



TOWN OF SALISBURY

BOARD OF HEALTH

JOHN W. MORRIS, DIRECTOR

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DANIEL RICHARD
RON LAFFELY
SUE RING
DENISE PETERSON
JILL TAPPER

BOARD OF HEALTH MEETING MINUTES

September 6, 2022

7:00 PM Salisbury Town Hall

Board Members Present:

Ron Laffely, Jill Tapper, Sue Ring

Board Members Absent:

Dan Richard, Denise Petersen

Staff:

John Morris-Health Director

Meeting called to order at 7:00 PM.

Minutes -Approval of meeting minutes from June 7, 2022.

(**Ms. Ring**) makes a motion to accept the minutes as written. (**Ms. Tapper**) seconds that motion. 3 in favor, 0 opposed. Motion carries and is passed.

Old Business

37 Seabrook Road-Non-Compliance with Modified Order dated June 14, 2022.

(**Mr. Morris**) states the Board modified the original order to remove all dumpsters and that Mr. Simard would implement a pest control contract effective through 12/31/22 and it was also agreed that monthly reports would be sent to the Health Department. Mr. Morris states that only a couple of reports were received and the required contract was not.

(**Mr. Wolpert and Mr. Simard**) approach the podium and Mr. Wolpert states he gave the pest company the town email and thought the company was emailing the reports. He then presents the invoices/reports and states there is no separate binding contract as the contract end date is written on the invoices.

The Board looks at the invoices and confirms they are monthly.

(Mr. Morris) states if the Board is satisfied with these reports then it complies with the modified order. He also states Mr. Wolpert has to make sure reports are sent in on monthly basis and that it is up to Mr. Wolpert to get the reports in on a timely manner; not the company.

100 Atlantic Ave. Update

(Mr. Morris) states Mr. D'Angelo was previously occupying the premises without Certificates of Habitability. He was fined \$1,000 and paid \$500 of the fine per the Board. Mr. Morris states that this summer he had family and/or friends that were to use the unit for family use, however, he had to come into compliance in all the units. Mr. D'Angelo voluntarily sent in a letter that the premises would not be used anymore except for bathroom and parking and voluntarily paid the other \$500 and issued an apology letter that he won't use the property again.

(Mr. Laffely) states that at the time of the meeting, Mr. D'Angelo stated he was going to look at tearing the buildings down and start the approval process. Mr. Morris states he is still pursuing this but has received nothing from his architect. He did hire Millenium to begin the process before February and he also has to resolve the zoning issue as to whether 2 or 3 units are allowed. Mr. Morris states that as long as he doesn't occupy the property, we will give him an opportunity to get this done. The next step would be to get a receiver through the Attorney General's office.

New Business

105 Folly Mill Road-Appeal of Fine Notice dated June 7, 2022

(Mr. Morris) explains the background of the fine. The property owner at 105 Folly Mill Road constructed an accessory apartment without any building permits. The second dwelling which was created kicked in a review of Title 5; which indicated the current septic system would need to be changed. He explained that the tenant then complained about housing code violations and the Health Department then issued an order/expansion of the septic system. He states the tenant was there the Monday before Thanksgiving; his calculation counted 198 days x \$100 per day; totaling \$19,800; a fine is standard procedure. Mrs. Grasso has appealed this fine to the Board. Mr. Morris reiterates that the apartment was constructed without permits and occupied without Habitability Inspections.

(Mr. Laffely) inquires if the unit is still occupied now? **(Mr. Morris)** states the kitchen has been taken out, including the sink, refrigerator and stove. There is still a wet bar there. Ms. Grasso may apply for a permit to keep the wet bar and keep an additional room. That won't affect the septic system. The issue was the illegal apartment and the complaint that brought it to the Department's attention.

(Dale Grasso, property owner) approaches the podium and briefs the Board on the background situation. She states not everything as it seems. She met the tenant, felt bad as she was a domestic violence victim, and let her move into her office figuring it was only for a few months. At the time, she was finishing the space above the garage into a

rec room. The tenant saw that space and decided this would be a good space for her to live. Ms. Grasso states that being a widow, with only her daughter in the house, she was not savvy to conniving people; not aware of people like that. She wishes she saw the red flags and was smarter but she wasn't. The tenant was persistent and had property delivered that had been in her storage unit and marital home. Ms. Grasso states the property was in her basement, her garage and every room in the house and by January 2022 all her stuff was in. She thought she could do it for a few months. Ms. Grasso states that then the tenant's boyfriend, dog and cat moved in; she adds that they were also smokers. The tenant was actually under protective housing so her identity was protected under the Secretary of State. No one could know where she was living. Her son was also abusive; thus Ms. Grasso and her daughter were in danger by housing her.

