



TOWN OF SALISBURY

BOARD OF HEALTH

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JILL TAPPER

BOARD OF HEALTH MEETING MINUTES

December 6, 2022

7:00 PM Salisbury Town Hall

Board Members Present:

Ron Laffely, Jill Tapper, Dan Richard, Denise Petersen

Board Members Absent:

Sue Ring

Staff:

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

Meeting called to order at 7:00 PM.

Minutes -Approval of meeting minutes from September 5, 2022.

(**Mr. Laffely**) makes a motion to accept the minutes as written. (**Ms. Tapper**) seconds that motion. 3 in favor, 0 opposed. Motion carries and is passed. Dan Richard was not at 9/5/22 meeting therefore did not sign.

Old Business

NONE

New Business - 239R Lafayette Road-Appeal of Notice of Violation Dated October 4th

(**Mr. Morris**) gives the background on this case; Mr. Berube did the inspection and gave the order. Housing code violations were found and as a result, after reviewing the file, there was an affidavit filed on November 19, 2019. It appeared that (2) of the units in one building were being rented and the affidavit did not indicate which family relative lived there to make it exempt.

(**Mr. Berube**) explains that he received a complaint from 239R Lafayette Road and he spoke to the tenant Sandra Velaquez and conducted an inspection on October 4th. Mr. Berube passes around the pictures and states the major violations such as the bathroom

being neglected, there were defects in the walls and ceiling around the tub. The ceilings in the laundry room, the kitchen and bathroom have cracks and defects, some of the ceilings are sagging, the roof is in disrepair. He states the roof is the worst of all violations as it is a patchwork with tarps covering it. As a result, this is causing all the interior water damage inside the unit. The tenant stated the tarp has been there since she moved in 10 years ago. Mr. Richard inquires as to what prompted the inspection. Mr. Berube states the tenant filed a written complaint.

(Mr. Morris) inquires if the occupant indicated whether she tried to get the landlord to fix the violations. **(Mr. Berube)** replied the tenant had conversations but did not push it. **(Mr. Morris)** states that as a result of that and the failure to act to correct the violations, you've cited these are 750 code violations (105CMR410.750). He asks Mr. Berube if these were violations that deemed to endanger the life and safety of the occupants? Mr. Berube replies yes/ right.

(Mr. Berube) then shows pictures of the pipes coming from the washing machine and bathtub to outside. He indicates the pictures show that they discharge out to the surface of the ground. They are not connected to the sewage disposal system. It seems the last pumping record on file was from August 2016 so he suspects there is a problem with the septic system. **(Mr. Morris)** asks Mr. Berube if he has been contacted for a reinspection prior to tonight? **(Mr. Berube)** replies that he went that afternoon; had a conversation with Louis Rochette, spouse of one of the owners; he requested a reinspection but no one was available today. Mr. Berube still went down and checked the exterior for progress and took updated pictures.

(Mr. Berube) states the next item is junk and debris all over the yard. Again he passes around pictures to the Board only. He states when he researched the property, according to the assessor's record, there are 2 houses; each one containing 1 dwelling unit. However, he states that when he inspected 239R, there are 2 dwelling units and neither one has Certificate of Habitability. He states the tenant was aware of that. **(Mr. Morris)** asks if former tenant, Ms. Velaquez was there. **(Mr. Berube)** states he could not reach her.

(Mr. Morris) states that from the photos taken today, it doesn't seem like much has improved. Mr. Berube states that from his observation today, it looks like the roof has been re-shingled. Mr. Morris states that since Mr. Berube did not get into the property to verify what's actually been done then it stays that they are uncorrected. The pictures presented were taken today.

(Mr. Berube) states that Louis Rochette, the husband of Megan Mason, said both units were vacant as of today. **(Mr. Morris)** inquires who that is and who the order was issued to. The (4) owners get up and identify themselves.

They identified themselves as Jennifer Mason Hughes/part owner. Megan Rochette/part owner. Katlyn Mason/part owner. Georgina Mason/part owner. Georgina Mason states that they are all part owners.

