

**CITY OF SALEM  
BOARD OF HEALTH  
MEETING MINUTES**

**April 11, 2023**

**MEMBERS PRESENT:** Jeremy Schiller, Geraldine Yuhas, Datanis Elias, Sara Moore, Paul Kirby  
Virtual Attendees: Jeffery Barosy, Attorney James Willis

**MEMBERS EXCUSED:**

**OTHERS PRESENT:** David Greenbaum, Health Agent, Heather Klosowski, 11 Summer Street

**TOPIC**

**DISCUSSION/ACTION**

**1. Call to Order**

7:03pm

**2. Approval of Minutes  
(March 7, 2023)**

**S. Moore motioned to approve the minutes. G. Yuhas 2<sup>nd</sup>.**

**Motion passed by a vote of 5 to 0.**

**3. Heather Klosowski, 11 Summer Street - Appeal of the Housing Order dated February 17, 2023 requiring licensed.**

Ms. Klosowski appeared before the Board to appeal a housing order issued on February 17, 2023. She provided some history of the property. Her father was a schoolteacher, and he began purchasing properties as investments. Her father was extremely generous with the rent, and he raised it to \$720 a month where it remained until 2020 when she took the property over. At that point they decided to put the property on the market and sell it. The rent was raised to \$1300; Ms. Klosowski is a real estate broker; she did a market analysis and could not find an apartment in Salem for that low of a rent. They have been trying to sell the property and it has been under agreement with the owners of the Salem Inn. They informed the occupants that they were selling the property and needed to deliver the property vacant to the buyer. It was at that time that three of the occupants called the Board of Health to complain. She feels that this was done in retaliation for the sale of the property and the notification they would have to relocate. Ms. Klosowski informed the Board that she had started eviction proceedings, offered the occupants money to relocate and free rent and funds to reestablish residence elsewhere. The house is basically empty, there is basically no money coming in and the taxes are about \$14,000 per year and the insurance is about \$10,000 per year. The remaining occupants have stated they are not leaving and would like to move to senior housing, but the wait is approximately 3 years. She explained to the Board that her father is 79 y/o and is looking to retire, the sale of this property one of the final things to be done for him to retire. The house has been on the market for 3 years and she feels the occupants knew or should have known they weren't going to be able to stay in the house. Ms. Klosowski informed the Board that the potential buyer of the property was threatening to sue because she was unable to deliver the house unoccupied per the purchase and sale agreement. She stated she has been trying to assist the occupants with finding a new apartment, but they won't look at any of the listing she sends them, she has set them up on an MLS feed, however they won't

confirm their email so they will not receive the listing notifications. She doesn't feel that the occupants are working with her at all to find suitable housing that meets their needs. They want to sell the house and put this behind them and she is asking the Board to be reasonable with them on this matter and not come down on them like a ton of bricks. She asks if the Board could use some discretion and asks them if they think this is retaliation. The occupants have lived there for over 60 years, and they did not call the Board of Health until they were informed, they would have to relocate.

J. Schiller stated that the Board is only able to rule on the validity of the inspection and would like to hear from Jeffery regarding the inspection. He asked what is the timeframe for compliance to which Ms. Klosowski asked why should they have to carry a house they just want to get out from under because they refuse to leave and then are calling the Board of Health, they do not want the building, someone wants to buy the building and these occupants are standing in the way of the sale. The occupants are using the Board of Health orders to stay in the house.

J. Schiller asked what is the status of selling the house?

H. Klosowski explained she has a lawyer that is working to get the occupants evicted but doesn't have a court date yet. Due to COVID it is incredibly difficult to get the case in front of a judge which poses another issue, she has timeframes to meet for the Board of Health but there is no judge to hear her case. The occupants have an attorney that is arguing the case based on the Board of Health orders as a breach of habitability. She explained that her father grew up in a multi-family house and he did not believe in gouging anyone on the rent, she acknowledges the unit is not in perfect condition but based on the low rent they aren't paying for perfect condition.

J. Schiller asked Jeffery Barosy to speak on the inspection and report.

J. Barosy explained that regardless of the rent or how long the occupants have lived in an apartment or the conditions they have lived in, once the Board of Health does an inspection and cites violations those violations have to be corrected.

Ms. Klosowski asked if the Board has any discretion, J. Barosy stated the Board of Health does not have any discretion in these matters.

J. Schiller stated that with regards to discretion, if there is a violation of the code there is no discretion. He asked J. Barosy if he is citing the violations based on what he inspected and he answered yes.

Ms. Klosowski asked about the pipe that went through the floor, J. Barosy explained he wasn't citing the pipe but the hole around the pipe as a violation. H. Klosowski didn't feel this was something unsafe or dangerous.

S. Moore stated she understood that while it may not appear to be a violation if Jeffery cited it as a violation, then the Board doesn't have the ability to address if it is a violation or not.

J. Schiller stated the Board has to delineate if there are violations of the code, Jeffery being the expert has determined these things to be violations. What you're asking is for discretion regarding the timeframe to correct these violations.

H. Klosowski stated that discretion in relation to the timeframes would be good but also to acknowledge that this is retaliation on the part of the occupants.

