



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Charles Roux, Vice Chair
Kathleen Brothers, Clerk
George Ferdinand
Anthony Boschetti

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES June 16, 2016

The meeting was called to order by Raymond Barry, Chairman, at 6:05 p.m. at the Tewksbury Town Hall. Present at the meeting were Charles Roux, Kathleen Brothers, George Ferdinand, and Anthony Boschetti. Also in attendance was Susan Sawyer, Board of Health Director, and Shannon Sullivan, Town Sanitarian.

Approval of Meeting Minutes – September 17, 2015, October 15, 2015, and November 19, 2015

Discussion ensued regarding changes to the draft. Mr. Barry explained that at the September 17, 2015 meeting the hearing to keep animals at 80 Lancaster Road was continued by the Board due to lack of timely notification to the abutters. At that time, there were abutters in attendance who expressed concerns that they would be unable to attend the continued hearing on October 15, 2015. As a result, Mr. Barry suggests the following language be added:

“Mr. Barry invited any resident whom would be unable to attend the continued public hearing on October 15, 2015 to submit a letter to the Health Department in support of or in opposition to the applicant’s request to keep animals at 80 Lancaster Road. Mr. Barry further said that any letter submitted to the Health Department would be included as part of the record for this matter.”

Mr. Barry suggested the following language be inserted after the motion to continue the public hearing for 80 Lancaster Road:

“Mr. Barry asked the applicant to notify the abutters and property owners in writing about the continuance of the public hearing. This letter must be sent via first class mail by next Friday, September 25, 2015”.

Mr. Barry explained that the purpose of this was to ensure that there were no further confusion in abutter notifications.

Mr. Barry suggested the following language be added to Line 31 after High School SAD Display: “In Plain Sight” was discussed.

Mr. Barry suggested the following be added to Line 35 under New Business – Tewksbury Bake Sale Policy and Regulations

“Ms. Clement reviewed the proposed Tewksbury Bake Sale Policy Requirements with the Tewksbury Board of Health.”

As well as to add “to accept the policy and procedures as written” to Line 37.

Mr. Barry suggested replacing Line 40 & 41 with the following:

“The Board of Health Fee schedule was reviewed. Discussion took place regarding the proposed addition of four fees and the removal of the Title V waiver agreement fee. The Board of Health questioned the need for the proposed animal permit poultry fee when there is already an animal permit general fee.”

Mr. Barry suggested adding the following to Line 49:

“The Health Departments quarterly report for the 2nd Quarter 2015 was presented”

Mr. Barry noted that in reviewing the packet for the September 15, 2015 meeting, he recalled that the Board had reviewed Chapters 1, 2 & 3 of the regulations. At the meeting prior, the previous Director, Louann Clement discussed her visions for what is required for operational variances. Ms. Clement had presented the definition of “operational” as well as what she would like to see added in for step one of operational variances. Mr. Barry noted that the discussion was for informational purposes and no vote was taken. As a result, Mr. Barry suggested the following language be added:

“Ms. Clements presented the outline in addition to the regulations for operational variances”.

MOTION: Ms. Brothers made the motion to approve the September 17, 2015 meeting minutes as amended; seconded by Mr. Roux and the motion carried 3-0-1. Mr. Ferdinand did not take part in this vote as he was not a member of the Board on September 15, 2015.

Mr. Boschetti arrived.

October 15, 2015

Mr. Barry noted that Ms. Brothers was not in attendance at the October 15, 2015 and Mr. Boschetti and Mr. Ferdinand were not members of the Board at that time. As a result, the only members who should vote are himself and Mr. Roux.

Ms. Brothers noted two incomplete motions. Mr. Barry noted that Mr. French made the motion to approve the variance of not having to have a thermometer temperature for cold pizza. Mr. Barry explained that the applicant had stated that they would still warm it up in the oven prior to it being served.

Mr. Barry noted that for the motion on page 7; the motion was seconded by Mr. Roux.

MOTION: Mr. Roux made the motion to approve the October 15, 2015 as amended; seconded by Mr. Barry and the motion carried 2-0-3. Ms. Brothers, Mr. Boschetti and Mr. Ferdinand did not take part in this vote.

