

Board of Health

Meeting Minutes

March 19, 2025

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

Also Present: Paulina Matusik and Steve Chapman, Esq.

Meeting was called to order at 5:00 PM by Ms. Lamas and the Pledge of Allegiance was performed.

Monthly Business:

Ms. DeSantis signed the meeting minutes from Thursday, February 13, 2025. Ms. DeSantis made a motion to approve the minutes from February 13, 2025, seconded by Mr. Tavares. All in favor 3-0.

Public Hearing:

Mr. Steve Chapman, Esq. from Mead, Talerman & Costa, LLC, Town Council for Ludlow introduced himself and explained that he is present to advise on the potential next steps in respect of the property located at 38 Bristol Street. He also noted that there could be justification if the Board wants to do one or some component of the Sanitary Code, a Board of Health by statute of Massachusetts has independent jurisdiction to investigate and abate nuisances. He can help the Board investigate the matter and he can advise on the potential next steps.

**Ms. Lamas:** I will ask for a motion to open the public hearing for 38 Bristol Street.

**Mr. Tavaras:** I make a motion to open the public hearing for 38 Bristol Street.

**Ms. Lamas:** Do we have a second?

**Ms. DeSantis:** Second.

**Ms. Lamas:** All in favor 3-0. Public Hearing for 38 Bristol Street is officially open.

**Ms. Matusik:** My name is Paulina Matusik, I am the Health Director for the Town of Ludlow. I am just going to go through, the Board members have a packet, of everything our department has done since 2022. I know Emily shared this at the last meeting. I am just going through everything again and if there are any questions, please either stop me while I am going through or save them for the end. On June 21, 2022, we received our first complaint regarding trash, odor and rats, the complaint form is attached. In 2023, both in June and July we received complaints of rats in the neighborhood, those complaint forms are attached as well. August 24, 2023, we received a complaint from a neighbor regarding rats and a yard full of trash, this was documented on our internal complaint spreadsheet. On July 12, 2023, which is attached in your packet, an inspection and Order to Correct was sent by the Health Inspector. On August 15, 2023, an inspection was conducted, and conditions persisted with a violation notice of a hundred-dollar fine was sent out in

the mail. It was received unclaimed and returned to sender. This was later served by Constable Service which is also attached. I did look this up and the fine was not paid. August 24, 2023, a complaint from a neighbor was received regarding rats, trash and debris, this was documented on our internal spreadsheet. On September 20, 2023, there was a neighbor complaining of trash, debris and rats, this was documented on our internal complaint spreadsheet. On October 2, 2023, an inspection was conducted. The next day a second Order to Correct was sent with previous violation notice that was undeliverable, and those were delivered by Constable Service, same day which is attached in your packet. June 12, 2024, a complaint was received regarding a dumpster bag in the yard and an unkept yard, the complainant stated they saw rats in their own backyard. This was documented on our internal complaint spreadsheet. July 9, 2024, an inspection revealed the dumpster located outside in front of the house and the property appeared to be cleaned. On July 23, 2024, residents from the neighborhood called to inform us that the dumpster was removed, and a new one was brought in, this was documented on our internal complaint spreadsheet. August 20, 2024, a complaint was received regarding trash in the driveway and a dumpster blocking the sidewalk, this was documented on our internal complaint spreadsheet. August 22, 2024, an inspection was conducted, and a dumpster was there, we would monitor to see when it was removed and exchanged, no rodent activity was seen at this time of inspection, and we contacted the Police Department regarding the dumpster blocking the sidewalk. September 9, 2024, a reinspection was conducted, and the same dumpster was in place and there was an accumulation of items in the driveway. The next day an Order to Correct to clean up the property and apply for a dumpster permit or remove the dumpster was issued. On October 1, 2024, the conditions still persisted. On October 2, 2024, which is in your packet, a second Order to Correct was sent. November 14, 2024, an anonymous complaint stating that the yard looked worse was received. On January 28<sup>th</sup> of this year, we received another complaint. On January 30<sup>th</sup> of this year an inspection confirmed the dumpster was full, trash and debris was located on the property and a trailer was blocking the sidewalk. We called the Police Department, and they sent an officer regarding the blocked sidewalk. On February 24, 2025, a Public Hearing letter was served by Constable and handed to the property owner, which is attached in your packet. To this date we still have no dumpster permit for the dumpster that's been located on the property from July 9, 2024, to March 13, 2025. We have received a total of eleven complaints, we've issued six correspondences, we've done over fourteen follow-ups not including those done today or in the last two weeks, and we've had a total of eight police interactions during this time. Some new updates that were not shared within your packet. On March 13, 2025, the car and trailer that were located and complained about were towed at around 2:30 PM, the trailer was paid for by the owner and it was later returned into the driveway, you can see the picture marked 3-19-25 in your packet. Today I followed up and the second trailer was towed at around 1:20 PM today, pictures were taken. The pictures that are documented in your packet were taken today around 11:55AM and I didn't have time go back out after that. Does the Board have any questions regarding anything that I just shared?

