

Board of Health
Meeting Minutes
November 19, 2024

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2025 JAN 16 A 9:02

Members Present: Kelly Lamas, Chair; Adrienne DeSantis, Secretary; Antonio Tavares, Member

Also Present: Paulina Matusik and Emily Quinn

Meeting was called to order @ 4:31 PM by Ms. Lamas and the Pledge of Allegiance was performed.

Monthly Business:

Ms. DeSantis signed the meeting minutes from October 8, 2024. Mr. Tavares made a motion to approve the meeting minutes from Tuesday, October 8, 2024, seconded by Ms. DeSantis. All in favor 3-0.

Ms. Matusik explained that the Health Department was busy with Flu Clinics and events throughout the month of October. There was a total of 145 Flu injections given and the next Flu Clinic is November 19, 2024, at the Ludlow Boys & Girls Club with the town nurse, Angela, and nurse volunteers until 5:30pm. The events the Health Department participated in were the Randall's Boys & Girls Club Rag Shag on October 25, 2024, the Ludlow Police & Fire held an open house on October 27, 2024, where they handed out Halloween safety kits. October is Dental Hygiene month, and the department was giving out toothbrush kits, free Covid tests, and some educational books. The department was also part of CARES Red Ribbon Week Senior Center Talk on October 28, 2024, discussing proper medication disposal and providing them with resources. Ms. Matusik created a flyer on this and listed local resources that have free medication disposal available and how to dispose of certain medications at home. And the last event of the month was the CARES speaker event with Tony Hoffman on October 28, 2024, where Ms. Matusik and Ms. McMurray attended and provided a flyer that includes all the resources the Health Department provides, including Narcan.

For the Month of October:

Nursing:

(56) Footcare Patients - \$1,120.00

Application:

(2) Temporary Food Event Permits - \$100.00

(3) Well Construction Permits - \$255.00

(2) Disposal Works Construction Permits - \$500.00

(2) Septic Repair Permits - \$340.00

(1) Septic Installer's Permit - \$125.00

(6) Perc Test - \$1,800.00

Total Fees: - \$4,240.00

Visitations/Call In:

Ms. Goodnight (Tobacco Control Director) with the Massachusetts Municipal Association came in to review and update the Town's current Tobacco Regulations from 2018. She explained that the oral nicotine patches are one of the fastest growing nicotine products on the market. They haven't received a lot of data back on this yet because this is a new product. The product first came on the market in 2017 but in 2022, R J Reynolds or Philip Morris bought Zyn which is the biggest manufacturer and started manufacturing the patches here in the United States so there has been a huge increase in their availability and popularity. Some of the retail data that they have received shows that this product is taking more and more shelf space, early data is showing about a six hundred percent increase in use, but they don't know how much of that use is people transferring from other nicotine products and how much is new use, this is the data they are waiting for. The nicotine patch does appear to be popular among younger users, which would indicate this may be an initiation product. This product is also exempt from DOR regulations under a loophole which makes them inexpensive. The nicotine patches are not an approved cessation device, there are people who report that they do use them as a cessation device but are not sure of the success of them. The nicotine patches come in high nicotine content amounts, Zyn is the most popular on the market and come in three, six and nine milligrams but because they are less regulated than other nicotine products, they have seen them up to twenty-nine and thirty milligrams per pouch and there are about twenty pouches per canister. Ms. DeSantis asked if the patches come in flavors. Ms. Goodnight explained that in Massachusetts they are not allowed and noted that the person does have to be twenty-one to purchase them. The Tobacco industry is putting a lot of energy into making these a successful product. Ms. Goodnight explained that the Town does have options, by limiting the nicotine amount, if there are any adult retail stores, they can be limited to only those stores, and some towns have asked for minimum pricing, but this is not something she would recommend. Ms. Goodnight knows that part of the new regulations could be to limit the nicotine amounts, as an example a whole carton of cigarettes has thirty-five milligrams of nicotine where just one small patch would have the same concentrated amount. Ms. Lamas asked if liquor stores, and smoke shops would be considered adult retail stores? Ms. Goodnight explained that she thinks it would be the smoke shops because the establishment would need to card the person upon entering the store because they would need to be twenty-one to enter and does not feel the liquor stores would be included in this.

