

A meeting of the Board of Health Meeting was held on Tuesday, August 28, 2018. Timothy J. Fontaine, Chairman; Dr. Elinor Kelliher, Secretary, was absent; Carolyn Rogowski, Member; Director of Nurses Cheryl Messer, BSN, RN; Angela Kramer, MA, RN; Sandra Table, BSN, RN; Marianne Moura, BSN, RN; Office Assistant, Sandy Leacock and Office Assistant, Kim McKay recording the minutes were present. The meeting was called to order at 3:06 p.m. by Mr. Fontaine.

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Sandy Leacock has resigned from her position. The Board members accepted Ms. Leacock's resignation letter with regret. Her official last day is Friday, September 7, 2018. Ms. Leacock will arrange for the Information Technology Department to change computer settings. Ms. Rogowski, will be returning sporadically until the Administrative Assistant position is filled. If any issues arise they are to be directed to Ms. Rogowski or Mr. Fontaine.

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Ms. Rogowski stated there appears to still be tension in the office due to lack of communication and disrespect present within the department. Mr. Fontaine says it must change. Ms. Messer says she thought the department was making progress and showed signs of improvement since the last Board meeting held on August 21, 2018. Ms. Table indicated she thought things were going fine in the office. No further comments or concerns were mentioned by others.

Mr. Fontaine indicated the Board has been notified that people are coming into the department sitting around on a non-business level. These types of visits need to stop and visits in the office should only be in the office for business purposes.

Ms. Moura updated the Board regarding the Flu vaccines recently received. 180 doses plus 10 flu mists were ordered which is an increase from the 150 doses ordered last year. Payment for the vaccines comes out of the department revolving fund. There is an increase in demand and many are homebound. Ms. Moura mentioned she also attended the vaccine reimbursement training for billing purposes with Ms. McKay. UMass takes a 10% cut for a fee when our paperwork is submitted. Reimbursements are distributed to us in the beginning of the year and again in June which covers our costs. Ms. Moura anticipates another payment being distributed in the Fall. Payments are separated by insurance.

Time Cards will continue to be sent by staff to the health@ludlow.ma.us email address.

Ms. Rogowski asked Ms. Messer for clarification as to why Ms. McKay is attending the Pioneer Valley Planning Commission meetings in Springfield every first Thursday of the month. Ms. Messer stated Ms. McKay attends for the purpose of assisting her with emergency preparedness. It was decided Ms. McKay will no longer attend these meetings at this time.

Ms. Messer discussed the Deterra Drug Disposal system, \$3.99 per pouch, currently at Big Y which consists of pouches that dissolves 15 pills and are biodegradable. Ms. Messer applied for a few grants to also obtain up to 2,000 pouches of the drug disposal system for our town for free.

Nursing Staff vacation coverage over the end of the year holidays were discussed.

Ms. Kramer asked if staffing roles could be defined. Ms. Rogowski advised the Nursing Staff can only provide copies of septic plans. Mr. Fontaine stated that anything having to do with septic plans should be handled by Ms. McKay. Ms. Rogowski advised the Nursing Staff should only concern themselves with nursing duties. For example, Ms. Kramer suggested issues concerning timesheets and reimbursements should only be handled by Ms. McKay or Ms. Rogowski.

Ms. Rogowski advised the nurses should pay for seminars first, provide a copy of their receipt, get their CEUs, and then get reimbursed out of their allowances. Certain seminars will be paid by the Town.

Ms. Table asked for clarification from the Board regarding nurses with a Bachelor's Degree get \$750.00 a year in July. Her payment of same was held off until she reached her six (6) months of employment date and a copy of her Bachelor's Degree.

Bills were signed and approved by Board members.

Minutes of the August 14, 2018 meeting were read by Board members. A motion was made by Ms. Rogowski to accept the August 14th minutes as written, with Mr. Fontaine seconding the motion. In the absence of Dr. Kelliher, Mr. Fontaine signed the August 14th minutes. Minutes of August 21, 2018 were not signed by the Board. Draft Minutes for August 21, 2018 will be produced in response to FOIA request dated August 21, 2018.

