

JOHNSON HEALTH BOARD MEETING MINUTES  
JOHNSON MUNICIPAL BUILDING  
WEDNESDAY, AUGUST 24, 2016 / AUGUST 31, 2016

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood

Others: Brian Story (Administrator), Rosemary Audibert (Clerk), Sharon Duffy, Roger Demars, Bryant Wescom

**Note: All votes taken are unanimous unless otherwise noted.**

**1. Call to Order**

Eric called the meeting to order at 7:17.

**2. Additions, Changes to Agenda**

No changes to the agenda were suggested.

**3. Appeal of Emergency Health Order by Roger Demars**

Eric explained how the appeal hearing would work, with each party providing testimony to the board. He said after the testimony the board would go into deliberations, then issue findings. The findings will be sent to Roger in writing.

Eric swore in Roger Demars, Bryant Wescom, and Sharon Duffy.

Roger Demars said there is no mold in the trailer in question. He and Bryant have been there to rectify what is wrong. Bryant said there has been a lack of cleaning on the part of the tenant. The other part of the trailer (rented to a different tenant) is clean. There was cat poop on the floor and packed into corners near the cat box. There was soap and kitty litter on the floor near the shower. The tenant could have told him she had a problem but this came up because she is \$6K behind on rent and he evicted her. He feels she is getting even. The place is not clean due to the tenants. He has 50 apartments and he doesn't have problems with anyone except when he evicts them. He keeps his places in good shape.

Eric said health orders can only be issued against the landlord. The health officer doesn't have the authority to issue one against a tenant. It can only be issued against the landlord, whether the situation is the landlord's doing or not.

Roger said he has put new sheetrock in the bathroom and he will put in new floor and finish scraping the shower. The bucket of water under the trailer looks oily. There is no sewage in it. There are discolored areas near where pipes were leaking, but there is no black mold. When he went up to put new smoke detectors in he saw two smoke detectors that had been there before up on the wall again with batteries in them. He put 3 brand new ones up because the existing ones were going to need to be replaced in a couple of years. The tenants probably took them down because they were smoking or because they wanted to make it look worse for him. Heat registers were broken. He has ordered new ones. If the tenants had brought it to his attention it would have been rectified, but tenants don't want to complain if they are behind on their rent.

Nat asked if the fuse box is located right behind the shower. Roger said there is a 2-foot space between the shower wall and the outside wall. The panel door is on the outside wall. It is 2 feet from the shower but no water gets in.

Nat said Roger had acknowledged that he had no permits for water and sewer. Roger said he thought they were paying for what was used anyway because the units were metered.

Kyle asked if Roger has been in the unit since the current tenants have been renting it. Roger said off and on. They have been there 5 years. A year or so ago the tenant told him there was mold in her bathroom. He noticed wet towels stacked in the bathroom and told her not to leave wet towels there. Kyle asked, he didn't notice any leaks? Roger said no.

Doug asked if the property is in the village. Roger said yes.

Roger said he doesn't want this to go in the records as an offense against him.

Sharon said her job is to go and inspect when she gets a call. She got a call for black mold so she was checking for that. She called Roger to tell him she had a complaint and would do an inspection. She told him that one thing mentioned in the complaint was a runoff pipe in back of the trailer going down the bank to a neighbor's property. When she got up there the pipe had been fixed. Walking in front of the house, she could smell but not see mold under the trailer. In the kitchen area she found the 2 registers under the rugs. The tenants told her they have lived there 7 years and have called Roger multiple times and were holding rent to get him to fix the problems. They showed her there is no hood over the fan. There is no exhaust and no windows in the kitchen. There was sufficient shelf space but there was built up grease. She felt the tenants were honest about answering questions about what works and what doesn't. There was a hole in the wall with pipe or wires showing. In the bathroom there was black mold. The tenant said mushrooms will grow in a certain place by the shower. There is no way a cat went on the wall near the toilet where she saw mold. There is black mold around the shower. A wall panel is coming away from the wall and water is coming through. The tenants said they reported it to Roger. They have a washer and dryer. They said Roger fixed the washer and dryer so they are functioning, but in front of the washer and dryer there is a big tub they use for baths because they can't use the shower. The electrical box is on a wall she feels has a leak. That was concerning to her. She does not feel the tenants took the smoke detectors down. When she asked about them, they said they worked. They said they had put new batteries in but they continued to beep no matter what they did so they took them down. They said they had reported that to Roger.