Ms. Goodnight discussed the nicotine free generation; if the Town wants to adopt this policy, she suggests that they hold a separate public hearing on this because this is a big policy change. There are towns considering this policy, Northampton will be having some listening sessions on this, which would be a good opportunity to learn about this regulation. There is not a lot of data on this, but it does have the potential to be effective. The regulation would state that if the person was born after a certain date, they would never be able to purchase tobacco products in that town. As an example, Ms. Goodnight would be able to purchase all the legal tobacco products that she wants for the rest of her life and it would not impact her ability to purchase tobacco, but her four-year-old daughter would never in her lifetime be able to purchase tobacco products in Ludlow. Eight towns have adopted this policy that will start in January of 2025, and Brooklyn is the only one where the policy is in effect. Ms. DeSantis wanted to know if there would be something on the license that would indicate that her daughter could not purchase tobacco products. Ms. Goodnight explained

that a date would be selected and noted that it would be a good idea to check in with other towns to see what dates they have selected so there aren't a lot of different dates. For retailers, this policy makes it easier for them because they would only have to remember one date. This would be a slow phase out. Ms. Lamas questioned why this is left to the individual municipalities instead of the state, if the state wants to do this. Some of these big tobacco companies are funding the politicians. By leaving this in the hands of the small communities it does a disservice to everyone. And puts the small boards up against the fence for the backlash that could come and feels this is a way for the government to pass the buck to smaller communities. Ms. Quinn explained that the individual who developed this strategy lives in Brookline, they adopted this through town ordinance and had a full public hearing and not through the Board of Health regulation. They also knew they would have to defend this all the way up to the SJC and have done this.

Ms. Lamas explained that after speaking with Ms. Matusik, she noted there are sixteen tobacco permits that have been issued with a cap of twenty permits. It was discussed that there are no current applications being reviewed and would like to make the cap of sixteen tobacco permits. Ms. DeSantis wanted to know if tobacco businesses close, could the town reduce the cap? Ms. Goodnight explained there are two options – lower the number of permits, which is called a simple cap by lowering the cap to what you have or reducing the cap as the permits are handed back. There is also retailer transfer - most towns will put in language that if the business is sold, the permit can be transferred to the new owner, if it's in the same location and there could be new requirements.

Ms. DeSantis stated that this is a drastic project for the new generation with the goal of eliminating these products and likes this idea. Mr. Tavares feels that if someone buys a business in Ludlow and wants to sell tobacco and the Town wouldn't have tobacco permits available, he thinks that they are pushing businesses out of the Town. Ms. DeSantis stated that if the goal is to eliminate the tobacco products, the town does not necessarily want their business. Mr. Tavares gave an example that if someone opens a beer and wine store and wants to sell tobacco, and instead of bringing revenue into the town the town will be losing this revenue. Ms. Lamas asked Ms. Matusik if she had any data that showed new businesses applying for tobacco permits? Ms. Matusik stated that there have not been any new tobacco permits issued within the three years that she has been with the Town of Ludlow. Ms. Lamas felt that for this update on the tobacco regulations, for anyone that has a tobacco permit, keeps the permit and if a business is sold that sells tobacco, the permit can be transferred for now and feels that because there haven't been any new tobacco permits issued, the Town doesn't need a maximum of twenty permits.

Ms. Lamas felt that the Board is in agreement to keep the tobacco permits at sixteen for the simple cap.

Ms. Lamas asked the Board if there is any continued discussion around the Nicotine Free Generation regulation and if they want to impose this regulation? Ms. DeSantis wanted to know how many towns in Massachusetts have adopted this policy. Ms. Goodnight stated that it is changing every day. The Town of Ludlow is part of a Tobacco Coalition and because of this the people in charge of the coalition tend to want everyone within the coalition to be together when enacting a regulation including the Nicotine Free Generation. She also noted that Medford, Melrose, Sternum and Wakefield have adopted this regulation. There are a couple of couple of

towns considering it but they don't know of any that have adopted the regulation currently. Belchertown was looking at it but does not feel they are leaning towards adopting this regulation. She noted there is an interest in this regulation outside of Massachusetts. Ms. Lamas expressed that Tobacco twenty-one started in Massachusetts and felt that this state usually sets the precedent for a lot of health care policies and initiatives. She also feels that if they are thinking about a nicotine free generation, what about an alcohol-free generation too because alcohol is the number one substance that kills people. Ms. DeSantis feels that this is a radical and innovative program. Ms. Lamas agreed and felt this is thought provoking and if enough towns adopt this policy, it will be like tobacco twenty-one and in her opinion, she would like it pushed back to the state because leaving it up to towns to have public hearings can go awry. Ms. DeSantis agreed with Ms. Lamas on this because they don't have all the answers and asked if there is a handbook. Ms. Goodnight stated that they are putting one together because there is a lot of interest. She also noted that the towns that have adopted this regulation have done it separately from the overall tobacco regulation update because it is a radical idea, just like the smoke free workplace, no smoking in restaurants and tobacco twenty-one. Mr. Tavares mentioned that when no smoking in restaurants was introduced, he thought that his restaurant would lose business or go out of business but now feels that this was the best thing that was done for restaurants.

