



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

MEETING MINUTES
January 23, 2012

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 Assistant, Dawn Dunbar

Meeting Called to Order:

Chairman Fleischer called the meeting to order at 7:03 pm in the Town Hall.

Minutes Approved

Member Horowitz made a motion to accept the minutes of September 19, 2011 as written. Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Horowitz made a motion to accept the minutes of November 21, 2011 as amended. Member Weber seconded the motion and all were in favor with a unanimous vote.

Member Horowitz made a motion to accept the minutes of November 7, 2011 as written. Member Weber seconded the motion and all were in favor with a unanimous vote.

128 Main Street – Carriage House

Mr. Grossman explained that Bridgette Braley of Nashoba Associated Boards of Health performed an inspection that day and said that things had improved. He said that Mr. Pergantis wrote the Board a letter requesting that the food service permit be issued so that he could open the restaurant. Mr. Grossman told the Board that Mr. Pergantis does not have site plan approval from the Planning Board nor did he have a liquor license from the Board of Selectmen.

Member Horowitz said that the work on the apartments needed to be completed first. She asked if they could hold up the food service permit until the fines incurred were paid. Mr. Grossman said Town counsel suggested that the Carriage House and the apartments needed to be treated as separate issues. Member Horowitz asked if occupancy could be held up until the fines were paid. She said that the last piece of carpentry and lead paint needed to be completed before occupancy of the vacant units was allowed.

Mr. Pergantis and Ms. Lammi arrived at the meeting. Chairman Fleischer explained that the Board had been discussing the apartments vs. the Carriage House and whether or not they were separate issues and what items were still outstanding.

Member Horowitz told Mr. Pergantis that he didn't have much further to go. Mr. Pergantis said that he would finish the items that week. Member Horowitz said that they needed to check with Town counsel but thought that until fines were paid, he should not be allowed to re-rent the apartments. Chairman Fleischer said that he was pretty much in agreement with member Horowitz's statement but that it sounded like Mr. Pergantis should be done soon.

Mr. Pergantis said that he completed everything listed in the 1st violation letter. He said that the 2nd violation letter listed different things of which he completed. He said that the 3rd violation letter listed mold in Building 3 which he completed. Mr. Grossman confirmed that the mold in the basement of Building 3 had been cleaned.

Mr. Pergantis said that he had received a letter in the mail that day stating the current amount of the fines incurred. He said that he was shocked and not aware of any fines. Member Weber said that the Board began assessing fines after the third deadline was not met. He told Mr. Pergantis that he had a legal obligation to complete all the work on time and reminded Mr. Pergantis that he set the deadlines. Member Weber said that the fines would continue as long as things are outstanding.

Mr. Pergantis told the Board that he lost one (1) million dollars when the Inn burned down and he needed help. He said that no one from the town has helped him. He said that he wanted to open the restaurant so that he can make some money.

Chairman Fleischer switched the discussion back to the apartments and explained to Mr. Pergantis that they had an obligation to adhere to the process in which they were doing things. He said that the fines were assigned in an effort to speed up the process, not to make money.

Member Weber told Mr. Pergantis that the Board didn't want to have a discussion relative to his personal finances. Member Weber said that they understood he wanted help but it was not necessary to discuss his personal finances.

Member Horowitz told Mr. Pergantis that on November 21, 2011 he was present at the Boards meeting with Mr. Ross, Mr. Pergantis's judiciary agent at which time the fines were discussed and voted on. She remembered Mr. Ross explaining to Mr. Pergantis why he was being fined.

Mr. Pergantis said that he had fixed everything. Member Horowitz said that since November 21, he had fixed a couple of things and that there were two (2) items left outstanding. She told Mr. Pergantis that the Board was aware that he had placed ads to rent the vacant units on Craigslist without permission from the Board to rent out the vacant units. She said that until all the outstanding items had been completed and inspected by Mr. Grossman and until all fines had been paid Mr. Pergantis was not permitted to rent the vacant units.

Mr. Pergantis said that he would leave the apartments vacant and have no money. Member Weber again asked Mr. Pergantis to leave his personal finances out of the discussion so that the Board was not forced to ask him questions relative to his finances.

Member Weber asked if the Inn had been insured. Mr. Pergantis said that bank took all the money. Member Weber repeated the question. Mr. Pergantis answered "yes." Member Weber asked if Mr. Pergantis paid the contractor to clean-up the Inn's debris. Mr. Pergantis said "no, the bank." Member Weber asked if the bank could pay the fines. Mr. Pergantis said "no, no money." Member Weber said that he presumed there was a balance of funds left over. Mr. Pergantis said that there was no money left over.

