miserable. Mr. Blaisdell offered Mr. Trczinski an option to have a court order for the tenant to allow access to the property so these fixes can be made. Mr. Blaisdell also stated that the Board of Health can affirm the order or modify the order to have the tenant allow access and/or interfere for these repairs. Dr. Hoyt revisited the window. Mr. Trczinski stated that he had fixed the window before and it broke again and now cannot gain access.

The tenant, Kristi Briggs, shared her experience. She said that the workers were 1 hour late and unprofessional. They pulled the toilet and left for 5 hours without letting her know and did other work at other apartments. She went down to speak with them, and discovered that they did not speak English. Ms. Briggs stated that she has not denied anyone access and has taken time from work to allow access. Mr. Blaisdell asked to affirm the order and allow access without obstruction.

Dr. Rhoads asked for a motion to uphold the order with a requirement that the tenant and Mr. Trczinski schedule the work and that it is followed through and that Mr. Trczinski monitors the work and no leaving of the site until complete. Mr. Trczinski asked for rent money so he can fix the floor. The Board does not have jurisdiction on that. Dr. Hoyt motioned, Ms. Brewer seconded. Dr. Hoyt asked for how much time is needed to fix the window. Mr. Trczinski answered 20 minutes. Dr. Hoyt asked if the window can be fixed at the time of inspection with Mr. Blaisdell as long as Ms. Briggs will allow access which all agreed. Voted in favor unanimously.

Dr. Hoyt motioned to close the hearing, Ms. Brewer seconded. Voted in favor unanimously. Mr. Trczinski and Ms. Briggs left the meeting.

Mr. Blaisdell brought to the attention of the Board that Ms. Peltier (tenant of 76B Howland Ave) is still present via Zoom and it was offered that she can speak on her behalf. Dr. Rhoads summarized that the the Ciempas are required to take care of business and should she have any further questions to call the Health office. Ms. Peltier left the meeting.

Approval of Minutes: June 9, June 30, July 7

June 9: Dr. Hoyt motioned to approve minutes. Ms. Brewer seconded. Dr. Rhoads provided typographical corrections of spelling of Jim Wilusz name and missing the word "Not" under the 5 Temple section "parties were NOT present"; with those changes, okay to approve voted unanimously in favor.

June 30: Dr. Hoyt motioned to approve minutes. Ms. Brewer seconded. Dr. Rhoads provided typographical correction of spelling of Jim Wilusz name; with that change, okay to approve voted unanimously in favor.

July 7: Dr. Hoyt motioned to approve minutes. Ms. Brewer seconded. Dr. Rhoads provided typographical correction of spelling of Crystal Wojcik name; with that change, okay to approve voted unanimously in favor.

Code Enforcement Officer:

- None at this time

Old Business:

- **Discover Books – Donation Bin**

Dr. Rhoads had contacted Linda Cernik of Northern Berkshire Solid Waste and asked that he speak with the Regional Marketing Director of Discover Books, Gary Parenteau. There is concern that there would be a diversion of donations to Discover Books when libraries should have the first look at the books donated. He also spoke with Holli Jayko, Adams Library Director, in which she is on board with providing a key to Discover Books to come into the library to sift through the books after they have harvested the books they want. Dr. Rhoads had conversations with Mr. Jay Green (Town Administrator) and Mr. John Duval (Board of Selectman Chairman) and they felt that this subject matter falls more under the Dept of Public Works and the Board of Selectman, than the Board of Health. Mr. Blaisdell stated that this came about with trying to reduce the recycling and/or waste tonage as you cannot recycle all books and this gives the books the opportunity to be repurposed. This subject matter falls within multiple boards and the Board of Health is responsible for waste and recycling streams. Discover Books would fit within this category.

Old business

- **Dog bans signs up? They are already up. Pumped that there is a workout section at Russell Field**

Mr. Blaisdell and Mrs. DeRose confirmed that the signs have been put in place. Dr. Rhoads indicated that his family members were pumped that there is a workout section at Russell Field.

