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November 24, 2008

REPORT OF THE COMMITTEE
ON PUBLIC HEALTH AND PUBLIC SAFETY

The Committee on Public Health and Public Safety convened on November 24, 2008, with Chairman William White presiding and Committee Member Alderman John Connolly also present and voting. Also present were Alderman Sean O'Donovan, City Solicitor John Gannon, Deputy Police Chief Michael Cabral, Ddirector of Inspectional Services George Landers, Representative Denise Provost, Timothy Wing from the Vinfen Corporation, Clifford Robinson from the Executive Office of Health and Human Services, Louise Dussault from the Department of Mental Health (DMH) and several interested members of the public.

The committee discussed issues regarding the properties at 155 Central Street and 81 Bartlett Street.

Mr. Gannon informed those present that under M.G.L. c48 §3, a city or town cannot prohibit the DMH from establishing residential homes as long as certain criteria are met. An educational component has to be provided for the rehabilitation of the residents relative to their disabilities. Mr. Gannon stated that the city cannot prohibit residential homes from operating in the city under its zoning ordinances. Mr. Gannon also informed the members that the law fits the purpose of non-profits, therefore, the Attorney General would take legal action against the city if it violated the law of non-profits being able to operate.

Mr. Robinson informed the members that the program at 155 Central Street deals with disabilities due to psychiatric issues and involves helping the residents there with daily living skills and basic skills, e.g., balancing a checkbook or using public transportation. The programs are regulated by the DMH. Mr. Robinson further stated that residents who live and participate in these programs generally don't have a history of violent behavior. He also noted that the programs at both 155 Central Street and 81 Bartlett Street are staffed 24 hours per day, 7 days per week. Mr. Robinson assured those present that there were no sex offenders at the Central Street location. Ms. Dussault told the members that the DMH has staff in residential homes to help in determining if a patient is appropriate for inclusion into a program or if further evaluation is warranted.

Mr. Kooper, a neighbor of the residential home on Central Street, asked what rights neighbors have to address their concerns. Mr. Landers addressed the committee and said that Vinfen has been at 155 Central Street since the 1970's and that there needs to be communication between the program and the city. The

city was unaware that there were issues at 155 Central Street and Mr. Landers stated that if the city had known of the concerns, the city would have enforced any applicable regulations. Mr. Kooper stated that Vinfen should be a good neighbor and take extra precautions to ensure that there are no further fires. Mr. Robinson, responding to a question regarding the lack of a sprinkler system, stated that a sprinkler system was not required under the city's building code.

Chairman White asked if the city is able to require additional fire proofing under the city's building codes and Mr. Landers replied that the city could not. Mr. Robinson said that the DMH has an obligation to be mindful of resident's smoking and to safeguard houses that abut residential properties.

Alderman O'Donovan said that he wants the Fire, Police and Inspectional Services Departments to be in contact with each other with respect to these homes and he requested that a mechanism be put in place to ensure that all agencies are aware of any problems. Chairman White directed Mr. Landers to collaborate with the Fire and Police Departments before issuing a certificate of occupancy to a residential home and to enforce all applicable ordinances at both 155 Central Street and 81 Bartlett Street.

Deputy Chief Cabral informed the members that there were 25 calls to the police regarding the property at 81 Bartlett Street and that at this time, there are no public safety issues. A Bartlett Street resident said that Sgt. McCain met with neighbors and representatives of Vinfen and that the atmosphere of the street changed, noting that some of the home's residents have been wandering in neighbors' driveways. Neighbors were initially told that the home's residents were only going to be there temporarily, until the middle of March 2009. Chairman White told those present that Sgt. McCain and Mr. Landers can be contacted on their cell phones to address any concerns immediately and Deputy Chief Cabral added that residents could also call 311. Officer Gamble told those present that the individual who was wandering in driveways was identified and that program officials were notified. Vinfen officials determined that this individual was in need of further evaluation and has removed him from the Bartlett Street home, noting that he would not be returning there. Alderman O'Donovan said that there should be a process in place to inform neighbors that patients are in the neighborhood and to apprise them of any potential issues.

Neighbors requested to know the educational background of the program's staff and what steps are taken to ensure that patients are taking their prescribed medications and are in compliance with the program's guidelines. Those present were told that residential counselors working in group homes go through a two week program and must have a high school diploma, at a minimum. The homes at 155 Central Street and 81 Bartlett Street are staffed by a program director and an assistant program director. There are also two overnight staff members who ensure that the residents are following their service plans and complying with their treatment plans. Mr. Robinson stated that as soon as the issues were brought to their attention by Senator Jehlen and Representative Provost, steps were taken to address them.

Alderman O'Donovan asked Representative Provost to force the halfway houses under the auspices of the DMH to ensure that they are complying with all regulations and to ensure that they adhere to state laws, as implemented. Alderman Connolly suggested that the lines of communication be open between Vinfen and the neighbors. Chairman White stated that if issues are not addressed by the program, a resolution would be forwarded to the city's state delegation citing a dereliction of duties.

Alderman O'Donovan's motion that the Chief of Police order daily day and evening directed patrols at 81 Bartlett Street until this residential home is relocated back to 155 Central Street and that directed patrols then be reassigned to 155 Central Street at the same frequency, was approved.

Alderman O'Donovan's motion that the Chief of Police, the Chief Fire Engineer, the Superintendent of Inspectional Services and the City Solicitor appear at the next meeting of the Public Health and Public Safety Committee to discuss the sharing of data to assist in the issuance of certificates of occupancy and the development of a methodology to ensure that said certificates are not issued without the proper review, was approved

Alderman O'Donovan's motion that the City Clerk obtain the state regulations and contracts that the Vinfen Corporation must adhere to regarding its facilities at 81 Bartlett Street and 155 Central Street, was approved.

No papers were acted on.

Alderman William A. White, Jr., Chairman
Committee on Public Health and Public Safety

COMMITTEE REPORT

Report of the Committee on Public Health and
Public Safety, November 24, 2008

In Board of Aldermen

Clerk