

**TOWN OF SALISBURY**  
**BOARD OF HEALTH**  
JOHN W. MORRIS, DIRECTOR

SALISBURY TOWN HALL  
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SALISBURY, MA 01952

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DANIEL RICHARD  
RON LAFFELY  
SUE RING  
DENISE PETERSON

**July 21, 2020**

**BOARD OF HEALTH MEETING MINUTES**

**7:00 PM    Salisbury Town Hall**

**Board Members Present:**

Sue Ring, Ron Laffely, Dan Richard, Denise Peterson

**Board Members Absent:**

None

**Staff:**

John Morris-Health Director

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

**Minutes**

February 4, 2020 minutes to be approved.

**S. Ring** makes a motion to accept the minutes as written. D. Peterson seconds that motion. 4 in favor, 0 opposed. Motion carries and is passed.

**Old Business**

None

**New Business**

**Joseph and Lisa Querci -Request for reconsideration of fine imposed for Violation of COVID-19 Emergency Order**

**(Ms. Lisa Querci)**, owner of 98 Central Ave. is in attendance.

**(Mr. Morris)** explains that on May 12<sup>th</sup> it was reported that the residence at 98 Central Ave. was being rented to out-of-state people; cars were seen there with

NY plates. Mr. Richard Berube, Deputy Director, visited the residence with Officer Goodrich. They spoke to the tenant who was a resident of New York. The tenant stated they were not related to the owners and were leaving after staying for a week and a half. **(Ms. Querci)** was then notified by Mr. Berube and the violations were discussed. There was no Certificate of Habitability on file for this address and the owner was fined \$4,000. **(Mr. Morris)** explains the different amounts as follows (per the letter mailed to Ms. Querci):

A fine in the amount of \$1,000.00 for violating the COVID-19 Order issued by the Salisbury Health Department.

An order to pay a \$300.00 per day fine for violating the Salisbury Board of Health Regulations and the Governor's Order as follows:

$$10 \text{ days} \times \$300/\text{day} = \$3,000.00$$

**(Mr. Morris)** states that since then, Ms. Querci did have an inspection and was issued the Certificate of Habitability after the property was inspected by Mr. Berube on 6/30/20. No sanitary code violations were found. **(Mr. Morris)** states the owners have come into compliance by getting the certificate. The Board had asked her to come into compliance and that has been done.

**(Mr. Morris)** inquires if Ms. Querci is registered with Airbnb through the state and if she could provide proof of that. **(Ms. Querci)** responds that she is registered and will provide the registration paperwork.

**(Mr. Richard)** states that because of COVID-19, regulations have become stricter. He inquires of Ms. Querci as to why the Board should reconsider the high fines.

**(Ms. Querci)** states that on May 6<sup>th</sup> she got an inquiry concerning a rental from Airbnb. She states she does not use that service much so trusted that the company would know if there were any rental restrictions; she also thought area realtors would know the state rules. **(Ms. Querci)** states she never thought to go on the Board of Health/Town website to look for any orders as she did not think it was a Board of Health issue. She then rented it and got turned in by the neighbors. After it was reported, Mr. Berube went out and spoke to the renters and let them stay. **(Ms. Querci)** states they only stayed (7) nights and not the (10) which she got charged for. In speaking with Mr. Berube; he explained to her how she could find the order online. The latest order on the Town website was dated May 4<sup>th</sup>. She then received the fine letter in the mail and the renters were allowed to stay.

**(Mr. Morris)** inquired as to which realtor she spoke to; the reply was Preston. **(Mr. Morris)** states that all the realtors should have known the regulations at that time. All the New England states were not allowed to rent to out- of- state people. The Massachusetts order was issued in April and the Town issued its' own

order on May 4<sup>th</sup>. This order also had to do with the water not being turned on for renters though the Governor's order came first.

**(Ms. Querci)** states that again, she just could not find any information on renting out during the emergency order.

**(Mr. Richard)** inquires what the rental amount was. **(Ms. Querci)** states \$1400 for the week.

**(Mr. Laffely)** inquires if the home is owner occupied? **(Ms. Querci)** responds it is only rented out when the family is not there. It is a year-round home.

**(Ms. Peterson)** states her concern is that this house has been rented out for (4) years and the owner never sought the understanding of the regulations about renting and never had an inspection certificate.

**(Mr. Laffely)** states that there are lots of state laws concerning rentals and for about 10 years Salisbury has been trying to get everyone into compliance.

**(Mr. Richard)** states that whether we make the rules or not we have to follow them. He notes that Ms. Querci did get the certificate right away so she rectified the problem. Mr. Morris states the applicant was very cooperative.

