



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

April 5, 2022

7:00 PM Salisbury Town Hall

Board Members Present:

Ron Laffely, Jill Tapper, Dan Richard, Sue Ring

Board Members Absent:

Denise Petersen

Staff:

John Morris-Health Director, Richard Berube, Deputy Health Director
Meeting called to order at 7:00 PM.

Approval of January 4, 2022 Minutes

(Ms. Tapper) makes a motion to accept the minutes as written. (Ms. Ring) seconds that motion. 3 in favor, 0 opposed. Motion carries and is passed. Mr. Richard abstains as he was not present for the meeting.

Old Business

NONE

New Business

Mosquito Control/Review

Best Management Practice Plan
Integrated Pest and Vector Management Plan

All Board Members have received the updated publication for review.

Kimberly Foss, Entomologist from NE Mosquito Control updated the Board. The new Field Crew Supervisor is also recognized. (inaudible). Ms. Foss explained the setting of traps which are then sent in for testing. Testing was done on mosquito pools and all results were negative for Triple E and West Nile.

She explained that due to rain and tides there was an increase in floodwater mosquitos. There were 15 residential service requests; which is up 8 from last year. There were 39

habitat sight inspections which were treated if breeding was present. Four barrier treatments were done around schools, parks and athletic fields.

Ms. Foss refers the Board to the Board of Health Checklist on Page 2 of the Best Management Practice Plan. She states this is a new item and can be very helpful.

(Mr. Morris) states he works closely with Triton and has contacted them to get their IPM up to date and to get spraying done before school starts. This includes the fields in town also.

(Mr. Morris) inquires where the trends are heading; Ms. Foss advises it is heading towards the West Nile virus but there is a risk for that and EEE. The catch basin treatment program in Salisbury was at 826 basins last year. This helps to bring West Nile cases down. It is an urban based virus.

(Mr. Richard) states the treatment should start shortly. Ms. Foss confirms that treatment will start in April and that residents are a help; if they see any activity they call the office. She also describes the website which is now complete and what is helpful on there, including the BOH toolbox, hand-outs and public notices.

New Business (continued)

Review of Recently Adopted Dumpster Regulations Policy Adoption for Implementation

(Mr. Richard) confirms that a business owner approached Selectman Takesian, and Selectman Mahoney McDonald; and the Town Manager received phone calls concerning the new dumpster regulations, which then became a concern to them and the Town Manager. After further review and a meeting, though well-intentioned, Mr. Morris stated that not everyone understood the full impact cost-wise. There are some places that cannot comply as they don't have the real estate to do it. After meeting with the Town Manager, Ms. McDonald and Mr. Takesian, all attendees came up with the new regulation. The new revised regulation states that if a business cannot comply, they can meet the maximum feasible compliance or the best that they can do. A decision was made to reduce the fees also. The Selectmen and the Town Manager were pleased. The Health Department will renotify everyone that this is the plan going forward.

(Mr. Laffely) inquired about the fee? **(Mr. Morris)** explained that Amesbury charges \$25 and also Andover. The first fee proposed was based on the other permit prices of \$75. The other money was for a contractor to review all the applications. The revolving fund would pay for contracting services. There is a potential problem with zoning and building codes. The Department will work with people for best compliance, such as keeping it clean, who the dumpster company is and where the trash is being dumped. The revised rate is \$25 to register the dumpster and every March for renewal. **(Mr. Laffely)** inquires as to why there is an annual fee after they pay once to establish the dumpster? **(Mr. Morris)** advised it is to update the data base and it is like other permit fees; it is paid annually. **(Mr. Laffely)** replies that it is like another tax; he feels that once established there is no other change so why a charge. **(Mr. Richard)** comments that \$25 is much better than \$175 and everyone will be in compliance.

MOTION

(Ms. Tapper) makes a motion to accept the changes to the dumpster regulations (Chapter 5, Section 10/Memorandum Policy 22-001) as written.

(Ms. Ring) seconds that motion. 3 in favor, 0 opposed. Motion carries and is passed. Mr. Laffely abstained from vote.

250 North End Boulevard-Appeal of Violation Notice

Mr. Richard Berube, Deputy Health Director handled the complaint and investigation and has provided the Board copies of the complaint, pictures and a brief history of the property.

(Mr. Berube) explains the background of the complaint; having received it on March 3rd from Tenant Lizz Hurley who is present at the meeting. Arrangements were made through Ms. Hurley for a visit/inspection on March 16th. Upon his return to the office the order was issued, which the Board has a copy of.

