

**Braintree Board of Health  
Meeting Held Via Zoom  
Thursday, February 17, 2022, 7:00 p.m.**

**IN ATTENDANCE:** Dr. Arthur Bregoli, Chairman  
Dr. Philip Nedelman, Vice Chairman  
Juliana Melchionda, Member

**ALSO PRESENT:** Marybeth McGrath, Director of ML & I  
Mike Minihane, Health Inspector

Dr. Bregoli called the meeting to order at 7:00 p.m. by roll call vote:  
Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes

**Approval of Meeting Minutes:** January 20, 2022

**Motion By:** Dr. Nedelman to approve the minutes of January 20, 2022.

**Second By:** Ms. Melchionda  
**Unanimously Voted by roll call:**  
**Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes**

**New Business:**

Request for Hearing (105 CMR 410.000-Minimum Standards of Fitness for Human Habitation, State Sanitary Code Chapter II)

Ridge at Blue Hills Apartments-800 West Water Street, Apartment #2101

Vladimir L. Nechev, Esq., Attorney for Ridge at Blue Hills and Jennifer Ahern, District Service Manager for Ridge at Blue Hills, were present before the Board via Zoom.

Mr. and Mrs. Lima, Residents, were present before the Board via Zoom.

Ms. McGrath stated they were contacted by Mrs. Lima on January 6, 2022 regarding inadequate heat within their unit. Michael Minihane, the Health Code Inspector, conducted an inspection of the unit and at that time made observations and took temperature readings. He determined there was inadequate heat in several rooms. The sanitary code requires a temperature of 68 degrees Fahrenheit from 7:00 a.m. through 11:00 p.m. and 64 degrees Fahrenheit from 11:00 p.m. through 7:00 a.m. A housing violation order was then issued which was sent via certified mail to the property manager. On January 24, 2022 Mr. Minihane was informed the order was never received as the property manager worked primarily out of their office at Lenox Farms. At that point Mr. Minihane immediately emailed the order to the property manager.

On January 25, 2022 Attorney Nechev sent a letter identifying they had received the order on January 24, 2022 and they had taken some action on January 12, 2022 to replace a hot water heater and in their opinion the violation was corrected. Mr. Minihane conducted a compliance inspection on January 27, 2022 to determine if the heat situation was corrected and he again found inadequate heat in several rooms. Ms. McGrath noted that never in their order did they indicate a problem with hot water, it was heat only. He conducted another compliance inspection on February 14, 2022 and again found that the violation continued to exist with inadequate heat in specific rooms. Another notice was issued regarding his findings.

Ms. McGrath explained that the attorney for the property management and ownership requested this hearing. The Board can uphold the order as written, modify the order, or rescind the order. She requested that the order be upheld as the violation has not been corrected and the condition still exists.

Dr. Bregoli asked if the temperature readings taken before and after replacement of the hot water tank were the same. Mr. Minihane responded yes, within one or two degrees. He stated the temperature is still well below the minimum requirements. Ms. Melchionda noted that the master bedroom was 43 degrees, which she stated was unacceptable. Dr. Nedelman confirmed that the unit in question was an apartment and not a condominium. He asked if there was any problem with the hot water prior to replacement of the hot water heater. Mr. Minihane stated not that he was aware of. Dr. Nedelman asked what type of heat is in the unit. Mr. Minihane stated the unit had individual heat located in a utility closet within the unit.

Dr. Nedelman asked if the plumber who installed the hot water heater also inspected the heating unit. Ms. McGrath replied they do not know that information because a permit was never pulled for this installation so it was never inspected.

Attorney Nechev addressed the Board. He stated that the temperature readings conducted were of the walls, not the inside air. He stated the air was tested multiple times and was always in the seventies. He stated his client tested the air within the unit on January 31, 2022 and it was 72 degrees. It was tested again today and it was 70 degrees. They tested the outside wall today and it was between 64 and 65 degrees. Ms. Melchionda noted that the outside air temperature today was quite warm, at 65 degrees.

Ms. McGrath clarified that when testing the temperature they are required to be within five feet of a wall and taking an ambient air temperature, so the temperatures recorded by Mr. Minihane were conducted in that manner. Attorney Nechev stated the report indicates the reading was from the outside wall. Ms. McGrath clarified that this indicates the direction he was facing.

Ms. McGrath asked that the Board uphold the order as written. She would then like to setup a meeting with the facilities manager assigned to the property, Mr. Minihane, a building inspector and plumbing inspector, as well as herself to meet onsite and try and

get this resolved. Attorney Nechev stated he would not have to be present, but would agree that such a meeting take place to resolve this issue.

Jennifer Ahern addressed the Board and was in agreement with scheduling a meeting. Ms. McGrath stated she will coordinate this with her staff and contact Ms. Ahern. Ms. McGrath asked Mr. and Mrs. Lima if they would agree to let this team into their unit. They were in agreement. Mr. Lima stated he is tired of this situation and the excuses he is given by Blue Hills. He expressed concern about his children and the lack of heat. He invited Blue Hills to come and spend a night in his unit to understand the lack of heat.

**Motion By:** Ms. Melchionda to uphold the order to correct violations.

**Second By:** Dr. Nedelman

**Unanimously Voted by roll call:**

**Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes**

**Informational:**

COVID-19 Update: Ms. McGrath stated she is happy to report that the are trending downward with the numbers and they hope this continues. Effective February 28, 2022 the mask mandate in schools has been lifted. Braintree has aligned to lift that order. Face masks are still optional if individuals choose to wear them. Due to federal mandate masks must be worn on transportation, including school buses. There are no other mandates in place at this time. When the pandemic becomes an endemic situation they will try to manage any isolated outbreaks that may occur. In the near future the state will consider this endemic instead of a pandemic.

Meeting with Mayor Kokoros: Dr. Bregoli reported he met with the Mayor on January 25, 2022. He discussed that the Board does not want recreational marijuana distribution in the town. The Mayor explained that there was nothing they can do about medical marijuana facilities. He did not commit to whether he was in favor or against the new proposed medical marijuana facility. Dr. Bregoli recommended the Board draft a letter indicating their opposition to recreation marijuana in Braintree and this letter be provided to the town council as well as the Mayor. Members were in agreement to this plan. Ms. McGrath stated she will draft a letter for the Board’s consideration.

**Next Meeting:** March 17, 2022

**Motion By:** Dr. Nedelman to adjourn the meeting at 7:45 p.m.

**Second By:** Ms. Melchionda

**Unanimously Voted by roll call:**

**Dr. Bregoli-yes; Dr. Nedelman-yes; Ms. Melchionda-yes**