**(Mr. Richard)** proposes to divide this case into two separate votes. The first would be the certificate to occupy; the 2<sup>nd</sup> would be the emergency order. He states it has been (4) years; the rules have not changed and it is the owner's responsibility. **(Mr. Morris)** inquires of Ms. Querci what she feels is a fair outcome. He explains fines that were levied in the past and that the Board takes it seriously.

**(Ms. Querci)** states again she did not know about the housing rules; she did not go online and read the rules.

**(Ms. Ring)** states it was an honest mistake and that she does not feel good imposing this fine. She states it was not malicious nor was the rental year- round; it was a few weeks per summer.

**(Ms. Petersen)** states the fine is very high; however, it has been 4 years that she has been an owner and renting out. By renting on her own, she should have done more homework. There should be some leveling of this fine.

**(Mr. Laffely)** states he truly believes she did not know about the renting rules and states that being a landlord takes on a lot of responsibility from the neighbors and community. The Board and Town appreciates your renovated home and how you made it better. There are some people that won't do it. He suggests to ask the applicant what the fine should be; whatever is appropriate.

**(Mr. Richard)** states the Board takes many things into consideration; whatever decision is made here will set a precedent for another person. The Board can run into legal problems, so there has to be consistency; some people just pay the fine and some people appeal it.

**(Mr. Laffely)** inquires as to how the renters are screened.

**(Ms. Querci)** states that Airbnb does the screening. They provide information on the renters such as photos etc. The owner can accept or decline. **(Ms. Querci)** states she started to use Airbnb only (2) years ago; the rest of the people were family or friends.

**(Mr. Richard)** states his opinion would be to impose a \$250 or \$500 fine for just this part since everything was fixed.

The Board again discusses the fines noted in the letter and **Ms. Querci** confirms they only stayed (7) days and not (10) which is what the renters had stated.

**(Mr. Richard)** states the Board will take Ms. Querci's word that it was a (7) day booking so the fine amounts will change slightly.

**(Mr. Laffely)** makes a motion to reduce the fine to \$500 total. **(Ms. Ring)** seconds the motion.

**VOTES:** Ms. Petersen and Mr. Richard vote in favor of the motion. Motion passes. All unanimous.

**(Mr. Morris)** requested the Airbnb registration form/number and stated the fine should be paid within (21) days.

### **COVID-19 Update to the Board**

**(Mr. Morris)** states there were (59) positive confirmed cases in Salisbury as of today and there were 6 in the last 2.5 weeks. He also states there were (4) fatalities since this started and there have been none for (2) months.

Mr. Morris continues that the Health Department is inundated with complaints about wearing masks and social distancing. The Town hired health monitors for the beach to try to tell people to move and to wear masks.

There have been (2) warnings to Food Service Establishments.

**(Mr. Laffely)** inquires as to how the monitors are identified? **(Mr. Morris)** explains that they have blue vests on. They walk around the center and sanitize the tables also. There is no authority on the beach.

**(Mr. Morris)** explains this is part of the Town Managers (10) point plan. Some of the Town's establishments have amended their menus to serve food in addition to alcohol. He explained there are over 200 guidance documents; we have worked with food places, camps, pools, motels etc.

### **Health Nurse Quarterly Report to the Board**

(Mr. Morris) explains there is a new Public Health Nurse that started in June; he will introduce her at some point.

### **Health Officer Report**

January-June 2020

### **Correspondence**

None at this time.

### **Public Comment**

None at this time.

**(Mr. Laffely)** inquires about flu shots this year? **(Mr. Morris)** explains there hasn't been a flu clinic for a few years in either town. He is hoping CVS will be having them.


**(Mr. Laffely)** inquires about future meetings. **(Mr. Richard)** responds that during COVID times, there is no sense in having meetings unless necessary for hearings etc.

Mr. Laffely motions to adjourn, Ms. Ring seconds the motion. 4 in favor, 0 opposed.


Meeting is adjourned at 7:50PM

Date: 10-06-20

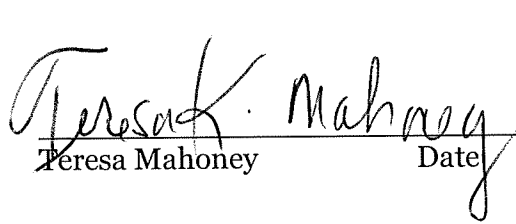
  
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Daniel Richard

  
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Ron Laffely

  
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Sue Ring

  
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Denise Peterson

Respectfully submitted by Teresa Mahoney

  
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Teresa Mahoney      Date 10/6/2020