



Town of Provincetown
Meeting of the
EMERGENCY BOARD OF HEALTH

Thursday, December 9, 2015

Judge Welsh Hearing Room, Provincetown Town Hall,
260 Commercial Street, Provincetown, MA

Emergency Meeting of the Board of Health

The Provincetown Board of Health will convene a Public Hearing to determine whether an Emergency Condemnation Order for 199 Bradford Street should be affirmed, vacated or revised; votes may be taken. Open Session and Executive Session pursuant to G.L. c. 30A, s. 21(a)(1) to discuss physical condition or mental health of an individual expected.

Board Members Present: Steve Katsurinis, Vice-Chair; Betty Williams, Dr. Jane Whelan, Joseph Freitas, Alternate

Board Members Absent: Mark Phillips, Chair and Elise Cozzi (Excused Absence)

Other Attendees: Morgan Clark, Director Department of Health; Laura Marin, Health Agent; Officer Aaron Kacergis; Officer Jennifer Nolette, and Anne Howard, Acting Building Commissioner

Recording Secretary: Susan Leonard

Call to Order: Steve Katsurinis, acting as chair, called the meeting to order at 4:00 p.m.

Discussion:

Ms. Clark opened her comments by citing **105 CMR 410.831, Dwellings Unfit for Human Habitation**, the code pertinent to the situation at hand. Normally, the request, with supporting evidence, would be brought before the Board for determination with the owner being present. However, there is an exception when there is an immediate danger to the health of an occupant. In this case, notice of a hearing is not necessary and an immediate condemnation may be made. A notice of condemnation has been served to the owner and the current tenant. It has also been posted at the premises.

The Board of Health now must decide to affirm, correct or vacate the Emergency Condemnation Order.

Ms. Clark was contacted by the Provincetown Police early Sunday morning. On Monday morning she went to Orleans District Court to apply for an Administrative Warrant. The Barnstable County Health Senior Environmental Specialist, Lynn Mulkeen, and Ms. Clark

inspected the upstairs dwelling Monday afternoon with the warrant. On Tuesday Ms. Clark and Anne Howard, Building Inspector, inspected the tenant's apartment on the first floor with the tenant's permission.

Officer Aaron Kacergis and Officer Jennifer Nolette came before the Board to explain their findings upon arriving at the property. The initial call to the Police was from the downstairs tenant, Michael Hamill, who had heard the owner calling for help.

Officer Nolette, who was first on the scene, informed the Board that once she had gained access, with the help of the tenant, to the owner's portion of the building, she found the owner, Ms. Glasgow lying upside down on the stairway amidst stacks of papers, trash and other refuse. Officer Nolette went to find another way to the area when Officer Kacergis arrived on the scene. She was able to pry open the front door no more than 6 inches and could see that the entry and front stairway were also fully obstructed with trash.

Officer Kacergis reported that he climbed over the piles of trash on the stairway to support the woman until Rescue arrived. Officer Nolette joined him, helping to support her, as well. They were able to clear out the stairway enough to allow Rescue to remove her from the building. After putting on masks, the two Officers reentered the building, at Ms. Glasgow's request, to look for her cell phone and, in the process, noticed that bottles on the stairway had popped open during the process. The smell was unbearable and appeared to contain human waste. At this point, the Officers left the building and did not return.

Mr. Katsurinis thanked the Officers for their service to the Town and asked if it appeared anything other than hoarding was going on? Officer Kacergis replied that it seems to be a severe case of hoarding. It appeared to be years' worth of rubbish and other material. Other than the owner, there is just one tenant in the building. In response to a question by Ms. Williams, Officer Kacergis was not able to state if the owner's bathroom was in working order. The tenant's apartment appeared clean and tidy.

Ms. Clark proceeded to show a slide show of photographs taken by Lynn Mulkeen. Both Ms. Mulkeen and Ms. Clark were present, but only Ms. Mulkeen was able to squeeze through the obstructed front door. Photos show several bottles on the stairway that, according to Officer Kacergis, are assumed to contain human waste. Ms. Clark reports that the property has a fairly new septic system and it seems to be in working order. There were stacks of accumulation, significant cobwebs infested with spiders and, also the presence fruit flies. It was not possible to identify which room was what in the apartment.

The Interim Building Commissioner, Anne Howard, made a thorough inspection of the foundation and basement and found it to be in sound condition. She also inspected the tenant's apartment, which she found to be in very good condition. However, she did not inspect the owner's apartment. At the request of the Fire Chief, Ms. Howard returned with the Electrical inspector and turned off the circuits that went to the owner's apartment.

