

The regular meeting of the Board of Health was held on Tuesday, February 7, 2017. Neil D. Paquette, Chairman; Timothy J. Fontaine, Secretary; and Elinor Kelliher, M.D., Member were present with Office Assistant Francy Reyes recording the minutes. The meeting was called to order at 6:00 p.m. by Mr. Paquette.

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Payroll schedules and bills were signed as approved by Board members. Minutes of the January 24, 2017 meeting were read by Board members. Motion made by Mr. Fontaine to accept the January 24th minutes as written with Dr. Kelliher seconding the motion. All in favor 3-0.

Kathleen Bailey, daughter of landlord Mike Bailey of 290 Cady Street 2L, came in to meet with the Board regarding inspection report made by the Board of Health on January 30, 2017. Kathleen stated that Mr. Bailey and she were notified of the inspection by the Wessels's attorney. Mr. Bailey requested a copy of the inspection report which was given to him by the Board of Health, he then scheduled a notice to enter the premises to start repairs. The Wessels returned Mr. Bailey with a phone call asking Mr. Bailey to come Monday, February 6, 2017 for repairs where all violations were addressed immediately, except for a couple of window screens. Kathleen stated that the screens were missing but will be replaced with new ones before the Board of Health goes out for re-inspection. Kathleen asked the Board if a re-inspection could be done prior to Monday, February 13, 2017 due to a court appearance regarding this matter. The Board approved Kathleen's request.

An inspection was done by Mr. Paquette and Dr. Kelliher, on the property of Jose Diniz, 97 Chapin Street regarding a request by Mr. Diniz for chickens. Mr. Paquette stated that the property is well away from any other residences and found no issues. There is a structure there where the chickens will be kept. Mr. Diniz was asked to keep the property clean and to complete fox proofing it. A cap of up to six (6) chickens were approved by the Board.

Septic Inspector Michael Pietras came in with septic and well plans located at; Piney Lane, Haswell Circle, 614 Moore Street, and West Street for preliminary review by the Board which need revisions completed from engineer. Resubmission of plans will be reconsidered in future meeting.

In regards to eliminating catering permit fees was discussed by the Board. Mr. Fontaine stated that most of the places that are being seen are businesses which are already permitted by their own cities or towns, such as acquiring a license and food certification. He continued stating that the question comes when you have a private function with a private person holding an event at a club or hall rental. Mr. Fontaine feels at that point it should be up to the club or hall to be held responsible. Another concern is the scheduling of food inspection times, as events and functions are mostly held during evening hours or weekends. Mr. Mark Witowski, an attendee at the meeting, raised concern on who would become liable if someone in one of these private events becomes ill from the food served, if we are to eliminate catering permit fees and inspections. Mr. Paquette responded that if a catering company is held liable for any illnesses that may occur then at a private function the person/s holding the event and serving food should be the

responsible party. The Board agreed to keep all Food Truck events by issuing annual mobile permits and allowing spot inspections. The Board also agreed to continue the discussion to eliminate catering permit fees in the next meeting on February 28, 2017. Dr. Kelliher suggested looking into what other towns do and what is required from us in terms of inspections. Dr. Kelliher stated she will look at the state law and into the Massachusetts Association of Health Board for more information.

Mark Witowski, attendee and a member of the Polish American Citizens Club (PACC) but not representing the club and Alex Simao from the Unity Club came in for the continued discussion on the topic of no smoking in private clubs. Tim Fontaine attempted to inspect the Unity Club for any violations against the No Smoking in Private Club Exemption Law but the club was closed. Mr. Fontaine will be going back during business hours. The Polish American Citizens Club was found in violation every day by not meeting the requirements of the No Smoking in Private Club Exemption Law. Mr. Fontaine states that the PACC continues to offer social memberships which allows persons to come in and use the bar to smoke, where in the No Smoking in Private Club Exemption Law requires a person to have a full membership to be exposed to cigarette smoke. Mr. Fontaine also stated that he did not see a guest sign in book at the PACC for guests, only a book for signing up social members.

Alex Simao stated that he has been involved with the Unity Club and the Town of Ludlow for many years and is surprised that this is being brought up now. He believes it is due to the change of membership and on the Board, not because of any arising problems. He stated that this is "too much at one time..." he continued saying that a person coming into the Unity Club as a guest signs the guest book and after the third time they must become a full member or is not allowed to come back to the club. It is how they have been doing business the past eight to ten years.

Dr. Kelliher made clear that if the private clubs follow the Smoke Free Workplace Law Exemption Rules she will not feel inclined to make them smoke free. However if these are not followed and there is a pattern of them not being followed along with repetitive enforcement by the Board then there might be a temptation to take a vote to make private clubs smoke free. Motion made by Dr. Kelliher to mail out letter regarding No Smoking in Private Clubs attached to a copy of the Massachusetts Smoke-Free Workplace Law and Membership Association/Private Club Exemption with Mr. Paquette seconding the motion. It was also agreed by the Board that all of the private clubs be given sixty (60) days to review the letter and make the necessary changes to comply with the Smoke-Free Work Place Law by April 1, 2017. Continued discussion on this matter will be held on the first Board of Health meeting in April of 2017.

