

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

A Special Meeting of Board of Health was held on August 5, 2021 at 5:00 pm.

Present: Stephen Curry, Director; John Bogdasarian, M.D., Chairman; Ian Murray; Sandra Knipe; Robert Jokela, Superintendent of Schools; Jim Walsh, School Committee; Malcolm Lillie; Jonathan Thompson, Asst. Superintendent; David Semenza; Travis Falk; Sam Squailia, City Councilor; Patrick Hare, Mayor's Assistant; Mayor Stephen L. DiNatale; Craig Chalifoux, Business Manager; Jeremy Roche, FHS Principal; Sally Craigen, School Committee; John Harmon, School Committee; Rashea Bunce & Jonathan Moraes of 212 Meadowbrook Lane (Petitioners), Julie , Asst. Animal Control Officer; Patricia May, sister of Mindi Parks: Mindi Parks (dog owner of "Harper"; Attorney Michael Burwick (Representing Mindi Parks) ; Beth & Scott Cassidy (sister and brother in-law of Mindi Parks) ; Anthony Downes, AKS Recycling; Matthew Hughes, WIN-Waste Innovations

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

Confirmed cases, Vaccination and clinics:

Mr. Curry stated since March 1, 2020 there have been 4,861 confirmed cases. As of this morning there are 28 active cases, since yesterday we have gained 3 cases, in the last 7 days we have 18 cases, 37 cases in the last 2 weeks and in the last month 62 new cases. Massachusetts as of today has 1,046 COVID-19 confirmed cases.

We are now encountering breakthrough cases, as there has been some confirmed cases of variant COVID-19. According to CDC guidelines communities with 100 or more confirmed cases (per 100,000 population) are considered high risks and cities and towns with 50 (per 100,000 population) considered "substantial" which Fitchburg falls into currently.

The current Vaccination rates for students between the ages of 12-15 is 46.6% in Fitchburg and student ages 16-19 is 42.7% in Fitchburg. 69.1% of people in Massachusetts are vaccinated with at least 1st dose, 62.3% of people in Fitchburg have had the 1st dose as of July 27th. The overall vaccination rate in Fitchburg is 47%. Statewide is 62.3% vaccinated.

A Vaccine Clinic was held this past Tuesday at 3 schools, 2 were vaccinated at Fitchburg High School, 3 were vaccinated at South Street School and 18 vaccinated at Memorial Middle School. In the Fitchburg Public School's continuing effort to have a healthy community there will also be another vaccination clinic Friday, August 6 from 8-2 at Fitchburg High School. Any student age

12 and up and their families are welcome to come and get vaccinated. There is no set date for the second shot and that date will be determined.

Mr. Walsh asked how the clinics get advertised. Mr. Jokela stated currently it is advertised and promoted on social media as well as in 4 different languages.

Fitchburg Public School Reopening discussion: Mr. Curry stated his concern is the number of cases in Fitchburg with the numbers still rising and school being back in session in a few weeks, should we consider a mask policy. Ms. Knipe stated she would support all kids K-12 wear masks vaccinated and unvaccinated while indoors except when outside or eating and drinking. Dr. Bogdasarian was in agreement as well. Mr. Curry will write the Mask Order to include municipal buildings and all schools. Superintendent Jokela stated considering our community vaccination rate and cases this seems reasonable. He asked that this mandate be reviewed soon with the data so that this may hopefully be a short duration. The Board members can meet monthly or on an as needed basis to re-evaluate.

Dr. Bogdasarian made a motion to reinstate the mask mandate to include all Municipal buildings, Schools, students, teachers and those entering any Municipal building to wear a mask at all times except when eating and drinking, kids can unmask outside as well as any outside activities. This will be evaluated on an as needed basis. This will be effective August 23, 2021. Motion was 2nd by Sandra Knipe. All were in favor. Motion carries.

Mr. Curry is concerned with large gathering events scheduled particularly the upcoming event at the Airport event on August 15. There were several suggestions such as showing vaccinated cards, temperature taking, and separate eating areas and wearing masks.

AKS Recycling Inc. – 15 Cobbler Drive: Hearing on Modify Site Assignment Request
AKS Recycling, Inc. request to amend BOH Site Assignment Condition

Mr. Hughes stated in July 2020 Wheelabrator Technology purchased AKS Recycling.

