

Board of Selectmen

Friday, July 24, 2015

Town Hall Mayflower Room, *1:00 PM*

**1:00
P.M.** Call to Order

Emergency Meeting called by Chairman Tavares

Chairman Tavares calls the meeting to order at 1:00 P.M.

Present: Kenneth A. Tavares, Chairman
Anthony F. Provenzano, Vice Chairman
David Malaguti
Sean Page

**1:05
P.M.** Plymouth Housing Authority - South Field Air Conditioning Units

Chairman Tavares starts the meeting with introducing the members from the Plymouth Housing Authority: Jeffrey Metcalfe, Melvin Cotti, and Paul Blanchard. There have been numerous calls made to the Board collectively and individually regarding the air conditioning units at Southfield. We are meeting together to see if we can understand the situation and find a resolution in this matter. I would like to now hear from the Housing Authority and discuss the letter we received yesterday afternoon. This isn't a court, we are here as elected officials to see if we can come together and find a solution.

Paul Blanchard: To give a little bit of a history, back in 2003 or 2004 a discussion started with the Housing Authority regarding the egress windows. Every bedroom is required to have an egress window and it is defined in the building code. An egress window is defined as a window of certain size and must be operable without the use of special tools. Over the years, it has always been the unanimous decision that if there has only been one window in the bedroom, there shouldn't be an air conditioner within that window. The State declines to allow the air conditioning sleeves in the window and feels it is unnecessary in public housing. In 2006, we had a fire at Southfield and in less than 6 minutes the apartment was engulfed in flames. Luckily the tenant was able to get out. In discussing that, the Board felt they could no longer hesitate to make a change regarding the air conditioners. The housing authority then required any tenants moving in from that point forward would not be allowed to put in a window air conditioner at Southfield or Cherry Hill. In our opinion, a use of a window air conditioner violates the use of the window as an egress window; that policy was put in place in 2006. If an exit is unusable, a fail rating is required as there is no acceptable means of fire exit. This is why we have been unable to allow an air conditioner to be installed in an egress window. We had contacted Paul McAuliffe to give us something in writing stating it was okay to install these air conditioners. There is a provision that says we could request a clarification on the law. I'm preparing an application for BBRS regarding clarification on the egress window. The issue we are talking about is egress windows. In the mean time we've done research on several different things we can do. We provided 15 people who were

grandfathered in 10,000 portable units for those tenants after the new windows were put in and no window air conditioners were allowed.

Unfortunately, at Southfield and Cherry Hill the living room consists of a sliding glass door. We came up with a method at Cherry Hill to put a rod in the sliding glass door and installed portable units in the living rooms. We recommended that to all the tenants. We have also started looking into the possibility of installing AC units under the bedroom window. It isn't the best conditions to be installing AC units under the window. We have since purchased some sleeves and worked out the details on how we could install it. Once we they have been installed on the first floor unit and we were able to slip the sleeve into the wall. We've had some problems with the first unit and it may be unique to the AC they have but it has been overheating on this particular unit. On Monday morning we will be installing a different AC in the sleeve to see if this will help the circulation/overheating problem.

We are working out the kinks of installation on the first floor unit and once we do we will be installing sleeves on all the units. We've explained our concerns to Chief Bradley and the Building inspector.

Chairman Tavares: We have some representatives from the building department Jason Silva, Michelle Roberts - Health Department, and Deputy Young Fire Department. What is the response time from an agency like this? Due to the fact that it is a critical nature of being summer?

Mr. Blanchard: It is usually a 2 to 3 week turnaround. If you are asking them to change a code it could take years but I've found that BBRS does allow you file for a clarification as long as you have something from an agency stating it's acceptable. I have completed the research and the application and I should be able to send it in early next week.

Mr. Silva - From looking over this letter, is it because our department has cited the public housing authority for egress windows?

Mr. Blanchard: We were told it wasn't the jurisdiction of the building department.

Mr. Silva: So our department has already stated that there is no code violation? Your saying its part of a problem. Code is lengthy but it isn't specific to this situation.

Chairman Tavares: So what you are saying is you are the one who makes a violation and if you don't see a violation then they could install the AC's? Because this discussion is between the Board and the Housing Authority does anyone else have a comment?

Deputy Eldridge: Referring to the fire in 2006, during that fire that you referenced, I was the first one on scene and we rescued 12 people from that building and we did not use any type of window to rescue them.

Selectman Malaguti: This is the most information I've had up to this point. If some of this information had been released earlier it would have cleared some things up. I have made it specifically clear to the people that have called me that this is not our jurisdiction. So you've purchased sleeves that you are installing under the windows. Is it as effective as a portable window unit? Before you install all these sleeves, is some of this an education problem for the elderly? Here is the portable unit will it suffice? I can still see a lot of problems and in the mean time I'm concerned for the elderly. I enjoy my air conditioning and I want them to enjoy theirs.

