

Middlefield Board of Health Meeting and Hearing Jan 7, 2013

Present: Board members; Noreen Suriner, Alan Vint, Mitch Feldmesser and Heath Agent Jackie Duda

Meeting called to order at 7:15 PM

~ Alan moved to open the scheduled hearing re: the Dussault property. Mitch 2nd, Voted: All in Favor. Hearing convened at 7:16 PM

~ Jackie Duda presented the history of the issue and the purpose of the hearing.

~ Mr. Dussault appeared to request the factual basis for the complaint and a copy of the complaint. The Board advised that this is one of several properties in town which have been brought to the Selectboard's attention over the course of many years for possible building and health code compliance issues. The BOS has requested the BOH Agent (and Building Commissioner) look into each property to determine whether there are violations or not. Alan clarified that the privies he saw and advised Jackie about were on the Hudson property, not the Dussault property.

~ Mr. Dussault stated that any description of the structure as a "dwelling" is inappropriate as there's no electricity or water. He advised that the purchase & sale agreement under which he purchased the property specifically stated that the building was not habitable and that he does not sleep there. Mr. Dussault also advised that prior to purchasing the property he verified with the BOA that the building was permitted. In addition, Mr. Dussault expressed his concern about multiple individuals from town boards walking on his property without his consent despite it being "posted".

~ Health Agent Jackie Duda advised that the Health Code is specifically concerned with structures that are being lived in and that is what an inspection determines, though a privy is in violation of Title 5 in any event. Mr. Dussault advised that he never uses the privy but it's located inside a shed which he uses for storage so he prefers not to take it down.

~ Mr. Dussault will call Jackie to schedule an inspection when he returns from vacation in a week or so.

~ Wally Smith stated his recollection that the building was permitted as a barn or garage.

~ Mitch moved to uphold the Inspection Order pending the outcome of the inspection. Alan 2nd, Voted: All in favor.

~ Jackie updated the BOH on the findings of her inspection of the Hudson property. She found the structure to contain a kitchen area, a bathroom with running water to a sink and shower, a composting toilet, heat, hot water, and electricity. She viewed (2) active privies and advised they would have to be removed. She identified numerous Health Code violations, including the release of gray water directly into the ground. In

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addition to being brought into compliance with the Health Code regulations requires a well and a septic system in accordance with Title 5. Jackie reminded the Board that she had sent a letter to the property owners in March of 2012 advising them that the Health Code requires potable water and the Title 5 requirement for an approved septic system.

~ Discussion of the interplay between the BOH and the Building Commissioner.

~ Alan suggests the Board put together a list of questions to discuss with town counsel regarding non-compliant properties and moving forward on confirmed BOH violations. Jackie will contact the Building Commissioner and Charlie Kaniecki for input before proceeding. She will then email recommendations to the Board for their determination on how to proceed.

~ Terry Crean requested he be copied on any orders sent to the Hudsons. The Board advised that the documents are public records and can be obtained through the established public records request process.

~ Alan moved to adjourn the BOH meeting, Noreen 2nd, Voted: All in favor.

BOH meeting adjourned at 9:15.

Respectfully submitted,
Sherri Venditti

Approved: _____

