

# MONTAGUE BOARD OF HEALTH SPECIAL MEETING

Wednesday, October 23, 2024 – 5:00 PM  
Town Hall – Second Floor Meeting Room and ZOOM

## Meeting Minutes

**Present:** Melanie Ames-Zamojski (Zoom), Rachel Stoler (Zoom) and Michael Nelson (Zoom)

**Staff:** Ryan Paxton - Health Director for Montague, Geneva Bickford – Board of Health Clerk

**Other:** Joe Warsawski (in-person), Paul Hard (in-person)

### **Melanie Ames-Zamojski opened the meeting at 5:30 PM Roll Call Votes taken**

**Discussion: Unauthorized Temporary Housing at Millers Falls Rod & Gun Club –** Votes may be taken.

- Discuss ongoing code enforcement related to complaint of person(s) living on the property of the Millers Falls Rod & Gun Club located at 210 Rear Turners Falls Rd.
  - On September 30, 2024, an anonymous call was received stating that Joe Warsawski was living in a camper on the premises. The health director issued an Order to Correct (“OTC”) on October 2, 2024 citing several violations with the RV. Violations cited were: temporary housing without written permission of the Board of Health; the RV on the land of the property is being used for temporary housing that does not meet the requirements of 105 CMR 410; there is an RV on the land of the property that is being used for temporary housing that does not have a permanent source of potable drinking water; that there is an RV on the property that is being used for temporary housing that is not connected to a sanitary drainage system; and that there is an RV on the property that is being used for temporary housing that is not connected to a fixed electrical supply. These are violations of 105 CMR 410.630 which are conditions deemed to endanger or materially impair health or safety and were given a correction deadline of 24 hours. Joe Warsawski is present and discusses with the BOH that water comes from the Rod & Gun Club by filling buckets and carrying them across the parking lot daily. Warsawski also states the RV is hooked up to an electrical pole at the Rod and Gun Club and pays the electrical bill for using the pole. Regarding bathrooms Warsawski states they use the restrooms at the Rod and Gun Club. Paul Hardy is also present from the Millers Falls Rod and Gun Club and advises the BOH that the club held a board of directors meeting and provided Warsawski with a letter from the club stating they can stay on the premises in the RV. It is not a permanent solution, Warsawski is a member of the club, and his wife is also battling cancer at this time. The Warsawski’s lost their home due to issues with a reverse mortgage. Warsawski has attempted to get housing assistance but has not had any luck and at times cannot even get call backs from different agencies. The BOH discusses the different options it has but is limited by 105 CMR 410. There are two types of housing relative to this matter alternative housing and temporary housing. Temporary housing is allowed with BOH permission not to exceed 90 days. Alternative housing means a single-family owner-occupied residence whether mobile or permanent that is approved by the BOH to alter standards set forth in 105 CMR 410 for heating, plumbing, electrical and sanitary facilities, and minimum square footage requirements. Typically, alternative housing is used in cases for off-grid housing that is constructed with solar or some sort of alternative energy and is permitted by the BOH with a variance. The variance process for alternative housing can be done but it is a very lengthy process and would require the following; the property owner must apply with a detailed plan of alternative energy and provisions to provide comparable measures to protect the health and safety of the occupants; there must be a deed restriction; there must be a signed statement from the

owner; a fee would be required but Montague does not have a fee established as Montague has not permitted alternative housing before. Ames-Zamojski feels the board can either allow temporary housing for 90 days or allow alternative housing but that would require a long list of requirements. Nelson is sympathetic and wants to help but the board's hands are tied by state law. Stoler asks that Paxton help navigate the different agencies to be able to help with housing. Paxton or the public health nurse will reach out and get as much information as they can. Ames-Zamojski suggests Warsawski could reach out to Roberta Potter at the Montague Senior Center and to Community Action who may be able to offer some assistance. Paxton will provide Warsawski with documents that will provide emergency housing resources as well as contact information for Robert Potter and Community Action. The BOH can grant permission for 90 days under temporary housing and that would satisfy the correction order for the time being. The BOH agrees to allow 90 days and will reconvene and see where things are at in 90 days. Contacting Warsawski by phone is the best way to reach him. The BOH will discuss this matter further at its December 11, 2024, meeting.