Sharon felt it was very unsafe for the tenants to be there. She felt because there were kids it was important to report this to Duncan right away. The husband had left because he was getting sick being around the black mold. The rest of the family was staying in other places a couple of nights a week just to get the kids out of the situation. The tenant told Sharon she had a good relationship with Roger but couldn't get him to come and do the work.

Sharon has text messages from the tenant. The tenant has communicated with her about whether she has heard from Roger about repairs. She said Roger evicted her and she texted that Roger came and started cleaning.

Mike asked where Sharon thinks the moisture is coming from. Roger had mentioned that the tenant said the kids took two showers a day. Wouldn't that amount of moisture cause the problem? Sharon said she doesn't think that could be the source of the amount of moisture she saw. Mike asked if the water under the trailer could be causing the dampness and mold. Sharon said she doesn't know. She thinks there might be a problem with the plumbing in the walls. She thinks the moisture could come from underneath. But if there is no moisture in the first apartment why is there moisture in the second one?

Eric asked, this is a mobile home with two apartments? Roger said yes. Sharon said Duncan didn't believe the mobile home was supposed to be divided into two units and he asked Roger if he had permits.

Nat asked if Sharon has been in the second unit. She said she can't go into the second unit unless asked or ordered. Nat said that would be an interesting comparison.

Sharon said she doesn't feel the home is safe until repairs can be done.

Doug asked Roger what he thinks needs to be repaired there. Roger said the tenants need to go. That would solve the whole problem. There were two leaks in the bathroom. The tenant had pointed one out to him before Sharon came over and he said he would take care of it. The other one is on the ceiling. Both have been repaired now. He will repair everything Sharon has on her list.

Doug asked what type of piping was fixed and what the problem was. Was it PVC? Bryant said yes. Roger said he uses Teflon tape and RectorSeal on the pipes and they will eventually break. There are 6 kids; they probably hit the pipes.

Roger said the tenants mentioned mice, but they have two cats so there shouldn't be any mice. There is concrete under the trailer. A couple of weeks ago he hired Bryant to do some work there. Bryant found toys pushing the skirting of the trailer in and he moved them. That is probably how the bucket got there.

Doug asked if there is a 30 x 60 cement pad. Roger and Bryant said yes. Doug asked about its relation to grade. Roger said it is at grade or maybe a little higher. A pipe froze over the winter and Bryant fixed it. For the last month they were there, drain water from the kitchen sink ran on the ground, which Roger thinks is legal. That has been fixed. He can't find anything in the rule books on apartments that says you have to have a range hood over a stove or a window in a kitchen. Sharon said the guidelines she uses, which were put out by the Vermont Department of Health, say there has to be a window or vent in the kitchen.

Kyle asked if Roger claims the tenant has not contacted him about anything wrong. Roger said no; the tenant showed him a strip by the lavatory and said water was leaking and he said

he would have to do something about that. That was on Thursday. Then Sunday he got a call from Sharon. Kyle asked, he has done no repair work in the 5 years the tenants have been there? Roger said he has done work. He has painted and fixed some windows. He has repaired some registers. He fixes what is broken if someone calls him.

Sharon said the tenant said she had called Roger about fixing something but her father-in-law fixed it. Eric asked if she has any evidence of that. Sharon said no.

Nat asked, as of now there are working smoke detectors and CO2 detectors? Roger said yes, as required by law.

Sharon said normally she gives so many days to make repairs then goes back to check. She feels she needs to go up and see what has been done. She hasn't given a timeline. She doesn't know if the board determines the timeline when there is an appeal. Eric said the board will issue any findings. (*Sharon, Roger and Bryant left at 7:57.*)

**Nat moved to go into deliberations, inviting Brian and Rosemary to remain, Doug seconded, the motion was passed and the board began deliberations at 7:58.** Deliberation ended at 8:46.

**4. Recess**

The meeting was recessed at 8:46 until August 31 at 7:00 to continue deliberations.

**5. Deliberations Resumed**

The meeting was called to order again at 7:00 on August 31. The board finished deliberations.

**6. Adjourn**

The meeting was adjourned at 7:23.

*Minutes submitted by Donna Griffiths*