



TOWN OF SALISBURY

BOARD OF HEALTH

JOHN W. MORRIS, DIRECTOR

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DANIEL RICHARD
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SUE RING
DENISE PETERSON
JILL TAPPER

BOARD OF HEALTH MEETING MINUTES

September 7, 2021

7:00 PM Salisbury Town Hall

Board Members Present:

Ron Laffely, Dan Richard, Denise Peterson, Sue Ring

Board Members Absent:

Jill Tapper

Staff:

John Morris-Health Director, Rich Berube – Deputy Health Director

Meeting called to order at 7:00 PM.

Audience: Michael D'Angelo, 100 Atlantic Ave.

Minutes

June 1, 2021 minutes to be approved.

(Mr. Laffely) makes a motion to accept the minutes as written. (Ms. Peterson) seconds that motion. 4 in favor, 0 opposed. Motion carries and is passed

New Business

Violation Appeal – 100 Atlantic Ave.

(Mr. Morris) summarizes the case for 100 Atlantic Ave. A Certificate of Habitability was filed in October 2019; an inspection was done at the end of month and a violation notice was issued. No one was to live there until these repairs were done due to safety issues. Owner then notified Mr. Morris in November 2019 that the tenants were moving out and he would not have the units ready for inspection until spring 2020. The repairs are not done as of this date. The Health Department issued an order on July 22, 2021 with \$1,000 fine for completion /compliance within 30 days or the criminal complaint process begins. On August 19th Mr. D'Angelo completed an affidavit stating a relative was there. Per the police report, there was someone occupying the premises but not sure of the relation. Therefore, it doesn't matter as

someone is living there; the property is occupied, and per the February 2020 letter content, it is a violation to the rent the property until the violations are fixed.

(Mr. Morris) lists all the violations from the October 4th 2019 violation letter per request from D. Richard. **(Mr. Morris)** states he was on Atlantic Ave in July and stopped by the house as he saw that it looked occupied; a woman said she was renting the house for the summer. He states that is why the fine was issued on July 22nd.

(Michel D'Angelo) owner, approaches podium and states he never received the February letter and it is news to him that no one can live there.

(Mr. Morris) explains that a certified letter and a first-class letter was mailed on 2/6/2020. Mr. D'Angelo is given a copy of the letter. The certified letter was never claimed at the post office nor signed for at the delivery address.

(Mr. D'Angelo) gives a brief history/background of the house; which was bought in 1964; the usual process is that water is shut off in November then turned back on following April. He states that he did let a cousin stay there but due to ignorance, did not know the repairs had to be done first. That is why he sent in the affidavit. Mr. D'Angelo states he did make some improvements and passes out pictures to the Board. The house is vacant as of today.

(Mr. Morris) states another re-inspection is required instead of going through each picture.

(Mr. D'Angelo) states his main plan is to knock the place down and rebuild ASAP. He has been working hard on this plan and wishes to make it his home. He states it does need work and he is asking for forgiveness; he states he never got the February letter.

(Mr. Richard) states it was a reaffirmation of the November letter-which he did receive. Mr. D'Angelo denies knowing that.

(Mr. Morris) reminds him he said it wouldn't be occupied until the repairs were made. **(Mr. D'Angelo)** states the many personal family happenings at that point concerning his family and then COVID-19. He honestly did not know about the occupancy.

(Mr. Richard) states it will take a lot of time to go through all the boards so if you move in next summer you will need to have it inspected. If only repairs are done, the whole property will need an inspection. **(Mr. D'Angelo)** states he has hired Millenium as of August 20th. He will even try to work through the summer next year if it has not been demolished and will fix everything and have an inspection before having anyone move in if the demo has not started. He confirms to Mr. Richard that no one is currently living in the building. Mr. D'Angelo is asking for the Board's forgiveness on all issues.

The Board then begins a discussion on the case. **(Ms. Petersen)** inquires if he is currently staying at the property. He replies yes. Part time in the personal unit/owner occupied.

(Mr. Morris) states that even though the owner is occupying this unit, the entire property, including this unit has to be inspected. It has to be compliant; both the rental unit and the non-rental unit.

(Mr. Richard) states that in the past, the Board has reduced the fine with conditions. The remainder of the fine is imposed immediately if those conditions are violated.

(Mr. Richard) explains what the board has done in the past. If we reduce the fine, you need to agree to stipulations and if they are not corrected, the fine will be in effect again.

(Mr. D'Angelo) again approaches the podium and agrees that the violations on the outside have to be fixed. The Board tells him ALL violations have to be fixed.

(Mr. Morris) confirms that all violations need to be fixed and adds that a lot more deterioration may have occurred after (2) years. The homeowner should fix this deterioration as he goes.

(Mr. Richard) states that since the last inspection was on October 4, 2019, would the homeowner be willing to do a new inspection. The Inspector may see new problems immediately so that they can be fixed along with the older violations.

(Mr. D'Angelo) responds that this may create problems and more work. He would like to delay it for weeks and/or months. If the house is being torn down he does not want to spend the funds painting it or installing new windows. The property is being shut down for the winter, water etc. If Millennium comes in and can start, he questions why he should spend time fixing it.

(Mr. Richard) confirms that no one can live in those rental units until the violations are fixed.