*Rachel Stoler **Motioned** that the Board of Health authorize a 90-day variance for Joe Warsawski to continue to reside temporarily at the Millers Falls Rod & Gun Club for 90 days. Seconded by Michael Nelson. **Motion passes.***

*Roll Call Vote: Nelson – aye, Stoler – aye, and Ames Zamojski – aye*

*Rachel Stoler amends the Motion to include that the residents continue to use the club bathrooms, the electric pole provided by the Rod & Gun Club and get potable water from the Gun Club.*

*Michael Nelson makes a friendly motion to further direct the BOH staff to continue working with our resources in the community to assist with housing assistance.*

*Roll Call Vote: Nelson – aye, Stoler – aye, and Ames Zamojski – aye*

**Discussion: Ongoing Code Enforcement regarding 11 Millers Falls Rd – Votes may be taken.**

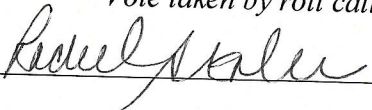
- Discuss ongoing code enforcement related to violations of 105 CMR 410.000 cited at 11 Millers Falls Road.
  - Kyle Cogswell contacted the health director on May 22, 2024, regarding this matter. The health director and fire chief inspected the property and noted several code violations, mostly electrical and sanitary. Pictures were shared that the fire department was able to take of the residence. The fire department was most concerned with the large volume of personal belongings throughout the house. Paxton noted it was difficult to see the majority of the surfaces or the walkways in the residence. The initial inspection took place on July 17, 2024, and the OTC had timeframes of 14 days and 30 days. The health director was not able to gain access for a reinspection until October 1, 2024. At the reinspection Paxton did not find that any of the violations originally cited had been corrected except for one correction related to a lighting fixture. Paxton's biggest concerns are the personal belongings and the sanitary conditions inside the dwelling. The fire department has addressed the missing smoke detector. Typically boards of health would begin the housing court process when there is a failure to comply and Paxton's request for legal counsel was denied. Although Paxton can file in housing court legal counsel is required at the hearing and without approval cannot proceed. Ames-Zamojski feels there has been some minor progress made between the first correction order and the second. A dumpster has been at the property and the front of the outside of the house looks improved but the BOH and health director are unsure if any improvements have been made inside. LifePath has tried to assist with this but there was a breakdown in

communication between the property owner and LifePath. The BOH has had the same difficulties working with the homeowner. Ames-Zamojski discusses the possibility of doing an elder neglect report. Stoler feels it would be worth reaching out to LifePath to see if they can offer anymore assistance. Ames-Zamojski discusses the BOH may want to consider a line item in the budget that would allow the board to pay for legal representation in matters like this when approval is not given through the town. Paxton will attempt to do a re-inspection. If the board decides to call in an elder at-risk report that can be done by anyone and can be done anonymously. Stoler would like to see a re-inspection be done and depending on the outcome if there is improvement the BOH could continue working with the property owner. There are no fines issued regarding this matter. The BOH will revisit and discuss this further at its December 11, 2024, meeting.

**Meeting adjourned: 6:30 PM**

*Michael Nelson **Motioned** to adjourn the Board of Health Meeting. Seconded by Rachel Stoler. **Motion passes.***

*Vote taken by roll call: Ames-Zamojski – aye, Stoler – aye and Nelson – aye*

Approved by: 

Date: 12/11/24

**Documents:**

Millers Falls Rod & Gun Club Correction Order dated October 10, 2024;  
May 23, 2024 BOH Letter to 11 Millers Falls Rd requesting inspection;  
July 18, 2024 Correction Order for 11 Millers Falls Rd;  
October 1, 2024 Reinspection Form for 11 Millers Falls Rd; and  
Pictures of 11 Millers Falls Rd