(Mr. Berube) explains all the violations listed on his order such as cracked floor tiles of which some are minor some are not. They need to be repaired or replaced. Insufficient hot water in full bath, faucet handle broken in kitchen sink, water valve does not shut off which can cause mold. The dryer is not properly vented to the exterior of the building; it is in a closet. In half bath, ventilation on ceiling does not work; fan and light. The occupants pay for electric and heat and believe that they are paying for more than they use. Mr. Berube mentions he saw 3 electric and gas meters but there are 4 units. **(Mr. Morris)** inquires if the occupants receive a separate utility bill from the company? Tenant speaks from the audience to answer question. Inaudible. **(Mr. Berube)** continues with violations such as soiled mattress, sliding door handle broken, not enough trash barrels for all units etc. Mr. Berube indicates this is a repeat violation. He provided the board with last year's complaint and states the fine for that violation was never paid. Two more notices were sent out so she currently owes \$200.

(Mr. Morris) asks if there are (3) rental units at the property. Mr. Humphries, attorney for the owner, confirms by nodding head yes. Owner Janet Schofield replies that yes total of 4 units; 2 are rented, one is not and she lives in the 4th.

Janet Schofield, 250 North End Boulevard goes to the podium and confirms she is the owner of the property. Her attorney, Mr. John Humphries states he represents Ms. Schofield. Mr. Humphries continues to give the background that the unit was rented in November 2021 to tenant Lizz Hurley. Ms. Schofield was hospitalized in January and then had 2 weeks rehab so communication broke down. Ms. Schofield states she became aware of complaint in January that there was no hot water so the furnace was fixed at the end of January. She then received a complaint of leaking water and that was fixed Feb 19th. Ms. Schofield states that concerning the other complaints, she never heard from the tenant in regard to these. She states the situation got worse when the tenants then refused to pay the rent for the month of February; she then sent out an order to quit on Feb 20th. They refused to pay rent on the day after. The Health Department inspection then followed this.

(Mr. Morris) confirms the dates with Ms. Schofield. He questions if the tenants withheld rent as of February 16th? Mr. Humphries states they were served with Notice to Quit on February 20th. Ms. Schofield then received a letter from the tenants on 2/21; day after 2/20 notice to quit. Mr. Morris states the occupant has a right to call the Health Department and ask for a comprehensive inspection, which they did. Mr. Morris states that Ms. Schofield became aware of violations on the 21st. and then on March 16th and the violations were still there after more than 20 days. Mr. Morris states he is not convinced that a good faith effort was made to fix the violations. Mr. Morris also states that secondly, if one owns a property, and are unable to maintain it, it is the owner's responsibility to have someone there to maintain it with a name and number to call for assistance. The tenant does have the right to withhold rent under the state law; these are all legal options. He states that based on the history, there always seems like there is a battle with the Health Department to reach compliance.

(Ms. Schofield) confirms she has a list of Mr. Berube's violations and they have to be rectified but wonders why this is being addressed so late. She states the tenants signed a lease saying all was in good condition. She feels she did all she could while in the hospital and rehab and that the tenant, Ms. Hurley, had her phone number. She continues that the tenant never mentioned these problems and that (3) families are living in there so that may be why it is being destroyed.

(Mr. Richard) states that is a separate matter. Here at the meeting, we need these significant violations addressed. **(Ms. Schofield)** addresses the trash barrels situation and presents the Board with a picture of (4) barrels and states she just needs help taking them down to the street. She states she never heard of the Health Dept. \$200 fine; Mr. Morris reminds her that she was going to appeal it. Mr. Morris also states that a suggestion would be a property manager if age is a factor.

(Mr. Richard) confirms with Ms. Schofield that when the unit was shown, none of the violations were there such as cracked tile, stained furniture etc. Ms. Schofield addressed the dryer vent problem explaining it is an inside vent and needs to be filled with water. Mr. Richard suggests the Town plumbing inspector checks on that.

(Mr. Richard) states Ms. Schofield has several violations and a fine not paid from 2021 for trash barrels as they were overflowing. Ms. Schofield said she had 3 barrels at the time and she wasn't aware of that fine. **(Mr. Richard)** states she did not file an intent to appeal so that fine stands. He also asks her to address the current violations and a timeframe for repair. He explains that the unit has to be safe. Ms. Schofield requests 30-45 days for repairs. Mr. Richard responds that if the Board decides on that timeframe, which they will decide tonight, it will have to be in writing and needs to be done or the fines will accumulate. A decision will be made by end of meeting. Ms. Schofield then brings up the tenant's complaint; commenting that it is lies and mistreatment against her. Mr. Morris states that some things are for a court of law, only the health violations should be discussed here.

Lizz Hurley, current tenant and complainant at 250 North End Boulevard, Unit 2 approaches the podium and states she has been there since November 2021. She is asked if she has anything to add after the inspection.

(Ms. Hurley) states the problems in the unit. She states there is a maintenance person fixing things; not a licensed plumber. She fears a mold problem because of the leaking in the bathroom. She states she was out of heat for (4) days with a baby. She states Ms. Schofield told her to buy heaters. The water was also shut off for (3) days because of the kitchen sink problems. Whenever out of heat, there were never calls to a heating company. Ms. Hurley states she did not see the apartment before moving in and found it dirty and had to clean upon move-in and did not get reimbursed. She states Ms. Schofield makes no good faith effort to maintain the unit. As of today, only the kitchen sink is fixed. She states she did not have Ms. Schofield's phone number at the rehab center. The kitchen faucet has never been replaced; it keeps coming off; only the leak has been fixed. The water has to be boiled for baths.