**Ms. Lamas:** Questions for Paulina? Adrienne or Tony?

**Ms. Lamas:** Do we have a total number of unpaid fines?

**Ms. Matusik:** Just the one for the one hundred.

**Ms. Lamas:** That's it?

**Ms. Matusik:** Hmm, Hmm

**Ms. Lamas:** When you listed out the data, six correspondences, fourteen follow-ups, eleven complaints, that's from 2022 to present?

**Ms. Matusik:** I can list those out. We received one complaint in 2022, five in 2023, four in 2024, and one in 2025, totaling eleven.

**Ms. Lamas:** Okay

**Ms. Matusik:** For correspondence we sent out, zero in 2022, three in 2023, two in 2024, and one this year which was the Public Hearing letter. For follow-ups done, zero were done in 2022, five were done in 2023, six in 2024 and three in 2025 totaling fourteen in total, not including the last couple of weeks. For Police interactions there were none in 2022 and 2023 that I was given, there were two in 2024, and six in 2025 for a total of eight not including the last couple of weeks. I obviously did not include anything not pertinent to this Public Hearing.

**Ms. Lamas:** Thank you, any follow up questions for Paulina?

**Attorney Chapman:** I don't have any questions, are the owners present?

**Ms. Lamas:** To my knowledge the owners are in Portugal.

**Audience:** They are here in town, we saw them today, but not here.

**Ms. Lamas:** They're not here, their back but not physically in this building right now because I didn't see anyone that I recognize. That's good to know.

**Ms. Matusik:** I would just state that anybody that is going to have a public comment has to state their name and address before any public comment is made.

**Ms. Lamas:** Yes, please just state your name, your address and we will give you about two minutes or so for public comment.

**Man in Audience:** I have a question, I don't know why you need name and address, especially with the people that live on the street, there are going to be repercussions because this is public. I don't think that's fair at all. I don't live on the street, my daughter does, and I don't want her being targeted because we're standing up. That's wrong.

**Ms. Matusik:** I can have the Town Council speak to that.

**Woman in Audience:** Apparently, he is getting out of prison?

**Man in Audience:** I do not want my daughter at risk of speaking up, this guy been caught with a gun, he's in jail, obviously he's not the most savory person in the area. I do not feel comfortable with my

daughter speaking on public record, I don't care, I don't live there and I'm here to support her and another question is, why do they only have one hundred dollar fine after all this, it's a joke.

**Ms. Lamas:** We understand your concerns, I'll have Steve, our Town Council speak to your concerns right now.

**Attorney Chapman:** A couple of points, number one – the purpose of today's hearing is to gather facts from people that want to speak and then the Board is going to decide what action to take. So, if you want to urge the Board to issue more fines or take some other action that's understandable but I would ask that primarily the comments be directed to what folks have seen with their eyes, what they've heard and what their concerns are relative to safety, and sanitary nature of the surroundings etc. In terms of name and address, that is customary for us to do during a Public Hearing, but your comment is well taken. But there is a public records law exception for an ongoing investigation and also, we redact public records often to protect the identity of witnesses participating in an investigation. What I would ask is if people would state their name and if you're a resident, if you wanna say, you live in some proximity to the property without giving your address, I think that's fine. If you wanna say you live next door and you're especially impacted by it, that's fine too.

**Man in Audience (#1):** So, they don't have to give their name?

**Attorney Chapman:** That's what I'm saying, there's not a legal requirement, but what it does do it does go to the weight, that informs the Board how seriously this property is impacting other properties or how seriously the conduct or non-conduct of these owners is impacting other folks. If it's somebody who's next door or somebody down the street, that's one thing. If you're a passerby that has an opinion that this property is an issue, that's valid but it's not as impactful for the Board if you happen to live next door. But I understand that people may not be comfortable giving personal information, so I would say, just let us know if you're a resident, let us know and let us know what you're comfortable with and if you're not comfortable saying your address, understandable.

