

Town of Maynard

Board of Health

Hearing Minutes – March 16, 2022 - Hearing via Zoom

The Maynard Board of Health (BOH) held a Hearing on Wednesday, March 16, 2022, 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 was John Robertson, Maynard Health Agent. Guests included Helen Song, owner/landlord of 185-187 Main Street, and Kiara Algarin and Jahbrill Prioleau, tenants of 185-187 Main Street Unit #1.

Call Board of Health Hearing to Order

A motion was made by K. McMillan to open the Board of Health (BOH) Hearing at 6:08pm, which was seconded by L. Thuot. The motion was supported unanimously via a roll call vote. K. McMillan explained the ground rules and conduct for public meetings, including respect and decorum for members and guests. K. McMillan explained she will introduce each speaker, who must speak in turn and clearly. She also explained that anyone offering public comments are asked to state their full name and address before speaking. Please refer to the published meeting agenda for more detailed information on meeting guidelines and background on the Hearing.

Opening background summary by the Public Health Officer: (J. Robertson)

The Hearing is regarding a Correction Order issued by the Maynard Public Health Division on 2/25/22 regarding violations of the State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation, 105 CMR 410.00. The initial violations were documented by J. Robertson during an inspection on 2/3/22 of 185-187 Main St. Unit #1. A reinspection was done by J. Robertson on 3/10/22, and no repairs were done. On 3/10/22, J. Robertson also observed new violations that were more immediate health and safety issues for the tenants, including an inoperable thermostat and non-operating heating system in the unit, (further documented by temperature measurements). An additional bedroom window was also documented as being difficult or unable to close. The landlord, Ms. Song, had stated to J. Robertson that the tenant “has no right to ask the BOH to inspect their unit”. During a follow-up inspection on 3/14/22, J. Robertson detected a probable gas leak at the property, for which he immediately contacted the Maynard Fire Department.

Statement by the Landlord (Helen Song):

Ms. Song said when she received the Order, she doesn't understand the pictures. She claims to have done a lot of work before the current tenant moved in. She said she called a plumber to fix the toilet problem. She claims she never heard from the tenant that the heat and hot water was not working in their unit (#1). She implied that the heat was broken because Mr. Prioleau had turned up the heat to 80

degrees, and claims the tenants smoke in the unit and placed a fan in the kitchen window because there was a smell complaint for their apartment. (Note: She did not specify the source of the alleged smoke smell complaint). Ms. Song claims the tenants are not paying rent and plans to evict them, and therefore believes the Orders do not apply and that she does not have to make any repairs to their unit.

Comments from the Tenant:

Mr. Prioleau said when Ms. Song showed him the apartment, he said the place looked dirty, and asked her to paint the walls. He said she painted a few walls, but not all. He said the toilet was not fixed, and that the plumber said he didn't understand why she had called him. He claims he did not use a fan in the kitchen window. Ms. Algarin said the floors were so dirty that she had to bleach them. She said she cannot lock their door, and they did not know about the window issues until they moved in. She explained the stove is old and the gas pilot must be manually lit, and she gets burned when doing so. She said as of this meeting date, the heat in their unit was still not fixed/restored. Ms. Algarin said the smell of smoke is not coming from their unit, rather from the common hallway. She said the landlord (Ms. Song) does not respond when they contact her.

Inquiry and discussion between Board members and Landlord on the issues raised:

J. Robertson explained that when he was in the unit, there was no display showing on the thermostat and the furnace/boiler switch appeared to be in the "off" position. He explained to Ms. Song that evictions, financial obligations, etc. does not have anything to do with basic human habitation standards under the State Sanitary Code. J. Larkin and L. Thuot stated they do not understand why she was not fixing the heat, particularly during winter months. L. Thuot also had concerns about the electrical violations cited in the unit, which can create a fire hazard.

Discussion among Board members before issuing final decision to uphold or amend content of orders:

J. Larkin made a motion to uphold the 2/25/22 Correction Order. The motion was seconded by L. Thuot. The motion was supported unanimously by a roll call vote.

J. Larkin asked about what monetary fines could be applied to the violations for the 2/25/22 Order, and for the lack of heat in the unit, such as daily fines for non-compliance. J. Robertson said the BOH had the ability to vote on fines for Correction Orders. J. Larkin made a motion to issue daily fines to the property owner for the lack of heat in the unit. The motion was seconded by L. Thuot. The motion was supported unanimously by a roll call vote. The BOH noted that the 30-day window to apply for the dumpster permit had not yet expired as of the meeting date.

Adjournment

K. McMillan made a motion to adjourn the BOH Hearing at 7:02pm. The motion was seconded by L. Thuot. The motion was supported unanimously by a roll call vote.