

A meeting of the Board of Health was held on Tuesday, November 13, 2018. Elinor D. Kelliher, M.D., Chairman; Carolyn Rogowski, Secretary; and Office Assistant, Kim McKay recording the minutes were present. The meeting was called to order at 4:09 p.m. by Dr. Kelliher.

The complainant appeared before the Board to discuss her complaints regarding 453 East Street. She rents the home from homeowner, Ana Rodrigo. Ms. Rodrigo has started the eviction process against the complainant for non-payment of rent. The complainant presented pictures illustrating rats coming inside the basement from holes in the foundation and says her home smells really bad from dead rats in the basement. Ms. Rodrigo has also placed poison pellets in public areas around trash outside the house. Inspector, Tim Mendes, will be contacting the complainant to schedule a time to perform an inspection. The Board suggested if Tim Mendes' inspection report reveals structural issues, they will arrange to have the Building Commissioner, Justin Larivee, inspect the property.

Board members further discussed the status of the complaint regarding 41 West Street 2L. Inspector, Andrew DaCruz, performed an inspection. Correspondence was sent to the owner, Ana Rodrigo. The Board has not heard back from the complainant. Ms. Rodrigo will be contacting the Health Department when repairs have been made.

Board members further discussed the status of the complaint regarding the Whitney Park bleachers. A voice mail message was left for Mr. James Goodreau at the Department of Public Works on Friday, November 7 and he has not returned the call.

Bills were reviewed and signed by the Board. Ms. Bonnie Kennedy will be contacted to make a request in writing in order for her trailer bill to be reduced since a trailer is no longer on Lot 25. Director of Nurses, Cheryl Messer submitted a bill for disaster certification which will be decided upon once a third member has been appointed to the Board.

Septic Inspector Michael Pietras discussed 1248 Center Street with the Board. A septic system was installed on the southern side of the property approximately two years ago. The property is shallow and the yard slopes. At the time, the owner did not want to install a drain. This past weekend, Mr. Pietras received a complaint that a portion of the tank was dug up and water runoff flowed onto the road due to the rain. Mr. Pietras suggests the Board order the homeowner to install a drain. Mr. Pietras has a meeting with the owner on Friday, November 16, 2018, and will notify them the Board of Health may enforce a timeline for compliance to install a drain.

Septic Inspector Michael Pietras discussed the Variance for 46 Libby Street, owned by Ms. Maria Correia. Engineer John Kopinsky is asking for a 4 foot reduction to the foundation because the system will not fit. The Variance was reviewed and approved by Board members.

Septic Inspector Michael Pietras discussed the water test received from a potential buyer for 129 Pine Cone Lane that has a private well indicating a high level of sodium and coliform present. Mr. Pietras advised sodium levels are not listed within our regulations. The Board is only concerned about the coliform being present. The potential buyer will be notified that the information she provided does not meet the drinking water standards.

Septic Inspector Michael Pietras signed the Certificate of Compliance for 1099 Center Street.

Septic Inspector Michael Pietras discussed 37 Westerly Circle with the Board. When a Presby system is installed, the Registry of Deeds requires a form to be filed registering the system against the deed. Engineer Walter Markett will need to file the correct form with the Registry of Deeds in order Mr. Pietras to sign the Certificate of Compliance.

The Board discussed Kim Kibbe canceling the food truck inspection scheduled to take place today since she is no longer interested in applying for a permit to attend the Shriners Craft Fair at the Polish American Club on November 24, 2018.

The Board reviewed and signed the remainder of the bills.

The Board reviewed and approved the minutes dated September 24, 2018 and October 23, 2018. The minutes dated October 4, will need to be revised.

The Board scheduled one meeting in December for the 11<sup>th</sup>.

