

Town of Maynard

Board of Health

Meeting Minutes – September 28, 2021 - Meeting via Zoom

The Maynard Board of Health (BOH) held their scheduled meeting on Tuesday, September 28, 2021, virtually via Zoom. Kathy McMillan, Chair, Lisa Thuot, Vice Chair, and Jodi Larkin, Member, were present. A roll call vote was completed. Also in attendance were Meghan Zammuto, Assistant Town Administrator, and Justine St. John, Select Board.

I. Call Board of Health Meeting to Order

A motion was made by K. McMillan to open the Board of Health Meeting at 6:32pm, which was seconded by L. Thuot. The motion was supported unanimously via a roll call vote, and K. McMillan explained that it was a remote meeting.

Note: Please refer to the meeting agenda for the background attachments applicable to this meeting.

II. Public Hearing: 23 Sudbury Street

- a) Resident Jeffrey Salazar requested a public hearing regarding the Order Letter Issued on August 13, 2021 requesting the repair of the stone foundation to maintain compliance with 105 CMR 410.500 Owner's Responsibility to Maintain Structural Elements.

K. McMillan started the public hearings by discussing the ground rules, including introducing speakers, allowing each person to speak without interruption, and providing an opportunity for public comments.

Mr. Salazar is a tenant in the 23 Sudbury Street property owned by Don and Frances Pugsley. The tenant's complaint was for mold in the basement. An inspection identified a correction needed to the basement stone foundation, which had a water leak.

Fran Pugsley: Mr. Pugsley said Mr. Salazar was in the process of being evicted. He said when he and his brother attempted to access the basement, Mr. Salazar told them to leave and called the police. Mr. Pugsley said Mr. Salazar has no say regarding the property, and that the contractor was going to be coming to the property soon to perform the basement repair work. Mr. Pugsley said nothing was being done in the basement because Mr. Salazar called the police and refused access. He said two different basement contractors will be visiting the property on October 12 and October 27, 2021 to provide estimates for the work (Erikson Foundation and Pioneer Foundation, respectively).

Jeffrey Salazar: Mr. Salazar said he filed the complaint on August 12, 2021, which resulted in a order dated August 13, 2021. He said he still resides at the property, he has no date from the judge for his eviction, and that he has a right to appeal the eviction. He said there is a substantial flooding and mold issue in the basement. He said he has an issue with the owner's timeframes, for instance the contractor

was going to access the property in October, 60-75 days after the violation was reported. Mr. Salazar said he was not notified by the owner when specifically needed to access the basement, (only that the owner needed general access to the property). From August 13, 2021 through present, Mr. Salazar said the owner has only come to the property once.

K. McMillan said that Mr. Pugsley gave the BOH notice that he started the effort to correct the basement issues. The BOH determined that the property owner is making a good faith effort to get estimates for the basement work.

III. **Public Hearing: 124 Parker Street**

- a) **Property owner Mike Preshman requested a public hearing to request the waiver of a \$100 fine issued on September 8, 2021. The fine was issued as a third offense regarding the failure to correct the dumpster overflow of garbage and maintain compliance with 105 CMR 410.602 Maintenance of Areas Free from Garbage and Rubbish.**

Mike Preshman: Mr. Preshman has owned the property, a 4-unit building, for approximately 1 year. This is the 3rd offense for failure to correct dumpster overflow. Mr. Preshman said he has been getting regular garbage service; initially the frequency was once/2 weeks, but at the end of August the frequency was changed to once/week. He said that the dumpster company (Republic service) missed a recent dumpster pickup. Mr. Preshman said his property is located at a busy corner of B Street and Parker Street, and said he was questioning if there was illegal dumping by non-residents into his dumpster. He also noted that 2 tenants had moved out of his building in the past month, which added an excess amount of garbage. He said he's trying to do the right thing and doesn't mean to leave garbage outside the dumpster. He is ok with paying the \$50 fine issued by the BOH, but asked to appeal a recent \$100 fine.

