

*Jun 13 2022 8:34 am*

Office of the  
**Board of Health**  
City Hall  
718 Main Street  
Fitchburg, Massachusetts 01420  
978-829-1870

This was a special meeting of the Board of Health held at the Legislative Building at 700 Main Street and recorded by FATV Studios, Fitchburg, on April 7, 2022. The meeting was called to order by Dr. Bogdasarian.

**Present:** Stephen Curry, Director, Dr. John Bogdasarian, Chair, Sandra Knipe-BOH Member, Ian Murray-BOH, Victoria Selser, Epidemiologist (Virtual); Jacquelyn Wehtje, Resident; Brian Mahoney, Petitioner,

Dr. Bogdasarian opened the meeting at 5:00pm.

**Public Forum:**

Ms. Jacqueline Wehtje, Fitchburg resident stated she is speaking on Agenda Item number two, which is COVID-19 updates. There is no reason to overreact about COVID cases in wastewater samples. The BA.2 and current variants are so mild, that even when those infected are symptomatic, they usually have little more than colds, which is why even as cases grow hospitalizations and deaths are falling. Yes, there are a rare few of serious outcomes and if COVID weren't here the seasonal flu or something else would do them in. If a virus became more lethal it would kill all its hosts and die out. There is an evolutionary advantage for COVID-19 to become milder. Mr. Murray will probably say I am personalizing things that viruses don't plan. People used to say the same thing about plants until books like the Hidden Life of Trees, and finding the Mother Tree by reputable scientists proved otherwise. So COVID will evolve to survive. Dr. Michael Ryan of the World Health Organization said that COVID-19 will even outlive the human species. You can't conquer it and it is time for you to stop counting cases, which are decoupled from illness in the US and learn to live with COVID. The community has moved on. Yesterday Becker's hospital review reported that BA.2 has been nicknamed "the so what waive". At the last meeting several individuals took time to speak to you about our experiences, Dr. Bogdasarian dismissed our comments as anecdotal. You've also refused to promise to not impose another mask mandate. So I have a challenge for you. Instead of seeing yourself as a public health hero who has all the answers and is above other people entitling you to order them around, why not accept that everyone's lived experience has value and everyone should have the right to make their own decisions about their bodies. After all, your job is to serve us not control us. Echoing Miss Robbie's request at a previous meeting I'm giving you another opportunity to promise that you will never again impose another mask mandate on the

people of Fitchburg. We've seen with the recent large COVID outbreak in Hong Kong, where everyone wore masks that masks don't work. It's time to give up the fantasy that they do.

Dr. Bogdasarian stated he could not make a promise the Board of Health would never impose another mask mandate as no one can predict what the future will bring.

### **COVID-19 Updates, Victoria Selser, Epidemiologist, (Virtual)**

**Wastewater COVID testing results discussion:** Victoria Selser, stated she is the Epidemiologist for the Montachusett Public Health Network, which includes the city of Fitchburg with a very brief update on our COVID-19 cases and related matters in the city of Fitchburg.

The first one is related to our Wastewater Surveillance. We now have COVID-19 Wastewater Surveillance in place in the City of Fitchburg. The first sampling date for that Wastewater Surveillance was March 22, and the sampling cadence so the number of times that samples will be taken each week is four times until April 22, following that April 22 date the sampling cadence will decrease to three times a week. This is a new tool that we have in the City of Fitchburg.

Ms. Selser stated that this is something that we previously didn't have before and because of that she can't make any interpretations as to what the data that we are receiving means just yet. It is too early and we don't have enough data points and we can't do trend identification with the information that we are getting from our wastewater surveillance this early in the stage.

Ms. Selser stated the Wastewater Surveillance is funded by the Massachusetts Department of Public Health and that the sampling site is the East Fitchburg Wastewater Treatment Plant.

Ms. Selser also stated in regards to the Wastewater Surveillance, they are working on making a dashboard that will be available to the public. If anyone is interested you can go on the City of Fitchburg website and look at the wastewater data there.

