

CHRISTINE McKIERNAN, M.D. - Chair  
JESSICA COLLINS, Vice-Chair  
KAREN WALSH PIO - Clerk  
TONY JUDGE  
STEPHEN FRANTZ

SHARON HART, Director of Public Health

**NOTICE**

**BOARD OF HEALTH MEETING  
(Hybrid – attend via Zoom Webinar or in person at South Hadley Library)  
&  
AGENDA**

**March 12, 2024  
6:00 p.m.**

Join Zoom Webinar from your Computer:

Please click this URL to join:

<https://us02web.zoom.us/j/84486690422?pwd=S2NMMzBaUWw0QXY0N1Byb0cxL1lwZz09>

Passcode: 656281

Or join by phone:

US: +1 646 558 8656

Webinar ID: 844 8669 0422 Passcode: 656281

**NOTE: Not all the topics listed in this notice may actually be reached for discussion. In addition, the topics listed are those which the Chair reasonably expects will be discussed as of the date of this notice.**

**To: Board of Health Members**

**From: Sharon D. Hart, Director of Public Health**

**Re: A Board of Health Meeting (Hybrid) will be held on Tuesday, March 12, 2024 at 6:00 p.m. at the South Hadley Library.**

- 1: Chair to Call the Meeting to Order**
- 2: Acceptance of the Minutes of the February 26, 2024 meeting.**
- 3: 6:05 p.m. – 6:25 p.m. Creation of a Human Services Department – Lisa Wong**

**4: New Business:**

(a): 6:25 p.m. – 6:45 p.m. Director's Report

(b): 6:45 p.m. Public Hearing: – Appeal Request for Open  
Condemnation Order Regarding 24 Main Street, Rear

**5: Announcements and Open Forum (10 minutes)**

**6: New Business (continued):**

(a): Kratom, Synthetically Derived Cannabinoids – Dr. Holly Perry

(b): Psilocybin – Board Discussion

**7: Old Business:**

(a): Update - South Hadley Drug & Alcohol Prevention Coalition – Karen  
Walsh Pio

**8: Set Next Meeting Date – (TBD) at 6:00 p.m. at South Hadley Public Library**

**9: Adjourn meeting**

\*\*\* Please note: Meetings are recorded\*\*\*

CHRISTINE MCKIERNAN, M.D., Chair  
JESSICA COLLINS, Vice-Chair  
KAREN WALSH PIO, Clerk  
TONY JUDGE  
STEPHEN FRANTZ

SHARON D. HART, Public Health Director

Board of Health Minutes

February 26, 2024

Present: Christine McKiernan, M.D., Chair; Jessica Collins, Vice-Chair; Karen Walsh Pio, Clerk; Tony Judge, Board of Health Member; Stephen Frantz, Board of Health Member; Sharon Hart, Public Health Director; Jennifer Jernigan, Assistant Public Health Director; Representative Dan Carey; Senator Jacob Oliveira; Jennifer Pickering, District Director; Tamara Gheit, Health Department Assistant

1. ***The Board of Health Meeting was called to order at 6:03 p.m. by Chair McKiernan at the South Hadley Public Library.***

Jessica Collins joined by Zoom  
Senator Dan Carey joined by Zoom

2. **Acceptance of the Minutes of the January 9, 2024 Meeting:**

Chair McKiernan introduced the minutes from the January 9<sup>th</sup> meeting and asked for a motion to approve the minutes. Karen Walsh Pio made the motion and Tony Judge seconded it. All members were in favor.

Tony Judge = Aye  
Karen Walsh Pio = Aye  
Christine McKiernan = Aye  
Jessica Collins = Aye

3. **Announcements and Open Forum:**

None

*Draft* - Board of Health  
Meeting Minutes  
February 26, 2024

#### 4. New Business

##### a) Firearm Injury Prevention- Representative Dan Carey and Senator Jacob Oliveria

Senator Jacob Oliveira mentions both the Senate and House have passed different versions of Bill 4139. He explains the legislative process and hopes the two houses could eliminate differences and reach a consensus to both chambers and eventually send to Governor Hailey by the end of the legislative session.

Senator Oliveira stated the House identified the 3 conferees who will be involved in that conference committee, including Carlos Gonzalez from Springfield who chairs the Public Safety and Homeland Security committee on the House and Legislative side, where many of the gun control bills originated. Senator Jacob Oliveira states the goal of this legislation is to expand Red Flag Laws and prevent gun deaths while improving and strengthening our laws in the Commonwealth. He also is pleased to mention due to the strong gun control laws that are in place, Massachusetts has one of the lowest rates of gun violence of all 50 states in the country.

Representative Dan Carey explains the differences between the two versions and states the House Bill is longer than the Senate Bill and is focused on sensitive areas and granting or not granting permission for firearms to enter their home or other sensitive areas like schools or government buildings. Representative Carey also mentions the House Bill is also focusing on ghost gun provisions, serial numbers and registration. Both Senator Jacob Oliveira and Representative Dan Carey recommend that the Board of Health educate and start community conversations at a local level with town residents. Stephen Frantz requested a number of how many residents in South Hadley are registered for a license to carry, Director Sharon Hart emailed all Board of Health members with the current data.

6:39 p.m. Stephen Frantz joined Zoom  
6:48 p.m. Jennifer Pickering left  
6:48 p.m. Representative Dan Carey left Zoom  
6:48 p.m. Senator Jacob Oliveira left

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Meeting Minutes  
February 26, 2024

**b) Update- Pollinator Non-Binding Resolution and Property Care By-Law- Stephen Frantz, Rebekah Cornell**

6:50 p.m. Rebekah Cornell joined Zoom

Final steps were discussed on moving forward with revamping By-Law § 179.4. The Board of Health has observed that there are not reasonably clear guidelines for enforcement officials to prevent arbitrary and discriminatory enforcement. Rebekah Cornell who is the Conservation Administrator and Planner works closely with the Conservation Commission to promote pollinator species. An updated memo was finalized and sent out; Cornell mentions the last Conservation Commission meeting took a vote to formally support sending this to town meeting. After a final review with the Board of Health, there was agreement for the Conservation Commission to send it to the Town Administrator's office and request the Selectboard to place it on the town meeting warrant. Christine McKiernan asked for a motion to approve the letter with all of the attachments to be sent to the Town Administrator for inclusion in the town meeting packet. Stephen Frantz seconded it; all members were in favor.

