

Charlemont Board of Health
November 19, 2015
Town Hall meeting room

Present: Rob Lingle, Doug Telling, Bill Harker

Absent: Trice Hyer

Guests: Charlotte Dewey, Attorney Talia Landry, Peter Tomy, Fran Dewey, Lois Dewey, Susan Mutch, Marguerite Rancourt, Marguerite Willis, Bambi Miller, Glen Ayers

Public Hearing Called to order at 3:00pm

Lingle: On 11/12/15 the Charlemont Board of Health issued a Notice of Code violation, Order to Correct, Order of Condemnation, and Order to Board and Secure concerning the main building at 107 Main Street, known as The Charlemont Inn. At the Owner's request, the BOH will hold a Hearing to allow for testimony and evidence to be presented to show why the Board's Orders should be modified or withdrawn, pursuant to 105 CMR 11.8(2).

Based upon the evidence presented at the Hearing, and considering the results of numerous inspections conducted over the past 6-months, the Charlemont Board of Health, pursuant to 105 CMR 11.8(3), 105 CMR 410.830 and 105 CMR 410.831(A) & (E), shall sustain, modify, or withdraw the Order(s) and shall inform the petitioner in writing of its decision.

Lingle noted that the Board intended to split the hearing into two. Today to address the Board and Secure Order and on 11/24/15 at 2 pm to address the Condemnation order.

Attorney Landry stated that the short notice for the hearing made it difficult to get people to attend, such as contractors. She submitted written testimony.

Landry noted that the taxes had been paid.

Landry offered having a 24/7 presence at the Inn instead of boarding the building. Ayers stated that this is a building code option not health code.

Landry asked they be allowed to submit materials after the hearing.

Marguerite Rancourt, a neighbor, opposed the physical boarding of the building.

Bambi Miller, for the Historical Commission, opposed the boarding due to its historical status.

Peter Tomy of the Mohawk Trail Association argued that the boarding would set the wrong perception of the downtown and would negatively impact tourism.

Susan Mutch opposed the boarding.

Ayers wondered why the fire alarm system problems had not been addressed.

Dewey responded that at the time of the fire inspection the inspectors told her the system did not need to be working until Dewey was back in the building.

Rancourt did not understand the connection between the alarm system and the Order to Secure.

Lingle replied that abandoned buildings are prone to arson.

Mutch asked how many arsons in town. Miller replied none.

Ayers compared the current process, proceeding on a voluntary agreement and moving to more formal proceedings when the voluntary agreements fail to achieve results, to the actions taken at 122 Main St.

Miller asked why now since permit was granted and work was about to begin.

Dewey presented pictures of other buildings in town, which, with one exception, had not been boarded up.

Lingle replied that we work off complaints and the complaint was about The Inn. Telling noted that the building on the Krucz land was boarded at the request of police Sergeant C. Bellows.

Landry renewed, for the record, her complaint that they did not have adequate notice to prepare fully for the hearing.

Dewey noted that the only vandalism occurred when the Sewer District had possession of the building.

Harker noted that this was not personal. The Board has a job today and has engaged in a process. He would prefer not to board, but it may be necessary as the process goes forward.

Willis noted that Landry's comments regarding the fire alarm system could be taken in multiple ways. She suggested that they bring evidence of its status at the 11/24 hearing. Landry will contact the alarm company to obtain a timeline from them.

Ayers asked for a reinspection on 12/2 at 4 pm. Dewey agreed.

At 3:40 pm the hearing was continued until 11/24/15 at 2 pm.

Documents Reviewed
11/19/15

- Hearing Notice
- Receipt from Lynn Hathaway for payment of taxes
- Testimony packet from Attorney Landry
- Pictures of properties in town.