### **Active Cases and other related reporting:**

Ms. Selser stated from March 28 to April 3 there were 40 in the City of Fitchburg which represents a 48% increase from the previous week. Cases are trending up and it's too early to predict what the trend will continue to look like. The week of April 3 to April 7 there are 21 cases in the City. We have currently 59 active cases of COVID-19 in the City of Fitchburg and a 2.2% positivity rate as of yesterday, April 6.

Ms. Selser stated there are two patients in Health Alliance Hospital with COVID-19 both of which are in the ICU as well as two patients in Heywood Hospital with COVID and not in ICU.

Dr. Bogdasarian asked if Ms. Selser knows the ages of the patients that are hospitalized.

Ms. Selser does not know the ages.

Dr. Bogdasarian asked if the patients are in ICU are they on ventilators and what their particular problem is.

Ms. Selser stated she doesn't know the status of their conditions.

### **Meeting Minutes:**

Ms. Knipe made a motion to approve the meeting minutes of March 3, 2022. Motion was 2<sup>nd</sup> by Mr. Murray. All were in favor, motion carries.

Ms. Knipe made a motion to approve the meeting minutes of March 17, 2022 as amended. Motion was 2<sup>nd</sup> by Mr. Murray. All were in favor, motion carries.

### **Variance Requests:**

- 855 John Fitch Highway – to replace an existing tub with a walk-in shower.

Mr. Curry stated the contractor for this property is looking for a variance from the Board of Health, the Plumbing Board and the Building Department to convert a 2" inch drain which would cause extensive work and hardship to the customer. They are seeking a variance of the plumbing code which requires a notice to the BOH that the installation of a 7" inch threshold pan and a 2.5 gallons per minute showerhead to avoid the use of extensive work changing a drain to a 4" inch drain.

Dr. Bogdasarian made a motion to approve the installation of a 7" inch threshold pan in this walk in shower with no more than a 2.5 gallon per minute showerhead in compliance with variance guidelines and a follow up to the Board that the system functions as proposed.

Motion was 2<sup>nd</sup> by Ms. Knipe. All were in favor, motion carries.

### **Request for Hearing:**

- Brian Mahoney, 8 Taft St, Apt #1 – Heating complaint

Mr. Curry stated the property owner is Fitchburg Investment, LLC and representing the LLC is Mr. Felicio Lana who is here virtual this evening.

Dr. Bogdasarian stated a Hearing request of an occupant of 8 Taft St., Brian Mahoney.

Dr. Bogdasarian declared the hearing open at 5:32pm.

Dr. Bogdasarian recited the Hearing Procedure Process.

**Petitioner Brian Mahoney**

Mr. Mahoney stated he prepared a timeline of the events since the time he moved into his apartment. He has been living there for 14 months. Mr. Mahoney contacted Mass Save Energy Program for information on recommendations on heat and insulation for all 6 units in his building which he emailed to Northeast Property, Fitchburg Investments.

Mr. Mahoney stated he would like to enter for the record (Exhibit 1) an email that was sent to Gillian Parker, the leasing agent a complete list of at the time all the issues that Mr. Mahoney had discovered since moving in. Approximately half of those issues have been rectified at this time.

Mr. Mahoney moved in February 1, 2021. Prior to signing his lease he did tour the apartment a couple of different times and the unit appeared to be in good condition. Upon moving in, it was plainly evident the first day the heat was not sufficient enough, particularly moving in in February when weather in New England quite chilly.

Moved in February 1, 2021, made thirty five calls to Northeast Properties Office related to heat issues and/or structural issues in the apartment.

Mr. Mahoney presented a Timeline of work order and Health Citations:

- Gaping hole where the dryer vent is located. Northeast notified February 2021.
- Took 3 separate occasions by Northeast maintenance to repair and make is safe and useable for dryer. Completed near end of March 2021.
- Never addressed drafts in bathroom, living room, or either bedroom
- Fitchburg Health Department Citation issued on April 27, 2021. Corrective deadline date was May 7, 2021. Issue not corrected until September 22, 2021, with the replacement and installation of new baseboard heaters.
- Fitchburg Health Department Citation issued on December 14, 2021 for a draft in the bathroom. They put a caulk on the floor but never addressed the draft.
- Fitchburg Health Department citation issued on January 28, 2022 for insufficient heat in front bedroom and a frozen drain in the bathroom.