Mr. Blanchard: Back in the 1960s when Southfield was built, this was not a concern. We've been through many summers and it hasn't been an issue like it is now. The buildings by construction are masonry in concrete and central air conditioning is out of the question. We have put in a capital plan to have AC for the community rooms to provide residents a place they can go. Castle Hill was seen as one of biggest problems but we got it in. In Southfield, it is listed as a plan for FY18. We have requested to have that project pushed up sooner but we are waiting to hear back to see if we can push the timeline up.

Selectman Malaguti: Had these issues been clarified earlier it would have been easier for people to understand. How do you justify the grandfathered in residents getting window units?

Mr. Blanchard: The housing authority felt that they didn't want to put a further burden on people that were once allowed to have window units so we did it for all of the residents moving forward.

Chairman Tavares: In the comments regarding the, times have changed. I bought my home in 1973 and it certainly didn't have AC. We've all grown up in environments where we would be criticized if we didn't have air conditioning. We need some long term solutions and short term solutions. If we have to start petitioning that in elderly housing air conditioning should be a given. I don't feel that it's a luxury anymore, there are periods that people go through where it's difficult to sleep or be comfortable. We have a responsibility to help them out and get air conditioning into those units where people want them. We've heard that it's about cost. These are the questions we need to address as this topic is not going away. People need this type of relief in order to exist and live comfortably. We are hearing from all our departments that they are willing to come in.

Selectman Provenzano: Thank you for coming in. I think a lot of this has been miscommunication. question for building (Jason Silva): To what extent do we tolerate blocking on an egress? If you were to go into a house and someone had piled trash in front of an egress would that be a violation?

Mr. Silva: If it were a multi family egress we would site the owner as it is a code violation.

Deputy Young: It would depend on the age of the residents. We wouldn't have elderly people, especially on higher floors, coming out a window. In my opinion on the window units: some window units if you lift the window they come out. It wouldn't prevent egress for fire safety. We go to Southfield often and we have only had that one fire incident. We go there several times for heat related injuries because they can't regulate heat. We are concerned about children and animals in hot cars yet we aren't as concerned about the elderly people sitting in hot rooms.

Selectman Provenzano The elderly are more susceptible to heat exhaustion. It is important we come to some solution on this. My next question to you is regarding the portable units. What is the background on that?

Mr. Blanchard: At Cherry Hill we have used the portable units and they seem to be perfectly happy with them. We have had some issues with operation. We keep reminding them that we are not against air conditioning. We pay the utilities and they are free to run the AC 24 hours a day. The other problem we have is that we have residents who shut them off then when it's hot they turn it back on and it takes hours to cool off. The window

units self drain better than the portable unit. If you set the portable units too low it will overheat and shut off. We try to explain to residents how to properly use the portable units. We have had meetings with tenants explaining the situation and the problem with egress windows.

Selectman Provenzano: So there is a disagreement with your interpretation of the code and the Town's interpretation of it?

Mr. Blanchard: When the new windows were installed they were inspected and passed by Mr. McAuliffe but he stated it was not his jurisdiction. I'm not all surprised to hear that the Fire Department did not rescue anyone out the window but it is about the building code.

Chairman Tavares: Paul there needs to be some common sense here. You are charged with the Health and Welfare of your tenants. It seems to be what keeps coming back is it needs to be challenged and say "its the health and welfare of our residents." I'm not at all surprised to hear that the fire department would not take someone out the window. I think the frustration with the community at large is you're trying to comply with rules and regulations that we don't agree with and this is where the Board is involved knowing something isn't right. We can't have these people in these conditions; we want to keep them safe. The Housing Authority has a stellar reputation of keeping their residents safe and providing housing for them. What you really need is help, I know every one of you very well and I know you don't like the situation you're in. We have a problem here - so how do we go about challenging this and making officials aware that senior citizens can't live like this.

Selectman Page: As elected officials its our responsibility for the well being of the residents of Plymouth. Safety is also our biggest priority, especially with me being a fire fighter, I will say that if there was ever a possibility we had to rescue someone from a window, we would get them out the window. I know you have your regulations on how to install the window units but most aren't installed that way. With this being 2015, we are just getting a lot of this information but if this started over 10 years ago why is it just being addressed now? Why is it just a concern now? I couldn't imagine sleeping without an air conditioner so why is this all of a sudden just a big deal and why is it such a difficult process? Your putting in new windows and now you don't want to put AC units in the window?

Mr. Blanchard: As far as we are concerned safety is a big thing for us as well. We resolved this in 2006 when we said we had to give portable units and no more window units.

Selectman Page: If its such a safety concern, everyone who has a window unit in 2006 should have been addressed and told they couldn't have a window unit as it was a safety concern.

Mr. Blanchard: I didn't agree with doing it that way but everyone after 2006 was aware they couldn't have window units and agreed to it. Some people have still installed the window units. When we put in the new windows all the AC's had to come out to install them and we gave them 4 months notice that the AC's couldn't be put back in since it was a violation. As it came up to the time when the new windows would be installed is when we really had a problem. I don't know why this is a big deal at the moment. Tenants have options for air conditioning but if they want to put one in an egress window we can't allow it due to safety. You'll find some landlords in Plymouth that have bedrooms with single

windows and prohibit it as well. It's the whole range public/private housing. The building code is the same.

