



TOWN OF SALISBURY

BOARD OF HEALTH

JOHN W. MORRIS, DIRECTOR

SALISBURY TOWN HALL
5 BEACH RD.
SALISBURY, MA 01952

TEL: 978-462-7839
FAX: 978-462-4176

JILL TAPPER
DANIEL RICHARD
RON LAFFELY
SUE RING
DENISE PETERSON

March 2, 2021

BOARD OF HEALTH MEETING MINUTES

7:00 PM Salisbury Town Hall

Board Members Present:

Sue Ring, Ron Laffely, Dan Richard, Denise Peterson, Jill Tapper

Board Members Absent:

None

Staff:

John Morris-Health Director, Scott Vandewalle – Building Commissioner

Meeting called to order at 7:10 PM.

Minutes

January 19, 2021 minutes to be approved.

(Mr. Laffely) makes a motion to accept the minutes as written. **(Ms. Peterson)** seconds that motion. 5 in favor, 0 opposed. Motion carries and is passed

Old Business

NONE

New Business

Mosquito Control BMP Review. **(Mr. Morris)** reviews the 2021 Best Management Practice specifically for Salisbury. The commission allows residents to call to have their property sprayed but prefer to have 8-10 homes at once. **(Mr. Laffely)** inquires about the 3% increase for Salisbury and where the funds come from. Salisbury's amount is \$59,000. **(Mr. Morris)** states It does not come out of the general budget.

Violation Appeal – 193 Atlantic Ave.

Attorney DiAdamo introduces himself as representing the Ocean View Trust which is the property owner of 193 Atlantic Ave. The property owner/representative, Paul Iannuccillo is also present.

(Mr. Morris) explains how he and the Building commissioner identify properties that are an eyesore, vacant, or a public nuisance. They then issue an order to bring everything into compliance with the state building code and Chapter 2 of the state sanitary code. After (30) days the case is then referred to the Attorney General's office for receivership. He states the order for 193 Atlantic Ave. was issued in January; Mr. Iannuccillo asked for an appeal and his attorney sent a letter on 2/16/21, which the board has. The letter does not have to do with Chapter 2 violations. He states this property has been on the radar for a few years. He then introduces Mr. Vandewalle, Salisbury Building Commissioner. **(Mr. Vandewalle)** explains the structure problems and safety and building codes.

(Mr. Richard) inquires what the fine is. **(Mr. Morris)** states the Board waits (30) days to hear from homeowner then a fine is pursued. Mr. Richard also inquires if anyone lives on the premises. **(Atty DiAdamo)** responds that family members live there in the summer. There are no rentals to other people.

(Mr. Iannuccillo) states that a new electrical service was put in per request of the Building Department.

(Atty DiAdamo) states he thought the conversation would be about the Board of Health issues; not the building issues as those issues have been addressed.

(Mr. Vandewalle) explains the receivership involves both the Building and Health codes. The issues at this property precedes his time here (more than 7 years). He states there are long standing issues such as the old pieces of an old structure still there; the house is still boarded up. The secondary house on the trailer is a safety issue. The neighbors are complaining about it and it is a potential hazard. Fencing has gone up and the Fire Department has declared one building not eligible for entry.

(Mr. Richard) confirms the building the Fire Department deemed no entry is the one on the trailer. **(Mr. Vandewalle)** confirms yes as the structure has been collapsing. The red X doesn't mean condemned; it means no entry can be made by the fire department as it is non-habitable.

(Mr. Morris) states this was a plain view violation. If the Town has to go to court, a comprehensive inspection with Fire, Building and Health will be done. We can inspect it now and go through whole facility. He states with this first appeal process, the Board can sustain, modify or rescind the order.

(Mr. Richard) asks specifically what is the order? **(Mr. Morris)** responds for the property to come into compliance. We could get a search warrant based on the history to look at whole property. The owner can then be given a comprehensive list to come into compliance.

(Atty DiAdamo) states that when Mr. Iannuccillo received the health report, he immediately took action. Some of the work is difficult to do. A request in writing was sent as to what they want the owner to do and there was no response. He states he received correspondence only today that the owner has to comply with the CMR's. They agree they need to comply with the laws. He states that they have complied in making repairs; all the external work has been done. If they have missed something, they will

do it. Attorney DiAdamo continues that there is specific information on the report checked off hand rails, rubbish, maintenance of area, but then the order is very general. Again, he would have rather have had a discussion with the Town before tonight.