(Mr. Richard) inquires if anyone lives at 239R Lafayette road. All part owners respond no; not at the rear building. They state there is one lot with 2 dwellings. Georgina lives at 235 Lafayette Road. Katlyn lives at 239 Lafayette Road, not Rear. Megan states that Derick Sanborn and Sandra Velaquez live in the 2 units at rear. She states that Derek is a family friend and Sandra is Georgina's mother-in-law. Mr. Sanborn is an unrelated person. Megan states she is the person of record as she filed the appeal. **(Mr. Richard)** states there are no certificates to occupy. Megan asks to read a prepared statement from her phone and that she is speaking for the (4) owners. Megan Mason Rochette states that on 3/20/17 her mother passed away and the four sisters were left with (2) homes, a dwelling and a mortgage. The sisters were all in their 20's and processing grief. Her niece's grandmother lived there (being Ms. Velaquez). The sisters could not agree on the property. She moved to California and another sister lives in No. Carolina. All stayed status quo at the property after Covid. Since 2020, they have been talking to Sandra to move as they could not afford the repairs and upkeep. Sandra and Katlyn got into an altercation with police being called. Katlyn had signed an affidavit by mistake. Megan states the sisters living at the address are both low-income with hardly with enough money to pay utilities. When the notice was received, all were taken by surprise that an owner affidavit had been signed. It was then discovered that Katlyn, after brain surgery, signed the form, thinking it meant she lived there.

Ms. Rochette continues that none of them can afford the fine as they are trying to make the repairs to the roof. They have hired a contractor and have put in the appeal as they are at a loss.

(Mr. Richard) inquires if they are planning to rent 239R Lafayette Road and what are the future plans for the property. Ms. Rochette states no rentals in future and no one living there right now.

She states that once repairs are made, part owner Georgina will move in. Ms. Velaquez officially moved out on October. 31st. In the future only family will live there.

The Board starts discussion. The subject of fine is brought up but Mr. Morris suggests doing the violation first. There are (2) appeals going on; better to keep them separate.

(Mr. Morris) then refers to the violation order. He states there are some code violations pertaining to 105CMR410.750 and you cannot modify a 750 code violation; a

homeowner either has to comply or not. Because of the water damage, this caused violations that led to other violations.

(Mr. Morris) states the Board can sustain the order with a modification that it cannot be occupied until all the corrections have been made and it is properly re-inspected. Then a letter of compliance is issued that it now complies with Chapter 2.

(Mr. Morris) continues that the Board could condemn the dwelling, which is much stronger. He states that if the owners agree not to occupy until all violations are fixed, you can make a modification. If it is occupied, there would be another enforcement action. Once the fine hearing is heard, you can attach that to future violations as you have in the past. He states he does not know if the owners have a timeframe to come into complete compliance nor if they contest any of the violations noted.

Mr. Morris asks Mr. Rochette if they disagree with any of the violations that Mr. Berube cited. Ms. Rochette responds that she does not understand any of this; they are just going by the report and giving that information to the contractors for that work to be done. **(Mr. Richard)** confirms to Ms. Rochette that there is no contesting the violations.

Part owner (Georgina?) approaches podium. She states the tenant never opened a window, so mold and condensation were inside there.

(Mr. Morris) states the second appeal is result of the fine that was issued when it was found they were renting one of the units to a non-family member. The calculation goes back to November 19th, the date form was signed. The maximum fine per day is \$300; we used \$300 per week x 150 weeks for the calculation.

Board begins discussion. **(Mr. Laffely)** asks that without the expertise of maintaining rental property, have you considered selling the property? Various part owners state that selling the property was discussed but they are not all on the same page. It is the only affordable option for their sister. Megan and Jennifer approach the podium and state that they made the decision for Georgina to live there. The other people living there were inherited. They all made the decision that they are never renting out the property again.

(Ms. Tapper) inquires that if the property was condemned, would it negatively affect the sale of house. **(Mr. Morris)** replies it would reduce the value.