**Ms. Lamas:** I would say that given what Steve just shared, if you can say if you're in the vicinity of a block or so radius or a neighbor or just a town resident. So, you can say one or the other, so a neighbor could be in the couple blocks of Bristol, Hampshire. Does that sound okay to the Board and does that sound okay to you all?

**Audience:** No

**Ms. Van Haler:** I'm Ann Van Haler; I live on Bristol Street. Photos were submitted to the Board. This is before, when we started complaining, you can't really see but it's kind of neat, but they have a bunch of junk up the driveway and because nothing was done it turned into this all the way up the driveway and then they added the trailer, so when we're all trying to leave, we have a wall. One of the people here lives right next door and I live there. So, when we are trying to come out of our driveway, granted these are now towed right when the meeting is, but we see a wall of a dumpster, a trailer and a truck. They don't move it for the snow, it doesn't even run. I mean we have been dealing with this the whole time. We hold our breaths when we back up out of our driveways

because we can't see anything. It's just a matter of time before somebody's hurt. That's the backyard. You guys can't see it from the street, but somebody here can see that when they look out their windows and enjoy their yard with the odor. And, just wanted to add that we've also been talking to the Board of Selectman, so while you might have that log, I went to two meetings myself and I think you guys were at one of them with me? Some of you, Tony and Paulina, were there, so there are other people that have been listening to this throughout that time. So, there is far more than what Paulina listed. And I just bought that because the dates went back to show some communication with the Selectman. That's all I have to say, I hope you guys can resolve this for us because it's getting absolutely ridiculous, they didn't move their car for any snowstorms, anything, it didn't matter, our street is disgusting.

**Mr. Tavares:** Who lives on 38 Bristol Street, is it the kids?

**Ms. Van Haler:** The parents went to Portugal a couple years back, I think, the kids live there, but their back and forth for Festa and stuff so they're not oblivious to some of it.

**Ms. Lamas:** Their two children Liz Alfonso, her married name and Mark. The parents are usually in Portugal most of the time. And her husband Carlos. Thank you, Ann, anyone else would like to share their comments?

**Lydia:** Hi, I'm Lydia. I'm the owner of 38 Bristol, correction 32 Bristol, sorry, I live right next to them. I appreciate what John was saying but at the same time I feel like it's important to stand up to this because this has affected me personally. In the sense that this has been going on for more than six months, you said multiple years. When I moved here five years ago, I didn't have and don't have any issues with the neighbors, this wasn't happening and then all of a sudden it progressed into something big and the next thing I know the sidewalk is blocked and I can't see up the street. I pull my car into my driveway, and I have a hard time pulling out because I can't see anybody coming down the street because my view is blocked. I am inching and crossing my fingers that nobody is gonna to hit me, and it gets a little bit more challenging than that when you have people on the other side parking. The problem is not the people parking, the problem is the sidewalk is blocked, and I can't see. Bigger than that problem is more of a safety problem, and mind you, I like to give people the benefit of the doubt and I think I stayed quiet for too long because this was going on the whole entire winter. My grandson takes the school bus in the corner at the top of Bristol. When the snowstorms happened, ice storms and whatever, my grandson couldn't use the sidewalk, guess what he had to do? He had to get on the street to get over to the corner. And here I am like did he make it, did somebody slide, hit him or whatever. So, I think that's what triggered me to say, hey this is a problem and cannot continue. Added to that when all of these things were parked next to my driveway, they weren't moving them when the plows come by so all this snow is now blocking my driveway, and I have to deal with that. The trash from the dumpster, all these cardboard boxes and whatever that's just sitting there are blowing into my driveway and into my yard. And now I'm having to pick up their trash because now it's coming to my, and to me this is like, it's not even a matter of like hey you're doing this or your doing that, if you don't consider me, like they've given you enough chances, I know that the police station, the officers have gone by and tried to talk to them. What is

going on that you don't see how your impacting the rest of the street. Not everybody from the street is here, but everybody from the street has made a mention of the problem that's going on there. So, that's what I have to say.

**Ms. Lamas:** Thank you, Lydia. Would anyone else like to share, you can also share from your seats as well and not be on camera.

**Man in Audience (#1):** I don't live there, but

**Ms. Lamas:** You have someone close there that you know

**Man in Audience (#1):** I go in the backyard and play with the dogs; it's disgusting back there. And you can see it from the roads, I'm sure you've seen the pictures, you've gone by there, I don't know if any of you have gone over there.