The Board discussed Tobacco 21 regulations. Dr. Kelliher discussed the recent amendment to the 21 Tobacco State Law that means that towns without 21 Tobacco Regulations would see a gradual increase in the legal age for tobacco purchase, going to 19 then 20 then 21 over a three year period, and a grandfather clause allowing those who are 18 by December 31<sup>st</sup> to purchase tobacco. Towns which have 21 Tobacco regulations in place by December 31, 2018, would not have either the gradual increase in purchase age or grandfather clause. Sarah McColgan, Tobacco Control Director, Massachusetts Health Officers Association Tobacco Control Program, recommended we consider new regulations in order to simplify the law for our retailers. Dr. Kelliher circulated new regulations received from Tobacco Control Director Sarah McColgan which will be presented at a Public Hearing scheduled for December 11, 2018. Ms. McColgan recommended adopting the State age 21 requirement to buy tobacco. Ludlow currently has 18 tobacco permits. The Board agrees with Ms. McColgan's suggestion to limit the town to 20 tobacco permits and 2 adult only smoke shops. Tobacco sellers will be sent draft regulations in the mail. The Public Hearing notice will be posted in The Register on November 21, 2018, November 28, 2018, and December 5, 2018. Dr. Kelliher also suggests the Board of Health to become a 2019 member of the Massachusetts Health Officer Association.

The Board discussed the two in-house and five outside applicants for the LATOS IV Full Time position. The Board voted unanimously to offer the position to Timothy J. Fontaine and will clarify with Human Resource Carrie Ribeiro his starting salary.

The Board voted to increase permit fees. The Register will be notified to publish a Legal Notice on November 21, 2018 indicating the permit fee increases will be effective as of January 1, 2019.

Board members further discussed a complaint regarding 236 West Street. Dr. Kelliher discussed Town Attorney Rebecca M. Thibault's recommendation to have one of our inspectors re-inspect the property. Dr. Kelliher will ask Attorney Thibault to draft and prepare a formal inspection for the Board of Health's use as well as letters notifying both parties this complaint is going to be revisited.

Board members further discussed a complaint regarding 49 Maple Street. Dr. Kelliher met with the complainant, the interpreter and took pictures from the rear of the home. A certified letter

will be sent to the owner Brenna M. Dubosh allowing her fourteen (14) days within receipt of the letter to correct all violations.

The inspection report for Joyful Juice and Shakes, 658 Center Street, was reviewed by the Board members. A new check will need to be issued before their permits are issued.

The inspection report for Joey Bats, 285 East Street, was reviewed by the Board members.

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

- Rescheduled public hearing held on September 13, 2018 and continued until October 25, 2018. Planning Board, acting as the Special Permit Granting Authority, at its meeting on October 25, 2018 voted 4-0 to grant the Special Permit/Home Office – firewood processor for Kenneth Butts, 38 Lyon Street.

The following Change of Occupancy was reviewed by Board members:

- Serco, Inc., 15 Westover Road, was approved by the Planning Board and can now apply for a business certificate.

The inspection reports for the schools were reviewed by Board members.

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

- Maria & Antonio Azevedo, 182 Lakeview Avenue
- Edward MacDonald, 79 Oak Street
- Oscar & Alicia Rosario, 20 Jennifer Drive
- Beverly Shea, 313 Meadow Crest Drive
- Ronald Hudon, 159 Whitney Street
- Daniel & Kathleen Nichols, 56 Goddu Street
- Stanley & Louise Knappe, 248 Kendall Street
- Kleeberg Sheet Metal, 65 Westover Road
- David Myers, 96 Americo Street

Septic pumping reports submitted by Hampden Septic Inc. and Wind River Environmental, LLC were reviewed by Board members.

The following samples taken on October 20<sup>th</sup>, November 3<sup>rd</sup>, and November 4<sup>th</sup> submitted by Morrell Associates were reviewed by Board members:

- Midwoods Dairy Barn, 329 West Street, Bldg B – Vanilla Ice Cream showed a Standard plate count < 1,100 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 13,000 and a Coliform/g count of < 1 EHSCC.
- McDonald's #6099, 420 Center Street - Vanilla Milk Shake showed a Standard plate count/g of 30,000 and a Coliform/g count of < 1 EHSCC; and Vanilla Ice Cream showed a Standard plate count/g of <250 EPAC and a Coliform/g count of

< 1 EHSCC. A letter will be sent to the owner indicating the borderline reading is an indicator of poor cleaning practices and recommend their machine be cleaned according to the manufactures recommendations.