Board members discussed the August 24, 2018 correspondence regarding 12 Bristol Street. The Town has acquired this property. The Board of Health along with the Building Department will need to schedule an inspection. Ms. McKay will contact Mr. Larivee in the Building Department to see when he is available to meet with Mr. Fontaine.

Ms. Rogowski asked Mr. Fontaine the status of the tobacco license for E-Z Shop Convenience located at 546A Center Street. Mr. Fontaine never went back but told Mr. Tahir Humayun the Board is allowing him until November 1st to receive his State tobacco permit. Mr. Fontaine said our tobacco license expires on June 30 and asks why we do not follow the same as the State which expires September 30th. Ms. Rogowski explained the Board requires a copy of the State license before issuing our town license. If they do not renew the State license in October, then it is up to the State to close them not the Town of Ludlow. Ms. Rogowski suggests making the change to October 1.

Board members further discussed a complaint regarding 236 West Street. The owner, Leonard J. Allen, III is insisting it is not a farm and the Board should enforce it as an unkept property. The letter issued by the Board of Health instructed the owner to stop dumping on the property until they could prove they were not a farm. Right to farm properties are different because it is over 5 acres. Mr. Fontaine stated they are a tree farm and can compost on a tree farm. Justin Larivee from the building department issued a cease and desist letter. Mr. Fontaine will give the Right to Farm person, Betty Kibbe a call about concerns of dumping on this property.

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Board members further discussed a complaint regarding 34 Grant Avenue. The second extension to clean up the property expired August 28, 2018. The owner requested more time until the end of the month to complete the cleanup. Mr. Fontaine will inspect the property again.

Board members further discussed a new complaint by the tenant regarding 214 Holyoke Street concerning Mr. Goncalves' inspection. Mr. Goncalves was just about ready for an inspection when Ms. Guler complained about a door being broken. Mr. Goncalves installed a new door. At the first inspection, Mr. Fontaine stated there were four dead mice in traps that needed to be emptied. Need to contact Mr. Goncalves to schedule a new date for inspection in which Mr. Fontaine and Ms. Guler are available to attend.

Board members further discussed a complaint regarding chickens and roosters at 241 Sewall Street. The resident called and asked for more time. Mr. Fontaine will call her.

Board members further discussed a complaint regarding 250-252 Winsor Street. Mr. Fontaine called Ms. Moreau but she did not answer him back. Mr. Fontaine cannot see any rats from the road and is only going off of pictures provided by Ms. Moreau.

Board members further discussed a complaint regarding high grass at 9 & 11 Walnut Street. AB Property Management Company owns the property and will be contacted about this issue.

The following septic variances submitted by Septic Inspector Mike Pietras were reviewed and approved by Board members:

1. 97 Shawinigan Drive, owned by Mrs. Amelia Charron – Engineer, John Kopinsky is asking for a 2ft reduction in variances. It is a Presby system. Will ask him if the two systems can be combined to save money and get rid of the pump chamber which he is proposing in order to save the owner money. As the Board of Health, we only suggest that it meets the code. Aside from the Board of Health, the zoning will not allow for the properties to be split and sold separately. Each house will have its own septic tank to pump. Similar to a house in the front with a rental property in the back. The property would be sold as a package and not be able to be sold separately.

103 Shawinigan Drive – Ms. Charron also owns this vacant lot where a house burnt down in the 1990s. They have Perc tested it twice, once by Mike Marcal and another by John Kopinsky. It failed both times under the new law provisions. Mr. Kopinsky is asking if the Board will consider treating it as a repair. The problem with considering this a repair is that the foundation was removed. She has a septic system with the original house and a Title V with a leach basin. Mr. Fontaine said if the foundation is there, he would consider it a repair but if not, it is considered a brand new lot. Mr. Pietras stated if the Board considers it as an existing lot and a repair, the loading rate goes up to 90 minutes per inch and would probably pass under that provision. This means the system will be so large that for a 3 bedroom house, the septic system would be about 3,000 square feet, which about 1,000 square feet per bedroom which is the maximum loading rate you can do. You could almost be on top of stone and it would work. Most likely it would be a

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Presby. The Board can condition no variances will be given so it is a fully compliant system. This would be a hardship for the owner. The code calls out if it is manifestly unjust, the Board can make provisions for it. The goal is maximum physical compliance so it is a gray area and the only way to open that door is to treat it as a repair under new construction and no variances are allowed. Mr. Pietras will get clarity from Paul Nietupski at the Department of Environmental Protection to see if this is allowed. She has city water. Ms. Rogowski asked if there was a way to hook her up to sewer line. Mr. Pietras said there is a sewer on the lower end of West Street that he can look into as a possibility.

2. Villa Rose, 1428 Center Street – The septic system needs to be replaced which is located near the gazebo which will need to be moved. To be fully compliant by today's standards his system based on his occupancy would be a 9,000 gallon/day system. He is on a well there that is considered a public water supply because he is a restaurant. The State has him limited to pump out 1,330 gallons/day from the public water supply. Mr. Pietras proposes he could get the owner compliant to that limit but there would be a lot of restrictions the Board would need to place on him because the system would be considered cut to 70% from what is required. His current system is a small 10x30 leach bed. Want to require it to be pressure dosed unless it is a Presby design because it is for commercial use. This guarantees 100% usage which is better for the owner and the environment. UV treatment should also be a requirement which will disinfect the waste water. It is safer for the environment and his well. His well is almost in the middle of the parking lot on the Alden Street side of his building. To get everything certified as a new system, it could cost up to \$50-\$60K.
3. Lot 89 Timber Ridge Road, owned by – Engineer Don Frydryk put in a septic design within the flood zone. Legally, you cannot put a septic system within a flood zone. Mr. Frydryk says within a letter, the original subdivision approval adjusted the flood zone and shows it not on property. He's saying the flood zone is within the grade of the land. However, FEMA shows it way to the right. The reason this is being held up is because within the code, if there is a flood zone on the property you cannot build new construction. If Mr. Frydryk is wrong in the letter and the Board allows this, and something happens, the Town is going to have an issue. Mr. Pietras would like to confirm if a flood elevation determination through FEMA can be done. It is called a FEMA Map Amendment. Mr. Pietras suggests to require Mr. Frydryk to get a FEMA Map Amendment instead of accepting his letter. Mr. Fontaine agrees.

A wetland goes through the middle of the property. There is a reserve area on the property. Paul Nietupski says we should get something from Conservation Commission saying the Town has rights to have access to the area in case the system goes. Mr. Fontaine agrees.

4. Ms. McKay asked Mr. Pietras about a resident inquiring how long a Perc test is good. The property is on Willard Street. Mr. Pietras stated a Perc is good indefinitely as long as

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the code has not changed since 1998. Inform the resident to contact Jim Goodreau at DPW because the property may have sewer.

5. Ms. Leacock asked Mr. Pietras about an Application for Disposal System Permit for Lot D-5 Bondsville Road. The owner, Attorney Brandon Parrell was supposed to supply three (3) copies of the permit. It has a well and a water test is included. Mr. Pietras and the Board agreed a permit can be issued.
6. Ms. Rogowski asked Mr. Pietras if we could get rid of the Perc tests from the 1990s. Mr. Pietras indicated anything that predates 1996 can be tossed because people in 1996 knew the new codes were coming out in 1998. As long as they practice the USDA nomenclatures it is valid.

Board members discussed a letter dated August 16, 2018, from Town Administrator, Ellie Villano to Our Lady of Fatima regarding Festa. Tim Mendes will be performing the inspections on Friday for Festa.

Board members discussed a recent decision made regarding the Quabbin Analytical Laboratory test results for Lot 211 Jared Drive. Connecticut Valley Artesian Well Co. called Ms. Rogowski. Joe Dilks said he did not know why the Board did not accept the test results. Ms. Rogowski told him he did not have to get the gross alpha testing done since the Board was undecided at the time if it was necessary to complete. Going forward, the gross alpha test should be completed. The Health department cannot sign off on the building permits until the gross alpha test is completed.