Complaint for 243 Winsor Street, Angelina Williams, regarding mold was reviewed by the Board. Mr. Paquette suggested an inspection be done as soon as possible. Dr. Kelliher recused herself from the discussion around 243 Winsor Street.

Well Water Test Report – Lot 17, Parker Lane was reviewed and approved by the Board.

Safety Insurance Claim letter – Robert Rutkowski, representing John Pires regarding 821 East Street is requesting copies of any and all Board of Health complaint/files of said property. The Board reviewed letter and approved release of files.

The following samples taken on January 2nd and submitted by Morrell Associates were reviewed by Board members:

- Burger King #4224, 419 Center Street – Vanilla ice cream showed a Standard plate count/g of 990 and a Coliform/g count of < 1 EPCC.
- McDonald's #3174, Milepost 60, Mass Turnpike East – Vanilla milk shake showed a Standard plate count/g of 490 and a Coliform/g count of < 1 EPCC; Vanilla ice cream showed a Standard plate count/g of < 250 EPAC and a Coliform/g count of < 1 EPCC.

The following samples taken on January 2nd from McDonald's #6099, Milepost 60, 420 Center Street and submitted by Morrell Associate were reviewed by Board members:

- Vanilla milk shake showed a Standard plate count/g of 4,700 and a Coliform/g count of 41.
- Vanilla ice cream showed a Standard plate count/g of < 250 EPAC and a Coliform/g count of < 1 EPCC.

Pool reports from January 3rd through January 31st submitted by Ludlow Community Center located at 91 Claudia's Way were reviewed by Board members.

The following Food Recalls were reviewed by Board members:

- Falafel King issues Allergy Alert on Undeclared Milk in "Tzatziki Sauce"
- Ruth's Salad Charlotte NC is Recalling Ruth's Original Pimiento Spread 7 oz. Because of Possible health Risk. May Contain Listeria Monocytogenes
- Barberi International Inc. Recalls Frozen Ajiaco Due to Possible Health Risk
- Le Dédou, Fromagerie De Hyezas Sas Recalls "Tomme Brebis Fedou Cheese" and "Sourellette Cheese" because of Possible Health Risk
- U.S. Smokeless Tobacco Company Voluntarily Recalls Certain Smokeless Tobacco Products Manufactured at its Franklin Park, IL Facility
- Marich Confectionery Co. Issues Allergy Alert On Potential Undeclared Almonds In Product
- NSE Products, Inc. Issues Allergy Alert on Undeclared Milk in Ageloc TR90 Protein Boost
- Fred Meyer Recalls Bakery Fresh Goodness Carrot Cupcakes Due to Undeclared Allergens
- Hospira Issues A Voluntary Nationwide Recall For One Lot Of Vancomycin Hydrochloride for Injection, USP Due To The Presence of particulate Matter Within a Single Vial
- New American food Products, LLC Issues Allergy Alert on Weigels's Mountain Valley and Royal Farms Market Place- Milk Chocolate Vanilla Caramels due to Undeclared Peanuts

- Carriage House Creations Recalls Carriage House Various Bourbon basting sauces and Hot Barbecue Sauce due to Undeclared Soy and Peanuts
- Specialty Commodities, Inc Issues Allergy Alert on Undeclared Cashew Allergen in Dry Roasted Almonds

The following Legal notices submitted by the Planning Board were reviewed by Board members:

- On the Application of John Garcia, 720 Chapin Street, (Assessors' Map 11D, Parcel 102A) for the zone change requested from Agriculture and Residence A to Business B, Proposed amendment for requested change split zone to Business B. Public hearing will be held on Thursday, February 23, 2017 at 7:00 p.m.
- On the Application of Ahmad Amin & Nadeem Saeed, for property located at 190-194 East Street (Assessors' Map 14B, Parcel 112) for the purpose of updating site plan for convenience store. Public hearing will be held on Thursday, February 23, 2017 at 7:15 p.m.

Special permit Granted by the Planning Board on applicant Dorothy Fleishman (Ludlow Sunoco #04056), 425 Center Street for Drive thru for the existing car wash and operation of an existing service station (no site plan changes are proposed) was reviewed by all Board members.

The following Change of Occupancy submitted by the Planning Board were reviewed by Board members:

- Sheetal Patel, 67 Monroe Street, Chicopee regarding Our Town Variety to be located at 259 Fuller Street.
- James Haas, 300 Birnie Avenue Suite 303, Springfield regarding Amped Rehab to be located at 40 East Street.

Motion made by Dr. Kelliher to adjourn the meeting with Mr. Paquette seconding the motion. All in favor 3-0.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,



Timothy J. Fontaine
Secretary

TJF/fir