**Ms. Lamas:** I've walked by around there and checked on it.

**Man in Audience (#1):** My daughter lives next door and the rest of the neighbors, it's unbelievable that the city has put up with this so long. I've called the police myself because of the stuff on the sidewalk. I don't know why they didn't tow them in the first place, right off the spot because it's a safety issue. They gave me the run around; it took them six months to a year to tow this stuff. A hundred dollar fine after all this time? They should be getting hammered with fines every thirty days and why aren't they? Why are they only getting one hundred dollar fine over a course of years? It's ridiculous. They should get every thirty days, if your yard isn't cleaned, they should be getting hammered.

**Man in Audience (#2):** Are the fines being towards the parents the owners of the home? It's not affecting the children that are physically living at the property because the fines aren't going towards them.

**Ms. Lamas:** Sorry, just one person at a time.

**Man in Audience (#3):** You still have to take care of the legal issues of the house, if you own it and you live in Portugal, you still have to take care of the legal part.

**Man in Audience (#1):** They may not pay it but they should still be getting fined every thirty days. Just for the trash in the yard, they have dogs – I don't know if those are licensed. Four dogs, who knows if there licensed, if their yard looks like that, I doubt their licensed and been to the vet, maybe that something we should look into? Who do we call for that?

**Man in Audience (#3):** I live two houses away and a hot day in the summer is brutal.

**Man in Audience (#1):** Who do you call to go and check to see if they do have licenses?

**Attorney Chapman:** The Town Clerk.

**Man in Audience (#1):** We call the Town Clerk, hey do these people have licenses for the dogs. No, then do we call dog control or who do you call?

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2025 APR 17 AM 11:12  
TOWN OF LUDLOW

**Ms. Lamas:** Animal Control Officer, the challenge is that its a private property, those individuals would have to allow Animal Control on to the property as well to see if there's dogs on the property. There's a lot of layers. I know Tony had a question?

**Man in Audience (#1):** There's four dogs on the property.

**Ms. Lamas:** We are talking about the nuisance and what we can see from the street based on the sanitary codes and the violations there. Tony has a follow-up question.

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2025 APR 17 AM 11:12

**Mr. Tavares:** When the parents come back do they live there, the parents?

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Audience: Yes

**Mr. Tavares:** When the parents live there, is it as bad as it is or is it the kids causing a lot of those problems?

**Man in Audience (#3):** They were here for Festa, and nothing changed since they were here and since they left.

**Mr. Tavares:** That answered my question

**Woman in Audience (#1):** It was a very nice neighborhood; I live around there and it's awful. You can see rats coming off their property running across the street in the summer. It's awful, you wouldn't want to live there. You can smell and the smell is horrendous and they're a scary couple, the man that's in prison now, he really is threatening, very, very threatening person, he does drugs, he was hauled away and he's coming back now.

**Attorney Chapman:** Can I ask a couple of follow up questions? All points really well taken. The smell in the summer is that from trash or is that from the dogs?

**Audience:** Dogs, both

**Woman in Audience (#2):** I live right next door on the other side, and I have to look and this every single day. I have to smell it in the summer, I can't even go out in my yard in the summertime. And there are rats, I have a dog, and I can hear the rats chirping along the fence line and the dog trying to get it.

**Man in Audience (#2):** I've seen the rats. I live in the same house as her, they're my dogs, I've watched the rats climb along the fence into their yard. It honestly smells like a dead animal in their driveway, that's the smell. And every summer it comes back around, we've been doing this for three years, the house has not changed whatsoever in all three years that we've lived there. We live right next door, so I welcome anyone into our backyard to see their backyard.

**Attorney Chapman:** You said that the individual, it sounds like maybe he's not living there at the moment, he may be incarcerated?

**Audience:** Yeah

**Attorney Chapman:** You said he's threatening?

**Man in Audience (#3):** Yeah, he got caught with a gun with an erased serial number

**Attorney Chapman:** Has he been threatening

**Audience:** He was arrested

**Ms. Lamas:** The arrest they are referring to is in the newspaper, on public record, it happened in July.

**Attorney Chapman:** Was it with respect to behavior towards somebody in the neighborhood?

**Man in Audience (#2):** He was walking up and down the street banging on cars with a gun.

**Ms. Lamas:** A disturbance

**Attorney Chapman:** There must be a police report on that.

**Woman in Audience (#2):** He went to prison for that.

**Attorney Chapman:** He went to prison for that?

**Woman in Audience (#2):** His truck was on the sidewalk, so they went in the truck, and they found a gun, a stock thing that has more ammo. It was awful, it was a Sunday afternoon. The Ludlow cops came right out and took over, there were about six of them.