(Ms. Petersen) inquires if the water drainage is sewerage? **(Mr. Richard)** confirms it is coming from both the bathtub and washer/dryer. The property is on septic. **(Mr. Laffely)** asks when the last time it was pumped and was it working properly? Mr. Berube states the last record in the office was August 2016. The owners, from their seat,

state it was pumped in 2020 or 2021. They will forward a copy of the pumping record. **(Mr. Morris)** states that to get the status of septic, you would have to have a Title 5 inspection.

(Ms. Petersen) questions if the septic system only deals with 239R Lafayette as it is a safety issue. It is confirmed that no one is living in 239R Lafayette; there is someone living at 239 Lafayette; the building on the street and the dwellings are totally separate.

(Mr. Morris) states the assessor card says the rear building is listed as only one dwelling; he inquires if someone made it into (2) dwellings?

(Mr. Richard) inquires if the building will be brought up to code before anyone goes in there? Confirmation from the various family members in the audience. Meagan Rochette replies 100%. Repairs are being made.

(Ms. Petersen) asks if the outside been cleaned up? One owner, from audience, says not as of yet; they are collecting all the garbage and will have it picked up.

(Mr. Laffely) asks if it is possible that you can have a professional help with what needs to be done on the home to maybe give you guidance? Mr. Louis Rochette/husband of Megan states the problem is the price of a contractor; there are no funds to do it all at once. He wants to work with the town but needs more time to get it all done. **(Mr. Laffely)** states there are project managers who have experience in this. They schedule things and give guidance so the owners aren't wasting money.

Discussion on order follows. **(Mr. Richard)** suggests sustaining the order, giving a tentative schedule of 6 months to correct violations, as long as it is understood that no one is allowed to live in the building. He doesn't feel an urgent need to fix the building in (30) days if no one living there.

(Mr. Mike Colburn) 5 Caitlin Circle approaches the podium and states that he is confused. **(Mr. Richard)** asks how he is associated with the case; as a citizen and not a selectman? **(Mr. Colburn)** states he is confused as they (the owners) have repeatedly said they are not renting, so this is a little overreach going on right now. **(Mr. Richard)** inquires if Mr. Colburn is here as a private citizen or selectman? (Someone speaks from the audience stating that "he is the selectman"; **(Mr. Colburn)** states to the audience that he is not using that as he does not want to inflect any influence on the Board as a selectman. He states he is there as a citizen of the Town of Salisbury. **(Mr. Richard)** states it does make a difference.

(Mr. Colburn) states that the owners have said they are not renting out; he inquires where does the Board have the authority on what they have to update or not. He states that as a private citizen, he owns his house and the Board cannot tell him how to run his house. He continues that on top of that, the tenant was out in October and that is when Mr. Berube went in. Mr. Colburn again states it is overreach of the Board, in his opinion; the tenant left, there was no one there, they own the house. If there is a hole in roof, then there is a hole in roof. Mr. Colburn continues that as long as they don't rent out the house again, this should not even be an issue with the Health Board. **(Mr. Colburn)** then states that there are some regulatory things that him and Chuck (Selectman Takesian also in audience, front row) have been discussing and again in his opinion it is overreach.

(Mr. Laffely) states to Mr. Colburn that the Board is just finding out tonight that these violations were taking place, when even the owners didn't understand they were taking place. He states the purpose of this hearing tonight is so the owners can come in and explain why they've been handling property that is rental up until they just decided they weren't going to do it anymore. The Board heard a verbal tonight that they are not renting anymore; however, there is nothing in writing. He continues that the board is here to understand if there is a condition that people are staying in rental property that has not been maintained in 10 years. He states that up until 30 minutes ago, this was rental property. The Board was just told about this tonight; it is the first time it was brought to the Board's attention. We have only been talking about it for 40 minutes. Mr. Laffely states that if Mr. Colburn thinks that is overreach, then he's not sure what Mr. Colburn is talking about.

