



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
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A P P R O V E D
Board of Health Meeting Minutes
Wednesday, August 13, 2014
Ground Floor Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Michael Fitzpatrick, Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg

Staff in Attendance: Christine Bongiorno, Director of Health & Human Services, Natasha Waden, Health Compliance Officer, James Feeny, Health Compliance Officer

Others in Attendance: Paul Murphy, Andrew Golay

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Michael Fitzpatrick at 5:30 pm.

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Marie Walsh Condon, to accept the June 25, 2014 Board of Health Meeting Minutes as submitted.

Vote: Motion Approved Unanimously (3 -0)

Hearing: Housing Code Violations – 2 Colonial Village Drive #7

Ms. Waden informed the Board that on July 17, 2014, the Board of Health received a complaint from an occupant of 2 Colonial Village Drive #7, Ms. Sonja Evans, regarding plumbing issues at her residence. On July 22, 2014, Health Compliance Officer Natasha Waden and Intern Shawn Freund conducted an inspection of the unit in accordance with 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation. Violations were observed and Mr. Paul Murphy, the owner of the property, was issued a correction order.

Upon receipt of the correction order, Mr. Murphy requested a hearing via e-mail dated July 30, 2014 to modify the correction order. Following Ms. Waden's preface, Mr. Murphy was invited to address his request.

Mr. Murphy stated he was requesting a modification to item 2 (kitchen sink drain) and items 4, 5, and 6 (window locks) of the correction order. He inquired if he could remove the garbage disposal in question (item 1) and stated he would fix item 3 (air conditioner).

Mr. Murphy also wanted clarification that the occupant had removed the battery operated smoke detector and reattached the device to its base at the request of Ms. Waden. Ms. Waden confirmed Ms. Evans reattached the smoke detector, and Ms. Waden stated she will be requesting the Fire Department conduct an inspection regarding a possible hard-wired smoke detector.

Mr. Murphy stated Ms. Sonja Evans was a tenant at will, and he had previously served her with a 60 day notice to vacate. He stated earlier in July he also sought an eviction due to nonpayment of rent. He informed the Board the occupant received a waiver and they have a court date tomorrow (8-14-2014) and that it is anticipated she will vacate by the end of September. He informed the Board the complaint was filed with the BOH after the eviction notice had been served, and he believed the complaint was retaliatory. He stated he asked for a hearing because was afraid of fixing the unit, only to have it damaged before the occupant vacates. Mr. Feeney informed Mr. Murphy that there are legal avenues for reparation if there are malicious damages.

Regarding the kitchen drain, Mr. Murphy informed the Board he was notified by the occupant on two separate occasions about a blockage in the kitchen sink drain. He stated on the first occasion he went over and used a plunger and dislodged the clog successfully. On the second occasion, he stated by the time he arrived, Mr. Andrew Golay, Ms. Evans' roommate, had used a plunger to dislodge the clog and the sink was working properly. He stated he did not receive a complaint from the occupants the day the Board of Health was called. Regarding the window locks, Mr. Murphy supplied pictures of the locks, and informed the Board they are secured at the bottom. He further stated that prior to the tenant moving in, an inspection was conducted by the Cambridge Housing Authority and a few items were corrected prior to the tenant moving in. He stated the windows and locks were all in proper order at the time the tenant moved into the unit and he found it odd that they are all now broken.

Mr. Andrew Golay addressed the Board and stated he resided on and off at the apartment for many months with Ms. Evans. He stated the garbage disposal doesn't work, and the drain is always clogged. He stated the eviction notice is not relevant to the hearing or discussions. He stated Ms. Evans did not tamper with the window locks.

Mr. Murphy was informed that if the unit has double hung windows they will need to lock in the middle to secure both the top and bottom sashes. He was informed that he could not simply remove the garbage disposal because if the appliance was present at the time the tenant moved in, it is the landlord's responsibility to maintain it. He was further informed that the violations referenced and time-frames for repair are based on Massachusetts Code and will need to be adhered to.

A Motion made by Dr. Marie Walsh Condon, which was seconded by Mr. Kenneth Kohlberg, to sustain the correction order issued to Mr. Paul Murphy for 2 Colonial Village Drive #7, Arlington, MA.

Whereas the Board requires the Owner to Repair:

- Item 1: Repair the garbage disposal in a work person-like manner. (30 days)
- Item 2: Repair the sink in a work person-like manner (using a Licensed Plumber) (24 hours)
- Item 3: Repair/replace the air conditioner in a work person-like manner (30 days)
- Items 4, 5, and 6: Provide a locking mechanism for each window (24 hours)

The order will go into effect on Thursday August 14, 2014 when Ms. Waden provides Mr. Murphy the Board's written decision.

Vote: Motion Approved Unanimously (3 - 0)

Mr. Golay was informed to consider this information as notice that the repairs will begin on the sink and window locks within 24 hours and they will need to grant access to accommodate the repairs.

Environmental Updates

Ms. Waden informed the Board there has been an increase in rat activity/sightings in several areas throughout town. The Board of Health is working with the Department of Public Works to track and bait areas of high activity. An increase in sightings may be due to the recent floods that disrupted underground nesting sites. They also observed compost piles that contributed to some sightings. The Board of Health will also work with the public to provide education in maintaining their properties in a manner to make them less attractive to rodents.

Restaurant Updates

Pre-Operational Inspection:

- Fashion Cake Boutique

Possible Changes of Ownership:

- Szechuan's Dumpling
- Pizza Mia
- Manna House

Public Health Nurse Updates

Clinical Advisory – Ebola Virus Disease (EVD)

The Boston Public Health Commission and the Massachusetts Department of Public Health issued a clinical advisory update (dated August 7, 2014) regarding the management of suspected Ebola Virus cases or contacts. The update stated the likelihood of someone arriving in Massachusetts with Ebola Virus is very low, and the potential for transmission in the United States is even lower. However, in light of the ongoing unprecedented outbreak of Ebola in areas of Guinea, Sierra Leone and Liberia (including in urban areas), and cases occurring in healthcare workers working in those countries (including two U.S. citizens), and the introduction of a case into Nigeria as a result of air travel, it would be prudent to assess capacity and preparedness for the management of suspect cases and of individuals potentially exposed to the Ebola Virus. Ms. Bongiorno informed the Board she participated in a conference call regarding this issue on August 7th.

Public Comment:

None

Meeting was adjourned at 6:20 pm.

Next Scheduled Meeting: September 10, 2014 (please note this is a change of date)