

**CITY OF NEWBURYPORT  
DEPARTMENT OF PUBLIC HEALTH  
MEETING**

*Name of Committee Meeting:*

***BOARD OF HEALTH***

*Date of Meeting: September 3, 2009*

***LOCATION: 2<sup>nd</sup> Floor  
Conference Room  
City Hall 7:00pm***

**7:00PM**

**Call to Order**

**Minutes from previous meeting, July 16, 2009**

**OLD BUSINESS:**

- 1. Regionalization**
- 2. Crow Lane Update**
- 3. 182 Storey Avenue – Mr. Gerald Moynahan**

**NEW BUSINESS**

- 1. 32 Franklin Street**

# City of Newburyport

60 Pleasant Street  
Newburyport, MA 01950

Newburyport Board of Health Meeting  
MINUTES - September 3, 2009 7:00pm  
Newburyport City Hall – 2<sup>nd</sup> Floor Conference Room

Meeting Called to Order :	7:10pm	
Robin Blair O.D. Chairperson		Present
Susan Beluk M.D.		Present
Patricia Lawrence R.N.		Present
John Morris, Director of Public Health		Present

## **NEW BUSINESS**

Robin Blair O.D., Chairperson; motion to approve minutes from July 16, 2009 meeting; seconded by Susan Beluk MD. So voted unanimously.

1. 7:15PM HEARING: Mr. George Holmes / Mr. Geoffrey Holmes  
32 Franklin Street, Newburyport, MA

Mr. Geoffrey Holmes stated the property in question had been in the family for a long time. Due to the current financial status of the family their home had been in foreclosure until Mr. Holmes took in roommates. Mr. Holmes advised the Board that he has been doing gradual work on the house within the scope of his income. Mr. Holmes advised the Board that Mr. Calderwood, the Newburyport Building Inspector had inspected the above location that morning. According to Mr. Holmes, Mr. Calderwood stated that the fireplaces were not to be used until they passed an inspection by the local Fire Department. In addition, Mr. Holmes stated that the home is listed in the Assessors records as a rental.

Robin Blair O.D. Chairperson inquired if Mr. Holmes would be living in the above location once renovated. Mr. Holmes stated, yes.

Mr. Morris advised the Board that a Notice of Violation / Order to Vacate was issued by the Health Department. The above location is listed as an unsafe structure according to both the Health Department and the Building Department. The Newburyport Police, under the jurisdiction of the Health Department, were called in to assist during the issuance of the Order to Vacate if deemed necessary. The tenants at that time consisted of two young gentlemen and a woman with a child.

In addition to the Notice of Violation and Order for Correction letter dated 07/20/09 another certified letter was sent in 2007 stating almost the same violations. As per Mr. Morris the certified return receipt card was returned back to the Health Department signed by Hope Riley, not George or Geoffrey Holmes. A family friend in attendance stated that the family never received the certified letter in 2007. Ms. Riley was a tenant, not a family member. In addition, the family friend went on to say that over the past two years Geoffrey Holmes has taken on a family nightmare trying to get the house back to its original appearance. This takes time and money.

The family friend stated that the Health Department most recently approved the woman and child to remain and live on the first floor and walk up the stairs to use the bathroom facilities. According to the family friend, this puts Mr. Holmes in an awkward position and leaving him open to be sued. Mr. Holmes stated that the house is finally out of foreclosure.

A homeowner/resident of 34 Franklin street attended the meeting. He's lived at this location for over 7 years and there have been numerous people living, coming and going at 32 Franklin Street. The Police had been called numerous times over the past few years regarding drug and alcohol related issues. The homeowner of 34 Franklin Street stated that his lot is 2 feet away and can hear and smell strange odors coming from 32 Franklin Street. He stated he could smell strange burning odors coming from inside and outside the house. The neighbor expressed his concern over a fire hazard and animals running through the yard. Also, the homeowner of 34 Franklin Street believes that 32 Franklin Street is in imminent danger of collapsing. Also, the homeowner stated his concern regarding the snow load on the roof during the winter months.

Mr. Holmes stated that Mr. Calderwood advised him that the house is not in imminent danger of collapsing.

Mr. Morris advised the Board that Mr. Holmes should hire a structural engineer and provide documentation as to the safety of the building. Also, within the documentation it should be mentioned regarding the snow load on the roof during the winter months. Mr. Morris inquired if the family/Mr. Holmes has hired a structural engineer. Mr. Holmes stated that Mr. Calderwood had just inspected the house today and didn't mention obtaining the services of an engineer.

Robert Swenson of 35 Franklin Street stated his concern over the safety and wellbeing of his family. Mr. Swenson stated that he moved into the neighborhood in 2006 and has seen and heard things coming from 32 Franklin Street that he never wants to hear again. Mr. Swenson believes that the house, as does the owner of 34 Franklin Street, is an eminent danger of collapsing. Also visible are wires wrapped around gas lines can be seen from the street. According to Mr. Swenson no one has worked on that house for years. Mr. Swenson stated that many other abutters are willing to come forward but are afraid.