(Mr. Colburn) states that Georgina and her sisters have contacted the selectmen already about this. There has been no help from the Health Board to understand this process.

(Mr. Richard) states: no help from the Health Board? He continues that the Board is here and has had it for only 40 minutes. **(Mr. Richard)** states that he (M. Colburn) may have spoken to Mr. Morris or Mr. Berube (Mr. Colburn interjects that he has not spoken to anyone as to not influence himself on anyone.) **(Mr. Richard)** explains that this was a violation because someone complained and the Board just got it tonight. Mr. Colburn again says these young ladies have only owned the property since 2017 and some of the violations are old. They don't know a lot of what is going on. **(Mr. Richard)** states that ignorance of the laws does not exempt you from it.

(Mr. Colburn) again states he is a little concerned as a citizen of Salisbury; he thinks the \$45k fine is unattainable in his opinion; he is very concerned and will be talking to his Board of Selectmen.

(Mr. Morris) states that per what the chairman stated, we did not know it was vacated until tonight. Megan stated that Sandra moved out 10/31. The violation order was issued October 4th. Mr. Morris continues that the housing code applies to every dwelling in the town whether it is rented or not. The Health Department gets complaints all the time about unkempt properties, violations, trash etc. The codes apply to everybody whether a rental or not. (Mr. Colburn is speaking from the audience; though partly inaudible) and states that no one is coming into his house.

(Mr. Morris) states to call your State Rep as there are new housing codes taking effect April 2023. He states they have already been adopted. The Health Department gets complaints, and they deal with them. The state can come in and overtake the case. (Again Mr. Colburn is speaking from audience; inaudible). **(Mr. Richard)** responds that is a different story for different time.

(Mr. Takesian) states he is at the meeting in the capacity of a Selectman. Whenever a Board in town does something the public doesn't like or feel is fair, they get the calls from citizens. He states he got this call through Mike Colburn and he was appalled that the health Department would even think of issuing a fine of \$45k.

(Mr. Richard) states the board is about ready to discuss the fine; it is the next agenda item. Mr. Takesian leaves the podium and states he will return when discussion begins. Board begins discussion on the violation notice. **(Mr. Richard)** states that if no one is living there then there is no worry about the timeline. **(Mr. Laffely)** states that right now, when we came to the public hearing, it went from rental property to non-rental property; they are no longer landlords; it is only the homeowner who has property in disrepair. **(Mr. Richard)** states that if no one is living there, there is no immediate harm or risk to the public. **(Mr. Laffely)** states that the Board should receive something from the owner's representative indicating it is their intention that it will not be rental property and that will be fine with him.

(Mr. Laffely) makes a motion that the Board accept the verbal notification that this is no longer a rental property and the owners will, within 30 days, give a letter to the Health Department of the intentions of what this property will be in the future. **(Mr. Morris)** inquires that if they are making a motion to sustain the order, that's a legal thing, and also that it remains vacant until it complies with the state sanitary code. He continues that the Board can sustain, modify or rescind the order.

(Mr. Laffely) withdraws his motion.

(Mr. Richard) requests that Megan Rochette approach the podium and asks that if the Board sustains this order, with conditions, that the property will be brought up to code before someone lives there; can the owners live with that? Ms. Rochette replies yes.

Mr. Richard makes a motion to sustain the order with a condition that the property be brought up to the health code as listed in the original notice of violation. The tentative timeframe would be (6) months; however if more time is needed, it should be discussed with Mr. Morris. Also, no one will live there until a letter is received by the Health Department that it is ok to occupy.

(Ms. Rochette) states she will write a letter and bring it into the office. **(Mr. Richard)** states she has (30) days to bring in the letter and (180) days, which is 6 months, to work on the violations or you'll need to ask for an extension. **(Mr. Morris)** states the department is handling this in an administrative role and whatever decisions are made the owners can appeal back to the Board. Ms. Rochette states all property owners will sign the letter and she will bring it in.

