



# Town of Sandisfield

Board of Health

66 Sandisfield Rd, Suite 5

Sandisfield, MA 01255

## Sandisfield Board of Health

### Meeting Agenda

Wednesday, September 13, 2023 @ 5:30 pm  
Old Town Hall, 3 Silverbrook Rd, Sandisfield, MA  
Hybrid: <https://us06web.zoom.us/j/82157651944>

\*\*\*Note that the Old Town Hall did not have bathrooms nor running water\*\*

**Present in Person:** Steven Rubenstein (BOH Member), Brigitte Ruthman (BOH Member), Jayne Smith, (SBPHC Agent), Jennifer Pilbin, MaryAlice OConner

**Present on Zoom:** Jason Dragonetti (zoom)

#### 1. Meeting Minutes

- a) **Approval of Minutes from June 14, 2023 Meeting:** Brigitte Ruthman made a motion to approve the June 14, 2023 minutes, Steve Rubenstein seconded the motion. Motion passed 2-0 via roll call vote.
- b) **Approval of Minutes from July 12, 2023 Meeting:** Steve Rubenstein made a motion to approve the July 12, 2023 minutes. Brigitte Ruthman seconded the motion. Motion passed 2-0.
- c) **Approval of Minutes from August 9, 2023 Meeting:** Steve Rubenstein made a motion to approve the August 9, 2023 minutes. Brigitte Ruthman seconded the motion. Motion passed 2-0 via roll call vote.

#### 2. New Business

- a) **Southern Berkshire Public Health Collaborative Fall Vaccination Schedule:** Jayne Smith presented the SBPHC fall vaccination schedule. Regular and senior doses will be available. We are unsure whether COVID vaccines will be available and it is unclear whether egg-free vaccine will be available. RSV will not be available this year and people will need to go to the pharmacy.
- b) **SBPHC Staffing Announcement:** Jayne introduced Jason Dragonetti as the new shared health agent. Jason will start to conduct inspections and eventually take over agent services. Jason has 5 years of experience, including food, Title 5 Inspector certificate, Soil evaluator certificate and we are happy to have

#### 3. Hearing

**To review the August 16<sup>th</sup>, 2023 inspection and resulting Notice of Non-Compliance for 12 W Hubbard Rd and take (action whether to) deem the trailer unfit for human habitation and/or potential condemnation.**

- **Open the Hearing (Roll Call Vote):** Brigitte Ruthman made a motion to open the public hearing. Steve Rubenstein seconded the motion. The public hearing was opened by 2-0 vote.
- **Presentation of the observed violations and Notice of Non-Compliance:** Jayne Smith presented the notice of noncompliance to the BOH, as had been sent to the owner and occupant. The reinspection of the outside area showed areas of improvement. Including partial compliance

to provide dry and healthy environment bedding for the chickens, the water barrels restricted insects, the strewn garbage and trash was picked up and the owner had indicated that she had gotten a dumpster, however, it was not in full compliance because the owner has not demonstrated that there is a long-term mechanism to legally dispose of trash and rubbish. It was observed that the owner was still using the burn barrel to burn. Partial compliance was noted to allow access to all of the areas inside of the RV, since Jayne didn't have access to the bedroom. Brigitte Ruthman objected to the use of the labels of "kitchen" and "living room" since this was not a dwelling. Jayne Smith explained that it is a camper/RV, which do have designated living areas.

Jayne Smith is asking the Board of Health to make a determination of the fitness of human habitation due to several conditions deemed to endanger, including lack of safe water in sufficient quantity, failure to provide safe and approved electrical facilities, failure to provide shower, accessible sink, sewer system, failure to provide egress, failure to provide smoke and CO detector, as listed in the letter sent to the application.

Brigitte Ruthman asked whether the septic meets regulations. Jayne Smith replied that it did not and while the owner represented that the holding tank was being pumped monthly, Yankee Septic only reported pumping quarterly. Brigitte asked again if it met regulations and Jayne confirmed that it does not and is not an acceptable septic system.

- **Property owner and representative comment period:** Jennifer Pilbin asked whether the town has any evidence that she is living there and maintains that she is sleeping at her uncle's house in Windsor. Jennifer Pilbin maintains that her dogs are there and that she has right on her property, including sleeping in her car if she wants to. She cooks outside, uses paper plates, utensils and they put the utensils in garbage bags and bring them to Windsor. Jennifer stated that she swore in front of a magistrate that she was not living there and also stated that the next 10 days were going to be tumultuous and that Joe Biden will be impeached and will be removed under the 25<sup>th</sup> amendment. The Board asked that Jennifer Pilbin stick to the topic and this was not a political forum. Jennifer went on to say that she will be staying on her property and sleeping in her car because things for the next ten days because things are going to happen very quickly and she needs to protect her family. She stated that she has a quality life. Jennifer's mother, who had gotten a letter with the rights of a tenants statement, stated that she is not endangered. There have been no police calls or domestic disputes.

