

Dracut Board of Health
Minutes
September 21, 2017

Present: Chairman, Evan Themeles, Vice Chairman, Dr. Lou Rousseau, Clerk, Paul Enis, Public Health Nurse, Cynthia Campbell, Health Agent Casey Mellin and recording secretary, Marylee Enos. The meeting was held at the Town Hall, 62 Arlington St, Dracut, MA

Also present; Attorney Jay Sheehan from the Law Offices of Sheehan & Owens
Attorney Andrew Fanno from Dambrosi & Brown representing the Health Department

Chairman, Evan Themeles called the meeting to order 4:40p.m.

Hearing –Twin Hills Development- 263 Spring Rd, Dracut, Ma 01826

The hearing was opened at: 4:41 pm

Attorney, Jay Sheehan came to the meeting representing, Twin Hills Development Corporation. Attorney Sheehan explained a certified letter was sent to Twin Hills Development Corp on August 14, 2017 stating they were in violation of the Massachusetts General Law chapter 111, Sections 127A and 127B at the address of 263 Spring Rd. Attorney Sheehan's office requested a hearing before the Board of Health.

Attorney Andrew Fanno, representing the town explained a little of the background to the Board of Health members.

On July 27, 2017 an inspection of 263 Spring Road, Dracut, MA was done by representatives of the Town of Dracut.

A certified letter was sent out to Twin Hills Development Corporation with the code violations on August 14th which stated they have been given fourteen (14) days to abate such alleged violations.

Attorney Sheehan explained some of the issues are;

1. Automobiles that were abandoned on the property, which they clearly acknowledge are a health risk and were immediately removed from the property.
2. A bunch of pallets that have been stored on the property.
3. Trees that were cut down and laid out, probably 30 to 50 trees.
4. Granite landscaping which are excess stock from a landscaping job.
5. A pile of asphalt which has been a top of their list to get removed.
6. Tires that are on rims at the location, which should be removed by the end of this month.

Attorney Sheehan stated he reached out to the Towns Attorney, and submitted what he thought was a fair and doable time line to address the rest of the issues, with the pallets and the trees.

Attorney Sheehan stated in regards to the granite he doesn't think it's an issue, he stated it's really not a health concern. The granite is really nice from what he saw and someone will be using it.

Attorney, Jay Sheehan stated what they have offered to do is a systematic approach over the next 18 to 24 months. They want to make the property look good and get it to where the Town wants it to be. What they do need in some time, and a plan, they have the equipment and the man power but they need the time.

The Towns Attorney, Andrew Fanno stated that this property is zoned in a residential neighborhood. After the inspection with the Health and Building Department, the order to correct was issued on August 7, 2017. Attorney Fanno stated he was in communication with Attorney Sheehan and as soon he was retained, they filed an appeal to the Board of Health.

They came to an agreement to continue the hearing to give them some time to work on those violations. That was approximately given 30 days, then the plan was to do a re- inspection on the week of September 18th, that came and went. The cars were removed, and some of the issues had started being addressed.

Then the additional time line for 18 to 24 months to remove the rest of it came out. They were not able to come to an agreement with the rest of the issues with a time frame that the Health Department thought was reasonable.

The remaining issues were pretty clearly stated. Attorney Fanno explained and showed pictures to the board the large cement blocks, which are very heavy. As well as the pallets and the trees. Attorney Fanno stated as his mentioned before, this is zoned residential so the town has some concern about any commercial use being done on the property.

What we have now in front of the Board of Health is an appeal of the order to correct which Incubuses the substantive aspect of the violations that were identified by the Health Department and the Building Department, and the time frame. The order to correct, which was issued on August 7th, 2017 had a 14 day order to correct the violations. The 14 days was extended based on their communications to approximately today.

Since those violations have not been corrected the Health Department is asking for the order to correct as the time frame that has been agreed on between the parties be enforced as well as the original substance of the order to correct.

Based on the Heath State Sanitary code, provisions 410.853 and 410.854, this gives the Board of Health the ability to approve, modify or withdraw the order to correct. We are asking to have the order to correct upheld today.

Chairman, Evan Themeles stated that the time frame they are asking for is unacceptable. Health Agent, Casey Mellin stated that his concern is the order is being delayed because of business circumstances. This is a nuisance order, people can go out there and play of these things, and it's in the middle of the woods. It has already been six weeks.

Attorney Fanno, explained the State Sanitary Code actually requires that any violation of the State Sanitary Code be remediated with a time measured by the health department but no longer than 30 days.

There already has been some considerable time that has been passed.

Chairperson Evan Themeles made a motion to uphold the viability of the order to correct and the time frame within that. Louis Rousseau seconded the motion. The motion passed unanimously.

The hearing was closed at 5:10pm.

Attorney Sheehan thanked the committee for their time.

Minutes:

Paul Enis made a motion to approve the minutes from June 28, 2017. Louis Rousseau, seconded the motion. The motion passed.

Nurses Report:

Ms. Campbell explained to the board she has set up the dates for the 2017 flu clinic, which will be Friday, October 13th 5:30 pm till 7:30 pm and Saturday, the 14th from 10:00 am till 12:00pm.

We are keeping the same set up as last year, here at the Town Hall downstairs. Ms. Campbell stated, it was very successful last year here and with these hours.

Ms. Campbell stated that she will also be going to the Council on Aging for their Health Fair and will also have a mini clinic for flu shots on November 4, 2017 at the Council on Aging.

Health Agents Report:

Health Agent, Casey Mellin stated that 56 Gumpus Rd is going to start getting ticketed as part of the 40U code violations.

Mr. Enis asked the Heath Agent if anything is happening at 502 Hildreth St. Mr. Mellin stated he believes it is going into receivership soon. They have not been ticketed for a while.

Mr. Mellin stated that October is Opioid Awareness month. The Heath Department is having our annual vigil on October 22nd at the High School Gazebo.

Also on October 12th, at the Library there is going to be an Opioid Abuse Awareness Seminar open to the public.

Old Business:

Dracut Water Supply District, Fluoridation discussion:

Chairperson, Evan Themeles and the board decided against pursuing anything on taking the fluoride out of the water on their behalf.

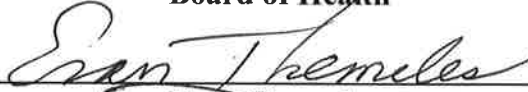
Old Business:

Heath Agent, Casey Mellin stated that the signature for the bond for the Tabaco contract needs to be signed for renewal for Ron Beauregard by all the Towns.

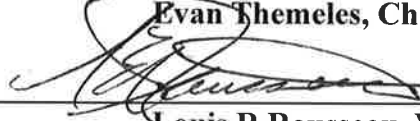
The board signed the contract for renewal.

Paul Enis made a motion to adjourn the meeting at 5:20 pm, seconded by Louis Rousseau the motion passed unanimously.

Board of Health



Evan Themeles, Chairman



Louis R Rousseau, Vice Chairman



Paul Enis, Clerk