Stephen Frantz = Aye  
Tony Judge = Aye  
Karen Walsh Pio = Aye  
Jessica Collins= Aye  
Christine McKiernan = Aye

7:14 p.m. Rebekah Cornell left Zoom

7:14 p.m. Jessica Collins left Zoom

**c) Master Plan – Review and Update**

A review was provided by Director Sharon Hart on actions the Board of Health accomplished to meet targets on the Master Plan. She mentioned that a Rental Registry was passed in May 2023 by Town Council and is moving forward with putting together a letter to do a mass mailing. In addition, the Board of Health supported the Dry Brook Aquifer study with sampling that began in July 2023 and goals to secure the water supply and identify tracers. A review of regulation and regulatory authority concerns preserving and promoting the public health was discussed with Board of Health members.

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Meeting Minutes  
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#### **d) Director's Report**

Director Sharon Hart provided an update and mentioned 1800 more Covid tests have been ordered in addition to large syringe boxes that have been given out to the Fire and Police department. Hart mentioned meeting with the Town Administrator about her goals and objectives. She states the Opioid Task Force has been busy conducting a survey that is now available and will be uploaded on our town website to promote information. In addition, Hart discussed hiring Biobot Analytics Inc. to collect water samples and perform a high-risk panel baseline testing that can be funded by the PHE Grant. Goals have been put in place to capture the audience and ultimately introduce harm reduction to South Hadley.

#### **5. Old Business**

##### **a) Update- South Hadley Drug & Alcohol Prevention Coalition-Karen Walsh Pio**

Karen Walsh Pio provided an update on a series of guest speakers that have been invited to current coalition meetings. The February agenda had a presentation by Amy Cronin DiCaprio, coordinator at Safe Passage where she developed, implemented and evaluated youth and adult community-based violence. In our last meeting, Karen Walsh Pio mentioned gathering information on how many kids are using drugs and at what grade level will be looked at using the South Hadley Prevention Needs Assessment with Caroline Johnson, who is the research and evaluation person at Spiffy Coalition, which is a part of CES (Collaborative for Educational Services) in Northampton. A presentation was done regarding the new survey and a PDF version is available. She went over data numbers and stated her concerns over risk and protective factors and how to help kids identify the risk factors. In addition, Karen Walsh Pio provided highlights, which included data stating there was a drop in youth substance use during the pandemic.

7:57 p.m. Michael Rosner joined Zoom – He is interested in filling up the open seat on the Board of Health and to consider him as a candidate.

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**Set next Meeting Date- March 12, 2024 @ 6:00pm:**

All present members were in consensus with the next meeting date being March 12 at 6pm at the library.

**Adjourn the meeting:**

Chair McKiernan mentioned she would accept a motion to adjourn the meeting. Karen Walsh Pio made the motion. Tony Judge seconded it and all members were in consensus.

The meeting was adjourned at 7:59 p.m.

Respectfully,  
Tamara Gheit

*Draft* - Board of Health  
Meeting Minutes  
February 26, 2024

**ATTACHMENT A**

**RECORD LOCATION**

BOH Meeting Minutes 2/26/24	BOH File
Director's Report	BOH File
Memorandum from Rebekah Cornell, Conservation Administrator/Planner Dated 10/6/23 Regarding General Bylaw 5179-4 Property Maintenance	BOH File
Letter from the Office of the Attorney General, Commonwealth of Massachusetts to Carlene Hamlin, Town Clerk, Re: S. Hadley Annual Town Meeting of May 9, 2015	BOH File
Regulation Prohibiting the Manufacturing, Sale, and Distribution of Synthetically Derived Cannabinoids and Kratom	BOH File