MOTION

(Mr. Richard) makes a final motion that we sustain the order with the caveat that the property has to be brought up to code within (6) months and it needs to remain vacant until all the repairs are made and brought up to code. They will submit a letter within (30) days stating that no one will live at the property until it is brought up to code. **(Ms. Petersen)** seconds that motion. 4 in favor, 0 opposed. Motion carries and is passed. Unanimous.

(Mr. Richard) introduces the next order as the fine related to the same address, 239R Lafayette Road. The amount is \$45,000. **(Mr. Morris)** explains that the amount was calculated from November 19, 2019 through October 4th 2022. 150 weeks. That is the day the owners filed the affidavit.

(Mr. Richard) states the Board is given a bit of leeway as this fine is steep. He states his personal opinion is to stay the fine, meaning the owners comply with the orders or the Board can abate the fine completely.

(Mr. Morris) asks Megan Rochette what the group has to say. She responds that they are trying to get the money together to get the repairs done and having the fine also is a lot hanging over their heads. She states the roof repair was a lot of money and they are already budgeting to bring the things up to code. She states it's hard to budget both.

Mr. Richard then asks Mr. Colburn if he wants to make his statement now while they are on the fine subject. **(Mr. Colburn)** states he said his piece about the fines. He states it is way too big a fine that the Health Board is giving out lately. Mr. Colburn states he has already spoken to the selectmen and is looking to write something in the Town Charter that the Select Board has to approve all fines and fees. He states it is a little scary about a \$45k fine; that is an unobtainable fine for people in Salisbury. He states no one in Salisbury can afford this amount except for maybe (5) people.

(Mr. Richard) confirms that we (the Board) are not making this up out of thin air. **(Mr. Colburn)** states he understands, but as a selectman in this town he has to do his part. Selectman Colburn continues that he mentions the 8th amendment for a reason and that \$45K is a fine that should never be heard of in the Town of Salisbury. He states he is sorry and he knows they have to do their job and sometimes the purse is what makes people jump but it is too big a fine. He continues that he is saying this as a selectman; if fines like this can be incurred by people in the Town of Salisbury, then the Select Board has to do something to protect the people of Salisbury as that is who they work for.

(Mr. Richard) states that is completely up to Mr. Colburn and the Board of Selectmen. **(Mr. Colburn)** states he fully understands and he thanks the Board for all that they do but feels something got missed; fines given out like this are ridicules. **(Mr. Richard)** states that \$300 a week is better than the max of \$300 per day. **(Mr. Colburn)** replies yes, but \$45k is ridiculous. Mr. Richard states it's from 2019. Mr. Colburn states it doesn't matter, it's ridicules.

(Mr. Morris) asks Mr. Colburn if there should be a fine at all and what would be adequate? **(Mr. Colburn)** replies yes; a dollar a day and there should be a cap. He continues that the last fine was \$16k and yes, the homeowner was in the wrong. He states the Board and the fines given out are out of control. He states even though the fine was then brought down to \$7K it was still too much. **(Mr. Richard)** states that can be discussed at another time as it is not on the agenda. **(Mr. Colburn)** states this will be debated at Town Hall and Town Meeting; trust me. **(Mr. Morris)** suggests he get some legal guidance about the fines. **(Mr. Colburn)** returns to the podium and in a raised voice states that his legal guidance is that he is a selectman in the Town of Salisbury. He then again forcefully states that is his legal guidance. **(Mr. Colburn)** states to Mr. Morris to not talk to him like that. **(Mr. Colburn)** then heads back to the audience seat (there is conversation in a raised voice but inaudible). **(Mr. Richard)** states you were here as a citizen two minutes ago. Again, there is another outburst from the audience from Mr. Colburn to Mr. Morris to not disrespect him like that. There is more inaudible talking from Mr. Colburn.

(Mr. Richard) begins the meeting again and states the group will move on.