**Audience:** Which was why we didn't want to be on record, but it came to this.

**Ms. DeSantis:** What is the relation of this gentleman that's in jail.

**Ms. Lamas:** That's Elizabeth's husband. She is the daughter of the owners.

**Attorney Chapman:** He's the son-in-law of the owners?

**Ms. Lamas:** Mmm, hmm

**Man in Audience (#3):** I've lived there for twenty-nine years and when we moved in, it was a beautiful street, now it's not.

**Man in Audience (#1):** Do they have the power to condemn the house with the condition it's in?

**Ms. Lamas:** Once we hear from everyone's comments today, in this moment or withing the next few minutes, we will close the Public Hearing and then we will deliberate and discuss with council. You are all welcome to stay and listen to our conversations, what we are going to decide for our next steps.

**Man in Audience (#1):** Have any of you gone to the property and actually seen it?

**Ms. Lamas:** It's private property and I live not too far from there and I walk the neighborhood daily and I walk by Bristol Street almost daily and I have been noticing it.



**Man in Audience (#1):** I'm sure the neighbors surrounding him would allow you on their property to see what the backyard really looks like.

**Mr. Tavares:** I've driven by quite a few times, and I drove by there this morning.

**Ms. Lamas:** I've walked by there this afternoon.

**Man in Audience (#1):** You don't see the depth of the backyard, what these guys are talking about the rats running around and the smell from the garbage and feces from the animals

**Ms. Lamas:** In terms of the State Health Codes and Sanitary is what we can see from the street. Anything in the backyard because it's private property and it's not visible from our eyes as a Health Inspector coming in or the Police. They have to be allowed back there to inspect.

**Man in Audience (#1):** What about the property, looking over?

**Ms. Lamas:** It's still not visible from the street, right Paulina?

**Attorney Chapman:** I can jump in because in this case we're actually going, this is so serious, we're going beyond the Sanitary Code we're going to our Statutory Nuisance Jurisdiction, which is kind of like the nuclear option. One of the options we probably won't be able to decide on it tonight necessarily because we'll need authorization from the Select Board. We may want to have an Executive Session with the Select Board because there are a lot of moving parts here. And we might not want to do this at a public meeting where the opposing party could see our playbook openhanded, it sounds like it's on the Select Board's radar so they would probably be amendable to meet with us in Executive Session. I don't want to speak for them, but there usually very good to work with. And I think this would rise as a priority with them. If what we end up doing is a civil lawsuit to get an injunction against these folks, I could absolutely use images because we are going outside the sanitary code in that context, I could absolutely use images, videos or evidence that some of you could help us gather from abutting properties.

**Man in Audience (#3):** Can you get a warrant or some kind of search warrant?

**Attorney Chapman:** There is such a thing of an administrative search warrant, quite frankly, I am not sure we need it here. Some of these pictures are pretty damning. I actually thought that the Health Department's file was pretty extensive and well documented. In my world this is a lot of items of correspondence over a protracted period of time. You have nonresponse from the owners, so I think it's reaching a boiling point now. I think that's frustrating for the neighborhood. An administrative search warrant would be more appropriate if we thought the wiring inside was unsafe and we had some reason to believe we needed to get inside to do an inspection and the owners wouldn't let us inside, I would go to the housing court to get a search warrant to gain entry to do a wiring inspection. This sounds like we have a nuisance in the form of unsanitary conditions, some of it we can see from the street, sounds like much more of it we can see from the abutting properties so with some help from you folks just with some images and the satellite images is pretty telling, I hadn't seen that before, which tells me it's been there for some time. I would say with a little bit of assistance, some videos, some photographs from the abutting properties, I probably

have enough to go forward in court and prove to a judge that an injunction is warranted. I'm not really worried about meeting the quantum of proof. Before we really decide our next steps, now that I understand that is a criminal component to it and probably a mental health component to it and a couple of moving pieces there. I just wanna see that police report, look up the criminal dockets, see what this gentleman is incarcerated for, get some more information about what the length of that incarceration is. I understand that he is not the owner perse but again, a lot of moving pieces here, not that we can't take decisive action relatively quickly once we gather the information which most of if has already been done here.

**Ms. Lamas:** Paulina just pulled the police reports in terms of the nuisance complaints and the sanitary complaints. There may be other additional police reports, we didn't pull any of those, we just pulled what was directly impacting this complaint.