(Mr. Morris) inquires if there is hot water right now? **(Ms. Hurley)** states there is none to the bathroom sink/tub. Mr. Morris states it has be fixed within 24 hours.

(Ms. Ring) inquires if she did a walk-through or not. Ms. Hurley now states she did do a walkthrough though she was not looking for violations. She had no choice as she needed housing. She pays \$1,500 per month. She has taped up all the tiles but many are broken.

(Mr. Morris) requests that Ms. Schofield approach the podium. He states that it has been determined that there are (4) units but only (3) have electric meters. Ms. Schofield explains the meter situation: Units 3 and 4 are together and Units 1 and 2 are separate. Ms. Schofield states she is willing to get separate meters from the gas company concerning heat. Mr. Morris then asks for the lease for Unit 3 and also the bill and contract from Casella trash company.

(Mr. Morris) then inquires as to the number of furnaces. Ms. Schofield replies that there are (3); Units 1 and 2 have their own; and units 3 and 4 have one. She states she pays the bill for Units 3 and 4. She again states there are (8) people living in that one unit plus a baby.

(Mr. Richard) states that Mr. Berube witnessed the violations and they still have to be addressed.

(Mr. Morris) states there is still a \$200 outstanding fine from the trash problem in August and the other is for repetitive violations of \$200. He states the older fine is due; we'll see on the current fine after discussion.

(Ms. Schofield) asks for the timeline for repairs; **(Mr. Richard)** responds that some things have to be done ASAP; such as hot water.

(Mr. Richard) asks for board comments.

(Mr. Laffely) states there is a problem with maintenance of the building from the photo's and its' previous history. Mr. Laffely suggests a licensed property manager is a good idea as the issues may continue to snowball. Also, the trash problem needs to be solved. He suggests heavy bags if there are not enough barrels.

(Ms. Tapper) suggests the request for 30-45 days for all repairs should be shorter. **(Ms. Ring)** inquires if these units are summer rentals and if they are, heat and hot water need to be provided. Ms. Schofield confirms they are.

(Mr. Richard) states the fine from 8/10/21 stands and needs to be paid immediately. Concerning the current fine, Mr. Laffely makes a motion that the fines stand and issues like water and heat have to be handled immediately for all of the units.

(Mr. Morris) suggest to separate the fines and motions.

MOTION

(Mr. Laffely) makes a motion that the \$200 fine stands which is the fine for today. The standard for payment is standard which is (21) days. **(Ms. Ring)** seconds that motion. Mr. Richard and Ms. Tapper vote in favor of the motion. 4 in favor, 0 opposed. Motion carries and is passed. Unanimous.

(Mr. Richard) states the current code violations are the hot water, the bathroom sink backup and the kitchen sink faucet handle; these need to be fixed within 24 hours.

(Mr. Laffely) asks who from the Health Department will go back and inspect the unit to insure these violations are fixed. **(Mr. Morris)** explains that the owner will have to get a plumber and plumbing permit. The job will then be inspected.

The Board discusses a timeline for corrections. **(Mr. Richard)** states there are other items on the list and suggests (30) days. **(Ms. Tapper)** suggests (2) weeks. **(Ms. Ring)** suggests (14) days to develop a plan to schedule the work. **(Mr. Laffely)** agrees that some type of schedule should be made. **(Mr. Morris)** summarizes the suggestions and states that a contract should be signed within (14) days and all the jobs get done within (30) days.

MOTION

First Motion: (Mr. Richard) makes a motion that the hot water in the bathroom, the faucet handle on the kitchen sink and the bathroom sink backup has to be addressed within (24) hours (from tomorrow morning).

Second Motion: (Mr. Richard) makes a motion that all other remaining items on the violations list require a plan of action. A contract with a plan of action is required within (14) days and then all work completed within (30) days. **(Ms. Ring)** seconds that motion. Mr. Laffely and Ms. Tapper vote in favor of the motion. 4 in favor, 0 opposed. Motion carries and is passed. Unanimous.

Covid 19 Updates

(Mr. Morris) states the pandemic is winding down. The clinics stopped in February and there has been no great demand for the second booster. Residents are advised to go to either a pharmacy or their own doctor for a shot.

Mr. Morris also states that over time Salisbury had a total of (31) deaths.

**Health Officer and Nurse Reports –October -December 2021 & January-
March 2022**

No questions on reports.

Correspondence - None

Public Comments - None

ADJOURN

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

Regular public meeting is adjourned at approximately 8:20 PM

Date: 06-07-22

Sue Ring
Sue Ring

Ron Laffely

Jill Tapper

Jill Tapper

Daniel Richard

Daniel Richard

Respectfully submitted by Teresa K. Mahoney

Teresa K. Mahoney 6/2/2022
Teresa K. Mahoney Date