(Mr. Iannuccillo) states that about 5-7 years ago a substantial amount of money put in; i.e. new roof and a few windows. A building permit was pulled to satisfy the building Inspector and also the Fire Department. He also states that during the course of when that work was being done, the workers were harassed by the neighbors, and the situation prevented the owner from doing the work. The Police Department was summoned.

(Mr. Richard) states it is understood that there have been neighbor issues; it is a long-time problem. Mr. Richard confirms the main building that is boarded up is only building being used in the summer. **(Mr. Iannuccillo)** responds yes. Mr. Richard inquires as to the status on the others? **(Atty DiAdamo)** responds that they are being maintained until the property can be rebuilt. He states that is when the lawsuits started around 2003.

(Mr. Morris) states he doubts the main house is occupied.

(Mr. DiAdamo) states the owner can fix the railing and some of the more minor concerns although it is hard in the winter. No one will live there until all details taken care of all is fixed.

(Mr. Morris) states that if the homeowner can grant full access to the property, a comprehensive inspection can be done. He will seldom sit down with an owner when an appeal is in process.

(Mr. Richard) inquires if the owners are willing to give access? **(Mr. Iannuccillo)** inquires what the basis was for the letter. **(Mr. Richard)** states there are site issues and many complaints made; the external stuff is obvious. Internal yet to be seen

(Mr. Iannuccillo) states he will start with the exterior. In 2020, the Fire Inspector and Mr. Vandewalle walked the property. In terms of the building being collapsed, the inspectors were told what the plan is. There is a reluctance to clean up the property because there is a case still in land court.

(Atty DiAdamo) inquires if the whole property is considered an attractive nuisance.

(Mr. Morris) responds the building that collapsed is considered an attractive nuisance; which causes other problems as it is a fire hazard.

(Atty DiAdamo) states that in short of demolishing it and building something new, the owner doesn't have many choices. The structure that we have to keep there legally is an attractive nuisance. **(Mr. Richard)** states that if you get a judgement from land court would you take the structure off the property? **(Atty DiAdamo)** continues the owners would like to put something up but have been hitting a wall since 1991 with multiple lawsuits. The owner is now having to deal with DEP and needs help to put up a nice structure. They want to work with the Town.

(Mr. Richard) asks Mr. Vandewalle, if after his walk through, if anything had been done. He replies no. The property was not put on the market and was not painted. It is still a blight on the neighborhood. He states Mr. Morris should get inside to see if there are additional issues. The Town is still pushing to get rid of the house on trailer.

(Mr. Richard) inquires if there is any current pending litigation. **(Atty DiAdamo)** replies yes. **(Mr. Vandewalle)** states Town Counsel said there was no current

outstanding litigation in land court. He will again look into it. Records indicate it was settled in October 2015. (Mr. Richard) requests proof from the court that something is pending.

(Mr. Iannuccillo) then reads an email from himself to the Building Commissioner dated 10/20/20. He requests this be stated for the record.

(Atty DiAdamo) suggests to the Board a continuation of this case for a month and requests that Mr. Morris is willing to work with them and advise what needs to be addressed. They can then come back to the Board after he points things out.

(Mr. Richard) asks again if they are willing to make the property available for a walkthrough to the Health Department as this question was not previously answered.

(Mr. DiAdamo) states he is concerned as he keeps hearing the subject of Receivership. He continues to state that in any dwelling there may be things not perfect. He states that if the intent is to identify things to maintain the property while the owner is pursuing plans to build something new they will OK it; if there is no more talk with the Town, then they may not want to meet with the Health Department. He then asks for 30 days to address the outside, and see if they can fix what is proposed.

(Mr. Morris) agrees that the Department should do a complete inspection inside and out.

(Mr. Richard) states receivership is the last solution. He suggests to do the inspection, get a list and let the owner decide if he wants to fix or demolish the buildings.

(Ms. Tapper) confirms she agrees with the 30 days. She suggests fixing the outside of the building and then inspect the inside of the boarded building.

