



# TOWN OF SALISBURY

## BOARD OF HEALTH

JOHN W. MORRIS, DIRECTOR

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DANIEL RICHARD  
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DENISE PETERSON  
JILL TAPPER

### **BOARD OF HEALTH MEETING MINUTES**

**February 7, 2023**

**7:00 PM Salisbury Town Hall**

#### **Board Members Present:**

Ron Laffely, Jill Tapper, Sue Ring, Denise Petersen

#### **Board Members Absent:**

Dan Richard

#### **Staff:**

John Morris-Health Director, Richard Berube-Deputy Health Director

*Meeting called to order at 7:00 PM.*

**Minutes** -No minutes to approve.

**Old Business** -NONE

**New Business**

- **28 Gerrish Road-Appeal of Notice of Violation and Order dated December 6, 2022**

(Mr. Berube) states he received a housing complaint in late November 2022. He met with the tenant on 11/29/22 and found an issue with a sewage leak in the basement apartment along with a few other items. Because the issue was related to plumbing inside the building, he wanted the expertise of the Town Plumbing Inspector. He returned to the property on December 6<sup>th</sup> with the inspector. The Inspector then sent an email back regarding what he witnessed and the board has a copy. He issued the order after the December 6<sup>th</sup> inspection. He states one of the violations is the sewer line above the washer/dryer, which is leaking. He states it seems that there was some effort to repair it but it needed to be done properly. It was also reported that there was a backup of sewerage from the laundry stand pipe. According to the Town inspector, it was incorrectly vented so that contributed to the problem and there was some clogging in the line contributing to the backup.

Mr. Berube states the other significant issue is the mice problem. There were dead mice around the property and per the tenant, you can hear mice running around in the dropped ceiling at night.

Mr. Berube states that another problem is the thermostat that does not adjust. He tried to fix it but it still stayed between 77-80 degrees. The temperature could not be lowered. There is also an electrical outlet in the upstairs bathroom that wasn't working. Also he states the fan was extremely noisy and was not operating properly; it would have to be replaced. The dishwasher was not working so would have to be replaced, removed or fixed. He states the violations are not major but they need to be addressed in a timely fashion, especially the mice infestation and repairing the sewer lines so it does not become worse. If that happens, the apartment would not be habitable.

**(Mr. Timothy Neal/owner)** approaches podium and introduces himself. He also lives at 28 Gerrish Road. He states he bought the (property) land in 2019 and his family can only afford the property if it is rented.

He states that when the tenant (Lynne Marr) moved in, he did not know any of the problems that were going on. **Mr. Neal** states she looked over the place and signed the lease. He continues that he did not have money to fix some of the problems. He states that when Covid hit, his mother and step-father lived there and stopped paying rent and things got really bad. He realizes it is not the tenant's fault, but states the tenant went out of her way to tell the BOH without telling him about  $\frac{3}{4}$  of the infractions there.

**(Mr. Neal)** states that more than 250 gallons of oil were used in one month/October, and it was warm weather. He assumes that was the thermostat not working which he was never told about. Mr. Neal can no longer pay his lawyer so that is why he's (the lawyer) not present today. **(Mr. Neal)** states he is not contesting what was found. He wants to make it right as he feels bad for her. He states that the moment he said no to her asking for free stuff, such as garage space, a switch for her tesla, walking her dog etc. she then became uncomfortable with him being in her apartment.

**(Mr. Neal)** states he is willing to take care of these situations and needs advice on what to do going forward. He states the dishwasher was not in the lease and she should have inspected to see if it was in working order when she moved in. He continues that concerning the mice, he spoke to people in his area (neighbors) and they are dealing with the same issue and stated they do get lackluster about it. However, the tenant did not bring it to his attention. Mr. Neal states he needs to rent the apartment and does not want to lose the house.

**(Mr. Morris)** states that for verification, a tenant can call the Health Department directly; they do not have to call their landlord first under the law. Mr. Morris confirms with the property owner, Mr. Neal, that he is not contesting the violations. Mr. Neal replies no, he is not. Mr. Morris asks him to state why he is there and what he wants? Would it be more time to answer the violations?