Robin Blair O.D stated there are 6 immediate areas of concern that must be addressed:

- a. Electrical assessment and violations must be corrected
- b. Lead paint must be removed or provide adequate documentation the premises are free from lead paint
- c. Properly install electrical facilities according to the electrical code
- d. Unsafe structure as deemed by the Building Inspector, second floor and front room must be vacated
- e. Provide smoke and carbon monoxide alarms
- f. Correct all violations on the August 2, 2007 NVOC

Robin Blair O.D. reassured Mr. Holmes that the Board is not pointing the finger but believes he should go forward by making his home and his yard safe for him and his neighbors. Dr. Blair stated that the Board realizes there are financial boundaries that must be met over time and projects of great concern should be undertaken first.

The family friend of Mr. Holmes stated they've begun contacting various contractors and an electrician whose name was provided by Mr. Calderwood.

Robin Blair O.D. inquired regarding lead paint within the location. Mr. Holmes confirmed the existence of lead paint at this location. Mr. Morris advised Mr. Holmes that it must be in writing that lead paint exists and he cannot rent to a family with children under 6 years of age if not taken care of. Dr. Blair also advised Mr. Holmes of the importance of taking care of the lead paint and how costly it can be to take care of it according to the law.

Susan Beluk MD and Robin Blair O.D inquired regarding the smoke and carbon monoxide detectors. They both believed that according to today's code they both have to be hard wired. Mr. Morris advised Mr. Holmes to contact the Fire Department directly to discuss.

Robin Blair O.D. inquired if the Health Department violations were the same as the Building Department violations. The family friend stated she would e-mail Mr. Morris the Building Inspectors list to compare. Also, Mr. Morris requested a copy of the Building, Plumbing and Electrical permits. The family friend stated she would provide the next day.

Mr. Morris inquired as to when the Conditions deemed to Endanger as listed on the Order to Vacate would be corrected.

Robin Blair O.D. stated that he would be willing to lift the 30 day order, but all matters of concerns must be addressed and all corrections deemed to endanger must be taken care of immediately.

Mr. Morris stated that the conditions deemed to endanger must be taken care of first before Mr. Holmes moves in and before we lift the Order. Mr. Morris also stated that we'll need evidence of this submitted to the Board.

Robin Blair O.D. advised Geoffrey Holmes that the above conditions deemed to endanger must be corrected within 60 days. Mr. Holmes stated they will be done in 60 days.

Mr. Morris advised Mr. Holmes that the Health Department will need a certificate of compliance from the Newburyport Fire Department.

Patricia Lawrence RN inquired regarding the actual time frame that will be provided to Mr. Holmes to comply with the violations. Mr. Morris advised the Board that he will have 60 days to complete the violations deemed to endanger, structural. Susan Beluk MD suggested the secondary violations

be completed by the first of 2010, and the balance by mid 2010. Dr. Beluk MD suggested that Mr. Holmes budget his finances and try to complete as much as he can as soon as he can within reason.

Geoffrey Holmes requested that he meet again with the Board to make sure he is complying with the Health Departments requests. Dr. Blair advised Mr. Holmes to work on as much as he can, especially the 6 points as stated above. Get the project off the ground and aim toward an occupancy permit. Dr. Blair suggested that Mr. Holmes keep in touch with Mr. Morris for guidance. Mr. Morris will advise the Board when Mr. Holmes will return.

Motion made by Patricia Lawrence RN to follow the 60 day guideline as previously mentioned by Robin Blair O.D., and the violations deemed to endanger are fixed to the satisfaction of the Health Department. Seconded by Robin Blair O.D. Dr. Blair also stated if Mr. Holmes should need an extension he will have to call in advance. Also, Mr. Holmes must keep in contact with Mr. Morris. Mr. Morris acknowledged the motion but reconfirmed to the Board that the Order stays in place.

2. 7:45pm Mr. Gerald Moynahan- 182 Storey Avenue, Newburyport, MA

Mr. Moynahan did not attend this meeting as requested by the Board. However, a few of the abutters surrounding 182 Storey Avenue attended the meeting and voiced their concern:

- A. Ellen Bushner, mother-in-law of direct abutter located to the right of 182 Storey Avenue
- B. Ken Parsigian; direct abutter behind 182 Storey Avenue
- C. Ryan O'Leary; direct abutter to the left of 182 Storey Avenue