(Ms. Petersen) states she is curious as to how long this has been going on. The Board wants it to be safe for the Town and the family. She suggests to allow Mr. Morris in to see if there are any safety violations. She states she is not sure why they are putting up a barrier for a safety inspection.

(Atty DiAdamo) responds they are paranoid hearing the word receivership. He did send a letter and got no response so is therefore just asking for 30 days to address any problems.

(Mr. Morris) states he can meet on Thursday, March 18th. He can inspect it that day and make a list.

(Mr. Laffely) inquired if it is a single-family lot and how many units are there.

(Mr. Iannuccillo) states there were originally (4) buildings and now (3). There is one habitable. He inquires if (2) are being left out of the equation; the uninhabitable ones.

(Mr. Richard) explains they don't want to remove the other (2) as they don't want to lose their status as pre-existing/non-conforming. They can't build (3) units. **(Atty DiAdamo)** confirms they don't want to lose their rights.

(Mr. Vandewalle) states there is a difference of opinion on the Zoning issue. Town Counsel stated that litigation has ceased. The Town is unaware of a current land court case. He states other avenues will have to take on the zoning issue. The Town just wants the mess fixed. It is a property blight; they should start resolving the mess.

(Mr. Laffely) states we are focusing one of the (3) buildings; the violation is attached to (1) building. He also asks if there is anything in the records to preserve the zoning.

(Mr. Vandewalle) replies yes. There is a thick file containing repetitive violations. His department has to keep going back.

(Atty DiAdamo) confirms they have received these complaints and have done the repairs by piece mail. They do not want to raze the property and start again; they cannot do that right now. The owners are trying to keep it safe and contained. The violation report pertained to the (1) habitable structure but now it seems we are discussing the whole property.

(Mr. Laffely) states they should look at the whole property and inquires what their time line is to make the whole property habitable or remove it?

(Atty DiAdamo) states they have some plans to submit to ZBA and hope to work with them. The owners also want to get approvals and a building permit.

(Mr. Laffely) asked when the owner will be filing the plans?

(Atty DiAdamo) responds in this month, that is the intent. He continues that the intent is to solve the BOH issues to make it safe and satisfy the Town. If those issues are approved, then we can move ahead with the right project.

(Mr. Laffely) states that 'property', to him, is everything within the property lines. If only one building is taken care of, how is that resolving the other health hazards and debris.

(Atty DiAdamo) responds that if the Town and neighbors would say the property can stay pre-existing/non-conforming, the owners would start removing the debris, but no one is willing to discuss that.

(Mr. Richard) states that discussion is out of this Board's realm. All this Board wants is to make the structure secure and safe for now, and no one will get hurt.

(Mr. Laffely) inquires if the owners want to build (3) dwelling units and then states they can build (1) and no one can say anything.

(Atty DiAdamo) states there is concern about the neighbors. The property originally had (4) units, but the owner's intent is not a single-family home.

(Mr. Richard) states the violations listed in Mr. Morris' order. Mr. Morris then talks through the violations and the pictures, which all present have a copy of. He states the collapsed house and debris is a violation risk. This is one of his immediate concerns along with the steps, fascia board, etc. The inside can be addressed after (30) days.

(Mr. Iannuccillo) states, for the record, he has no issue removing that debris, but he wants something from the town.

(Mr. Richard) states this Board does not have the authority.

(Mr. Iannuccillo) states that he believes the Building Inspector can issue that. He then states "we are in court with the town".

(Mr. Richard) confirms that the court papers/lawsuit/land court complaint will be sent to the Health Director within (2) weeks.

(Atty DiAdamo) states he thought the complaint was about the only structure that is used, the dwelling; but it seems that the 'whole' property is involved.

(Mr. Morris) states the discussion is about anything on the property that poses a public safety risk. Mr. Morris suggests he can go out there and point out anything that needs fixing or needs to be cleaned up. Again, he states he can go out there on March 18th at 9AM. Attorney DiAdamo agrees to this date and time.

(Mr. Laffely) states the Board is referring to the property; whatever is in the property lines. He states the owners should go to the Zoning Board of Appeals to start that process. The property owners can apply for the (3) units; only they can do that.