Mr. Grossman said there were still a couple of outstanding items that needed to be resolved such as the lead paint. He said that there were still lead paint chips on the ground that needed to be cleaned up. Member Horowitz told Mr. Pergantis that in order to rent out the remaining vacant apartments the lead paint needed to be remedied and documented and the carpentry needed to be completed. She said that they should check with town counsel to see if unpaid fines could hold up re-occupancy of the vacant units. She suggested that they continue the hearing for two (2) weeks at which point if Mr. Pergantis has completed the outstanding items he can re-rent.

Member Horowitz made a motion to continue the hearing for two (2) weeks. Mr. Pergantis must remediate the lead paint and have it certified and complete the carpentry on building 3 before their next meeting. The Board would speak with Town counsel regarding the fine and if the outstanding items are not satisfactorily completed in two (2) weeks, they would proceed to housing court.

Member Weber seconded the motion and suggested to Mr. Pergantis that he seek a licensed professional to assist him with this process.

Mr. Pergantis told the Board that two (2) weeks was not enough time. Member Horowitz stated that this issue had been going on since August 2011 and that he had had plenty of time. Chairman Fleischer said that clean-up should be possible. Mr. Pergantis said that he would try.

All were in favor of the motion.

Member Horowitz asked Mr. Grossman if core samples could be taken to see if anything might be buried in the rear of the property. Mr. Grossman said that it could be done but that he could not do it. Member Horowitz asked if DEP or the EPA could get involved. Mr. Grossman said that he didn't think they would because it could be handled locally. Mr. Grossman said that their two (2) choices were to accept what Mr. Pergantis had said and visualize that nothing was there or dig a test hole. Member Horowitz asked what the process was for getting a backhoe in there to dig. Mr. Grossman said that it would be the owners responsibility to prove that nothing was buried there as part of the order. Chairman Fleischer asked with the owner's permission could they dig and witness. Mr. Pergantis said that the Board could witness and if they see nothing he didn't need to pay the fines.

Member Weber asked how the Board determined that there was "stuff" there at one point or another. Mr. Grossman said that he and Cons Com had seen "stuff" there.

Member Weber made a motion that this Board pend further action of a potential landfill until other items such as apartments and Carriage House have been resolved.

Member Horowitz seconded the motion. All were in favor with a unanimous vote.

Chairman Fleischer asked what the status of the Carriage House was. Mr. Grossman said that Bridgette Braley conducted a third inspection and said that the kitchen was in okay condition. Chairman Fleischer asked if the Board wanted to continue their discussion on the Carriage House until sewer was installed and until other boards and committees have discussed and voted on as necessary. Mr. Pergantis asked if he could open on a temporary permit for the next couple of months. Member Horowitz said that it would be an easy two (2) months for Mr. Pergantis to go through the Planning Board site plan review process. She said that the Board could revisit their discussion of the food service permit at that time.

Member Horowitz told Mr. Pergantis that as soon as he had the other approvals he needed, he could come back to the BOH at that point. She told him that he could not open the restaurant until he connected the Carriage House and apartments to town sewer.

Scott Harker – Pressure Dosed Septic Systems

Mr. Harker said that he was before the Board to discuss pressure dosed systems. He said that his home had a pressure dosed system and if he loses power his septic may be unusable because he does not have a large enough generator to run the system. Depending on how long the power was out for he may be forced to leave his home. His request was to see if information could be provided to those homeowners that do have a pressure dose system. Mr. Grossman said that information was placed online a year ago. Mr. Harker asked if something had been printed in the Groton Herald or on cable access notifying people. Mr. Grossman said that it was his feeling that homeowners needed to take personal responsibility for their homes and systems.

Member Weber made a motion to submit the information regarding pressure dosed systems and what to do if the power goes out to the Groton Herald, community access channel, GELD bills, Groton Landmark and Lowell Sun if it could be done for no charge. Member Horowitz seconded the motion and all were in favor with a unanimous vote.

89 Boathouse Road

Mr. Grossman explained that this system had been in failure for a long time and that letters had been ignored.

Member Horowitz made a motion to allow Mr. Grossman to take 89 Boathouse Road to housing court for non-compliance. Member Weber seconded the motion and all were in favor with a unanimous vote.

22 Redskin Trail

Member Weber made a motion that if a contract signed between Mr. Mavilia and a contractor of his choosing were to come in that week, that the Board would not continue with court proceedings. Member Horowitz seconded the motion and all were in favor with a unanimous vote.

Clover Farm

Member Weber made a motion that the draft letters to Clover Farm be submitted to Town counsel for review prior to being sent to the owner. Member Horowitz seconded the motion and all were in favor with a unanimous vote.

Waiver of Title 5

Member Horowitz made a motion to adopt a Waiver of Title 5 Upgrade/Repair and Schedule of Upgrade. Member Weber seconded the motion and all were in favor of a unanimous vote.

Respectfully submitted,

Dawn Dunbar
Land Use Assistant