Summary	August 2022	September 2022	October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	January 2024	February 2024	
<b>Complaints Received</b>																				
housing complaint	13	5	12	11	15	10	6	10	4	5	5	2	5	10	1	6	7	6	7	
food complaints/questions	6	10	7	2	5	6	1	3	5	5	4	2	0	5	4	4	2	5	5	
COVID inquiry/reporting	2	1	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	
animal control	9	4	9	3	2	3	3	3	4	5	3	3	2	5	0	0	0	2	3	
dumpster permit	6	1	2	2	0	0	0	2	0	0	5	2	2	0	0	1	4	0	0	
hauler permit	1	1	1	0	0	1	0	1	1	1	3	1	1	0	0	0	0	0	0	
septic permit	1	2	5	3	3	2	0	6	7	7	2	3	2	1	0	0	1	1	1	
property care complaint	1	3	0	2	1	0	2	2	1	1	5	4	5	3	1	3	3	1	2	
miscellaneous	3	13	11	7	8	4	3	3	6	6	0	0	0	0	0	0	1	0	0	
<b>Total</b>	<b>42</b>	<b>40</b>	<b>48</b>	<b>30</b>	<b>34</b>	<b>26</b>	<b>15</b>	<b>30</b>	<b>29</b>	<b>31</b>	<b>25</b>	<b>17</b>	<b>17</b>	<b>24</b>	<b>6</b>	<b>14</b>	<b>18</b>	<b>15</b>	<b>18</b>	
<b>Notices Issued</b>																				
housing orders		1	0	1	0	3	3	2	5	5	3	3	4	3	12	2	8	7	10	7
condemnations	1	1	0	1	0	0	1	2	0	2	6	1	1		3	3				
property care notices	1		0	0	0	1	0	1	4	3	5	4	5	9	0	3	1	1	1	
compliance	2	1	3	1	0	5	2	4	1	0	4	2	2	2	2	5	1	1	4	
educational/best practice material	0	0	0	2	0	0	0	2	2	3	0	1	1	0	0	0	0	0	0	
dumpster violations	0	0	0	0	0	0	0	3	3	3	0	0	2	0	0	0	2	0	0	
<b>Total</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>9</b>	<b>6</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>18</b>	<b>12</b>	<b>14</b>	<b>23</b>	<b>7</b>	<b>19</b>	<b>11</b>	<b>12</b>	<b>12</b>	
<b>Inspections Conducted</b>																				
food inspections	4	1	6	0	0	7	9	13	17	14	3	2	3	6	1	4	2	2	9	
lodging/housing inspections	4	3	1	0	4	3	4	4	5	5	4	3	4	4	1	4	12	5	3	
site observations	2	2	0	0	0	0	2	4	5	7	2	1	1	2	0	8	2	3	5	
perc tests/septic installs												2	2	2	0	3	1	2	1	
<b>Total</b>	<b>10</b>	<b>6</b>	<b>7</b>	<b>0</b>	<b>4</b>	<b>10</b>	<b>15</b>	<b>21</b>	<b>27</b>	<b>26</b>	<b>9</b>	<b>6</b>	<b>8</b>	<b>82</b>	<b>68</b>	<b>19</b>	<b>17</b>	<b>12</b>	<b>18</b>	
<b>Miscellaneous</b>																				
records requests		6	9	18	9	1	1	2	3	1	1	2	1	3	3	1	2	9	5	
food plan reviews		1	1	1	2	2	1	1	1	2	2	0	0	0	0	1	1	1	1	
summer camp permits	0	0	0	0	0	0	1	1	3	2	0	2	0	0	2	9	0	0	2	
animal quarantines															3	3	6	8	1	
septic plan reviews																		4	3	
title 5 reviews																				
pumping record reviews																				
<b>Total</b>		<b>7</b>	<b>10</b>	<b>19</b>	<b>11</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>8</b>	<b>13</b>	<b>9</b>	<b>22</b>	<b>12</b>	

**HOUSE . . . . . No. 3605**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Nicholas A. Boldyga*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning the legal use of the plant medicine known as psilocybin for therapeutic, spiritual, and medicinal purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/19/2023</i>

**HOUSE . . . . . No. 3605**

By Representative Boldyga of Southwick, a petition (accompanied by bill, House, No. 3605) of Nicholas A. Boldyga that the Department of Public Health establish procedures for the granting of psilocybin facilitators licenses. Public Health.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act concerning the legal use of the plant medicine known as psilocybin for therapeutic, spiritual, and medicinal purposes.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 245. (a) The department shall establish requirements for registration processes,  
4 investigation of complaints and accompanying licensing procedures and the granting of  
5 psilocybin facilitators licenses to those who meet the requirements of subsection (b).

6 (b) An applicant for a psilocybin facilitators license shall, at the time of application: (i) be  
7 21 years of age or older; (ii) be a legal resident of the commonwealth; (iii) possess a high school  
8 diploma or its equivalent; (iv) have no felony or misdemeanor convictions in the 5 years prior to  
9 the application; (v) have a certificate of completion from an independent school licensed to issue  
10 a certificate for a psilocybin facilitators license pursuant to subsection (c); and (vi) pay \$155  
11 biennial fee to the board of registration of allied mental health and human services exempting

12 current law enforcement officers certified pursuant to chapter 6E, certified emergency medical  
13 technicians, certified paramedics and veterans with proof of honorable discharge from the armed  
14 forces of the United States.

15 (c) The department shall license independent training schools to issue a certificate that  
16 the minimum training requirements for a psilocybin facilitators license have been completed.  
17 The licensed independent training schools may be for-profit or non-profit and may charge tuition  
18 and provide scholarship programs for low-income students. The minimum curriculum for a  
19 psilocybin facilitators license issued by a licensed independent training school shall be no less  
20 than 20 hours and no more than 300 hours of total training which shall include a minimum of 20  
21 hours of in-person practicum where students facilitate and observe the facilitation of psilocybin  
22 sessions.

23 (d) Notwithstanding any general or special law to the contrary, only a person who obtains  
24 a psilocybin facilitators license shall be lawfully permitted to possess not more than 5 grams of  
25 psilocybin excluding the weight of water and fungi material that is part of the psilocybin.

26 (e) Notwithstanding any general or special law to the contrary, a licensed psilocybin  
27 facilitator may facilitate psilocybin sessions for therapeutic, spiritual and medicinal purposes for  
28 all persons 18 years of age and older.

29 (f) Notwithstanding any general or special law to the contrary, a person 18 years of age  
30 and older may use psilocybin during facilitated sessions, by a properly licensed psilocybin  
31 facilitator, for therapeutic, spiritual and medicinal purposes.

32 (g) The department shall promulgate rules and regulations for a psilocybin facilitators  
33 license and the licensure of independent schools to issue a certificate that the minimum training  
34 requirements for such license have been met in accordance with this section.

35 SECTION 2. Subsection (g) of section 245 of chapter 111 shall take effect on July 1,  
36 2025.

TONY JUDGE, Chair  
CHRISTINE McKIERNAN, MD, Vice-Chair  
KAREN WALSH PIO, LICSW, LADC I, Clerk  
JESSICA COLLINS  
STEPHEN FRANTZ

SHARON D. HART, Public Health Director

**EMERGENCY CONDEMNATION ORDER -  
ORDER TO VACATE and SECURE**

May 25, 2022

Richard Fuller  
24 Main Street, Rear  
South Hadley, MA 01075-2828

Chad Lynch  
NextHome Elite Realty  
308 Main Street  
Springfield, MA 01151

**COPY**

To Whom It May Concern:

**RE: Property Address – 24 Main Street, Rear – Unsanitary Living Quarters**

In accordance with **M.G.L. c. 111, 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation**, Sharon D. Hart, Director of Public Health and Jennifer Jernigan, Assistant Director of Public Health for the Town of South Hadley Board of Health, have been notified on **May 25, 2022** by the Town of South Hadley Fire Department #1 that the living quarters at 24 Main Street, Rear are in a very unsanitary condition.