(Mr. Takesian) approached the podium and states he respects this Board and he was a Board member in the past. He understands the law is written as \$300/per day but asks the Board to be reasonable. Mr. Takesian states he was cut off earlier in the meeting because the fine was not being discussed at that time. He states he doesn't want to be here but he is there because when a resident gets a \$45k fine, they start calling people. He discusses not pulling the 8th amendment out of his pocket and how the Board is bound by the US Constitution. He gives his opinion of waiving the fine entirely or just fining \$300. He states his preference is to waive the fine and states that even the Zoning laws are by day; every day is a violation but he has never seen it used.

(Mr. Richard) states we did not do it by the day we did it by the week and that is why we have the appeal process. That is why we are here. The owners thought it was unreasonable and they called you. The Board tries to be fair and find a reasonable solution. **(Mr. Takesian)** states the Board has been a fairly good board but if he was confident that the Board was going to reduce the fine or eliminate it, he would have stayed home tonight. Some audience members were making inaudible comments. Mr. Takesian continues that the owners handled the situation very well as they inherited the property and the situation. He knew their parents very well.

(Mr. Richard) states we want to do right by everybody. The Board is not out to get anybody. There was a bump in the road and this is the process; the complaint has now come to the Board and this is the first time we are talking about it. We will now discuss the \$45K fine.

(Mr. Laffely) states (Beginning of conversation/statement is inaudible) that when Selectmen show up and suggest how the Board is going to vote or Selectmen deciding who is going to be on the Board, at what point do we start losing the Charter. He continues that we have worked so hard the past 20 years to give town government the right to work properly. **(Mr. Laffely)** states that his impression of this hearing is about (4) people that were in a hard position and are here asking the Board to make a reasonable decision. He states what are we going to do for these residents and not for the Selectmen. **(Mr. Takesian)** speaks from the audience stating he has to rebut this. (There is now loud talk/many people begin speaking at once (inaudible.).

(Mr. Richard) calls the room to order. He states this meeting needs to be controlled and there has to be ground rules. He states that people should not be yelling at each other as this is not why we are here. He continues this will not be personal; it has to be calm. **(Mr. Richard)** states he is allowing a little bit of leeway because Mr. Colburn and Mr. Takesian are Selectmen. He suggests keeping the time talked to a minimum. He states this has gotten heated already and it should not be directed to anyone personally.

(Mr. Takesian) states it did get personal. He addresses Mr. Laffely and states he did not hear either one of us telling the board how to vote; you asked my opinion and I gave my opinion. **(Mr. Richard)** responds that Mr. Takesian gave his opinion very thoughtfully and concise and he appreciated that. Mr. Richard continues stating that however, when Mr. Colburn came up (to podium) and said he was talking as a citizen and then as soon as the Board pushed a little, he turned into a Selectmen and he deserves your respect, that changed the whole ballgame. **(Mr. Colburn)** approaches the podium and is asked to wait his turn to speak after Mr. Takesian.

(Mr. Takesian) addresses Mr. Laffely and states that he expects an apology from him. He states that he did not do what Mr. Laffely said. Mr. Richard states it may have come across that way.

(Mr. Laffely) continues that for our Board members sitting here, to have one selectman stand up and another selectmen saying they want to select the people sitting here on the Board; and then having someone come up and make a recommendation as a selectman to a Board before the subject was even discussed, he does not think it's appropriate. Mr. Laffely states he would not do that to the Board of Selectmen so why would a member of the BOS do it to the Board of Health.

(Mr. Takesian) states to Mr. Laffely that would be ridiculous as you have every right to come before the Board of Selectmen. The BOS has a time period, that you don't have, to address anything on your mind. Mr. Takesian states you have every right to come in and every right to tell us how to vote. That is your right. I am not telling you how to vote; I suggested it.

(Mr. Richard) states that as long as it is clear that no one is telling anyone how to vote.

(Mr. Takesian) continues that he was asked to be here as he does not go to board meetings. He then states in a louder voice that he expects an apology from you Mr. Laffely or we are going to take this someplace else. Mr. Richard adds that this can be discussed with the Town Manager if needed.