Mr. Curry stated condition #5 states of the 2004 Site Assignment Conditions states “within 24 hours of receiving MSW (Municipal Solid Waste) it needs to be removed from the tip floor” Mr. Hughes is proposing that that number changes to 72 hours so there is more operational flexibility with unbaled MSW for disposal.

Ms. Knipe made a motion to increase the time period in Condition #5 from 24 hours to 72 hours MSW can be stored for a trial period of 3 months and then come back to the BOH for an update/report. Motion was 2nd Mr. Murray. All were in favor. Motion carries.

Anthony Downs from AKS stated he will be doing the monthly reports and if there are any issues or complaints to reach out to him.

Nuisance Dog Hearings Petitions: (continued from July meeting) “Harper”, 214
Meadowbrook Lane – Mindi Parks (owner):

Mr. Curry stated there was partial hearing in July however Ms. Parks was not present. The petitioners were here and the Board did hear the issues. The Board defined Harper as a “Nuisance Dog” and put temporary conditions in place to restrain Harper when she went outside, and “Harper” is not allowed to be outside without a proper leash and humanely restrained and/or confined to the premises in a securely enclosed and locked pen or dog run area upon the premise of the owner pursuant to MGL chapter 140 section 157. The second condition was the owner of Harper should appear on August 5, 2021.

Rashea Bunce (Petitioner) stated there has been multiple violations since the temporary order has been in place. This has been going on since November, 2020. They have contacted the leasing office at Meadowbrook because it is a violation of the lease agreement however they haven’t addressed the issue. They are in contact with Animal Control. The owner, Mindi Parks had two large breed dogs and let them out off leash constantly. There is now only one dog on the premises. The dog has chased Ms. Bunce on several occasions. The door is always left open and the dog can run out anytime. Ms. Bunce stated that they do have a harassment order from the court because Ms. Parks threatens them with the dogs and allegedly opens the door to let the dog out on them.

Ms. Bunce showed a video of the dog running from the apartment and jumping on people. She also gave several dates with pictures that the dog was out of the house and not restrained.

Attorney Burwick stated what he sees in this video is Ms. Parks with a disability who has a support animal and the dog gets out of the house on occasion from time to time and due to her disability it takes her a little bit of time to get the dog back into the house. He said after several discussions with Ms. Parks, he feels this is not about the dog at all, as this issue started a long time ago shortly after the Petitioners moved in. At that time Ms. Parks made a noise complaint and things escalated from there over noise and people in a residential setting living in close proximity. This dog is not vicious and has never bit anyone or attacked anyone.

Julie (ACO) stated no one is trying to take the dog away from Ms. Parks and she doesn’t believe this dog is a dangerous animal however because of the law the dog will probably be deemed a “nuisance animal” because of the fact that its frequently loose and off leash. Julie stated she has worked with Ms. Parks to try and teach her different ways to manage the dog. The dog continues to get loose and needs to be in her control at all times. There is a leash law in Massachusetts and in the City of Fitchburg and Ms. Parks is violating the leash law frequently. No violations have been issued recently because this hasn’t accomplished anything with the present owner Ms. Parks.

Ms. Parks stated her dog “Harper” is an emotional support dog with documentation and also she has letters from neighbors stating that “Harper” is not a dangerous dog. She also stated that the dog has been trained not to jump. Ms. Parks stated there are times when she does get out by accident but she is just a friendly dog and wants to see people and dashes out the door.

After discussion and testimony from all parties, Ms. Knipe made a motion that the dog “Harper” be contained and in her control and on a leash at all times and according to the guidelines that “Harper” is deemed a nuisance dog.

Attorney Burwick proposed to dismiss this case with a continuance for 90 days and revisit the situation and see if Ms. Parks has been in compliance prior to deeming him a nuisance dog.

Ms. Knipe withdraw the previous motion.

Ms. Knipe made a motion to continue the hearing until November 1, 2021 and within that time frame that Harper be restrained on a leash while he is outside and if there is no complaints the BOH will consider to revoke the "Nuisance" label on Harper. Motion was 2nd by Ian Murray. All were in favor. Motion carries.

Sandra Knipe made a motion to adjourn. Motion was 2nd by Ian Murray. All were in favor.

Meeting adjourned at 8:15pm.