Based on this notification to the South Hadley Health Department and pursuant to **M.G.L. c. 111 s. 127B and Article II of the State Sanitary Code 105 CMR 410.831 (D)** the Board of Health (Board) finds that the dwelling is unfit for human habitation and is an immediate danger to the life or health of the occupant(s). The dwelling is hereby condemned based upon the following material facts and conditions:

**ARTICLE II (105 CMR 410.000) VIOLATIONS:**

**BEDROOM:**

.400 The size of the bedroom area appears to not meet the housing code requirements of at least 70 square feet of floor space for a bedroom. Inspectors did not have complete access to apartment.  
**ORDER: Ensure the bedroom area meets all code requirements.**

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- .450,.602 The area is cluttered, has a foul odor and is filthy.  
.601,.600 **ORDER: Please clean area and sanitize and make sure the area meets**  
.451 **all codes. Please ensure all areas of apartment are clean and sanitary and not cluttered.**

**MEANS OF EGRESS:**

- .450, .451. 452\_ Every dwelling unit, and rooming unit shall have as many means of exit as well allow for the safe passage of all people in accordance with 780 CMR 104.0, 105, 1, and 805.0 of the Massachusetts State Building Code. **ORDER: Ensure that apartment meets all egress codes.**

**ELECTRICAL:**

- .256 **COPY** No wiring shall lie under a rug or other floor covering, nor shall extend through a doorway or other opening in a structural element. No temporary wiring shall be used or made available for use by any owner or occupant; provided, that extension cords which connect portable electric appliances or fixtures to convenience outlets shall not be considered temporary wiring. **ORDER: Ensure that wiring meets applicable codes.**

**SMOKE & CO DETECTORS**

- .482(A), 351(A) Check with fire department on number and placement of smoke and carbon monoxide detectors. **ORDER: Owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR). The owner shall .... maintain free from ... other defects, the following: smoke detectors and carbon monoxide alarms. Immediately check with fire department on number and placement of smoke detectors and carbon monoxide alarms.**

**410.750: Conditions Deemed to Endanger or Impair Health or Safety**

- (I) Failure to comply with any provisions of 105 CMR 410.600, 410.601, or 410.602 which results in any accumulation of garbage, rubbish, filth or other causes of sickness which may provide a food source or harborage for rodents, insects or other pests or otherwise contribute to accidents or to the creation or spread of disease.
- (K) Roof, foundation, or other structural defects that may expose the occupant or anyone else to fire, burns, shock, accident or other dangers or impairment to health or safety.

## Page 3 – 24 Main Street, Rear

- (L) Failure to install electrical, plumbing, heating and gasburning facilities in accordance with accepted plumbing, heating, gasfitting and electrical wiring standards or failure to maintain such facilities as are required by 105 CMR 410.351 and 410.352, so as to expose the occupant or anyone else to fire, burns, shock, accident or other danger or impairment to health or safety.
- (G) Failure to provide adequate exits, or other obstruction of any exit, passageway or common area caused by any object, including garbage or trash, which prevents egress in case of an emergency 105 CMR 410.450, 410.451 and 410.452.

**PLEASE MAKE SURE ALL AREAS MEET ALL CODES.**

You are hereby ordered to vacate the apartment or cause the apartment to be vacated. Any and all occupants of the aforementioned dwelling, or portion thereof, must vacate the premises IMMEDIATELY. No one is allowed to occupy the dwelling and the placard cannot be removed without prior written permission of the Board based upon the Board's written findings that the dwelling is fit for human habitation. **If the condemned dwelling, or portion thereof, is not vacated by this time and date, any person refusing to leave may be forcibly removed by the Board or by the local police authorities at the request of the Board of Health (105 CMR 410.950(C)).**

You are also hereby ordered to secure the condemned apartment from unlawful occupancy by **May 26, 2022 at 5:00 p.m. (Approx. 24 hours)**. No one is allowed to occupy the apartment and the placard cannot be removed without prior written permission of the Board based upon the Board's written findings that the dwelling is fit for human habitation. Occupants may enter the dwelling from 8:00 a.m. – 5:00 p.m. to access/remove their property.

Furthermore, anyone who fails to comply with any order of the Board may be subject to fines ranging from **\$10-\$500 pursuant to 410.910**. Each day's failure to comply with an order shall constitute a separate violation.

**Pursuant to 105 CMR 410.850 through 410.860**, if you are aggrieved by this Order, you have the right to request a hearing within seven (7) days of receipt of this notice by filing a written petition for a hearing before the Board. A request for a hearing form can be provided by this office upon request. At such hearing, you or any other affected party shall be given an opportunity to be heard, to present witness or documentary evidence as to why the dwelling, or portion thereof, should not be found unfit for human habitation and ordered vacated and secured. You may be represented by legal counsel at said hearing. Filing a petition for a hearing does not delay or excuse you from the obligation to comply with this Order.

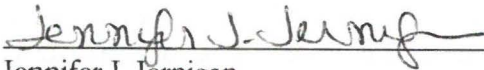
*This is an important legal document. It may affect your rights. You should have it translated.*

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**The State Regulations, 105 CMR 410.000 Chapter II of The State Sanitary Code, can be found on the M.D.P.H. website [www.state.ma.us/dph](http://www.state.ma.us/dph) which you can refer to for a more detailed description of any Housing Code violations. The information above is only a summary of the law. Before you decide to withhold your rent or take any other legal action, it is advisable that you consult an attorney. If you cannot afford to consult an attorney, you should contact the nearest Legal Services Office.**

If you have any questions, please feel free to contact the Board of Health Office at 538-5030 ext. 6184, Monday – Friday 8:30 a.m. through 4:30 p.m.