(Mr. Colburn) now approaches the podium. He now states he is sorry for getting upset but he took offense that Mr. Morris said he needed legal advice. He states he's already had legal advice; and is already working with state senators and state reps. He continues that he came here at the beginning as a citizen because he didn't want to influence this Board but as a citizen I do want to influence this board. It is the balance of being a citizen and selectmen.

(Mr. Richard) states the Board is appointed by the BOS; Mr. Colburn replies no; it is by the Town Manager. There is no approval from the Board of Selectmen for this Board.

(Mr. Colburn) states that Mr. Laffely has every right to his opinion but I am not trying to influence this board. He states he will use his influence at town meeting.

(Mr. Richard) states it should be changed, just for the record but the Board is following the law as it is written now. That's what the Board has to follow.

(Mr. Colburn) states that when citizens consistently call, as Mr. Takesian said, about what every board does in this town, it falls on every selectmen. This is a consistent pattern that he is seeing so he has to protect the citizens of the Town of Salisbury. **(Mr. Richard)** agrees and advises that Mr. Colburn has his forum for that. Mr. Colburn agrees but he didn't want to influence Ron (Laffely).

(Mr. Laffely) asks Mr. Colburn how he thinks the fine got to \$45,000 at \$300 a week.

(Mr. Colburn) replies that the party did not do exactly what they were supposed to do. There was some ignorance on their part.

(Mr. Richard) states he already voiced that and the Board will come to a good conclusion here; we just have to be allowed (inaudible). Mr. Colburn apologizes again and states that all of us can get heated really quick especially when someone tells him to get law advice and he already did that.

(Mr. Morris) in his defense, states he wants to finish his statement. It was not meant to insult Mr. Colburn. He has been through this before; he doesn't care what the town wants to do he just has to enforce the code. Mr. Morris states the fines make a very good point and everyone knows then that when they get an order, the Board is serious. He mentions the vacant properties cleaned up and landlords that have come into compliance etc. He states that the program worked. The Town is only down to a couple of properties now.

(Mr. Morris) states that when we get a call like this (239R Lafayette) it is legitimate. It went through the cracks. The department had received an affidavit and now we understand more about the affidavit. He tells Mr. Colburn to please don't take it personally and do a consult with K&P.

(Mr. Colburn) states he was quick to judge and that the department, Board and Mr. Morris have done a good job. He is just concerned that citizens are contacting the selectmen with \$4K fines.

(Mr. Richard) states he has no idea what other boards do but they only deal with what comes in front of them here.

(Mr. Colburn) states the Health Board is one of the only boards that can actually fine; the Selectmen have been talking about this so that is something the BOS need to handle. He continues that he doesn't want to influence you/the Board and that is why he tried to stay as Michael Colburn but when Chuck said 'he' is a selectman his brain switched.

(Mr. Richard) states it's a tough position to be in and also for us/the Board to have Selectmen here because it does have the potential to look bad. That is why it's in public and it is recorded.

(Mr. Colburn) states he was at (6) places before this meeting and did not want to be here. He says again that he grew up with the whole family and wanted to sit next to them.

General discussion by the Board begins on the fine.

(Ms. Tapper) states that with her experience on the Board, there was always a fine reduction but it was not eliminated totally. She would go along with a reduction but states there still should be a fine.

(Ms. Petersen) states it should not be eliminated; it can maybe be withheld for a period of maybe (6) months and then re-evaluated in that 6 month period.

(Mr. Laffely) states there are 2 different subjects going on. He continues: it is no longer rental property so we should not hold a fine over someone's head when they are no longer in the rental business; it does not make sense. It will no longer be the Board's responsibility; it will be the Building Department. Once they pull a permit, as they should have for the roof, for everything else they'll be doing, it is no longer our responsibility.

(Mr. Laffely) states that as far as the fine goes, they are put out to get people's attention. He does not like when they get outrageous but that is when the Board gets it, not before. Also, there is a family situation here where there is miscommunication and people are grieving. This is a different situation. None of the ladies (co-owners) were here as a landlord doing something wrong. They inherited the property but during the transfer the home should have been brought up to code. This is a totally different subject here tonight.