(Mr. D'Angelo) states he doesn't want them to be rental units and the water will be shut off late Oct. early November. **(Mr. Morris)** asks him to be very explicit on the shutdown of the water date. **(Mr. D'Angelo)** states the water will be off by the last day of October.

(Mr. Laffely) states that one of violations is the smoke detectors. If he is occupying one unit, that should be inspected for fire alarms **(Mr. D'Angelo)** responds that they are not hardwired. They are battery operated. There are 3 units there, he only lives in one. The other 2 are empty. If one goes off, it does not go to other units.

(Mr. Richard) states the Board will offset the fine temporarily. This decision is on the administrative level.

(Mr. D'Angelo) asks for clarification that if he is tearing the property down and not renting it, and the outside of the building is up to par, can he just leave it as is.

(Mr. Richard) states there is a safety issue and the violations should be fixed.

(Mr. Laffely) states the building needs to be inspected. There are life safety issues. He then makes a motion to reduce the fine to \$500 with \$500 being held for (60) days to give the owner the opportunity to decide what to do with building; either take it down or not. He also adds to the motion to have the building inspected so that the existing conditions are the minimum standard and meet the minimum health code.

(Mr. Richard) confirms the \$500 fine and \$500 suspended for 60 days as long as the process is moving such as applying for the building permit; but this is still contingent upon having an inspection. **(Mr. Laffely)** states the health code and the building code issues need to be addressed immediately, not in (30) days.

(Mr. Morris) then summarizes Mr. Laffely's motion.

- 1 The Board will impose \$500, and will hold the second \$500 in abeyance for 60 days assuming Mr. D'Angelo will pursue the process of demo and rebuilding. This should

be documented within 60 days and if it does not occur within 60 days, the other \$500 is due. A letter will be sent at that time. If that does not happen, a criminal complaint process will begin through housing court.

- 2 All units have to be inspected and life safety code violations must be addressed immediately. The unit will be brought up to standards.

The owner's nephew will move in with him and move out of the other unit. The owner will work on his own occupied unit for the inspection.

(Mr. Laffely) adds that fire protection and means of egress need to be done immediately.

The above is the motion. Ms. Petersen seconds the motion as Mr. Morris has summarized. Ms. Ring, Mr. Richard and Mr. Laffely vote in favor of the motion. Motion passes. All unanimous. 4-0.

The motion is modified as indicated in the ORDER dated 9/9/21, Certified Mail 7018 0680 0000 9623 4509.

(Mr. Laffely) states the whole building will be inspected on Friday, September 10th at 3PM. The unit Mr. D'Angelo occupies must be brought up to code immediately. The other 2 units cannot be occupied at all.

Ms. Petersen seconds this amendment. Remaining Board Members (Mr. Richard, Ms. Ring, Mr. Laffely) vote unanimously. Amendment passed.

New Business - continued

COVID-19 update

(Mr. Morris) updates the Board on the Pfizer booster shot. He is waiting to hear from the collaborative through Amesbury to see if the clinics happen again. He states the previous clinics treated approximately 30k people through the collaborative.

Review of revised regulations- Continued until next meeting.

Not all Board members had the capacity to print the regulations. Therefore, a color copy will be provided to them for review before the next meeting. Copies will be available at Town Hall for pick up.

Health Officer Reports

April 1st – June 30, 2021 – No discussion

Nurse Report

January 1st – June 30, 2021 – new format is split into monthly figures. Kiandra White is the new Public Health nurse.

Correspondence

An email from Tobacco Control Director for Healthy Communities Ron Beauregard is provided to the Board. The email indicates that Mr. Beauregard will be doing education and inspections to the local establishments.

The Board discusses the next meeting date. Tuesday October 19th is scheduled; Mr. Richard cannot make it for October 5th. All will review the regulations prior to meeting.

Public Comments-NONE.

ADJOURN

Adjournment of regular meeting is at approximately 8:10PM.

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

(Mr. Richard) explains the Board is now going into Executive Session and publicly reads the following statement:

EXECUTIVE SESSION

Executive Session pursuant to G.L. c. 30A, Section 21(a)(3) to discuss strategy with respect to litigation of an open meeting may have a detrimental effect on the litigating position of the public body. Litigation involving 193 Atlantic Ave. The Chair so declares that having a discussion in open session would have a detrimental effect on the Town's litigating position.

(Mr. Richard) makes a motion for the Board to join Executive Session.

The chairman took a roll call vote to enter Executive Session and informed the public that the Board will not resume in public session at the conclusion of Executive Session.

Roll call vote:

Daniel Richard – AGREE

Sue Ring – AGREE


Denise Petersen – AGREE


Ron Laffely- AGREE

Regular public meeting is adjourned at approximately 8:10 PM

Date: 10-19-21

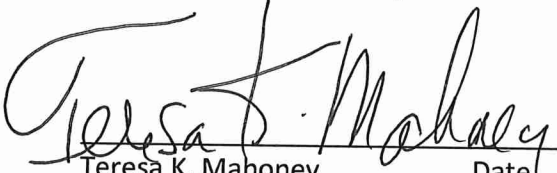

Daniel Richard


Sue Ring


Ron Laffely


Denise Peterson

Respectfully submitted by Teresa K. Mahoney

 10/13/21
Teresa K. Mahoney Date