Jennifer stated that she is not going to lose her property and she will be living there and growing her own food and have family and others with similar thoughts. She pointed out the statement that the owner stated that she and her 75 year-old mother do not live on the property was signed during the last BOH inspection.

Jennifer asked that she be able to rebut items talked about in the BOH discussion. Jayne Smith stated that the purpose of this hearing is formalizing that the RV is not fit for living due to the conditions deemed to endanger. Brigitte asked Jayne whether the conditions deemed to endanger would apply to the car as well. Jayne clarified that we were just talking about the RV at this time but there was agreement that the car would also not meet the housing code for living. Steve asked if a person is living in their car, where would they shower or use facilities? Jayne looked at the definitions of "temporary housing" and it did not clear up the question of intermittent living in the car. What Jayne looked at was the RV and based on what she saw, the RV is not suitable for living. She suggested that the BOH memorialize that the RV is not fit for human habitation using the definition of dwelling, which is for living, sleeping, cooking or eating so that we are all on the same page.

MaryAlice O'Connor stated that when she and her daughter, Jennifer Pilbin first moved to 12 W Hubbard, they were told by Kim Spring, in Kim's roll of animal control officer, that if they had animals on a property and were not living there, the animals would be considered abandoned. In response, MaryAlice and Jennifer rented a house on Sandy Brook for a time. MaryAlice stated that she and Jennifer want to live on the property at 12 W Hubbard and be quiet without interference.

Jennifer Pilbin stated that she does not sleep in the RV and is in compliance with the magistrate. She is not asking to sleep in the RV but she will sleep in her car when she wants to.

Steven Rubenstein asked if she had a building permit.

Brigitte Ruthman made a motion to close the property owner and representative comments. Steven Rubenstein second the motion. The motion was passed 2-0 and the property owner and representative comment period was closed.

- **Board of Health discussion:** Jayne asked that the BOH memorialize that the property is not fit for human habitation, based on the RV not being used to sleeping, living, cooking or sleeping.

Brigitte Ruthman stated that it is her feeling that this RV is not at all fit for human habitation. Sleeping in a car is not a long-term solution and this situation has been going on for years and it needs to stop. Steve Rubenstein agreed. Jayne asked the BOH to address how the animals should be cared for. Brigitte would like for the animals to be in a situation where they receive care continually.

- **Board of Health Action on Matter**  
**Brigitte Ruthman made a motion that the RV on 12 W Hubbard is not fit for human habitation and should not be used for living, cooking, sleeping or eating and only allowed for the keeping of animals and animal care.** Steve Rubenstein seconded the motion. Motion passed 2-0.

**Motion was made by Brigitte Ruthman that no vehicle on the premises at 12 W Hubbard Rd shall be used for human habitation.** Steve Rubenstein seconded the motion. Motion passed 2-0.

Steve Rubenstein stated that it was his sincere hope that the property be developed and lived in.

#### **4. Old Business**

- a) **Order to Correct: 12 Dodd Rd, Sandisfield, MA:** Brigitte Ruthman recused herself due to a conflict. Jayne Smith explained that she had gone out to 12 Dodd Rd and found a situation where two people live with three dogs in a seasonal building. Items that they need to address are immediate violations, like having smoke and CO detectors, burning of recycling, building conditions, etc.. The other issues have to do with winterizing the building as far as winterizing the water situation, maintaining structural elements like the roof, windows and flooring, installing insulation, having adequate heating source to maintain 64 degrees at night, etc. There appears to be a septic system and any transfer of property would trigger a Title 5 inspection. Jayne Smith hopes that she will have additional information at the next meeting.
- b) **Clerk Position Update:** We have advertised this position but didn't have anything solid yet. Steve Rubenstein where the funding would come from what the rate would be. Jayne Smith replied that it was in the budget and the hourly rate would be \$25-\$30. Jayne reiterated that she

cannot continue to do the minutes.

- c) **FY23 Annual Report:** The Annual Report is due October 1<sup>st</sup> and Jayne Smith brought a draft document for the BOH to look at. Jayne was going to plug in fees collected and is going to try to parse out the permits but may not have time and the BOH agreed that would be fine. The report will only highlight programs that the BOH was involved in. The BOH asked that additional wording be added thanking Jayne for her expertise and efforts. The BOH could not perform its work fulfilling their obligations without the time put in by Jayne Smith.

Brigitte Ruthman made a motion to accept the report with the discussed changes. Steven Rubenstein seconded the motion.

## **5. Agent Updates**

Jayne met with Chris Tryon at 7 West Rd and conducted the additional observation holes. The BOH is waiting for additional plans to be added on.

Jayne mentioned that there has been increased awareness that some of the designers have been submitting plans with incorrect topography and property line information and SBPHC plans on hosting some trainings to help local boards of health.

## **6. BOH Member Updates:** No BOH Member Updates

## **7. Citizen Speak Time:** No Citizen Speak request

## **8. Topics Not Anticipated by the Board**

Steve Rubenstein made a motion to close meeting. Brigitte Ruthman seconded the motion. Meeting adjourned at 6:35pm