Checklist for Policy Decisions:

- | | | |
|--|-----|----|
| 1. No Permit renewal if outstanding fines exist | YES | NO |
| 2. No permit renewal if three sales to persons under twenty-one | YES | NO |
| 3. No sales to the following persons: | | |
| a. Any person under the age of 21; or | YES | NO |
| b. Any person born on or after January 1, 2004, | YES | NO |
| 4. Cap and/or reduce the number of permits | YES | NO |
| Simple Cap (16), Reducing Cap (___), Dual Cap (___) | | |
| 5. No new permits within 500 feet of a school | YES | NO |
| 6. No new permits with (___), feet of an existing permittee | YES | NO |
| 500 (___) | | |
| 1,000 (X) | | |
| 2,000 (___) | | |
| 7. Ban Smoking Bars | YES | NO |
| 8. Include Minimum cigar package size/price | YES | NO |
| 9. Oral Nicotine Pouches - discuss with retailers at public hearing -? 6mg | YES | NO |
| 10. Ban Blunt Wraps | YES | NO |
| 11. Ban free distribution of tobacco products | YES | NO |
| 12. Ban redemption of coupons | YES | NO |
| 13. Ban Self-Service Displays | YES | NO |
| 14. Ban tobacco product sales in education institutions | YES | NO |
| 15. Fining Structure System | YES | NO |
| Separate State and Local (Yes) | | |
| Unified Fining Structure (___) | | |
| 16. Tolling periods for local violations | YES | NO |
| State level at 36 months (Yes) | | |

Over 36 months ()		
17. Suspension Periods		YES NO
18. Choose Suspension Periods		
First Violation: 1 to 7 days (mandatory for first underage sale)		(1)
Second Violation: up to 7 days		(7)
Third or More Violations: up to 30 days		(30)
19. "Shall" vs. "May" language for suspensions		SHALL MAY

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Actions/Correspondence:

Ms. Quinn explained that the Local Upgrade Approval for 38 McDonald Circle is requesting a one-foot reduction in depth to seasonal high ground water from four feet to three feet. Ms. Quinn noted that the homeowner failed to bring the plans to the Health Department for approval and instead handed them to the installer and the system was installed without approval. The Health Department received the plans on October 16, 2024, the plans were reviewed the same day, and a final inspection was done on October 17, 2024. Ms. Matusik accompanied Ms. Quinn for the final inspection. They spoke with the installer and explained what to look for on the plans that will let them know the plans have been approved (a red approved stamp with the signature of the Health Inspector or Health Director) and the plans need to always be on site while the work is being done. Ms. DeSantis made a motion for 38 McDonald Circle to approve the upgrade from four feet to three feet, seconded by Mr. Tavares. All in favor 3-0.

Other Discussion:

Ms. Matusik shared with the board Ms. McMurray's (Shared Services) update for the month of October that included working with the Title V contractor to create procedures related to Title V for Ludlow and the other communities.

Ms. Matusik updated the Board on Ms. Quinn's inspections:

Inspections for Title V:

- (3) Final inspections
- (7) Perc tests
- (2) Plan reviews

Food Inspections:

- (19) Routine food inspections
- (2) Pre-Op inspections

Nuisance Complaints:

- (3) Complaints inspections
- (7) Reinspection's conducted
- (2) Orders to correct sent
- (3) Second orders to correct sent
- (1) Violation and fine

Housing Inspections:

(1) Reinspection

(1) Body Art Establishment inspection

(2) Well Permits

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Ms. Matusik gave each of the board members a copy of the fiscal year 2025/2026 budget to review before her meeting with the Town Administrator, Human Resources, and Accounting that is scheduled for December 9, 2024. She noted that there were no changes to the budget other than step increases for the staff and she did include under General Expenses (Communication) \$1,000.00 for two work cell phones because she is not sure if the Hampden County Health Coalition will continue to pay for the phones. She explained the Board of Health will approve the budget and the Board of Selectman will give the final approval.

Variance approval for 805 Center Street is requested. Ms. Quinn explained that she went out on October 31, 2024, for a Perc Test, they are requesting one deep hole instead of two because where the house is positioned and where the septic system needs to be in the back is a tight fit from the property lines and wetlands buffer. During the perc test one deep hole was dug – the soil was great, a second hole was dug in the front yard and several feet of fill was found. The septic system could go in the front yard, but it would be extremely costly to remove the fill, put in the system and then fill with the Title V fill.

Mr. Tavaras wanted to make sure that the hole that was dug in the back was good. Ms. Quinn explained that it was. Ms. DeSantis made a motion to approve the variance request for 805 Center Street in Ludlow, to dig one deep hole instead of two deep holes, seconded by Mr. Tavares. All in favor 3-0.

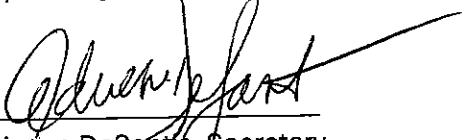
The legal notices were reviewed by the Board.

The Board of Health will hold a Public Hearing on Tobacco Regulations on Tuesday, December 17, 2024, at 5:30 PM in Hearing Room #1.

The next Board of Health meeting will be on Wednesday, December 18, 2024, at 4:30 PM in Hearing Room #1.

A motion was made by Mr. Tavares to adjourn the meeting on Tuesday, November 19, 20024, at 6:07 PM, seconded by Ms. DeSantis. All in favor 3-0.

Respectfully submitted,


Adrienne DeSantis, Secretary