### **Failure to address systemic heat issues:**

- Since moving into the unit, Mr. Mahoney made Northeast aware of prevalent systemic issues regarding heating the unit
- April 2021, proved property manager with contact info for Rise Energy Program for free heat assessments
- Made Northeast Properties aware of window drafts in bathroom, bedrooms & living rooms. No efforts made to correct. Drafts from bathroom closet and the small bedroom reported but never rectified.
- After Health Dept. citation issued in April 2021, Mr. Lana stated to Inspector Dulmaine that not only would Northeast install new heaters in the unit but they would also replace old, damaged and moldy insulation in the basement to act as an added layer from cold air leaking through the floor. Inspector Dulmaine reported this information to Mr. Mahoney in May, 2021
- Followed up with Inspector Dulmaine in August 2021 and asked why no work had been done. He was very surprised and stated he thought it had been done weeks ago. The heaters were not installed until September 2021 and the insulation was never done

### **Facts:**

- Building is over 100 years old
- Building will continue to develop structural and mechanical issues in need of attention
- Low and moderate priced housing must have adequate heat source per the Mass Sanitary Code 105 CMR 410.200 and 410.201
- Property owner must bewitching regulatory compliance between September 15<sup>th</sup> and June 15<sup>th</sup> of every year. This is determined to be the heating season in Massachusetts

### **Expectations:**

- Property owner to present reasonable fixes to help offset the most pressing issues.
- These fixes would provide tenants with reasonably comfortable living environment.
- Property owner to respond in a timely manner

Mr. Mahoney completed his presentation.

Mr. Lana stated Northeast performs a move inspection any time someone moves into any unit and the inspections are signed by every tenant. This building has been there for a very long time. Since purchasing the property we've added more efficient heating equipment.

Mr. Lana stated Mr. Mahoney must have observed the temperature of the apartment at the time of showing seeing it was in February which is a very cold month. This is a two bedroom apartments with bay windows as well as 14 foot ceilings. The living room has two sources of a heating system. We tell every tenant in Fitchburg & Gardner area to utilize the gas source of

heating and then utilize the electric heating system that is also provided in each bedroom or each room.

Mr. Lana stated he has never seen water freeze in a bathtub and how can it freeze without the pipes freezing. Mr. Lana said he never received a complaint about frozen pipes.

Mr. Curry stated on January 31, Mr. Dulmaine wrote a report from the January 27 report that the bathroom registered at 38 degrees. Mr. Lana is not questioning the temperature in the bathroom. If the heat was turned on at all the tub would not have frozen.

Mr. Lana stated this is a 14 by 16 wide Kitchen that which has a 35,000 BTU's which is sufficient enough to heat an 1800 square foot apartment open area. If you leave the doors to all the areas that you have an electric heater on and you do not want to use because of the expense of the electricity, which that was translated to me and on my emails to our office that you (Mr. Mahoney) will not turn the heat on high due to the fact of the cost of electricity. This apartment is 680 square feet.

Mr. Curry stated Inspector Dulmaine's January 17 report he cites a draft coming from the basement in January and as of April, this issue is still not corrected. Inspector Dulmaine stated that was coming from the bathroom closet. Insp. Dulmaine said Mr. Lana did call and say that they did put down insulation. Inspector Dulmaine has not re-inspected that violation.

Mr. Lana continued to discuss all the work being done to the unit including a new gas heater in the kitchen and new baseboard heating in numerous areas of the unit.

After lengthy discussion Ms. Knipe made a motion for Inspector Dulmaine to go out to the property and do another assessment and report back to the Board of his findings within the next couple of weeks.

Ms. Knipe revised the motion that Inspector Dulmaine will go out to the property on Wednesday, April 13, 2022 at 9:00am.

Mr. Curry stated the Board is sustaining the orders, currently in place and issued by Inspector Dulmaine.

Motion was 2<sup>nd</sup> by Dr. Bogdasarian. All were in favor, motion carries.

Dr. Bogdasarian closed the hearing at 7:30pm.

Mr. Murray made a motion to adjourn. Motion was 2<sup>nd</sup> by Ms. Knipe. All were in favor, motion carries.

Next meeting is scheduled for Thursday, May 19, 2022

Meeting adjourned at 7:40pm.