



TOWN OF GROTON
Board of Health
173 Main Street
Groton, Massachusetts 01450

MEETING MINUTES
August 8, 2011

Board of Health Members Present:

Robert Fleischer, Chairman
Jason Weber, Member
Dr. Susan Horowitz, Member

Others Present:

Nashoba Associated Board of Health Agent Ira Grossman
Land Use Director Michelle Collette
Property Owner George Pergantis
Selectmen Anna Eliot and Stuart Schulman
Historical Commission Chairman Alvin Collins
Water Superintendent Thomas Orcutt
Land Use Administrative Assistant Paula Martin
Reporters Art Campbell, Pierre Comtois & Connie Sartini

Meeting Called to Order:

Chairman Fleischer called the meeting to order at 7:00 pm in the Town Hall.

Housing Violation(s) Condemnation Order – 128 Main Street, Buildings 2 & 3

Chairman Robert Fleischer stated that the Board of Health is holding this special meeting to ratify the condemnation order of 128 Main Street, Buildings 2 & 3, issued by Health Agent Ira Grossman on August 4, 2011 (attached herewith). The two buildings contain a total of eight apartment units. Mr. Grossman summarized the findings in the condemnation order prompted by the lack of electricity and water as a result of the fire at the Groton Inn on August 2, 2011. The Groton Inn is a separate structure on the same property. There was no fire damage to Buildings 2 & 3. He stated that there may be additional items not included in the August 4, 2011 order.

Chairman Fleischer asked if the property is served by Town sewer or on-site sewage disposal systems. Mr. Grossman said the Groton Inn is on the municipal sewer system, but Buildings 2 & 3 are served by a sewage disposal system. He stated that he did not inspect the system and it is not included in the August 4, 2011 order.

Chairman Fleischer said it is his understanding that the Groton Electric Light Department (GELD) restored power and the Water Department would install a new water service on Wednesday to Buildings 2 & 3. Mr. Orcutt said that is correct.

Member Weber said five (5) of the 14 items in the August 4, 2011 order are major. Mr. Grossman said the items with an asterisk are deemed to impair public health and safety. Member Weber asked if those items must be addressed within 24 hours and before tenants are allowed back on the property. Mr. Grossman said, "Yes."

Chairman Fleischer asked if the lead paint item is major. Mr. Grossman said an inspection by a Licensed Lead Inspector is required because there are children under six years of age living in the apartments. The lead paint issue takes precedence.

Member Weber asked if the lead paint must be remediated or notice provide to the tenants. Mr. Grossman said the unit must be rendered safe if a child under six lives there. He observed paint chipping and peeling. If it is lead paint, it must be de-leaded in accordance with 105 CMR 460, not just painted over or covered up. Requirements on lead paint removal are very specific and clear. A Licensed Lead Inspector is required. The work may not be done by the owner and must be done by a qualified contractor. A contract for the work must be signed within five (5) days. The landowner has not submitted such a contract to date.

Mr. Pergantis said all the required work has been completed – the porch, the chimney, and the plaster have all been repaired. He said he painted everything up to five feet above ground level. He said he spoke with the Fire Chief about the smoke detectors.

Chairman Fleischer asked how compliance would be documented. Mr. Grossman said the Building Commissioner, Fire Chief, and he (as Health Agent) must inspect the site and verify that the work has been done before authorizing occupancy. He said the owner must submit a signed contract with a Licensed Lead Inspector for a full inspection as required in the Lead Paint Regulations. A certificate of deleading must be submitted when the work is complete.

Chairman Fleischer asked if Mr. Pergantis had a contract with an inspector. Mr. Pergantis said he called someone, but no one came. He said he painted over the peeling paint with latex paint. Chairman Fleischer told Mr. Pergantis that he still must hire a Licensed Inspector as required in the regulations.

Mr. Grossman said the Board of Health must issue written authorization to allow re-entry. Health and safety must be ensured including water and electricity. There is no choice in meeting the lead paint requirements.

Mr. Pergantis said all the work has been done and he would call the Building Inspector tomorrow. He said he is paying for people to stay in hotels and he has no money.

Mr. Orcutt said the water service would be installed by Brian Lagasse on Wednesday. He said the Water Department expects to be reimbursed for the cost to install water (approximately \$3000 to \$4000) before the water can be turned on.

Member Horowitz asked Mr. Grossman if he had inspected inside the units. Mr. Grossman said, "No," he had not been requested to do so by any of the tenants. The lead paint provisions were triggered by the chipping and peeling paint on the outside of the building with a child under six living there.

Member Horowitz asked if the Lead Inspector could go inside the units. Mr. Grossman said with permission of the owner.

Chairman Fleischer asked if any children under six lived in the apartments. Mr. Pergantis said there is only one child under six in Building #2.

Member Weber said the Board of Health must verify that corrections have been made. Mr. Grossman said lead remediation takes time. Corrections must be in progress in accordance with the Lead Paint Regulations.

Member Weber stressed the seriousness damage that can be done to young children from lead paint exposure. If a child is found to have lead in their blood and the residence has lead paint, then all costs must be borne by the landlord.

Mr. Grossman said the special meeting of the Board of Health was called for the Board to ratify/modify/or revoke the condemnation order. The Board of Health will have to sign off on re-occupancy of the units.

Chairman Fleischer and Board members thanked Mr. Grossman for his thorough report. Member Weber suggested authorizing Health Agent Ira Grossman to determine compliance with the August 4, 2011 Condemnation Order.

Mr. Grossman said there are a number of code violations – some are 105 CMR 410 Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II) and some are Building Code violation. The exterior entry doors must be secured with strikers and releases as required in 105 CMR 410.480 Locks for buildings with more than three units. The stairways must meet code, the contract with a Licensed Lead Inspector must be submitted, and water and electricity must be restored.

The motion was made by Weber, seconded by Horowitz, to authorize Health Agent Ira Grossman to lift the condemnation order based upon the following criteria:

1. Water and electric service must be restored to buildings 2 and 3.
2. The outdoor stairway on Building #2 must be in compliance with Chapter 2 and the Massachusetts State Building Code, Eighth Edition.
3. The entry doors must be in compliance with Chapter 2 and the Massachusetts State Building Code, Eighth Edition.
4. The property owner must have entered into a contract with Licensed Lead Inspector, to inspect the premises and certify compliance with Code (see 105 CMR 460.000). Full compliance with lead provisions will also be required within the time frames pursuant to those requirements.

The motion passed unanimously.

The Board of health told Mr. Pergantis that the Order stands until Mr. Grossman signs off on it.

Meeting adjourned at 7:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director