Signed under the pains and penalties of perjury,



Jennifer J. Jernigan  
Assistant Director of Public Health



Sharon D. Hart  
Director of Public Health

CC: Police Chief, Jennifer Gundersen  
Fire Chief District #1, Chief Authier  
Fire Inspector Captain Houle  
Board of Health, members

POSTED ON PROPERTY 5/25/23

CHRISTINE McKIERNAN, MD, Chair  
JESSICA COLLINS, Vice-Chair  
KAREN WALSH PIO, LICSW, LADC 1, Clerk  
TONY JUDGE  
STEPHEN FRANTZ

SHARON D. HART, Public Health Director

**CONDEMNATION ORDER – ORDER TO VACATE AND SECURE**

May 22, 2023

James Rocca  
SH Properties LLC  
308 Main Street  
Indian Orchard, MA 01105

**COPY**

Dear James Rocca:

**RE: Property Address – 24 Main Street, Rear**  
**Reason for Inspection: Prior Condemnation Notice dated May 25, 2022**

In accordance with M.G.L. c. 111, 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation, Sharon D. Hart, Director of Public Health and Jennifer Jernigan, Assistant Director of Public Health for the Town of South Hadley Board of Health, were notified that the living quarters at 24 Main Street, Rear were ready for re-inspection. The living quarters were re-inspected on May 11, 2023.

Based on this re-inspection by the South Hadley Health Department and pursuant to M.G.L. c. 111 s. 127B and Article II of the State Sanitary Code 105 CMR 410.831 (D) the Board of Health (Board) finds that the dwelling is still unfit for human habitation and is an immediate danger to the life or health of occupant(s). The dwelling remains condemned based upon the following material facts and conditions:

**OWNER TO OBTAIN ALL NECESSARY PERMITS**

**410.000 LIST AND DESCRIPTION OF VIOLATIONS:**

**KITCHEN/BEDROOM**

- .100, .300** There are no cabinets, pantries or shelving and no countertop available. There is no refrigerator with freezer, no cooktop and oven. **ORDER: For dwelling units....the owner shall provide and maintain, in compliance with the manufacturer's use, the following facilities suitable to store, prepare and serve foods in a sanitary manner: cabinets, pantry or shelving, a countertop, the space and proper facilities for**

## Page 2 – VIOLATIONS – 24 Main Street, Rear

the installation of a refrigerator with freezer, cooktop and oven. A conventional cooktop and oven unit with at least 1.7 cubic feet of oven area except and to the extent the occupant is required to provide and maintain these items under a written rental agreement and a refrigerator with freezer containing a combined storage area of at least 11.0 cubic feet except and to the extent the occupant is required to provide and maintain these items under a written rental agreement. Ensure proper electrical outlets are available for both refrigerator and conventional cooktop and oven.

- .420 Ensure that there is at least 150 square foot of floor space in the dwelling unit for one occupant once all appliances are installed and that at least 70 square foot of floor space in that room is available for sleeping. **ORDER: Every dwelling unit shall contain at least 150 square feet of habitable floor space for its first occupant. In every residence, each room used for sleeping by one occupant shall contain at least 70 square feet of floor space.**
- .500 There are holes in the drywall under the kitchen sink. **ORDER: Repair/replace drywall.**
- .150 The hot water temperature is too low at 107.2. **ORDER: The hot water temperature should be not less than 110 degrees Fahrenheit and not greater than 130 degrees Fahrenheit for fixtures other than the bathtub or shower. Ensure the hot water in the shower meets a temperature range between 110 and 120 degrees Fahrenheit.**

**BATHROOM**

- .110 There is no heat in the bathroom. **ORDER: The owner shall provide and maintain in good operating condition a heating system that includes a distribution system capable of heating every habitable room and every room containing a toilet, shower, or bathtub to such temperature required by 105 CMR 410.180.**
- .500 The paint on the doorframe into the bathroom is chipping and the boxed-in area of wall inside the bathroom is unfinished. There are areas of unpainted wall in the bathroom. **ORDER: Every owner of a residence shall maintain all buildings in good repair and free from holes, cracks, loose plaster or defects that render the area difficult to keep clean. Repair flaking, chipping paint and paint surfaces.**

**FRONT HALLWAY AND STAIRS LEADING UP TO APARTMENT**

- .500 There is chipping and flaking paint on the hallway walls and stairs. **ORDER: Every owner of a residence shall maintain all buildings in good repair and free from holes, cracks, loose plaster or defects that render the area difficult to keep clean. Repair flaking, chipping paint and paint surfaces.**
- .500 There is a hole in the ceiling in the hallway. **ORDER: Repair/replace ceiling.**

## Page 3 – VIOLATIONS – 24 Main Street, Rear

- .235 There is no light cover for the light in the hallway. **ORDER: Install light cover.**
- .235 There are two light switch/outlets that are close to the sink. **ORDER: Ensure that the light switch/outlets are not too near the sink and/or are the correct type for the application so near a sink.**

**NATURAL and MECHANICAL VENTILATION**

- .220 There is no window to the outside in the bedroom area. **ORDER: Habitable rooms... shall have windows, skylights or doors through the exterior walls or roofs that can be easily opened with a combined opening of at least 4 percent of the floor area of that habitable room or mechanical ventilation capable of exhausting air to the outdoors. Ensure adequate ventilation is possible in the bedroom area.**

**DOORWAY LEADING INTO BATHROOM**

- .500 The width of the doorway is 23 inches. **ORDER: Every owner of a residence shall maintain all building and structural elements in compliance with accepted standards. Ensure that width of doorway meets all applicable codes.**

**DOORWAY IN BETWEEN THE TWO ROOMS**

- .500 The width of the doorway is 28 inches. **ORDER: Every owner of a residence shall maintain all building and structural elements in compliance with accepted standards. Ensure that width of doorway meets all applicable codes.**