**Woman in Audience (#2):** For the property?

**Ms. Lamas:** All the other police calls that you're referencing, this one in particular, we did not pull, that would be referred to council.

**Attorney Chapman:** To be clear, it is outside this Boards jurisdiction, but you've raised a concern. I'm trying to look at it more holistically to make sure that everything we do is a little bit more coordinated and taking all the factors into account.

**Ms. Lamas:** Does anyone else want to share anything before we close the public hearing?

**Woman in Audience (#2):** How long is this process going to take, not another three years, is it?

**Ms. Lamas:** We are going to talk about it now, I'm hoping that it does not take three years. I can't speak for Adrienne and Tony, but I imagine that when we discuss this after we close this hearing that we will want to take care of it because it is impacting your well-being and where you live. Where you live is where you spend most of your time, outside of work, and you want to live in a healthy place. Would anyone like to share anything else?

**Woman in Audience (#2):** Do they have people that work in the town checking properties?

**Ms. Lamas:** When it comes to certain complaints, as elected officials, the Selectmen may hear stuff, we may hear stuff, we pass it on to the department buy either sending it to the Health Department, it could be Police and Fire or Building. Usually when there is a complaint it's directed to the Health Department and after further investigation it doesn't fall within our scope or purview, so then it gets sent to Building. The sidewalk area is public property, it violates zoning and public safety and that's outside of the Board of Health. It's nuanced and layered sometimes. If you see something, say something so that it can be checked to see if there are code violations or by-law violations, that's how the town operates regarding complaints.

**Man in Audience (#1):** We've been complaining about this for quite some time, and it's still not going anywhere. And a hundred dollar fine just boggles my mind, one hundred dollar fine after all of these complaints and the way the condition of the property is. Somebody needs to step up

because no one is going back to say the fine hasn't been paid and the property is still not cleaned up. No one seems to be following through with that.

**Woman in Audience (#2):** They had two trailers, and an Audi towed out, the Audi has been towed back and tomorrow the next trailer will come back. This is not working.

**Lydia:** The fear is this is, we have a collection of stuff over on our right side and luckily there has been some removal of those things, but before the removal of those things happened, unfortunately our neighbor in the front, his car broke down and now has a flat tire and is starting to waste away. Is this the beginning of something else because this was allowed to go on for so long.

**Man in Audience (#1):** Snowball effect!

**Ms. Lamas:** We do hear you, but we would just like to discuss this property.

**Lydia:** I'm looking at it on the side and in front of me and it's just a big mess. It doesn't look good for the Town, and it doesn't look good for the street.

**Ms. Lamas:** Anything else, last public comments, that anyone would like to share?

**Ms. Lamas:** Do we have a motion to close public hearing?

**Ms. DeSantis:** I motion to close the public hearing for 38 Bristol Street

**Ms. Lamas:** Do we have a second?

**Mr. Tavares:** Second

**Ms. Lamas:** All in favor 3-0. Motion passes, the public hearing for 38 Bristol Street has ended and we will discuss it. Everyone can stay as I have mentioned.

Ms. Lamas asked Attorney Chapman what the options are around the Civil Injunction?

Attorney Chapman explained that he doesn't feel that additional fines will motivate the owners of this property, so the other alternative would be a civil lawsuit to seek an injunction ordering that the owners clean it up. He does understand that the owners are somewhat absent and if it is ignored, they could ask the court for the most extreme remedy, a receivership, where a third party will be put in charge of the property by the court and that person will clean it up. This is not typically something the judge will order the first go around but feels that this is an extreme situation from his experience.

Ms. Lamas noted that the Board will discuss how they would like to proceed and then check in with the Town Administrator and the Select Board for approval. Attorney Chapman noted that it will be the will of the Board with authorization to proceed with a lawsuit.

Ms. DeSantis asked what could be done immediately because this is a safety issue regarding the blocked sidewalk. The audience explained to the Board that before they attended this hearing there is nothing blocking the sidewalk.