New Business:

- **Municipal Grant Opportunity for Air Quality Sensors (email 7/21/21)**

Dr. Rhoads stated that he was awaiting Eammon Coughlin, (Community Development Director) to set something up. Mr. Blaisdell stated he had asked that Mr. Coughlin set a meeting up and invite Dr. Rhoads and Mrs. DeRose. He said he will check on that. Dr. Rhoads will look into it as the deadline is October 1. Mr. Blaisdell explained that it would need to be decided as to which town buildings and/or private buildings these sensors can go on and if a private building is suggested to be used, then communication will be required. Dr. Rhoads had

asked if the train station had other events there other than train rides. Mrs. Hoyt said yes, and Dr. Rhoads said that may be a potential area to place a sensor for dust pick up from trains going by.

- **Community Health Programs mobile vaccination van at SBA Fest, Aug 21, 11am-3pm**

Dr. Rhoads confirmed that a mobile van will be in place at the Susan B Anthony Festival from 1-3pm instead of 11am-3pm as a van broke down requiring the times to change. Mrs. Hoyt asked Dr. Rhoads about the time as she said they were told the time was 3-6pm which she had signs made for that time slot. Dr. Rhoads did confirm that the time is 3-6pm. A poster is to be emailed to Mrs. Hoyt which she will have put on the Town website. Dr. Rhoads said he wants to set up a table at the festival to hand out flyers and is looking for volunteers to pass out during other hours of the event. Dr. Hoyt volunteered. Mrs. Hoyt suggested that table could be set up around 12:30 as the street won't be closed up until 12pm. The van will be located between crosswalk and traffic light on Center Street

- **School reopening plans: Recommendations & resources (BCBOHA info sheet)**

Dr. Rhoads had emailed the group a 4 page document from the Berkshire County Boards of Health Association. Mr. Blaisdell explained that DESE met last week in which the school recording will not be posted until August 19. Mr. Blaisdell and Mrs. DeRose have access to the Town Hall Board of Health extension 179 and would be the point of contact and with the school principals. Dr. Rhoads will email to the principals with the decisions made tonight and the contact information along with the 4 page document. Mrs. Hoyt asked if the schools had been in contact about the Town's Board of Health meeting as they have a policy meeting planned for later tonight to make their decisions and BART had already released their guidance to parents as they start school on Monday, Aug 23. Dr. Rhoads had stated that Mr. Doyle had suggested to mask in schools for 30 days and reassess. Mrs. Hoyt said that the School Committee will take it up next week. Dr. Rhoads will send an urgent email to the necessary parties of the Board of Health decisions. The plan is to have a strong advisory of universal face covering for the first 30 days school (schools start at different times). Dr. Rhoads will follow up.

Local & County Updates:

- **AFD & water supply to Greylock Glen**
Moved to top of meeting

Upcoming Events:

- **8/21: Susan B. Anthony Festival**
The festival is Saturday, Aug 21

Review Mail:

- Dr. Rhoads stated Community Health Initiative has an improvement plan webinar set up for September 11. Ms. Brewer said that she was already registered for that.
- **Cannabis regulations are available in spanish – discuss next meeting**
Dr. Rhoads received an email from the Cannabis Control Commission and the regulations are in Spanish and wondering if we should have a Spanish tab on the Town website and can be discussed at the next meeting.
- **Flu clinic – tentative for 10/21 with alternate of 9/14? Town Employees and families are eligible for vaccine**
Mr. Blaisdell stated that a tentative date of October 21 with an alternate date of September 14, but doesn't make sense with that date. It is available for all Town employees and families.

Public Comment

Catherine Foster shared at the end of the meeting in regards to public comment. She mentioned that February 10 meeting minutes are not completed as shown on the website. Mrs. DeRose will look into it further. Dr. Hoyt stated that the Website is not the official place to get the minutes, you can get them from the Town Clerk. She also stated that the word OTHER on the agenda should not be there. If a specific topic is not noted on the agenda, it should not be discussed. Dr. Rhoads stated that things come up and discussed but no decisions are made during that agenda. He said that Atty St. John said that agenda should be followed and moved to next meeting if not on the agenda. Informational subjects can be brought up in the Good of the Order section of the meeting. If an emergency came up, then it can be discussed. Ms. Foster stated that under Old Business, the Other ? should not be there as there should be no Old business that is not already defined. Dr. Rhoads agreed and said he meant to remove that.

For the Good of the Order:

- Any? none

Schedule Next Meetings: September 15 at 4pm

Adjournment:

Dr. Hoyt motioned to adjourn at 6:11pm, Ms. Brewer seconded. All voted in favor unanimously.

Respectfully Submitted,

Date



Michelle DeRose
Administrative Assistant

9/16/2021