November 19, 2015

MOTION: Ms. Brothers made the motion to approve the November 19, 2015 as amended; seconded by Mr. Roux and the motion carried 3-0-2. Mr. Boschetti and Mr. Ferdinand did not take part in this vote as they were not on the Committee on October 15, 2016.

Mr. Barry noted that the Continued Public hearing has been requested by the applicant to be continued to August, 2016.

Continued Public Hearings: POSTPONED by request of the Applicant

Public Hearing to obtain a variance of the Tewksbury Board of Health regulations Chapter 7 Dumpsters. Property located at 875 East Street.

Applicant: Demoulas Supermarkets, 875 East Street, Tewksbury, MA

Mr. Barry noted that the public hearing for Demoulas Supermarkets is being continued at the request of the applicant.

New Business

New Business:

Hearing in the matter of Health Department emergency finding, where the unsanitary and unsafe conditions observed at 248 Apache Way, have found the premise to be unfit for human habitation. The Board will examine whether these conditions support the designations and whether it should result in the requirement to immediately vacate the premises or if other action is warranted

Ms. Sawyer explained that the Health Department received a call from the Fire Department regarding concerns at 248 Apache Way. The Fire Department had received a call about gas odors at Apache Way and responded to a six unit building where it was determined that the odor was coming from 248 Apache Way. The cause of the odor was determined to be a from the gas stove that had been left on. Ms. Sawyer explained that Jane Landers resides in the unit with her 88 year old mother, Mary Landers. A protective order was filed due to the condition of the property with an elder residing there. Ms. Sawyer noted that Ms. Sullivan visited the property with Nicole, who is the outreach worker for the senior center.

Ms. Sullivan explained that she visited the home last Friday, June 10, 2016 and there are many items of clutter throughout the home. The gas stove has been turned off and cannot be used. The front door is blocked leaving only one means of egress and there are no smoke detectors or carbon monoxide detectors. Ms. Sullivan noted that the one egress is a big concern and explained that Ms. Landers did not want any pictures taken and Ms. Sullivan explained to her that she would have to take photographs. Ms. Sullivan returned to the property on Monday and observed that some work had been done and Ms. Landers then allowed her to take the photographs.

Mr. Barry asked if the access way had been cleared at all from the first visit to the second visit and Ms. Sullivan noted that there was a slight improvement and the porch had been cleaned. Ms. Sawyer noted that Mary Landers also uses a walker and there is insufficient space to allow for this. There is also a concern for the risk to the other units as well.

Ms. Brothers asked if the smoke detector issue has been corrected and Ms. Sullivan explained that Elder Services was to provide smoke detectors.

Jean Landers of 248 Apache Way was present. Ms. Landers explained that a smoke detector had been installed by the condominium association over the rear entrance way and what is being described as the front entrance way is not the front entrance to them; it is the entrance way to the hall. Ms. Landers explained that they use the sliding door as a front entrance and there is room to get stretchers in and out of there. Ms. Landers explained that her parents have lived here for 20 years and that she took care of her father when he passed away in 2003. Ms. Landers' mother suffered a heart attack and there was sufficient space for the stretchers and walkers. Ms. Landers explained that the issue with the gas leak is that she "must have hit the stove and gas rises and the neighbor smelled it". As a result, the stove has been disconnected. Ms. Landers explained that Elder Services has come in and are helping with smoke and carbon monoxide detectors; however, she is waiting for them to be installed by the people she was told to have install them. Ms. Landers explained that what prompted Elder Services to be contacted is "when they go to the food pantry they get a lot of stuff" and because there is not a lot of counter space, "the table was covered". Ms. Landers explained that she moved in with her mother after moving out of her own house and she did have a lot of her own stuff that did not really fit. Ms. Landers explained that back in November a person they call an "adopted sister" passed away and she had been an enormous help to her and her sister in taking care of her mother. Ms. Landers explained that they had made it a priority to visit her in Boston as much as possible and she passed way in January, 2016. As a result, they have some of her stuff at the house as well. Ms. Landers explained that her brother in law also had brought her items to the condominium as he did not want them at his house anymore. When he did this, the items were left on the porch. The Condominium Association informed Ms. Landers that she had to move the items so she brought them into the house and has been slowly going through it. Ms. Landers noted that she is also the caretaker for her mother who now has dementia and cannot be left alone.

