

Board of Health

December 19, 2000 - **Minutes**

6:30 P.M. at the Water Department Conference Room, 1105 Shawmut Avenue.

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Present:

Dr. Patricia L. Andrade, Chairperson
Barbara A. Silva, R.N.,B.S., Member
Victor F. Rebello, Jr.,R.Ph., Member
Raymond A. Belanger, Director

1. Motion to accept Minutes of November 16, 2000

Dr. Andrade asked for corrections to the minutes.

None noted.

Motion by Victor Rebello to accept the minutes made.

SECONDED by Barbara Silva.

ALL IN FAVOR.

UNANIMOUSLY APPROVED.

2. Mr Belanger shared with the Board information he had gathered at a one day seminar on 'Body Art'. Several speakers discussed various subjects including prohibiting specific types of body art e.g.branding and scarification. The Attorney General's position was that it would be the Board's responsibility to prove that branding and scarification presented some public health reason that they are more dangerous than body piercing and tattooing in order to prohibit them. If the board still wants to ban branding and scarification, it is it's prerogative however we must be able to establish the public health reasons for such a decision. Relative to body implantation, the state is not allowing this activity based on the fact that it is a medical procedure. Mr. Belanger showed the Board a book on Body Art which he had received at the conference. He provided the Board with a copy of the table of contents illustrating the issues which were covered in the manual.

3.Discussion about validating past decisions.

Mr. Belanger spoke to Attorney Leontire regarding the legality of the Board's votes since February 2000 due to the question which arose regarding the reappointment of some of the Board members. Although there is some question as to whether or not it would be necessary he recommended that the board did take a vote ratifying all of the votes that

were taken since February. Barbara Silva was against this stating it would look like the Board had voted inappropriately on those issues when in fact they had not. Many other Boards have had the same issues regarding reappointment, do they also have to take this approach? Mr. Belanger agreed to revisit the issue with Mr. Leontire.

4. 13 Social Street, Robert Clarke, Owner, Atty. Mark Deshaies, Representing, Roberta Santos, Tenant, William Rolli, Inspector.

Re: Minimum Housing Violations, Order #22391.

Mr. Rolli stated there have been no corrections of the violations.

Mark Deshaies representing Robert Clarke filed a request for a hearing on the basis that they were aggrieved by the findings. The current tenant, Roberta Santos, the daughter of the owner, came into the occupancy of the property in 1992. Since that time she has taken out a number of building permits that bear directly on the violations. The persons who she hired to do work on the house did not do the work properly. In September of 2000 Mr. Clarke was willing to sell the property to Ms. Santos however complications developed. Ms. Santos subsequently called the Board of Health to do an inspection. The inspections revealed violations and Mr. Clarke was cited however, it is their opinion that these conditions were indeed caused by Ms. Santos own doings. Mr. Clarke never gave Ms. Santos permission to work on the property, ie., take down walls or to do electrical work on the property which she just saw fit to renovate to her own liking not completing the work. Therefore it is difficult for Clarke to come up with the funds to correct work that was not completed by Ms. Santos and should have been in accordance with building codes. It is inequitable for Mr. Clarke to remedy damage that was caused by Ms. Santos. Ms. Santos also signed permits stating she was the owner of the property which she wasn't. Mr. Deshaies will submit copies of the documents signed by Ms. Santos which he feels his client is not responsible for. Mr. Deshaies is asking the board that his client be absolved of responsibility for the electrical and structural damage to the property.

Attorney Daniel DeNardis representing Roberta Santos and her husband Lawrence Santos regarding this matter differs with Mr. Deshaies because Mr. Clarke started wrecking the property in 1992 and when Ms. Santos wanted it repaired Mr. Clarke stated, "You are going to own it, you take care of it." Ms. Santos put in a heating system which is unusual for a tenant. When Ms. Santos started to do the work they found other problems. An oral agreement was made by Mr. Clarke and Ms. Santos through Attorney Kim Mitchell which never went through. Ms. Santos has receipts. The problem is how much each party should be responsible for.

Mr Belanger states that this is a complex issue. Clearly the

owner is responsible for providing certain minimum requirements. At the same time regulations state that the tenant must utilize the property in a manner that is clean and does not create damage to the property and is not certain whether taking out building permits and doing inappropriate work would constitute a violation of that section of the

law. The recommendation of Mr. Belanger is to table the decision and present both arguments to the City Law Department and ask the City Law Department to assist the Board in making a determination.

MOTION made by Barbara Silva to table the issue and refer to the Law Department.

SECONDED: Victor Rebello

ALL IN FAVOR

UNANIMOUSLY APPROVED.

5. 56 Jouvette Street, Francis Richard, Guardian of Maria Cordeiro, Atty. Mark Deshaies, Representing. Hector Sostre, Tenant, Manuel E. Costa, Jr., Inspector. Re: Minimum Housing Violations Order #22418 and #22419.

Mr. Costa states that the Water Department cause the water to be turned off due to an outstanding water bill. The Health Department subsequently ordered that the water be turned back on with the understanding that the Health Department would pursue the matter in court. Maria Cordeiro, the owner, is now in a nursing home and Francis Richards is the appointed caretaker of the property which is currently up for sale. An agreement was reached to hold off on any action until the property was sold. Four violations on the property are still active violations.

Mark Deshaies states that Maria Cordeiro suffered a heart attack and was in a semi-catatonic state. She was treated and revived in the emergency room but suffers significant impairment and cannot handle her own affairs. Mrs. Cordeiro has property at 56 and 59 Jouvette Street. 56 Jouvette Street is a six family apartment and shortly after Frances Richards was appointed Guardian of Mrs. Cordeiro notices were sent to the tenants at 56 Jouvette Street notifying them of termination of their tenancy. There was at issue the suitability of Francis Richard to be the guardian of Mrs. Cordeiro, this was resolved and, the property was marketed for sale. It is now under a binding purchase and sales agreement scheduled to close in January of 2001. Mrs. Cordeiro has not paid taxes and approximately \$180000 in water bills. Mr. Richards has no monetary assets to pay those bills. The only way to pay back bills is to sell the property. All the tenants have vacated the property except Hector Sostre who stated he would be out of the property by the first of January. The buyer will make major redress to the building. The violations legally need to be attached to the purchase and sale agreement.

MOTION by Barbara Silva to sustain violation at 56 Jouvette Street until the new owner has had time to do the renovations. Before any new tenant enters the property it has to be reinspected by the Board of Health.

SECONDED: Victor Rebello

ALL IN FAVOR.

UNANIMOUSLY APPROVED.

A true record attest _____