**ELECTRICITY, SUPPLY and ILLUMINATION**

- .300 Ensure that the appropriate light fixtures are installed and working. **ORDER: Residences that have more than one dwelling unit need light fixtures that are motion-sensor operated, on timers, or always on, for every shared hallway, stairway, porch, deck, exterior stairway and passageway.**

**OWNER/MANAGER CONTACT INFORMATION AND NOTICE OF OCCUPANTS' LEGAL RIGHTS AND RESPONSIBILITIES**

- .400 There is no sign with the owner/manager contact information posted. **ORDER: Post the appropriately sized sign in the proper location that indicates the required information per the housing code. Post or provide all occupants the Notice of Occupants' Legal Rights and Responsibilities.**

NATURAL LIGHT AND OBSTRUCTIONS

.430 There is no window to the outside in the kitchen/bedroom. **ORDER:** Ensure that the housing code is being met. The owner shall provide transparent or translucent glass which admits unobstructed light from the outdoors equal in area to a minimum of 8 percent of the entire floor area in: habitable rooms other than the kitchen and kitchens that have a floor area greater than 70 square feet.

WEATHERTIGHT ELEMENTS

.530 There are cracks and spaces along the walls and ceilings where the trim meets the wall or ceiling or flooring or side of wall. **ORDER:** Seal up all cracks and spaces not part of the ventilation, heating or air conditioning systems to prevent infiltration of exterior air or moisture or pests.

INSTALLATION OF SCREENS

.540 There was no screen in the window. **ORDER:** The owner shall provide and install screens for exterior openable windows so that they are in place from April 1<sup>st</sup> to October 31<sup>st</sup> each year. They should be no less than 16 mesh per square inch. They should cover that part of the window designed to be opened, except in double hung windows where half screens shall meet this requirement. They should be tight fitting and prevent the entrance of pests.

SMOKE & CO DETECTORS

.482 .351(A) Ensure that the number and placement of smoke and carbon monoxide detectors meet all codes.  
**ORDER:** Owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248

Page 5 – VIOLATIONS – 24 Main Street, Rear

CMR). The owner shall .... maintain free from ... other defects, the following: smoke detectors and carbon monoxide alarms. Immediately check with fire department on number and placement of smoke detectors and carbon monoxide alarms.

.750 One or more of the violations listed above is or may be a condition which may materially impair the health or safety and well-being of the occupant as determined by 105 CMR 410.750 of Article II of the State Sanitary Code.

The State Regulations, 105 CMR 410.000 Chapter II of The State Sanitary Code, can be found on the M.D.P.H. website [www.state.ma.us/dph](http://www.state.ma.us/dph) which you can refer to for a more detailed description of any Housing Code violations.

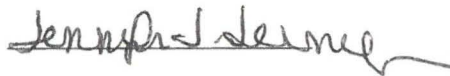
This is an important legal document. It may affect your rights. You should have it translated.

If you have any questions, please feel free to contact Jennifer at 413-538-5030, x6107.

Signed under the pains and penalties of perjury.



Sharon D. Hart  
Director of Public Health



Jennifer Jernigan  
Assistant Director of Public Health

Cc: Board of Health Members  
Building Commissioner, Damian Cote  
Fire District #1, Chief Authier  
Fire Inspector, Fire Department #1, Jay Houle  
Electrical Inspector, Roy Rivers  
Plumbing/Gas Inspector, Dave Tourville  
Town Administrator, Lisa Wong  
File

CHRISTINE McKIERNAN, MD, Chair  
JESSICA COLLINS, Vice-Chair  
KAREN WALSH PIO, LICSW, LADC 1, Clerk  
TONY JUDGE  
STEPHEN FRANTZ

SHARON D. HART, Public Health Director

**CONDEMNATION ORDER – ORDER TO VACATE AND SECURE**

August 21, 2023

James Rocca  
SH Properties LLC  
308 Main Street  
Indian Orchard, MA 01105

**COPY**

Dear James Rocca:

**RE: Property Address – 24 Main Street, Rear**  
**Reason for Inspection: Prior Condemnation Notice dated May 22, 2023**

In accordance with **M.G.L. c. 111, 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation**, Sharon D. Hart, Director of Public Health and Jennifer Jernigan, Assistant Director of Public Health for the Town of South Hadley Board of Health, were notified that the living quarters at 24 Main Street, Rear were ready for re-inspection. The living quarters were re-inspected on August 17, 2023.

Based on this re-inspection by the South Hadley Health Department and pursuant to **M.G.L. c. 111 s. 127B and Article II of the State Sanitary Code 105 CMR 410.831 (D)** the Board of Health (Board) finds that the dwelling is still unfit for human habitation and is an immediate danger to the life or health of occupant(s). The dwelling remains condemned based upon the following material facts and conditions:

**OWNER TO OBTAIN ALL NECESSARY PERMITS**

**410.000 LIST AND DESCRIPTION OF VIOLATIONS:**

**KITCHEN/BEDROOM**

- .420 Ensure that there is at least 150 square foot of floor space in the dwelling unit for one occupant once all appliances are installed and that at least 70 square foot of floor space in that room is available for sleeping. **ORDER: Every dwelling unit shall contain at least 150 square feet of habitable floor space for its first occupant. In every residence, each room used for sleeping by one occupant shall contain at least 70 square feet of floor space.**  
**8/21/23 Ensure proper electrical outlets are available for both refrigerator and conventional cooktop and oven.**

24 Main Street, Rear – Page 2

- .500 There is a gap above the hand sink in the kitchen and the wall above it where it meets the trim needs to be sealed. **ORDER: Seal up gaps.**
- .100, .140, .235 The plumbing under the kitchen sink was not permitted. **ORDER: A licensed plumber must pull a permit and verify the proper venting before the Plumbing and Gas Inspector goes out to inspect it.**

BATHROOM

- .160 The heater installed in the bathroom was not permitted. **ORDER: Obtain permit.**