K. McMillan noted that 6 dumpster violation letters had been sent to Mr. Preshman since Feb. 2021. The first dumpster complaint was received by the Town on Feb. 8, 2021. Mr. Preshman recently filed for a dumpster permit, but has not yet paid the fee. L. Thuot suggested Mr. Preshman could arrange for an extra dumpster pickup during the week(s) when tenants move out, knowing that situation will generate more garbage; also, if he suspects illegal dumping, he could install a camera and/or a lock on the cover so only he, his residents, and the refuse company can access the dumpster.

Public Comments during this hearing included the following:

Tom Gorman: Mr. Gorman owns a property on B Street, directly across from Mr. Preshman's 124 Parker Street property. He noted the dumpster overflow has been an issue for several months, and wants the assurance that the situation will be corrected for the future.

Rick Kilpatrick: Mr. Kilpatrick also lives on B Street near the 124 Parker Street property. He has contacted the Town several times about Mr. Preshman's dumpster. He cited many issues with the dumpster's overflow, smell, and rodents ripping apart the dumpster garbage; he said this was not a short-term problem, and also wishes to see resolution to the problem. Mr. Kilpatrick explained that neighbors do not want to see or deal with Mr. Preshman's dumpster overflow issue any longer.

Both Mr. Gorman and Mr. Kilpatrick said that B Street residents feel it is very important for this dumpster issue to be fixed, because it is a real problem for those living near it. Mr. Preshman responded to the public comments by saying that he did not think his dumpster has been a long-term problem. Mr. Preshman said he is also considering getting rid of his dumpster all together, and have each unit have their own garbage bin which could be picked up by the Town service.

The BOH voted through a unanimous roll call vote to waive the most recent fine of \$100, only if both the first dumpster fine (\$50) and the 2021 dumpster registration fee (\$60) are paid in full. The BOH noted that any future dumpster violation fees would not be waived for 124 Parker Street.

IV. COVID-19 Update

M. Zammuto noted that the daily COVID-19 case counts remain low and approximately the same as last month, with 9 active/confirmed cases, and 3 probable cases. The Baker Administration recently announced how to access the Pfizer booster.

V. Full-Time Health Agent Update

M. Zammuto reported that the Town had received applications for several good candidates for the full time Health Agent position, and rounds of interviews were conducted. She anticipated the chosen candidate would start work in October. In the interim, M. Zammuto's staff was answering a lot of BOH calls, and she obtained a temporary contract with Acton to assist the Maynard BOH. Kathy Castle, RN, has been assisting with answering many COVID-19 questions.

VI. Railroad Street Joint Submission Pursuant to Court's Order

By December 10, 2021, the owner is required to have completed all the repairs. Some outstanding repairs include gas/plumbing and sheet metal work, which are not BOH issues/not in the BOH's jurisdiction, but which require Town permits (such as gas/plumbing) and follow-up inspections.

VII. Approve Meeting Minutes of Previous Meeting

K. McMillan made a motion to approve the meeting minutes from 6/22/21, 7/27/21, 8/17/21, and 8/31/21. J. Larkin seconded the motion. The motion was supported unanimously by a roll call vote.

VIII. Other Business (not previously anticipated):

Mask Mandate Question: A question from a local business owner was sent to the BOH about why there is no mask mandate in Maynard, when all surrounding towns have a mandate. L. Thuot noted that only the surrounding town of Sudbury has a mask mandate; Concord, Acton, Hudson, and Stow do not. J. Larkin suggested that the business owner take a different approach and require masks inside their business.

PFAS: L. Thuot mentioned that the Per- and Polyfluorinated Alkyl Substances (PFAS) information on the Maynard DPW website was very informative and helpful; she mentioned that perhaps the DPW could add a direct link off their page to PFAS filtration information (i.e. how PUR[®]/Brita[®] type filters typically do not work).

IX. Adjournment

K. McMillan made a motion to adjourn the BOH meeting at 7:46pm. The motion was seconded by J. Larkin. The motion was supported unanimously by a roll call vote. The next BOH meeting is scheduled Tues., October 26, 2021, at 6:30pm.