(Mr. Richard) states if this does not get resolved in another matter, the Board will have to take action.

(Atty DiAdamo) states his understanding is that his client came in for a dwelling and not property. The paperwork said windows etc. pertaining to a dwelling.

(Mr. Laffely) states his concern is the outside of the building, not the inside of the building at this time. Property line to property line. He hopes the owner is ready to clean up the site.

(Mr. Richard) confirms Mr. Morris will walk outside of the property and will give the owners a list of everything that has to be corrected. Both the Board and his client will be back in (30) days and the owner can then decide whether to fix the property or not. Mr. Richard also suggests that the property owner apply to the ZBA to get the ball rolling. These buildings have to be addressed, they have been there forever and are dangerous. Mr. Richard states that if the owners do not want to remove them or have receivership you need to pursue other avenues. Everyone needs to be safe.

(Atty DiAdamo) confirms he will be there at the property at 9AM on March 18th and will be back here (Town Hall) on April 6th. Attorney states that by then he will hopefully have something in writing from Mr. Morris in advance that he can address. He states he's not sure what we can accomplish in this short time period.

(Mr. Morris) summarizes the meeting and what will be required of the applicant.

- The meeting has been continued to April 6th.
- The Board will get copy of any pending litigation with the parties named; a copy of the litigation, the complaint, within (2) weeks.
- There is a meeting set up between Mr. Morris and the attorney on March 18 at 9AM to do an exterior inspection and talk about what needs to be cleaned up on the property. The participants will then come back and meet and talk about an interior inspection and see what the Board wants to do.

Mr. Laffely makes a motion to continue this case to the next meeting. **Ms. Ring** seconds this motion. **Mr. Richard** adds to the motion requiring the following conditions in addition to the continuance: that litigation documents be sent to the Director/Mr. Morris within (14) days; then confirms the property walkthrough on March 18 at 9AM unless an alternative date is made, and Mr. Morris will put together a list. On April 6, this will be discussed further.

Mr. Richard makes a new motion with above stated conditions; **Mr. Laffely** seconds the new, amended motion.

VOTES: Ms. Petersen, Ms. Ring and Ms. Tapper vote in favor of the new, amended motion. Motion passes. All unanimous.

Director's Report

Covid-19 Update

Mr. Morris states that a clinic was held on February 12th and another clinic is scheduled for this week, March 5th. He explains that as of today, we do not know if we will get the second shot of vaccine supply. It is up to the state. The state is no longer guaranteeing the second dose. In the past it would automatically be sent. Now the local Board has to file for it every week. The 9-town collaborative has been asking for (4) weeks for the vaccine.

For the February clinic, we got our 500 doses from Conley pharmacy in Ipswich. The clinic was held at Holy Family Parish in Amesbury. The second dose has been extended.

Health Nurse Quarterly Report to the Board

We are looking for a new nurse to work 3 hours/week. We do have coverage for contact tracing and case tracking in the Maven system.

HOUSING

There are currently (11) cases pending for criminal hearings once the court re-opens for hearings. These are the homeowners who never responded to the Certificate of Habitability mailing.

Receiverships

Letters have gone out; properties are on True Road, Atlantic Ave., and Taft Street. Some people have responded but the response is not acceptable to clean the property up.

Septic installations will re-open on March 15th.

Lance Wisniewski from SCTV asked the following questions of the Health Director:

In referencing the March 1st changes from the state how are restaurants and bars affected? Mr. Morris replied there is a no capacity limit in restaurants but still a limit of 6 to a party, a time limit of 90 minutes, tables 6 feet apart. Social distancing is still being maintained. He states this won't be a big change in Salisbury. He then continued to give general informational updates for churches, inside/outside gatherings, etc.

Correspondence

None

Public Comments


None

.

(Ms. Petersen) motions to adjourn, **(Ms. Ring)** seconds the motion. 5 in favor, 0 opposed.


Meeting is adjourned at 8:25 PM

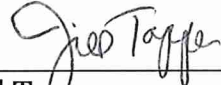
Date: APRIL 6, 2021


Daniel Richard


Ron Laffely


Sue Ring


Denise Peterson


Jill Tapper

Respectfully submitted by Teresa Mahoney

 4-6-2021
Teresa Mahoney Date