Ms. Brothers explained that she is aware of how difficult it can be to take care of an aging parent, and asked if Ms. Landers has sought services to help her mother. Ms. Landers noted that she has no other than from Elder Services, who has sent "Martha" to come three days a week for two hours to do some cleaning. Ms. Landers noted that it is disconcerting to have people show up at the house to take photographs and after the town left her mother was very upset for quite some time.

Ms. Brothers explained to Ms. Landers that at 61 years of age she should understand that this not the proper living conditions for an 88 year old woman. Ms. Brothers noted that there are crock pots in the photos and asked if this how food is being cooked. Ms. Landers noted that she sometimes cooks food in the crock pots, but mostly uses them for storage.

Mr. Boschetti explained that he empathizes with this situation; however, something has to be done based on the impact it could have to the neighboring residents. Mr. Boschetti suggested determining a way to resolve this quickly for everyone.

Ms. Sawyer noted that the services that have been offered to date have been declined and Ms. Landers denied this. Ms. Sullivan noted that a dumpster was declined.

Ms. Sawyer noted that the town nurse has made contacts with companies that will come in and help with these types of issues.

Mr. Boschetti asked how many bedrooms there are and Ms. Sullivan noted two. Ms. Landers explained that one of the bedrooms is her brothers who is an alcoholic and in a home.

Mr. Roux explained to Ms. Landers that he feels she is in over her head and suggested she take advantage of all of the services being offered. Ms. Landers explained that she is willing to accept help but not a dumpster to throw it all away. Mr. Boschetti explained that something needs to be done as soon as possible as it has impacts on others and suggested determining a plan rather than debating.

Ms. Sullivan explained that she had requested Ms. Landers come up with a cleaning plan and asked Ms. Landers if this has been done. Ms. Landers explained that she is working with Joe and Rachel from Elder Services as well as the Town's outreach worker Nicole. Mr. Boschetti asked if a timeline has been established as it has to be done quickly and no answer was provided. Mr. Boschetti suggested a portable container to sort and dispose of the stuff since Ms. Landers is opposed to a dumpster. Ms. Sawyer suggested a professional organizer as well as the town nurse and outreach worker determine a plan.

Discussion took place on whether Ms. Landers and her mother should be moved temporarily while the home is being cleaned. Ms. Landers noted that what would be helpful is if someone could come talk to her mother so she could get something done. Ms. Sullivan noted that items in the "storage" bedroom are stacked to the ceiling are a hazard.

Mr. Barry explained that he can empathize with Ms. Landers and that the Board is not here to penalize Ms. Landers rather to help. Mr. Barry discussed what the end result should look like and explained that they would want to see the wall from the ceiling to the floor. Mr. Barry asked if a notice has been sent that this is not fit for living and Ms. Sawyer confirmed this. Mr. Barry noted that there is also a timeline with the State that will need to be followed and suggested a date be set for when things need to be done by.

Ms. Sawyer explained that in order to address sanitation and clutter, the occupant would agree to bring the unit to compliance and agree to a case manager as well with scheduled visits from the Health Department. Mr. Boschetti suggested unscheduled visits to ensure compliance.

Mr. Roux asked if Ms. Landers's name is on the deed and Ms. Landers's noted that it is not; the deed is in her mother and fathers names. Ms. Landers explained that her mother has dementia and she is her health care proxy. Ms. Sawyer noted that she is not aware of who has the power of Attorney is.

Mr. Barry explained that the Fire Department is very concerned with the amount of combustible items in the unit and he is concerned that cooking food in the current conditions could cause a fire and there is no easy access out as well as other people around. Mr. Barry noted that there is also only one way to exit the home. Ms. Landers explained that she has been working on the second means of egress.

Discussion took place on obtaining the services of a social worker and Ms. Landers explained that Elder Services came with a social worker and she was told that she did not qualify for the services; however, they would have the woman come back one time to discuss services as Ms. Landers was on her way out at that time.

Ms. Brothers asked what typically happens in these instances and Ms. Sawyer explained that typically the home is placquered, the homeowner relocates and is allowed to return during the day to clean. Ms. Sullivan explained that had she condemned the home when she was originally there, Elder Services was going to put the homeowners in a hotel room for a weekend. Ms. Sullivan noted that she can see if this is still an option for this weekend.