NATURAL and MECHANICAL VENTILATION

- .220 There is no window **to the outside** in the bedroom/kitchen area. **ORDER: Habitable rooms...shall have windows, skylights or doors through the exterior walls or roofs that can be easily opened with a combined opening of at least 4 percent of the floor area of that habitable room or mechanical ventilation capable of exhausting air to the outdoors. Ensure adequate ventilation is possible in the bedroom area.**

DOORWAY LEADING INTO BATHROOM

- .500 The width of the doorway is 23 inches. **ORDER: Every owner of a residence shall maintain all building and structural elements in compliance with accepted standards. Ensure that width of doorway meets all applicable codes.**

DOORWAY IN BETWEEN THE TWO ROOMS

- .500 The width of the doorway is 28 inches. **ORDER: Every owner of a residence shall maintain all building and structural elements in compliance with accepted standards. Ensure that width of doorway meets all applicable codes.**

OWNER/MANAGER CONTACT INFORMATION AND NOTICE OF OCCUPANTS' LEGAL RIGHTS AND RESPONSIBILITIES

- .400 There is no sign with the owner/manager contact information posted. **ORDER: Post the appropriately sized sign in the proper location that indicates the required information per the housing code. Post or provide all occupants the Notice of Occupants' Legal Rights and Responsibilities. 8/21/23 Ensure proper posting size and proper Information listed.**

NATURAL LIGHT AND OBSTRUCTIONS

.430 There is no window **to the outside** in the kitchen/bedroom. **ORDER:** Ensure that the housing code is being met. The owner shall provide transparent or translucent glass which admits unobstructed light from the outdoors equal in area to a minimum of 8 percent of the entire floor area in: habitable rooms other than the kitchen and kitchens that have a floor area greater than 70 square feet.

INSTALLATION OF SCREENS

.540 There was no screen in the window. **ORDER:** The owner shall provide and install screens for exterior openable windows so that they are in place from April 1<sup>st</sup> to October 31<sup>st</sup> each year. They should be no less than 16 mesh per square inch. They should cover that part of the window designed to be opened, except in double hung windows where half screens shall meet this requirement. They should be tight fitting and prevent the entrance of pests.

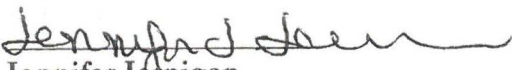
.750 One or more of the violations listed above is or may be a condition which may materially impair the health or safety and well-being of the occupant as determined by 105 CMR 410.750 of Article II of the State Sanitary Code.

The State Regulations, 105 CMR 410.000 Chapter II of The State Sanitary Code, can be found on the M.D.P.H. website [www.state.ma.us/dph](http://www.state.ma.us/dph) which you can refer to for a more detailed description of any Housing Code violations.

This is an important legal document. It may affect your rights. You should have it translated.

If you have any questions, please feel free to contact Jennifer at 413-538-5030, x6107.

Signed under the pains and penalties of perjury.

  
Jennifer Jennigan  
Assistant Director of Public Health

- Cc: Board of Health Members
- Building Commissioner, Damian Cote
  - Fire District #1, Chief Authier
  - Fire Inspector, Fire Department #1, Jay Houle
  - Electrical Inspector, Roy Rivers
  - Plumbing/Gas Inspector, Dave Tourville
  - Town Administrator, Lisa Wong
- File



CHRISTINE MCKIERNAN, MD, Chair  
JESSICA COLLINS, Vice-Chair  
KAREN WALSH PIO, LICSW, LADC I, Clerk  
TONY JUDGE  
STEPHEN FRANTZ

SHARON D. HART, Public Health Director

**CONDEMNATION ORDER – ORDER TO VACATE AND SECURE**

September 15, 2023

James Rocca  
SH Properties LLC  
308 Main Street  
Indian Orchard, MA 01105

**COPY**

Dear James Rocca:

**RE: Property Address – 24 Main Street, Rear**

**Reason for Inspection: Prior Condemnation Notice dated August 21, 2023**

In accordance with M.G.L. c. 111, 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation, Jennifer Jernigan, Assistant Director of Public Health for the Town of South Hadley Board of Health, was notified that the living quarters at 24 Main Street, Rear were ready for re-inspection. The living quarters were re-inspected on September 14, 2023.

Based on this re-inspection by the South Hadley Health Department and pursuant to M.G.L. c. 111 s. 127B and Article II of the State Sanitary Code 105 CMR 410.831 (D) the Board of Health (Board) finds that the dwelling is still unfit for human habitation and is an immediate danger to the life or health of occupant(s). The dwelling remains condemned based upon the following material facts and conditions:

**OWNER TO OBTAIN ALL NECESSARY PERMITS.**

**OWNER TO ENSURE THAT PROPER ELECTRICAL OUTLETS ARE PERMITTED AND AVAILABLE FOR THE CONVENTIONAL COOKTOP AND OVEN THAT THE OWNER WILL BE SUPPLYING. OCCUPANT TO SUPPLY THEIR OWN REFRIGERATOR PER OWNER.**

**410.000 LIST AND DESCRIPTION OF VIOLATIONS:**

**NATURAL and MECHANICAL VENTILATION**

.220 There is no window **to the outside** in the bedroom/kitchen area. **ORDER: Habitable rooms...shall have windows, skylights or doors through the exterior walls or roofs that can be easily opened with a combined opening of at least 4 percent of the floor area of that habitable room or mechanical ventilation capable of exhausting air to the outdoors. Ensure adequate ventilation is possible in the bedroom area.**



24 Main Street, Rear – Page 2

**DOORWAY LEADING INTO BATHROOM**

.500 The width of the doorway is 23 inches. **ORDER:** Every owner of a residence shall maintain all building and structural elements in compliance with accepted standards. Ensure that width of doorway meets all applicable codes.

**DOORWAY IN BETWEEN THE TWO ROOMS**

.500 The width of the doorway is 28 inches. **ORDER:** Every owner of a residence shall maintain all building and structural elements in compliance with accepted standards. Ensure that width of doorway meets all applicable codes.