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2025 APR 17 AM 11:12

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Ms. DeSantis wanted to know how long the dumpster had been on the property? The audience explained that there have been multiple dumpsters over the years. Ms. Matusik noted that the last dumpster has been on the property for over a year, and no permit was pulled. Ms. DeSantis wanted to know how they should proceed. Attorney Chapman feels the lawsuit with the injunction, to bring a complaint for contempt of violation of the injunction, that could be potential imprisonment of the individual for contempt. Ms. DeSantis wanted to know what the timeframe would be for this. Attorney Chapman stated that once he has authorization, some of the photos are pretty telling and some of the things that he has seen during the public hearing, noting that it would help this case if these photos could be given to the Health Department over the course of the next week or so. Once Authorization is given, he could draft up the lawsuit within a week, but is not sure how soon the motion could be scheduled, maybe within two weeks? He would seek, which means the judge would have to sign off, for an order to have the property cleaned up within fourteen to thirty days. He does understand that this has been going on for a long time, but the Judge also knows that Attorney Chapman's next step would be contempt. These problems are not created overnight so the Judges like to give people a reasonable timeframe and/or chance to bring the property into compliance.

Mr. Tavares expressed to the audience that hopefully the owners will clean the property once they hear from the court and that the Board will do everything they can to help.

Ms. Lamas feels that the next steps for the Board would be to vote and move forward with the civil lawsuit with the approval of Town Council, Town Administrator and the Board of Selectmen. Ms. DeSantis made a motion to file a civil lawsuit for 38 Bristol Street with the approval of the Town Council, Town Administrator and the Board of Selectmen, seconded by Mr. Tavares. All in favor 3-0.

#### Actions/Correspondence:

Ms. Matusik handed out packets to the Board regarding noncompliance for Trippy's at 348 West Avenue. She explained on October 5, 2023, comments were sent to the Planning Board that tobacco permits are required from the Health Department. On October 27, 2023, the Planning Board approved the site plan for Trippy's and the hair salon. On November 22, 2024, a youth compliance check was done by the Pioneer Valley Tobacco Coalition that showed Trippy's was in violation of selling without a local permit and selling to a minor. On November 27, 2024, a correction and cease-and-desist order was served by constable service for selling tobacco products to a minor under the minimum legal age and violation of 105 CMR 665.13, Section A – Operating without a retail tobacco permit from the local Board of Health. Trippy's was informed to pay a one thousand dollar fine and to cease-and-desist all sales of tobacco products. The fine was not paid. On January 21, 2025, a second notice was served by constable service that included a three thousand dollar fine and to cease-and-desist all sales of tobacco products. Ms. Matusik explained the constable service is performed by their Police Department, the Detective Bureau because they are in plain clothes and during this service, they can only deliver the notice, once the service is performed, they go back to being a police officer. Photos were taken of the tobacco products within the store. The detective did inform them he would be back that day and to give him

a call when the tobacco products have been removed from the shelves, which they did. No follow-up has been done since. The fine has not been paid, and there has been no communication from the owner to apply for a tobacco permit.

Mr. Tavares mentioned that he has noticed a for-sale sign in the window and wanted to know if the State is closing them down because of a sale to a minor?

Ms. Matusik explained that on January 21, 2025, there was a Facebook post saying that the store is closing and noting that as of this meeting, which is almost two months, the store is still open. She did reach out to the Cannabis Control Commission because there are marijuana products in the store, which is not under the Health Department, she was referred to the Coalition which does not address marijuana and was not addressed by the State. She also reached out to the Department of Revenue because Trippy's does not have state permits, she was directed how to look up these permits through email and was referred back to the Coalition.

Ms. Lamas feels that there have been two cease-and-desist orders that were ignored and wanted to know what the next steps would be going forward?

Attorney Chapman explained they were fined twice and the fines were not paid, they were served with a cease-and-desist order twice and did not abide by them, and feels he needs to get an injunction, a court order that says they have to pay the fines, the attorney's fees and noted that they have the Board of Selectmen's authorization on this already. He will be deciding on whether to process this through Housing Court or Superior Court.

Mr. Tavares made a motion to move forward with a Civil Lawsuit against Trippy's at 348 West Avenue, seconded by Ms. DeSantis. All in favor 3-0.

Ms. DeSantis made a motion to nominate and approve Octavia Anderson, ACO as Animal Inspector, seconded by Mr. Tavares. All in Favor 3-0.

Ms. Matusik explained that the septic system on 484 Poole Street was installed prior to the installer (Ken Bousquet, Jr. Excavating and Trucking) obtaining a permit. The Health Department was called to schedule a final inspection on this property for repair by the installer, the plans were approved on December 19, 2023, that he did have an active permit for, noting the plans are good for three years. Once Mr. Bousquet was notified that his permit had lapsed, he went into the office to renew his permit and apologized. Ms. Matusik explained that he has worked in the town for a very long time with no issues on any work he has done.

Ms. DeSantis made a motion to send a letter to 484 Poole Street, System Installer to remind him to renew his Installers permit on an annual basis, seconded by Mr. Tavares. All in favor 3-0.