(Mr. Richard) agrees that it is no longer a rental property so the Board cannot attach the fine to bringing the property it up to code.

(Mr. Laffely) makes a recommendation that the Board not have a fine for this. He states this is based on his opinion and not anyone else's opinion. He continues that he is

stating that the owners are responsible for maintaining the property as citizen's of this Town.

(Mr. Richard) summarizes the few options discussed such as sustain, rescind or technically attach it with a condition to the first order of compliance.

(Mr. Laffely) states his opinion is that by attaching the fine, it is putting more undue pressure on a situation that doesn't warrant that. He would rather have the money be put into the building than having them put aside money for a fine.

General discussion that the property is now a private home so there should be no fine; there is no rental property.

MOTION

(Ms. Laffely) makes a motion to rescind the fine. **(Ms. Petersen)** seconds that motion. 4 in favor, 0 opposed. Motion carries and is passed. Unanimous.

The fine is rescinded per Mr. Richard and this brings this matter to a conclusion. If you have any questions talk to Mr. Morris' office.

Retail Food Establishments – Fee Schedule/Policy Memo

(Mr. Morris) states that at the September meeting he had talked about looking at the 2013 Federal Food Code the Commonwealth had adopted. In that food code, it does not require a retail food service permit for strictly commercially pre-packaged Non- TCS food; things that don't require time temperature control. The Town still had a regulation that required it.

Mr. Morris distributes a memorandum and a list of the (5) establishments with Non-TCSs foods. He stated that he visited each of the possible 10 establishments but only (5) were eligible as they don't have anything other than alcohol and pre-packaged food.

MOTION

(Ms. Richard) makes a motion to accept the policy memorandum #22-001 as written. **(Mr. Laffely)** seconds that motion. 4 in favor, 0 opposed. Motion carries and is passed. Unanimous. All Board members sign the memorandum.

Approval of 2023 BOH Meeting Schedule

General Board discussion of the new schedule.

(Mr. Richard) adopts the schedule as outlined. Ms. Petersen seconds. 4 in favor, 0 opposed. All approve. Motion passed.

COVID-19 UPDATE

Mr. Morris states that as of today there are approximately 6-8 cases per week. Ms. Tapper inquires as to how Public Health finds out about cases. Mr. Morris responds that if testing is done at home, there is no way the state knows. If testing is done at a lab, it is reported to the state.

Health Officer Reports –July 2022-September 30, 2022-General Review/no questions

Nurse Report – July 2022-September 30, 2022-General Review/no questions

Correspondence –

(Mr. Morris) gives members a copy of an e-mail from Michael Hugo, Director of Policy and Government Relations for the Mass Association of Health Boards. The e-mail was also forwarded to the Salisbury Town Manager. Mr. Morris explained that there are extra funds that are being dedicated to Shared Services. In November 2021, Mr. Morris wrote a grant with the Director of Public Health from Newburyport. It had to be rushed and it included Rowley, Newbury, Newburyport and Salisbury and they could have shared services. Newburyport was going to be the fiscal agent. The stipulations in the grant changed. It changed to the requirement that after one year you can contract with people but after that they transitioned to a payroll employee with benefits and everything. After talking to other towns and our Town Manager, it was decided not to take on more employees.

Our Town Manager was clear that this has budgetary implications. Mr. Hugo may call Board members but just refer him to the Town Manager.

Public Comments-NONE

Adjourn

ADJOURN

(Ms. Petersen) motions to adjourn; Mr. Richard seconds. Mr. Laffely and Ms. Tapper vote in favor. O opposed.

Regular public meeting is adjourned at approximately 8:25 PM

Date: _____

5/2/23

Dan Richard

Ron Laffely

Ron Laffely

Denise Petersen

Denise Petersen

Jill Tapper

Jill Tapper

Respectfully submitted by Teresa K. Mahoney

Teresa K. Mahoney

Date

5/2/23