- McDonald's #3174, Milepost 60, MA Turnpike East, Vanilla Milk Shake showed a Standard plate count 1,600 and a Coliform/g count of <1 EHSCC; Vanilla Ice Cream showed a Standard plate count < 410 EPAC and a Coliform/g count of <1 EHSCC.

Water samples taken on September 4, 2018 from Westover Golf Course located on South Street in Granby and submitted by WhiteWater, Inc. were reviewed by Board members.

Ludlow Community Center October 2018 pool reports were reviewed by Board members.

The November 6, 2018 NACCHO Connect (National Association of County and City Health Officials) was read by Board members.

October 2018 Public Health Dispatch was read by Board members.

The National Association of Local Boards of Health notice announcing the 2019 conference will be held at Embassy Suites Denver Downtown Convention Center on August 14-16, 2019 was read by Board members.

The following Food Recalls were reviewed by Board members:

- Sirob Imports, Inc. Issues Recall Due to Elevated Lead in Spices
- Shirley's Cookie Company Inc. Issues Allergy Alert on Undeclared Peanuts in "Chocolate Whoopie Pie"
- UBC Food Distributors Recalls Hot Curry Powder and Curry Powder Due to Lead
- Aurobindo Pharma Limited Issues Voluntary Recall of Irbesartan Drug Substance Due to the Detection of Trace Amounts of NDEA (N-nitrosodiethylamine) Impurity Found in the Active Pharmaceutical Ingredient (API)
- Food Recall of Fit & Active Southwest Veggie Stuffed Sandwiches Due to Possible Listeria Monocytogenes and Salmonella Contamination in Vegetables
- Maribel's Sweets Inc. Allergy Alert on Undeclared Milk Allergens in Chocolate Bars
- Sciegen Pharmaceuticals, Inc. Issues Voluntary Nationwide Recall of Irbesartan Tablets, USP 75 mg, 150 mg, and 300 mg Due to the Detection of Trace Amounts of NDEA (N-nitrosodiethylamine) Impurity Found in the Active Pharmaceutical Ingredient (API)
- Janssen Issues Voluntary Nationwide Recall For One Lot of ORTHO-NOVUM 1/35 and Two Lots of ORTHO-NOVUM 7/7/7 Due to Incorrect Veridate Dispenser Instructions
- Frito-Lay Issues Allergy Alert on Undeclared Milk in Select Smartfood Delight Sea Salt Flavored Popcorn
- Barcelona Nut Company Recalls Roasted and Salted in Shell Pistachios Because of Possible Health Risk
- Natural Life Pet Products Issues Recall of Dry Food Due to Elevated Levels of Vitamin D


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- Duncan Hines Classic White, Classic Butter Golden, Signature Confetti and Classic Yellow Cake Mixes Recalled Due to Potential Presence of Salmonella
- Sprout Creek Farm Recalls “Margie” Cheese Due to Listeria Monocytogenes
- Kadesh Incorporation Issues Voluntary Nationwide Recall of Puriton Eye Relief Drops Due to Non-Sterile Production Conditions
- Wegmans Food Markets, Inc. Issues Allergy Alert on Undeclared Milk in Wegmans Pumpkin Loaf, 11 oz., and Wegmans Placek Coffee Cake, 11 oz. and 22 oz.
- Sandoz Inc. Issues Voluntary Nationwide Recall of One Lot of Losartan Potassium and Hydrochlorothiazide Due to the Detection of Trace Amounts of NDEA (N-nitrosodiethylamine) Impurity Found in the Active Pharmaceutical Ingredient (API)
- Recall of Bittersweet & Feve Chocolate Bars Due to High Levels of Milk Allergens
- Natural Life Pet Products Expands Recall of Dry Food Due to Elevated Levels of Vitamin D
- Alebrije Dist Wholesale Recalls Quesillo Queseria “La Milagrosa” and “Alebrije Cheese” Because of Possible Health Risk

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

Meeting adjourned at 6:45 p.m.

Respectfully submitted,

  
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Carolyn Rogowski  
Secretary

CR/km