Ms. Landers noted that Ms. Clement was very helpful with them in the past and allowed them time clean things and would come back and check. Ms. Landers explained that her family suffered a horrible death and lost an important part of their foundation and are still grieving.

Mr. Barry explained that given the current health concerns for the mother this is something that would need to be taken care of immediately. Mr. Barry noted that he is concerned with the health and wellbeing of those in the adjacent units as well and it is the Board's responsibility to consider the health and wellness of all residents.

Mr. Roux asked what Ms. Sullivan's recommendation is and Ms. Sullivan explained that she agrees the home is uninhabitable; which is why she requested Ms. Landers come before the Board so that it was not a decision she made on her own. It was the consensus of the Board that the home is uninhabitable and had more progress been shown to date on cleaning other options could have been considered.

Ms. Landers requested a list of the items that make the home uninhabitable. Ms. Sullivan noted that these items can be found in the inspection notice which has been provided.

MOTION: Mr. Roux made that the Board deems the property located at 248 Apache Way as unfit for human habitation; seconded by Ms. Brothers and the motion unanimously carried 5-0.

MOTION: Mr. Boschetti made the motion for the Tewksbury Health Department to work with the State team to determine a plan for the cleanup at 248 Apache Way; seconded by Mr. Ferdinand and the motion unanimously carried 5-0.

Ms. Landers asked what happens now as she has no place to live. Mr. Roux explained that someone will be in contact with Ms. Landers tomorrow to explain the full process and offer guidance.

Discussion:

Introduction to the Boards of Health purview in local emergency preparedness.

Ms. Sawyer explained that local Boards of Health were brought into emergency preparedness after major events such as 9/11. The President at that time set up the Citizen's Corp. and numerous other local organizations such as medical Corps. Funds were first given to locals from the State to provide such things as printers, copiers, etc. Then the focus went to emergency plans and they then realized that their biggest issue would be a large flu epidemic, biological attacks, etc. and they were not prepared for this. Ms. Sawyer explained that Boards of Health have been working on these items and stockpiles are being created, procedures are practiced, etc. In addition, emergency shelter needs are being looked at. Ms. Sawyer noted that BOH members should have basic incident command training; which is the basic of all public safety emergency. Ms. Sawyer explained that shelters cannot be run by the Red Cross in every town and they are now hosting regional shelters, which are restrictive in whom they can care for. Tewksbury has partnered with Wilmington and Billerica on a regional shelter plan for one location supported by the three communities. Ms. Sawyer explained that while this is more of a public safety issue, there are some people who would require a medical shelter and this is where Tewksbury comes in as the town is at the very ends of a memorandum of understanding with the Tewksbury Hospital that they would provide location and space and town would provide personnel and plan. The shelter would evaluate those coming in and the staff would determine whether medical needs are required. Ms. Sawyer discussed the importance of people being aware of what the plan is and opening this up to the residents as there are many who want to help. Ms. Sawyer noted that they are looking to hold a forum and have a roll out the beginning of September, possibly at the library.

Mr. Barry noted that September happens to be Emergency Preparedness Month and as a member of the upper Merrimack Valley Medical Reserve Corp., there is a lot he would like to do to be a part of this. Mr. Barry discussed FEMA's online ICS training courses and asked that members of the BOH complete both free training courses. Mr. Boschetti agreed and discussed the importance of being educated on these types of issues.

Announcements:

- Bike Rodeo and Wellness Fair recap

Ms. Sawyer noted that it was a cold and rainy morning for the Bike Rodeo and Wellness Fair. During set up, the thought was no one would come and then the vendors all showed

up and there were approximately 100 kids. Ms. Sawyer noted that a lot was learned for next and work has already started.

Ms. Brothers expressed concerns with the seniors having now been left out as the location has been changed from the Senior Center to the High School and requested the figures on the turn out in attendance from last year and this year be provided.

- Tewksbury CARES meeting June 22, 2016 – 2:00 p.m. at the Bayberry at Emerald Court

Adjourn

MOTION: Mr. Roux made the motion to adjourn at 8:15 p.m.; seconded by Ms. Brothers and the motion unanimously carried 5-0.

Approved: August 18, 2016