Ms. Grasso continues that the tenant suggested she convert her space into a kitchenette. Ms. Grasso did not fight this and thought it was a temporary space only for a few months as she was going through a bad experience. She then noticed the tenant was not leaving and settling in; she felt bamboozled by transients. Eventually an altercation occurred and police were called. She then filed a harassment order. Verbal eviction was in May.

(Mr. Laffely) inquired if the tenant was paying rent. **(Ms. Grasso)** replied yes she was paid \$1800 per month; but they were using her utilities, hot water and her space. Ms. Grasso states the tenant had the kitchen installed through people she knew. Ms. Grasso states she did not know all the consequences about it. She allowed it to happen. The tenants were evicted then the apartment was dismantled. Ms. Grasso continues that the stove and refrigerator are gone. There is only a small sink left. She has applied for building permits and also has to have plumbing and electric permits pulled and then those areas inspected. The permits have not been pulled as of today. Ms. Grasso states she never wanted the apartment and feels silly. There is no one living there now.

(Mr. Morris) states the rental of the apartment is in violation of the habitability program. The Board has applied the same process here as in every other case. He states that, for clarity, if someone is renting out a unit and there is a code violation, the owner is responsible. The Building Inspector has also instructed her to pull building permits, along with electrical, plumbing etc.

(Mr. Morris) explains how he arrived at the fine amount. He determined (6) months of illegal occupancy. A general conversation ensues regarding the illegal dwelling and being a realtor, Ms. Grasso may have been familiar with the special conditions with an accessory apartment concerning septic, permits etc. Ms. Grasso states she never dealt with accessory apartments through her work and states she had no lease with the tenant.

(Leila(?inaudible?) Grasso), the owner's daughter approaches the podium to speak about her mother being verbally abused by the tenant and asks for leniency in the penalty towards her mother.

(Mr. Laffely) states that since Ms. Grasso is a licensed professional, she should understand the ramifications of the mistakes she made and that a fine would be levied.

(Mr. Morris) states that because she built the original home, she should have been familiar with the process of applying for permits.

(Ms. Tapper) states there should be some type of penalty. **(Mr. Morris)** states that historically the Board had cut the fee in half. **(Ms. Ring)** states that half the amount is fair as it is not legal to add an apartment without proper permitting.

(Mr. Morris) does a new calculation because of the change in the move in date that Ms. Grasso stated; January 2022 not November 2021. The fine would be reduced to \$16,100 total. Ms. Grasso then speaks from the audience, not the podium and states she does not have that money. **(Mr. Morris)** states she can set up a payment plan. **(Mr. Laffely)** states that Ms. Grasso was paid \$1800 for 6 months. **(Ms. Grasso)** states she does not have a 9-5 job, her daughter has back injuries; it is not the standard situation.

(Mr. Morris) states half of the fine would be \$8,050. Payment should be within 21 days. **(Ms. Tapper)** suggests that if the fine is not paid within 21 days, then a payment plan should be set up. **(Mr. Morris)** states that unless the Ms. Grasso has the \$8k now, the Board should definitely discuss payment plan. **(Mr. Morris)** immediately introduces (2) payment plans; one for 6 months and one for 24 months. The Board generally discusses grace periods, missed payments etc. The Health Department will monitor the payments and take legal action if not paid. Mr. Morris states that if this amount is paid in full, then the other half will be held in abeyance.

MOTION

(Ms. Tapper) makes a motion that the fine will be reduced for a total fine of \$16,500 which is less November and December of 2021. The Board hereby lowers the amount by 50% for a total fine of \$8,050 to be payable over 24 months; which equals \$335.41 per month. There will be a grace period of (7) days and the first payment is due October 1st and the first of the month thereafter. If the fee is not paid, the Board will initiate a court complaint. **(Ms. Ring)** seconds that motion. 3 in favor, 0 opposed. Motion carries and is passed. Unanimous.

Ms. Grasso now states she has different dates for the calculation. She states the tenant was in the new apartment from January 17, 2022 to June 17 2022; the other time she was in her home. Ms. Grasso's new calculation comes up with 141 days x \$100 thus the new amount is \$14,100 and the 50% reduced amount would be \$7,050. Under the same conditions. \$293.75 per month.