Chairman Tavares: I'd like to bring this discussion back around to make some points. It's safe to say this isn't going away. I don't think it's a political situation, talking to my colleagues there is general concern for the health and welfare for our residents. 12 years ago I lost an elderly friend to heat exhaustion. We need to start talking about what the steps are. We are talking about the housing that is under the Town of Plymouth. I would like to hear from the housing authority members saying "there is nothing we feel we can do" or saying "we feel trapped as well, how can you help us?" If you care to respond I would like to go to the housing authority members and see what steps we can take from here.

Mr. Metcalfe: From my standpoint, safety is the most important thing when dealing with any of our tenants. I thought we were going in the right direction when we weren't eliminating air conditioning all together. Some of the AC's that were being removed, we provided a 10,000 BTU unit which was double what they had in the window unit. At the same time, we offered to both install the sleeve the AC units so it seemed to me that we were offering more help and install/remove the sleeve. The same situation has happened at Cherry Hill. The portable units work well there. I'm as surprised as everyone else here that the concern is this large; I'm surprised at the building department as well that they would allow us to block the egress window. Where do we go from here? The first step seems to be to get through to the BBRS and get their take on it. Not to wait for a written response, but to get their take on it. I feel stuck because I too am an architect and have to go by the codes that we have. Going forward we need to have two windows, but that is not the situation here.

Mr. Blanchard: What could the Town could do to help? We are pushing ahead to get the air conditioning in the community room but in order to do that we have to request the sliding doors from the CPC. I doubt their regulations would allow to contribute to the air conditioning.

Chairman Tavares: I would ask that you present a letter to Mr. Keohan and see what he can do.

Mr. Blanchard: If we could get some help, that would give me a leg up to push for the window AC's. It wouldn't get the air conditioning done in South Field this year but it would be sooner than 2019.

Chairman Tavares calls a 5 to 10 minute recess.

Chairman Tavares back in session at 2:14 p.m. and we have been provided with a letter that was sent to residents.

Mr. Cotti: We have purchased 15 portable units; some are good some are bad. We are trying to alleviate the situation as much as possible and do anything we can to work it out.

Chairman Tavares: To the Board, have you had some time to think of some steps?

Selectman Provenzano: So air conditioning is okay so long as it is portable and does not create an egress problem. You are looking to cool off a common area but it won't be done this season and in the mean time you have these sleeves that would be the same as a window unit is that the goal?

Mr. Blanchard: Right now it's a money issue. If we were to install them in all the windows it would cost \$30,000.00. There are a lot of complications that go into this. We have bought 5 and we will buy 10 shortly and we will proceed to install them as we see fit.

Selectman Provenzano: So the residents are aware of this relief?

Mr. Blanchard: The word has spread but we can only do so much before we run into bidding issues.

Chairman Tavares: The response needs to be received regarding the egress windows. You should call our state representatives and Senator. It doesn't hurt to get their support. Any other short term questions?

Selectman Page: Once you start the process are you asking any of the officials that inspect to come out and look at these? Or are you just going to do it on your own and hope you are abiding by code?

Mr. Blanchard: We told them we were putting units under the window, they don't have a problem with it. They have a construction advisor that can come out and I've sent him some of the information earlier but I haven't yet got him to look at the window sleeve yet.

Selectman Page: Up until now they haven't stated that you can't have the window units?

Mr. Blanchard: The instructions clearly state you can't have an AC unit in an egress window. Verbally he has already stated that window units are not acceptable.

Chairman Tavares: What we would want to do is to stay in contact with you. Our intent here is to work with you as we are concerned with the safety of our senior citizens.

Mr. Silva: We take safety issues incredibly serious. We don't act on political sentiment. In regards to the sleeves it should require a building permit. With the sleeves, the units that are placed in windows have instructions, they should understand that they may not work properly in a sleeve. A violation could be sited if the AC's aren't supposed to be installed in a sleeve. If you do go forward with these type of decisions you may want to look at all aspects of it.

Chairman Tavares: I would also encourage you to keep the Building and Fire Departments in the loop and invite them to join us on our August 4th meeting. We have a fairly full docket so we will do this early on. Addressing the Housing Authority do you have any other comments? I thank you all for coming this was a special meeting and there are no other items on the docket.

Selectman Provenzano makes a motion to adjourn the meeting at 2:28 P.M. Seconded by Selectman Page. All approve.

Minutes recorded by Annikka Bernabe - Administrative Assistant to Board of Selectmen

Agenda Item

Friday, 7/24/2015

Plymouth Housing Authority - South Field Air Conditioning Units

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Call to Order

SUMMARY:

Emergency Meeting called by Chairman Tavares

BACKGROUND: