

A meeting of the Board of Health was held on Tuesday, September 25, 2018. Elinor Kelliher, M.D., Secretary; Carolyn Rogowski, Member; and Office Assistant, Kim McKay recording the minutes were present. The meeting was called to order by Dr. Kelliher at 4:06 p.m.

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Dr. Kelliher proposed to reorganize the Board instead of becoming the Acting Chairman. Ms. Rogowski proposed to wait to reorganize until a third Board member is selected. Dr. Kelliher stated the Selectmen's office has advertised the Board position with a deadline of the first week in October. The Board will participate in a joint meeting with the Selectmen's Board to appoint a BOH member. This individual would then appear on the Town Ballot in March 2019 to fill the unexpired term. The Board decided Dr. Kelliher will be Acting Chair and Secretary. Ms. Rogowski prefers to wait to reorganize until after the third member is appointed.

The Board members interviewed Kimberly McKay and Tracey Martowski for the Administrative Assistant, L.A.T.O.S. IV position. Dr. Kelliher stated future interviews for this position will either be conducted by one Board member with Carrie Ribeiro, Human Resources Manager, or will be conducted in open meeting with both Board members present. If candidates are interviewed outside of open meeting, the interviews will be discussed at the next Board of Health meeting. The Board members will discuss qualifications of all candidates at open meeting.

The Board scheduled the next Board meetings for October 2, October 23, November 13 and November 27. No visitations will be scheduled on the night the Board will attend the Selectmen's meeting on October 23.

Fernanda Gomes, owner of Uncle Bob's General Store, located at 967 East Street, came in to meet with the Board to further discuss her cleaning regimen of her soft serve ice cream machine. Dr. Kelliher stated the soft serve equipment should be cleaned every day. Ms. Gomes purchased the soft serve ice cream machine at an auction and replaced the compressor. The machine was out of service in July and August. Ms. Gomes redeemed four coupons by giving her customers Hershey ice cream instead of the soft serve ice cream. Board members reviewed recent Morrell Associates test results which indicate coliform levels are too high. Dr. Kelliher recommends to clean the machine according to the machine manufacturer's recommendations. Morell Associates will retest the machine in October. The Board instructed Ms. Gomes not to sell any soft serve ice cream until the coliform levels are within the appropriate limits. Correspondence will be sent to Morell Associates to request they notify the Board of Health of any and all high testing results immediately.

Ms. Lyn Fioravanti was unable to meet with the Board to further discuss any intentions she may have had to sell cookies in Ludlow. Ms. Fioravanti will be contacted to obtain more information about where she will be selling cookies and if she may possibly need to file a change of occupancy.

Bills were signed and approved by Board members.

Dr. Kelliher discussed inviting Director of Nurses, Cheryl Messer to the next meeting to clarify the medicare billing and to provide the Board with a nursing update.

The Board discussed the August 28, 2018 and September 11, 2018 minutes. The Board will review and vote to approve them at the next meeting. A records request for the September 11, 2018 minutes are due Thursday, September 27, 2018.

Board members further discussed a complaint regarding 214 Holyoke Street. The Board agreed to notify the owner, Carlos Goncalves, by certified mail that he will be given 30 days upon receipt of the letter to complete the remaining repairs.

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Board members further discussed a complaint regarding 236 West Street. The owner, Leonard J. Allen, III has not supplied the Board with a copy of his farm certificate from the State. The Board agreed to notify Mr. Allen by certified mail and that he will be given 14 days to comply with the request to cease dumping.

Board members further discussed a complaint regarding 12 Bristol Street. The Board discussed since the Town of Ludlow owns the property, the complaint should be forwarded to Town Administrator, Ellie Villano.

Board members further discussed a complaint regarding 250 Winsor Street. The complainant has not returned calls from Board members. Inspectors have not been able to see into the property.

Board members further discussed a complaint regarding 49 Maple Street. The complainant insists the property is not cleaned up satisfactorily. When the property was last visited on September 11, 2018 by Tim Fontaine, he reported everything has been cleaned up and did not see the couch on the property. The complainant indicated the couch and debris are located in the rear of the property. Dr. Kelliher will revisit the property.

Board members further discussed a complaint regarding 41 West Street 2L. Health Inspector, Andrew DaCruz will be contacting the tenant to schedule an inspection.

Dr. Kelliher discussed Adult Only Retail Tobacco Stores with the Board. A gentleman named Ish inquired about requirements needed in Ludlow in order to open a smoke shop where individuals can smoke cigars and cigarettes and wanted to know what permits are needed. The proposed name and location of his establishment is, Puff City, 4 White Street, Ludlow. He also wants to sell packaged candies such as Snickers and Kit Kats and wanted to know if he will need a retail food and/or food service permit. Ms. Rogowski explained he needs a floor plan and will need a retail permit. Dr. Kelliher stated he can be an adult only tobacco retailer. However, this is the same issue as the East Street Convenience and Smoke Shop. Smoke shops cannot sell candy and other convenient store items. Ms. Rogowski stated by law, there has to be a separate entrance in order for them to do so. According to Massachusetts Health Officers Association Tobacco Control Program Director, Sarah McColgan, the law says they can sell incidental items related to smoking such as bong, wrapping papers, roll your own machines and cannot sell edible marijuana. Ms. Rogowski stated no one under 21 can go in smoke shops; packaged candies requires a retail food permit from Ludlow; and current State law says they are not allowed to sell packaged candies in a smoke shop. Therefore, Dr. Kelliher stated yes, Ish can have an adult only smoke shop in Ludlow and as of December 31, 2018, patrons have to be age 21 or older to enter; are not allowed to smoke inside the building due to the no smoking in the workplace law; cannot sell marijuana products; and cannot sell packaged candies in the smoke shop. Ish owns a shop in Connecticut but it is unknown if Ish has a State permit to sell tobacco in Massachusetts. Ms. Rogowski states that if he does not, he cannot open a smoke shop in

Ludlow. A copy of the state laws provided by Ms. McColgan will be given to Ish. The Board welcomes Ish to come to discuss his proposed smoke shop at a future Board meeting.

Dr. Kelliher stated with the flavored restriction in place, we may start to see more people interested in having these smoke shops so that they can sell the flavored tobacco. The Board decided to discuss at a later date if the number of shops in town who can sell flavored items should be capped. Ludlow currently has 18 locations in town that sell tobacco and have capped the number allowed to 26. The Board agreed to keep it at 2 smoke shops for now. The Board will discuss limiting the Town of Ludlow to two smoke shops at the next meeting.

Ms. Rogowski suggested the fees for the permits need to be increased. Ms. Rogowski suggested the Board invite Building Commissioner, Justin Larivee to the next Board meeting. Ms. Rogowski's research has shown many surrounding towns base their fees on square footage of the establishment; and some restaurant permits are based on seating capacity. Ms. Rogowski stated in previous years, Mr. Larivee has mentioned the Town of Ludlow may want to look into increasing their permit fees similar to the way other surrounding towns have done. The Board will discuss increasing permit fees at the next meeting.

Ms. Rogowski stated according to the nurse's contract, Sandra Table, BSN, RN should get a step increase after 6 months. Administrative Assistant, Sandy Leacock, notified the Board and Human Resources Manager Carrie Ribeiro of Ms. Table's absences with doctor's notes during her first six months. Ms. Rogowski stated ordinarily, the Chairman of the Board and Ms. Ribeiro would sign off on the nurses' increase. Ms. Ribeiro, Director of Nurses, Cheryl Messer as Ms. Table's union representative, and Ms. Rogowski met with Ms. Table to discuss her attendance records. Ms. Table understood this issue would be revisited in 30 to 60 days. If Ms. Table's attendance is satisfactory, she will get her increase retroactively as of August.

The Board discussed the complaint received regarding the bleachers at Whitney Park. Ms. Rogowski will contact Jeremy Archebald who contacted the Parks and Recreation and Department of Public Works who would not allow him to clean the bleachers and use the water there at Whitney Park. Dr. Kelliher agrees it is a health issue, the mold is a slip hazard and the bleachers need to be cleaned.

Board members discussed correspondence regarding Model Subdivision Regulations. The Board determined this does not pertain to the Board of Health.

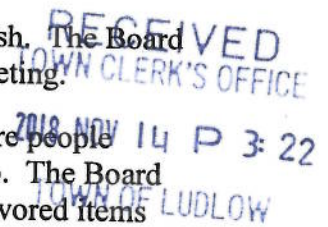
Board members discussed correspondence regarding the Ludlow police station lockup inspection conducted on September 11, 2018.

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

- Kim Libiszewski, 474 Poole Street
- Carl Conlon, 905 Center Street

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

- Lori Marta, to be located at 77 Winsor Street, Suite 202



- James L. Chenier, to be located at 190 East Street

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

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- Special Permit/Home Occupation of Tammy Batch of 443 Moore Street for Home Office to be published in the Register as a legal notice in the 9/12/18 and 9/19/18 editions; Thursday, September 27, 2018 at 7:00 p.m.

The Board members discussed the Westover Golf Course July 2018 Water Reports.

The following samples taken on September 8th and September 10th and submitted by Morrell Associates were reviewed by Board members:

- Uncle Bob's General Store, 967 East Street – Chocolate Ice Cream ® showed a Standard plate count/g of 28,000 and a Coliform/g count of 46.
- Midwoods Dairy Barn, 329 West Street – Chocolate Ice Cream showed a Standard plate count/g of 14,000 and a Coliform/g count of <1 EHSCC.
- Randall's Farm dba Elsie's Creamery, 631 Center Street – (2R) Vanilla Ice Cream showed a Standard plate count/g of 26,000 EPAC and a Coliform/g count of <1 EHSCC.
- Burger King #4224, 419 Center Street - Vanilla Ice Cream showed a Standard plate count/g of 2,400 EPAC and a Coliform/g count of 16.
- McDonald's #6099, 420 Center Street - Vanilla Milk Shake showed a Standard plate count/g of 2,800 EPAC and a Coliform/g count of <1 EHSCC; Vanilla Ice Cream showed a Standard plate count/g of < 250 EPAC and a Coliform/g count of <1 EHSCC.
- McDonald's #3174, Milepost 60, MA Turnpike East - Vanilla Milk Shake showed a Standard plate count/g of 1,300 and a Coliform/g count of <1 EHSCC; Vanilla Ice Cream showed a Standard plate count/g of < 780 EPAC and a Coliform/g count of 71.
Correspondence will be sent to Morrell Associates regarding the high results for the vanilla ice cream and the need to be retested. According to the regulations, the Board determined there was no need to shut them down unless repeated violations occur.

The Board members discussed the Massachusetts Department of Environmental Protection Drinking Water Program Bacteriological Report for Church of Jesus Christ of Latter-Day Saints, located at 584 West Street.

The Board members discussed correspondence regarding the City of Lawrence's Request for Mutual Aid.

Dr. Kelliher signed the Standing Orders for Vaccines.

Dr. Kelliher signed the Contract Agreement for MAVEN. Must confirm Director of Nurses, Cheryl Messer has an emergency Epi-Pen in the office.

The Board members discussed why Director of Nurses, Cheryl Messer needs a wooden horse, if the Flu Clinic was advertised in the Register and on LCTV.

Dr. Kelliher stated she has water testing results for the schools and School Superintendent, Todd Gazda's plans for remediation. This item will be list on the Agenda for discussion at the next Board meeting.

The Board discussed the complaint received regarding 676 Chapin Street. This complaint about a vacant house with overgrown grass will be forwarded to Building Commissioner, Justin Larivee.

The Board advised the handouts regarding alcohol received from Director of Nurses, Cheryl Messer are to be forwarded to the Selectmen's Board for distribution.

Dr. Kelliher reviewed draft minutes that need to be produced in response to a document request. Dr. Kelliher will come in to sign the minutes tomorrow after the revisions are made.

The September 2018 NALBOH (National Association of Local Boards of Health) issue was read by the Board.

The September 18, 2018 NACCHO Connect (National Association of County and City Health Officials) issue was read by the Board.

The September 21, 2018 email from NACCHO (National Association of County and City Health Officials) regarding a two part webinar on Dissemination and Communications Guide was read by the Board.

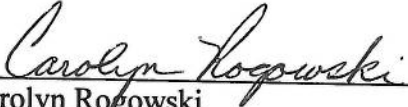
The following Food Recalls were reviewed by Board members:

- Pharm D Solutions, LLC Issues Voluntary Nationwide Recall of all Sterile Compounded Drugs Due to A Potential Lack of Sterility Assurance
- Market of Choice Issues Allergy Alert for Undeclared Egg in Sesame Noodle Salad Vegan
- Voluntary Recall Notice of Meijer Taco Seasoning Mix 4.5 oz.
- Bravo Packing, Inc. Recalls Performance Dog Raw Pet Food Because of Possible Salmonella Health Risk to Humans and Animals
- Sarap Asian Fusion Recalls Cookies due to Undeclared Allergens
- Lidl Voluntarily Recalls Bellona Brand Hazelnut Wafers Due to Improperly Declared Wheat Allergen
- Purus Labs Issues Allergy Alert on Undeclared Milk and Soy in MyoWhey
- Getinge Issues Worldwide Voluntary Correction of Maquet/Getinge Cardiosave Intra-Aortic Balloon Pump (IABP) For Interruption and/or Inability to Start Therapy at Altitudes above 3,200 Feet/975 Meters

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

Meeting adjourned at 6:42 p.m.

Respectfully submitted,



Carolyn Rogowski
Secretary

CR/km

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