Mr. Morris summarized the 182 Storey Avenue history going back to 2007. Initial complaint was issued by Mrs. Bushner describing abandoned vehicles, animals roaming around 182 Storey Avenue during the day and at evening crossing over into her daughter's house and up onto their porch. Numerous times the Health Department tried to contact Mr. Moynahan only to have the certified/first class letters returned. The Treasure and Water/Sewer Departments were contacted as to payment history. It was found that the house taxes were kept up to date but the Water/Sewer were behind by 4 years. The Water/Sewer Department did not pursue this delinquency as it

was not over a certain dollar amount. Mrs. Bushner again contacted the Health Department numerous times to keep us posted as to the lasted situation regarding this address. Mrs. Bushner was advised that after repeated letters to Mr. Moynahan we could not locate him but would continue to try. Mrs. Bushner called on one occasion stating that she had seen Mr. Moynahan go into the back of his house and turn the light on. She never saw him leave yet the light stayed on. Mr. Morris was advised of this phone call immediately and preceded with a wellness check by obtaining a warrant, requesting Police assistance and the assistance of our Public Health Nurse. The back door was observed to be locked. In order to enter the house the door was pushed open. This was done to observe and report the status of Mr. Moynahan as the Health Department believed he could be dead. Upon entering the residence they did not find Mr. Moynahan but observed an enormous amount of debris and clutter. Photo(s) were taken during this time to document the appearance of the house. The door that was pushed in was closed completely and secured with a lock the Health Department purchased. The key to this lock was then placed in the Health Department. The key was then later on picked up by Mr. Moynahan. After further researching we found Mr. Moynahan's sister living in South Boston. A letter was sent to her location. We did not receive a reply from his sister but Mr. Moynahan himself began to communicate with us. He was repeatedly requested to attend a BOH meeting and each time he was scheduled to appear there would be a reason why he could not attend. Finally Mr. Moynahan appeared at a BOH meeting and was shown photo(s) of his house. Mr. Moynahan at first did not acknowledge the belongings to be his. Only until he saw objects belonging to his Mother did he realize that it was his house. The Board proceeded with questioning Mr. Moynahan regarding the condition of his home, vehicles ( 3 abandoned as per the NBPT Police)and yard. Mr. Moynahan did not acknowledge to the Board that there was a problem. Even with the entire yard completely overgrown and overrun with animals, possibly entering into his home, did he admit to any problem. Regarding the yard, he stated that God grew the grass and it was meant to grow, not to be cut.

In attendance was a Newburyport Fireman who is also a direct abutter toward the back of his house, overlooking the fenced in backyard. The Fireman stated that he has had problems going back to 2000. As recently as a month ago there was a smell of smoke in the neighborhood and the Fire Department immediately thought it would be coming from his house. It was not. The Fireman continued to tell the Board that the yard is over run with

animals. Just a few years ago the Fireman called the ACO who took away a rabid skunk. This was one of many calls made by the Fireman to the ACO. The Fireman provided his telephone number is further questioning is needed, 978-979-0328.

Mr. Morris stated that he will issue another Order which will be the last we will offer Mr. Moynahan.

Susan Beluk MD read over Mr. Moynahans last letter which does not even acknowledge our last meeting.

Robin Blair O.D. inquired as to their last recourse. In addition, Dr. Blair was concerned regarding his mental capacity. Mr. Morris advised the Board that he would send another letter and state within the letter that there will be no more hearings. He must attend the next BOH meeting as requested by the Board. If he does not attend the Board will be forced to take action. Mr. Morris also strongly advised the Board that he needs to be brought before a judge as soon as possible.

Patricia Lawrence RN stated her concern over the yard and the animals roaming in the yard and the abutter's yard and possibility of animals roaming into his home. Ellen Bushner suggested placing a few have-a heart traps to capture a few of the animals. Mr. Morris made note of this to speak with the ACO's.

The Fireman was concerned over the abonded (3) vehicles in the yard. How do we get them removed? Isn't the law you can only have one abonded vehicle in your yard? Mr. Morris made note to contact Marshall Howard but was not sure if that was the route to take.

Mr. Morris passed around photo(s) of the inside of the house. All in attendance were extremely upset and disgusted. All were in agreement that something must be done immediately.

Robin Blair O.D stated that if he does not appear at the October 2009 BOH meeting we must take legal action. He has exhausted all his rights at this point. Mr. Morris stated a letter will be sent to Mr. Moynahan advising him that he must attend the next BOH meeting scheduled for October 15, 2009 at 7:00pm.



## **OLD BUSINESS**

### **1. Crow Lane Update**

Mr. Morris stated that New Ventures will finish grading end September. We'll see a completion very soon. Once the grading and shaping is done which falls under the noisome trade, anything after that refers over to the DEP. Capping and grass will begin next spring.

Patricia Lawrence RN was concerned over the most recent odors coming from the land fill. Dr. Blair also expressed his concern. Mr. Morris advised the Board that due to the wet weather we've been having since May this is causing the leachate to break out causing the odor from time to time.

### **2. Regionalization Update**

Mr. Morris advised the Board that Amesbury and Salisbury are going it on their on. Newburyport has been requested to assist until September 30, 2009.

A brief discussion occurred regarding H1N1 and materials received from the State were passed out.

Susan Beluk MD inquired regarding on our preparedness with H1N1 and how to handle. Mr. Morris reassured the Board that we are fully prepared to handle whatever comes our way. We must remain calm and not set the public into a panic.

Adjourn at 8:37pm