



CITY OF GARDNER
OFFICE OF THE
BOARD OF HEALTH
95 PLEASANT ST, ROOM 29
GARDNER, MASSACHUSETTS 01440



Members Present: Lauren Saunders – Health Director
Rick Rossi – Assistant Director
Susan Avallone, RN – Chairperson
Michele Parker, MD – Member
Geoff Tobia, Esq. - Member

Attendees Present: Ara Eresian, agent for Melanie Eresian, Eldorado Canyon Properties LLC.

Board of Health meeting held via Zoom on Monday January 24, 2022

4:35 Meeting called to order.

4:40 Hearing: Sanitary Code Violation, 35 Graham Street Unit 1 – The Assistant Director states that he was called by the tenant at this address for a complaint of insufficient heat. On Wednesday December 15, 2021 the Assistant Director conducted a comprehensive inspection of the unit. The unit was found to have 5 violations of the State Sanitation Code: Baseboard heat not working, no working smoke or carbon monoxide detectors, damaged floor tiles in the kitchen, cracked & damaged ceiling plaster in the bathroom and cracked & damaged wall plaster in the bedroom. An *Order to Correct* was mailed that day to the owner of record, Eldorado Canyon Properties LLC. A hearing request was received by the Health Department office from Eldorado Canyon Properties LLC on December 20, 2021.

The *Order to Correct*, *Housing Inspection Report Form* and *Hearing Request* documents were provided to the Board Members as part of the packet for this hearing.

Mr. Eresian is invited to speak on behalf of Eldorado Canyon Properties LLC and states that Eldorado Canyon Properties is having issues with the previous owner, Lawrence Petricca, who is interfering with Eldorado's access to the property and is still collecting the rents from tenants. He is asking that the Board of Health help Eldorado LLC gain access to the property.

Assistant Director Rossi states that the Health Department is not able to assist with any litigation that is pending with Eldorado and Petricca, but as the owner of record, Eldorado is responsible for the *Order to Correct*. Attorney Tobia states that the other issues are beyond the scope of the authority of the Board of Health, that Eldorado took title to the property in November 2020, and that Eldorado has had legal ownership of the property for quite some time.

Chairperson Avallone states that the main issue before the Board is the lack of heat for the tenants, the use of portable/temporary heaters and that there are no working smoke or carbon monoxide detectors; these issues are a public safety concern.

Director Saunders asks Mr. Eresian that if the city were to send a police escort, and if the tenant agrees to allow access for someone to make repairs, is Eldorado willing to make the repairs? Mr. Eresian states that he will go in and make repairs as necessary, but he needs help to gain control of the entire property, not just the one unit in the *Order to Correct*. Assistant Director Rossi states that there are other protections in place that would assist Eldorado with the tenants through processes in Housing Court.

Dr. Parker states there is an obligation that the Board and owner have, and that is to keep the building's occupants safe and warm. That while the Board understands there are other legal concerns, the heating issue has to be addressed sooner rather than later and cannot wait until the other legal issues are resolved through court proceedings. Chairperson Avallone states that there needs to be legal pursuit that is beyond the capacity of the Board of Health. Attorney Tobia states that the [lack of] heat and smoke detectors need immediate attention; these are health and safety concerns. The other issues are separate legal issues that Eldorado must pursue separately.

Mr. Eresian states that he is not planning to address the heating issues or the smoke detectors at this time as he feels that action in Housing Court would be beneficial to Eldorado in establishing better control over the property with the tenants. The Board Members discuss that if those issues are not addressed in the next few days, then the Health Department would have to take Eldorado to Housing Court.

Attorney Tobia suggests that all 5 violations need to have resolution to prevent this situation from going to Housing Court, but if Eldorado were to address the 2 more urgent issues immediately for the health and safety of the tenants, then the Health Department could still pursue the other issues in Housing Court. Mr. Eresian states that he would need to discuss this privately with his sister, Melanie Eresian, who he is also representing here today. Mr. Eresian suggests that he will call Assistant Director Rossi and let him know what they decide tomorrow. Mr. Eresian leaves the hearing. The Board Members have a brief discussion regarding this issue.

5:15 The minutes from the December 13, 2021 and December 22, 2021 Board of Health meetings were reviewed, discussed and approved.

5:20 COVID Updates: The positivity rate as of 1/20/2022 is 20.61% for Massachusetts and 26.05% for Gardner. This is trending up from the previous report. The number of cases in MAVEN since 1/1/2022 is 1,236; this represents PCR tests and does not include positive home antigen tests.

The MPHN epidemiologist has been working with a few clusters in an elderly apartment complex. The MPHN epidemiologist has gone door-to-door, brought home test kits, along with helping some resident test, and answering resident questions. She also assisted in arranging a vaccination clinic for those residents.

The state supplied home COVID antigen tests to Gardner in December. Those test kits were distributed to elderly housing, different social service agencies that serve high-risk populations and in addition, there were two public distribution dates at the police station. The city was able to purchase a pallet of home antigen tests, which we will distribute at the PACC in the near future.

Mask Mandate- the Board will revisit this issue at the next meeting.

5:22 Old Business: Human Resources posted the two openings in the Health Department, a part-time Transfer Station attendant and a full-time Administrative Coordinator; interviews for those positions are this week.

There have been some issues with EL Harvey: about 50% of the staff had COVID, there were some issues with Christmas tree collection, there were a few delays which caused confusion and we are still working on that issue. Residents have been given the option to dispose of their trees at the Transfer Station for free, even if they do not have a sticker.

5:24 New Business: The Health Department is working on a housing issue and may have to obtain an administrative search warrant in order to issue an anticipated condemnation, as we believe the house is unfit for human habitation. We are working to coordinate a plan with Building, Fire, and Police.

5:30 Next meeting: Wednesday February 23, 2022 at 4:30 pm, Adjourn.

Susan Avallone RN, Chairperson

Atty. Geoffrey Tobia, Member

Michele C. Parker MD, Member

All conversations are documented on recordings identified as B.O.H January 24, 2022 Meeting