**(Mr. Neal)** responds that the tenant called the Board as a way to help her out if he ever went after her in the future. Mr. Neal states that he feels this is a pure attack against him and his family. He wants her to go on her way and he is not seeking any legal action.

**(Mr. Morris)** inquires if Mr. Neal resides at the property also? Mr. Neal replies yes, he lives next door.

**(Mr. Morris)** states that if a property is 2 or less units, you can initiate your own pest control and explains the procedure, gestation period, etc. Mr. Neal replies he has tried traps and has been battling the situation since he lived there

**(Mr. Morris)** continues that the building sewage problem might be a root problem. Mr. Neal states the temporary filter was put there and he was not sure it was legal, it was the cheaper way out. He has now talked to a licensed plumber who will do the job after what he learns at this meeting. Mr. Neal questions how he can get fined when he wasn't allowed into the apartment or knew nothing about the apartment. Mr. Neal states he has text messages proving that she was not comfortable; he sought out police help.

**(Mr. Neal)** states that in regards to the leak from the sewer, it did not even stain. The first sign of leaks showed up on the dropped ceiling. He states he went over 2x and could not find the stains. She (the tenant) then found them and did her own plumbing work. Not licensed; he was not notified.

**(Mr. Morris)** explains that most of the fixes are easy. Also, he states that if the dishwasher was there when she started the rental period, then the dishwasher has to stay and function according to the manufacturer's specifications. **(Mr. Neal)** responds that his lease says she inspected all and every appliance. He states he will get rid of it before the next tenant. Mr. Neal continues that the tenant left the moment she called the Health Department. He states he never got a key back or the letter that she left. He asks what to do from there.

**Mr. Morris** suggests talking to an attorney if she still has a key; as that means she still has control of the apartment.

**(Mr. Neal)** states he is in the process of foreclosure and bankruptcy, he then thanks the Board for their night and leaves the podium/room abruptly and exits the meeting. As he is leaving, Mr. Morris asks if he needs some extra time; he responds no as he leaves the room.

**(Mr. Morris)** suggests that the Board sustains the order and for Mr. Neal to comply in (30) days; if he doesn't, a criminal complaint should be initiated. That is the usual process.

**(Mr. Laffely)** states that we have to make sure there is a Certificate of Habitability for that unit; Mr. Morris responds there is not one currently.

**(Lynne Marr/prior tenant)** approaches the podium and states she moved out in early December. She had left the key in the mailbox along with a letter requesting her last month's rent payment. She states she is not a relative. She had lived there since July 1<sup>st</sup>; not quite 6 months and all her belongings are gone. She states she feels that she has supplied all the information that were health issues. She left the unit on December 11, 2022.

**(Mr. Morris)** advises that she will have to take those issues to court; security deposit, rent etc.

**(L. Marr)** states that on the day she left a pipe gave out and flooded the downstairs. She has begun court proceedings.

**(Ms. Petersen)** inquires if her complaint to the Health Department was on the day she moved out? **(L. Marr)** replies that she had given the owner (2) separate letters previously.

**(Mr. Laffely)** states that the unit has to meet certain requirements before he rents it to anyone and he needs a certificate.

**(Mr. Morris)** states the Board has to make a determination that the unit is unfit for humans. He suggests that the Board sustain the order and the unit remain vacated until there is written compliance by the Health Department within (30) days. We are not aware of anyone in the unit; it is not being rented. He states the owner will be notified that he cannot rent until he gets a Certificate of Habitability.

**(Ms. Petersen)** asks if he chose to not rent the unit again, does he have all the time he wants? **(Mr. Morris)** responds that the sanitary code allows 30 days to get it into compliance unless they have a hearing or make a good faith effort. It cannot go on forever.

**(Mr. Laffely)** requests that Mr. Morris make the motion.

**Mr. Morris suggests the following motion:** The Board makes a motion to:

- 1) sustain the order of December 6, 2022 in its entirety
- 2) require compliance with the order of December 6, 2022 within (30) days; on or before March 7<sup>th</sup> or 8th. Ms. Ring confirms (30) days from today. And if this unit has been determined unfit for human habitation it cannot be occupied until violations are corrected and a Certificate of Habitability has been obtained from the Board.