Photographs of the tenant's apartment support the Police Officers' report that it was neat and tidy. Ms. Clark stressed that she has no concerns, at all, for the tenant's apartment. She does not recommend condemning the whole structure, just the owner's apartment.

Mr. Katsurinis asked if that is clear in the Order? Ms. Clark replied that it can be made clearer. The tenant's address is 199B Bradford. Mr. Katsurinis asked if there is a concern

for the tenant if something were to leak or the situation was taken care of quickly? Ms. Clark is of the opinion that the tenant should be removed during the remediation process. Code specifies it will be at the homeowner's expense. Ms. Clark hopes the owner's son will be available to assist.

Mr. Katsurinis wants it to be made clear that the owner of the property is not to personally do the clean-up. The situation is "hazardous". The remediation is not within the scope of a private individual. A professional removal of the trash and waste should be done. Ms. Clark has contacted professional cleaning services, but cannot give them access to the property at this point. Instead she has given them the dimensions of the building. She is making preparations for the Town to get involved in the clean-up, if necessary

The tenant of 199 B Bradford Street, Mr. Hamill, appeared before the Board. Although he knew of a problem with Ms. Glasgow, he had not been aware of the scope of the problem his landlady had. He asserts that there was no odor in his apartment from the accumulation of trash and had asked the responding officers to make a note of this. His apartment is clean. He is concerned about losing his home right now. It would be hard enough to move out during the clean-up process. He asked to be able to stay in the apartment. He has been a good steward of the property.

Mr. Katsurinis asked if Mr. Hamill would be amenable to leaving during the clean-up process? He replied he does not want to leave at all, but may be able to leave for a couple days if necessary. Mr. Katsurinis stated that although the Board will try to be respectful of his request, its ultimate responsibility is to maintain the health and safety of the people involved. The Board will have to be guided by the experts in this matters as to what can and cannot be done.

Ms. Clark added that the Fire Chief reported that the Fire Department would not respond to an emergency or fire in the building. Ms. Clark asked if the Fire Chief would respond to the tenant's apartment, to which he replied, yes.

Mr. Katsurinis asked the other Board members if there were any other concerns about the way the order is written? Mr. Freitas mentioned the clarification and separation of the individual units at the property. Mr. Katsurinis would like to know if the Board can specify that a professional cleaning service be contracted. The entire Board was in agreement that it should be done professionally. The risk to health is significant. Ms. Clark will consult with Town Counsel about the proper phrasing. The tenant will be allowed to remain in his apartment as much as possible, unless advised against it by the professionals. The Board does want the tenant to be safe. The Board wants the remediation to be done as soon as possible and not wait for the owner's son to act.

Mr. Katsurinis directed Ms. Clark to make the distinction of the units in the Condemnation Order as 199 A and 199 B Commercial Street and to further clarify that the Condemnation order does not include 199 B Commercial Street.

Motion: That the Condemnation Order be adopted with the clarification and distinction between 199 A and 199 B Bradford Street; that a licensed professional cleaner be contracted to do the remediation; and that the tenant of 199 B Bradford Street be inconvenienced to least amount possible, consistent with professional advise.

Motion: Joseph Freitas

Seconded: Betty Williams

Vote: 4 – 0 - 0

Supporting Documentation:

Notice of Condemnation Order from Board of Health to Ms. Bonnie Glasgow,
199 Bradford Street, Provincetown, MA 02657, dated December 7, 2015

Police Narrative for Patrolman Aaron M. Kacergis, Ref: 15-585-OF, 12/06/2015

Police Narrative for Sergeant Carrie A. Lopes, Ref: 15-585-OF, 12/06/2105

HOMES Multi-disciplinary Hoarding Risk Assessment, Sgt. Carrie Lopes, 12/07/2015

Site Inspection Report, 199 Bradford Street, from Lynn K Mulkeen, Senior Environmental
Specialist, Barnstable county Department of Health and Environment, 12/08/2015

Housing Inspection Report, 199 Bradford Street, Upper, by Morgan Clark, 12/07/2015

Housing Inspection Report, 199 Bradford Street, Lower, by Morgan Clark, 12/07/2015

Ms. Clark requested that since the Board will not be meeting again until January 2016, that
the Board make a motion empowering her to use any legal options available to her.

**Motion: *That the Board intends for Ms. Clark to use all legal processes necessary to
effectuate the order.***

Motion: Dr. Janet Whelan

Seconded: Joseph Freitas

Vote: 4 – 0 - 0

Adjournment:

There being no further business, Steve Katsurinis moved to adjourn the meeting at 4:58
pm.

Respectfully submitted,

Susan Leonard

Approved by _____ on _____, 2016