**NATURAL LIGHT AND OBSTRUCTIONS**

.430 There is no window to the outside in the kitchen/bedroom. **ORDER:** Ensure that the housing code is being met. The owner shall provide transparent or translucent glass which admits unobstructed light from the outdoors equal in area to a minimum of 8 percent of the entire floor area in: habitable rooms other than the kitchen and kitchens that have a floor area greater than 70 square feet.

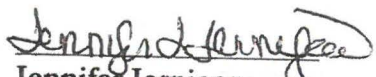
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The State Regulations, 105 CMR 410.000 Chapter II of The State Sanitary Code, can be found on the M.D.P.H. website [www.state.ma.us/dph](http://www.state.ma.us/dph) which you can refer to for a more detailed description of any Housing Code violations.

**This is an important legal document. It may affect your rights. You should have it translated.**

If you have any questions, please feel free to contact Jennifer at 413-538-5030, x6107.

Signed under the pains and penalties of perjury.

  
Jennifer Jernigan  
Assistant Director of Public Health

Cc: File



# LYON & FITZPATRICK, LLP

ATTORNEYS AND COUNSELORS AT LAW

PETER C. CONNOR  
PRISCILLA FIFIELD CHESKY  
ROBERT C. SACCO  
JOSEPH J. LANGE  
KATHARINE HIGGINS-SHEA  
RICHARD K. SULLIVAN III  
JOHN J. MORAN\*

OF COUNSEL

WILLIAM D. FITZPATRICK  
GERALD GLASSER

CLARKE S. LYON  
(1920 - 2002)  
ARCHER B. BATTISTA  
(1946 - 2016)

\*Also admitted in Connecticut

September 20, 2023

Ms. Sharon Hart  
Director of Public Health  
Town of South Hadley  
116 Main Street  
South Hadley, MA 01075



Re: 24 Main Street Rear, South Hadley, MA

Dear Ms. Hart:

Please be advised that this office represents the interests of Mr. Chad Lynch and Mr. James Rocca of SH Properties LLC, the property owner of 24 Main Street in South Hadley. Mr. Lynch has requested that I write to you with respect to the Condemnation Order that the Board of Health issued on the Rear Apartment at this address on May 25, 2022. My client has informed me that all violations at the property cited in the May 25, 2022 Order have been corrected. My client also informed me that on occasion the Board and/or other municipal departments have requested verbally or by email, without a formal citation or order, that my client address and resolve other issues or concerns at the property. My client has undertaken all repairs cited in the May 25, 2022 Order or reported verbally or by email in good faith and at significant expense.

It has become clear to my client that the remaining issue to lift the condemnation appears to the square footage of the apartment. The apartment is a studio apartment which does contain a partition wall with a cased opening separating the space, however, it contains no interior doors. My client has reported to me that the Board of Health has measured the square footage in the apartment on several occasions and it meets the State Sanitary Code requirements. There is nothing further that needs to be done or corrected with respect to this cited violation as its not a violation. Further, this apartment has been in existence for many years prior to my client's ownership of this property and on information and belief, the footprint of this apartment has not changed.

At this time my client is formally requesting that the Board of Health lift the condemnation as my client resolved all of the cited violations in the May 25, 2022 Order, met all requests made by the Board or other municipal departments and there is no action required with

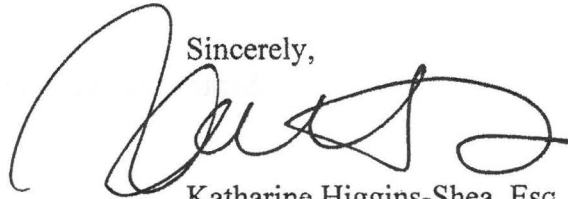
**LYON & FITZPATRICK, LLP**

ATTORNEYS AND COUNSELORS AT LAW

respect to the square footage. If this request is not met my client client will be forced to take legal action.

If you have any questions feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katharine Higgins-Shea', written in a cursive style.

Katharine Higgins-Shea, Esq.

cc: Mr. Chad Lynch

# KOMACK LAW OFFICES, P.C.

January 28, 2024

*VIA FIRST CLASS MAIL and CERTIFIED MAIL: RETURN RECEIPT REQUESTED*

South Hadley Public Health Department  
Attention: Jennifer Jernigan  
116 Main Street, Room M2  
South Hadley, MA 01075

RECEIVED  
1/31/24  
DJ

RE: Property Address – 24 Main Street, Rear  
Reason for Inspection: Prior Condemnation Notice dated August 21, 2023

Dear Ms. Jernigan

For your records, I have been retained by SH PROPERTIES, LLC to represent them and their interests in the above matter.

My clients received a Condemnation Order – Order to Vacate and Secure dated September 15, 2023. Said letter states that the premises is unfit for human habitation and is an immediate danger to the life or health of occupants. Said violations include, that there are no windows that lead to the outside in the kitchen/bedroom, and that the doorways leading to a bedroom and bathroom are not in compliance with accepted standards.

By this letter, I am notifying you that it is my client's intention to appeal the condemnation that was ordered by the South Hadley Public Health Department pursuant to 105 CMR 410.860. You did not make my clients aware of their right to appeal, as it was not stated in any Notices or communications received from the South Hadley Public Health Department.

I will await notification from you of a Hearing Date with regards to same.

Please confirm receipt of this letter.

Thank you for your time and consideration, and in the meantime, please feel free to give me a call if you have any questions.

Sincerely yours,

STANLEY D. KOMACK, ESQ.

cc: SH PROPERTIES LLC  
STANLEY D. KOMACK  
Attorney at Law  
sdk@komacklaw.com

MARISSA A. KOMACK  
Attorney at Law  
marissa@komacklaw.com

734 Bliss Road, Suite 4 • Longmeadow, MA 01106  
(413) 785-1851 • Fax (413) 731-5989