

ERVING BOARD OF HEALTH PUBLIC HEARING MINUTES – held at Town Hall, 12 East Main Street, Erving, MA

October 25, 2023 3:00PM

Present: Health Agent, Claudia Sarti; Jeffrey McAndrews, Chair; Leo Parent, Jr., Jay Niedbala.

Others: BOH Clerk, Betsy Sicard; James Carpenter, President of the Northfield Meadows Condominium Association; Courtney Silva from 4 Lillians Way

Chairman Jeffrey McAndrews called the public hearing to order at 3:00pm.

Health Agent, Claudia Sarti, began the hearing explaining that the source of the complaint was a call from the owner of 4 Lillians Way, Sheila Silva. Her initial complaint was that of mold. Claudia stated that after an inspection of the condominium she noticed that a beam under the deck appeared to be rotting out due to moisture, but her inspection was inconclusive for mold. Claudia expressed that she couldn't mitigate a reason for the moisture or damage. Claudia explained that she issued a 30-day correction order requesting repairs be made by the Northfield Meadows Condominium Association.

James Carpenter from the Northfield Meadows Condominium Association explained the Master Deed and that the exterior to the inside stud is covered by the Condo Association, but that the inside stud and the interior of the actual unit is the responsibility of the owner of the unit. James explained to the Board that the association hired a contractor to replace the beam and the surrounding area of the decking, and on October 9, 2023, the contractor was to have access to fix the leak and the damage, but the owner wanted more repaired. The contractor went back to the association and stated that he couldn't do the job as Sheila, the owner of the unit, expected him to repair more than he was contracted to repair. James said that Sheila has offered up a contractor with a quote of \$13,000 to repair what is in the correction order and includes the work she is requesting as well. James stated that the association declined because the scope of work goes beyond what the condominium association can cover based on the rules of the association. Health Agent, Claudia stated that the order said 30 days, with the expectation that the unit owner would allow access for the repairs. She stated that if the association has attempted to arrange access and been denied, then that is on the owner, but would hope to see cooperation.

Jeff asked Courtney if she was there to speak on her mother's behalf. Courtney stated that her mother "doesn't want a patch so that the damage would happen again". Jeff explained that if the work was completed and the damage happened again, the association is obligated to fix it again.

James expressed that he'd like Sheila's contractor to give the association a new quote based on only the repairs that are the responsibility of the Condominium Association.

Jeff explained that if the dispute continues, he recommends the matter go to housing court because ultimately, this is not the purview of the Board of Health. Jeff asked Claudia if the 30 days still stands for the order. Claudia recommended 60 days from today to resolve the issue

and make repairs. Jay pointed out, however, that the area is going to continue to get wet and the matter will become worse. James agreed. Claudia will send an amended order. Jeff reiterated that housing disputes involving construction and repairs fall under the jurisdiction of the housing court.

Leo made a motion to extend the order to 60 days, seconded by Jay. Vote: all in favor.

Leo made a motion to adjourn the public hearing at 3:29pm, seconded by Jay. Vote: All in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth Sicard".

Betsy Sicard
Clerk