### **MOTION**

**(Ms. Ring)** approves the motion as stated by Mr. Morris. **(Mr. Laffely)** seconds that motion. 4 in favor, 0 opposed. Unanimous. Motion carries and is passed.

### **New Business (cont)**

- **Public Hearing to determine if a Motel Permit will be issued to Bobcat Consulting, LLC/John Murphy, Manager for the premises located at 104 Beach Road, currently known as the Beach Grove Cabins.**

**(Mr. Morris)** informs the Board that Diane Geyer, daughter of former owner Mrs. Marsden is selling the motel. During the sale, they were not aware the transaction/sale had to be advertised. Mr. Morris states it has been in the paper twice. Both Mr. Berube and Mr. Morris state there have never been any problems there; rooms always clean; no issues. The new owner, John Murphy, approaches the podium and agrees to no changes in the near future.

### **MOTION**

**(Ms. Tapper)** makes a motion to accept the transfer of property from the current owner to the new owner. A permit will be issued to Bobcat Consulting LLC. **(Ms. Ring)** seconds that motion. 4 in favor, 0 opposed. Motion carries and is passed. Unanimous.

### **New Business (cont)**

- **Discussion of dumpsters being stored at 37 Seabrook Road.**

**(Mr. Morris)** explains that a complaint was received in June; the Board approved the dumpsters could be remain stored there until 12/31/22 pending a pest control report submitted every month.

**(Mike Wolpert)** approaches the podium and states he stopped submitting reports in January. He is present to touch base with the Board. He states that like before, he will remove the dumpsters when sewer is available on his land on Lafayette Road. The most current timeline is that sewer hookup is not available until after the winter. He is asking for an extension until June 1<sup>st</sup>. He states he has not heard of any complaints. He also states he doesn't feel that an exterminator report needs to be done every month.

**(Mr. Morris)** recommends to the Board to keep the pest control inspection there once a month and still submit reports. Mr. Wolpert agrees and will start up the inspections again. He states he does not think the dumpsters are a nuisance there.

**(Mr. Morris)** explains there is not power for the pump station so that is why the sewer hookup is delayed. There is a problem with National Grid getting the power. It should be in the spring. Mr. Laffely inquires how much time would be needed to make the changes once sewer is available; Mr. Wolpert responds 2-3 months; July or August.

- Update on 2023 renewals Jack: all the annual renewals have been sent out and processed. Everything on track.
- Covid-19 updates. Only 5 active cases this past week. Numbers way down.

### MOTION

(Ms. Ring) makes a motion to extend dumpster storage at 37 Seabrook Road for (3) months after the availability of sewer, i.e. if June 30<sup>th</sup>, then extend to September. Also, pest control inspections will commence again. (Ms. Tapper) seconds that motion. 4 in favor, 0 apposed Motion carries and is passed.

### **COVID 19 Updates**

- Mr. Morris states there are (5) active cases this past week; the numbers are way down.

### **Update on 2023 Renewals**

- Mr. Morris states that all annual renewals have been sent out and processed; everything is on track.

### Correspondence - None

### Health Officer Reports –October 1, 2022-December 31, 2022

### Nurse Report – October 1, 2022-December 31, 2022 - NONE

### ADJOURN


(Mr. Laffely) motions to adjourn; Ms. Ring seconds. All vote in favor to adjourn, 0 opposed.

Regular public meeting is adjourned at approximately 7:45 PM

Discussion that next Board Meeting will be April 4, 2023; if needed.

Date: 5-2-2023

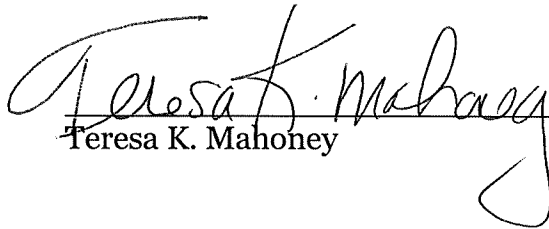
  
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Sue Ring

  
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Jill Tapper

  
Denise Petersen

Respectfully submitted by Teresa K. Mahoney

  
Teresa K. Mahoney

5/2/23  
Date