AMENDED MOTION

WITHDRAW FIRST MOTION AND SUBSTITUTE AMENDED MOTION AS MAIN MOTION

(Ms. Tapper) amends the motion to the new fine amount of \$7,050, payable over 24 months with the same conditions as noted in first motion. The new monthly payment equals \$293. 75 per month with same payment due dates. **(Ms. Ring)** seconds that

motion. Mr. Laffely votes in favor of the motion. 3 in favor, 0 opposed. Motion carries and is passed. Unanimous.

RETAIL FOOD ESTABLISHMENT-FEE SCHEDULE

(Mr. Morris) explains he is introducing a discussion only on this topic. He explains that the Town has some establishments that serve nothing but pre-packaged foods and they still pay for a permit and inspections. When the 2013 Federal Food Code was introduced, these establishments that had no temperature control foods were charged and given the regular Food Establishment Permit. There are about (5) establishments in Salisbury that serve only chips, water, soda, candy; needing no special refrigeration. Mr. Morris will do an assessment and come up with a policy draft on who it applies to. The Salisbury Discount House requested this review; along with a few liquor stores. He will develop a policy and bring it to the next meeting in December. The Board agrees to look at the change.

MASTER PLAN PRESENTATION BY LISA PEARSON

(Ms. Pearson) explains a grant was received to update sections of the Town's Master Plan. A very thorough review is needed but participation is not high. She is visiting each board and commission for input.

The Health Board has tasks in this document so she is asking members to read and update the document. Ms. Pearson presents a slide show with the project overview and explains it's a long-term plan for Salisbury. She continues the Master Plan was adopted in 2008 as a vision for the future of Salisbury and is used as a roadmap. Ms. Pearson explains CVS as an example. The Town had a vision for what was wanted and the Board got them to change the architecture and got the building the town wanted. The Master Plan gives strength to different boards. She goes through the updated sections. Ms. Pearson then refers to Page 5 which specifically pertains to the community health section and asks for the Board's support in the different programs such as food banks, Our Neighbors table etc. She also discusses informal housing in Town, where there has been much improvement in 15 years in using the Habitability Program, re-evaluating hotel and motel use.

(Mr. Morris) inquires if anyone has talked to motels about putting aside rooms for low income residents; reserve a percentage of rooms. He states that maybe if there was an offset or incentive, motels would not remove people at the end of May for summer stays. Ms. Pearson stated she is meeting with motel owners.

(Mr. Laffely) states that the only problem with this housing is Zoning does not have a 'use' type that allows long term housing that can be affordable. Ms. Pearson suggests that should go into the master plan; transient housing zoning. The Board generally discusses affordable housing, boarding houses, hotels/motels. Ms. Pearson states the process is very slow. Another example is the campgrounds close in October and those people have to go somewhere.

The Board thanks Ms. Pearson for her appearance.

Covid-19 Updates

(Mr. Morris) states that per the Nurse Report there are about 14-16 cases about every 2 weeks. They fall off and then reappear every 2 weeks

(Mr. Morris) announces a flu clinic at the Salisbury COA on September 22nd through Conley Pharmacy. They will offer both flu and booster shots. Signup through COA.

General Discussion

The Board discusses the next meeting date. December is suggested due to elections and the holiday in November. There is nothing currently pending for October. There can be an emergency meeting if necessary.

(Ms. Ring) makes a motion that the next meeting will be December 6, 2022. Ms. Tapper seconds the motion. Mr. Laffely votes in favor. Motion passes.

Health Officer Reports –April 2022-June 30, 2022

Nurse Report – April 2022-June 30, 2022

Correspondence - None

Public Comments

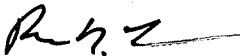
Adjourn

ADJOURN

(Ms. Ring) motions to adjourn; Ms. Tapper seconds. Mr. Laffely votes in favor. o opposed.

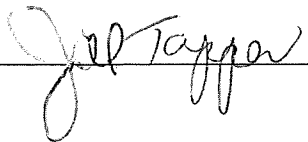
Regular public meeting is adjourned at approximately 8:10 PM

Date: 12-6-22

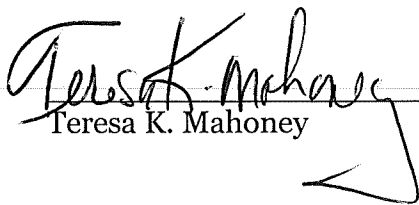

Ron Laffely

Sue Ring

Jill Tapper



Respectfully submitted by Teresa K. Mahoney



Teresa K. Mahoney

Date

12/6/2022