G. Yuhas asked if the occupants are not supposed to be there, have they been evicted, don't they have 30 days?

J. Schiller asked Jeffery if eviction mitigates code enforcement and what is expected regarding the eviction, does eviction supersede the code violations that were cited? J. Barosy informed the Board that whether or not there is an eviction process taking place it does not change how the housing code is enforced. The order is in place and valid unless the occupants vacate the unit.

G. Yuhas asked when the violations need to be corrected. J. Schiller stated each violation has a specific timeframe; Jeffery further explained the code has timeframes for a property owner to make a good faith effort to begin correcting a violation but has 30 days overall to correct all violations.

J. Schiller asked if there is any discretion or latitude with the timeframes or is that what is required in the state code? Jeffery answered it is the requirement of the state code.

Discussion took place about what the appeal process is for and what the Board can consider in an appeal.

J. Barosy asked if the court has issued an eviction order? Ms. Klosowski stated the eviction has been going on since November.

D. Elias asked if the case had been filed in court and if the court issued an eviction order. H. Klosowski stated she may be interpreting the eviction the wrong way; her attorney has given the occupants a 30-day notice to quit.

P. Kirby asked what happens if the landlord is attempting to make the corrections but the occupants are not allowing them in what is owner's recourse? Jeff explained that the code does not allow an occupant to prevent a property owner from entering the unit to make repairs ordered by the Board of Health. If they continue to not allow repairs to be made, then the Board of Health can either drop the case or the landlord could petition the court for an order for access.

Attorney James Willis asked to be heard relative to this appeal. Wants to address a few things raised by Ms. Klosowski, first his client had back surgery this morning and he would be very surprised if he had taken a call from her regarding this matter and it is understandable that he would not want her in the unit today as he was having surgery this morning. Second, the case is not on for a trial date and his clients have not been evicted yet. Under MGL, Chapter 239 Section 8A the occupants are probably not going to be evicted because they will be owed more than they owe, they are current on their rent, and he does not believe the court will remove them from the unit. Should the court order an eviction under MGL Chapter 239, Sect. 8A they will have at least a year because they are both elderly and disabled, the court is not going to evict them in 30 days, they are in the unit lawfully and they are looking to stay as long as the court will allow.

J. Schiller asked Ms. Klosowski if she wanted to withdraw her appeal and she stated she did not.

**D. Elias motioned to deny applicants' request for the Board to provide discretion over the violations cited by the inspector. Second by G. Yuhas. All in Favor**

**Motion passed by a vote of 5 to 0.**

**4. Robert Carp, Owner, Bunghole Liquors - Appeal of violation of Regulation #24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products.**

OFF THE AGENDA – Mr. Carp has requested a continuance.

**5. Chairperson Communications**

J. Schiller updated the Board about the coalition of regional Board of Health Chairs, they will be holding another meeting next month. He believes this regional collaboration is going to be a great thing and will be unique for MA. One topic of discussion is opioid settlement funds and how best to use them. He feels there are really exciting opportunities to use these funds for mental health initiatives in Salem. What would be good programs to deal with harm reduction or mental health issues?

**6. Public Health Announcements /Reports/Updates**

D. Greenbaum informed the Board that during his recent budget meeting the Mayor tasked him with creating a proposal and budget for how to spend the settlement funds. As he investigated programming, he realized this was going to be a bigger undertaking and would require input from stakeholders in the community. There is a significant amount of money coming to the city from these settlements and there is a great opportunity to do some really impactful work around the opioid crisis. Discussion took place about how much money the city would be receiving and if it could be used to hire staff. D. Greenbaum explained that he would like to hire someone to oversee all of the opioid activities in the city and hire or contract with mental health clinicians to offer services. We are forming a coalition to discuss issues that all communities in the region are experiencing. The pandemic was the impetus for this consortium. As we move away from COVID Boards of Health can work regionally on specific initiatives like mental health. Discussion about how the Opioid Settlement funds could be used in relation to mental health took place.

**7. Public Health Nurse Report**

J. Schiller invited other Board members to participate, S. Moore volunteered.

**8. Health Agent Report**

D. Greenbaum informed the Board that he decided that Public Health Nurse, Suzanne Darmody will only attend future meetings if there is a pressing issue, she needs to update the Board about.

He updated the Board on her work with the SSU shelter and the regional diaper drive that is taking place.

G. Yuhas asked about the Arctic Wolf Security management training. D. Greenbaum explained to the Board that these trainings are part of the City's cyber security program and are required to be completed.

S. Moore asked about contacting IT regarding additional soon to be deployed cyber security measures. D. Greenbaum informed the Board that the City would be rolling out a two-factor authentication system to log onto the City servers. This could be done through an app or using a FOB device. He has decided that the Board will not use the FOB. The app seems to be more user friendly and conducive to easier access to the servers. Additional discussion regarding this process ensued.

**9. Administrative Report**

Copy available at BOH office.

**10. Council Liaison Updates**

NONE

**11. New Business/Scheduling of Future Agenda Items** NONE

**12. Items that could not be anticipated prior to the posting of the agenda.** NONE

**MEETING ADJOURNED:**

**G. Yuhas moved to adjourn. P. Kirby 2<sup>nd</sup>.**

**Motion passed by a vote of 5 to 0.**

Meeting Adjourned: 7:51 PM

*Next regularly scheduled meeting is Tuesday, May 9, 2023 at 7:00pm*

*At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA*

Respectfully submitted,

David Greenbaum  
Health Agent