Justin Larivee no longer wants the pink cards for new construction. He just wants the Board of Health to sign off on the building permits.

Board members discussed the July 14, 2015 Quabbin Analytical Laboratory water test for Lot 13 Olivia Circle. Ms. Rogowski says it should be retested because the water test is too old and fecal count was high. Mr. Fontaine requests to have them perform a new test and it should include the gross alpha.

The water sample taken from Haviland Pond on August 13, 2018 showing 35 CFU's was reviewed by Board was found to be safe for swimming.

The following Food Recalls were reviewed by Board members:

- King Bio Issues Voluntary Nationwide Recall of Its Kids and Infant Products Due to Potential Microbial Contamination
- Radagast Pet Food Voluntarily Expands Recall to Include Rad Cat Raw Diet Products With Best By Dates of 10/19/18 Through 12/3/19 Due to Potential Health Risk
- Lipari Foods Issues Voluntary Recall of Premo Brand Turkey & Cheese Wedge Sandwiches Because of Possible Health Risk
- Torrent Pharmaceuticals Limited Issues Voluntary Nationwide Recall of Valsartan/Amlodipine/HCTZ Tablets

- Marsee Baking Issues Allergy Alert on Undeclared Peanuts In Cookies Sold At Cafe Yumm! Restaurants
- Zakah Life Recalls Kratom Because of Possible Health Risk
- Salt & Straw Voluntarily Recalls Certain Lots of Chocolate Goopy Brownie Ice Cream Pints Due to Possible Undeclared Peanuts
- Updated: Additional Lots Added: Torrent Pharmaceuticals Limited Issues Voluntary Nationwide Recall of Valsartan/Amlodipine/HCTZ, Valsartan/Amlodipine and Valsartan Tablets

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

- Dick Barker School of Dance, to be located at 110 Sewall Street.
- Flor do Campo /dba Tony & Penny's, to be located at 18 Canterbury Street.

The following legal notices submitted by the Planning Board were reviewed and approved by Board members:

- Site sketch regarding Ludlow Construction/Crocker Building Company, David Mathes 19 Carmelinas Circle (Assessors Map 26, Parcel 9A) for the purpose to add "L" shape addition to the southeast corner of the existing building; the public hearing was August 23, 2018.
- Site plan regarding Kenneth Butts, 38 Lyon Street (Assessors' Map 24 – Parcel 42) for the purpose of updating site plan to include a firewood processor. Public hearing will be held on September 13, 2018.
- 1322 Center Street - Zone Change Requested from Agriculture to Residence A to bring the conflicting setbacks for the existing permitted structure into compliance. Public hearing will be held on September 13, 2018 at 7:00 pm.
- Zoning bylaw proposed revision to Section XI. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana. Public hearing will be held on September 13, 2018 at 7:30 pm.

The following Notices of Casualty Loss to Buildings were reviewed by Board members:

- Robert Simard and Jeanne T. Simard, 43 Focosi Lane
- William Bates and Phyllis Bates, 534 Fuller Street
- Joann Lawrence, 275 Center Street
- Jose C. Alves, 61 Dale Street
- Sandra Auld, 15 Phillip Street
- Jose M. P. Campelo, 370 Chapin Street
- Jose F. Santos, 196 Lawton Street
- Chester J. Giza, 134 Yale Street

Septic Pumping Reports submitted by Wind River Environmental, OJS Landscape Excavation, Inc. and Clean Septics, Inc. were reviewed by Board members.

The August 21, 2018 NACCHO Connect (National Association of County and City Health Officials) was read by Board members.

The Public Health Dispatch dated August 2018 was read by Board members.

Motion made by Ms. Rogowski to adjourn the meeting with Mr. Fontaine seconding the motion. All in favor 2-0.

Meeting adjourned at 5:10 p.m.

Respectfully submitted,



Carolyn Rogowski
Secretary

CR/km