Other Discussion:

Ms. Matusik shared the monthly health updates. The department created a quarterly newsletter that was posted on Facebook, their website, and will focus on the seasons with important health updates, upcoming community events, wellness tips and resources etc. She is also thinking about

doing an introductory piece on her staff because her department is expanding. On March 31, 2025, the Health Department will be working out of Hearing Room #1 due to the department getting painted. Ms. Matusik explained that when she attended the CARES meeting, she gave an update on what the Health Department and the Mill Towns Public Health Coalition do and offer. The Health Department has grown and expanded this past year thanks to the Mill Towns Public Health Collaborative. There was an article in the register regarding the Collaborative, more information can be found on the Town of Ludlow Health Department website under the link labeled Mill Towns Public Health to know who the Mill Towns are, what they do, how they collaborate and how they are a part of the Town of Ludlow Health Department. Some of the new staff include Erin McMurray (Shared Services Coordinator), Ashley Jediny (Social Worker) and they are currently looking to hire a Nurse and a Health Inspector. Their Facebook page and website are consistently updated with useful and important information. Some new services they started this year are the CPR/First Aid/AED classes, and Ms. McMurray has been trained to offer BLS classes for nurses and for First Responders. This year Ms. McMurray has certified a total of fifteen individuals. They offer free Narcan and now offer Narcan and educational training which they are looking to host monthly. Ms. Matusik mentioned that they are providing more education about the Health Department regulations including food safety and Title V, and looking into updating the regulations that are outdated. Services the Health Department continues to offer are free Sharps Disposal through Tapestry Health, Social Worker Drop-in Hours at the Library that are held the first Wednesday of every month from 11am to 1pm, free Narcan, monthly health topics and education are listed on their Facebook page and website, Blood Pressure and Footcare clinics are held at the Veteran's Center and the Senior Center multiple times every month, and a variety of Health Inspections – Food Inspections, Housing Inspections, Nuisance Complaints, Body Art establishments, Title V, Well, Lead, Pools and Camps, free medical equipment that varies by donation and they are partnered with the Hampden County Sheriff's Department – they have a large storage facility and will deliver, and Flu vaccines.

Ms. Matusik shared with the Board Ms. McMurray's (Shared Services) updates, she included what is being done in each community and what each staff member does.

Ms. DeSantis asked if Narcan training is required if someone is asking for a Narcan kit? Ms. Matusik explained that it is not a requirement but when the Narcan kit is given to someone, they are asked if they have any questions or if they need training. She also noted that there is a brochure in the kit.

The legal notices were reviewed by the Board.

Ms. Matusik handed a packet to each of the Board members explaining that Borges Construction Company, Inc. applied for an Installers' permit for 116-118 Booth Street. She explained the Health Department had no records of his company having permits in the past and is considered as a first-time applicant. The requirement for first time applicants per the Massachusetts State Regulation Code 310 CMR 15.19 is to provide copies of valid licenses and three recent installer permits. The information that was provided by Mr. Borges was watermain replacements – noting that wastewater and sewer regulations follow Massachusetts State law 314 CMR 7, which is different and does not

fall within the Health Department. After notifying Mr. Borges of what was needed, his daughter came in and submitted the following documentation:

- Watermain improvement project from 2023 for the Town of Uxbridge.
- Watermain replacement project from 2021 for the County of Worcester.
- New Sewer Connection project from 2023 for the Town of Ludlow.
- Insurance

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His Daughter also explained that her father installed her new septic system in 2007 for 385 Poole Street and an Installers permit was issued on June 13, 2007, in 2019 an outlet filter was replaced by Clean Septics, and on October 31, 2023, a perc test was performed and after that there is no documentation if a new system was designed or installed. She also brought in an Installers permit from 2016 that was issued by the Health Department, but the Health Department has no records of this permit in their system. Maria also explained that her father installed a new septic system in 2016 for 64 Applewood Drive and an Installers permit was issued on January 1, 2016. Included in the packets that Ms. Matusik handed to the Board was email correspondence and she highlighted for the Board her concerns about the work that was done.

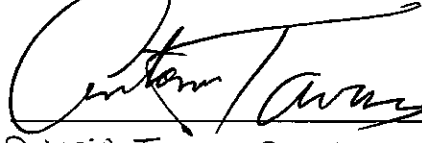
Ms. Matusik's recommendation is for Mr. Borges to take an Installers test to prove that he does have the knowledge to install a septic system. She explained to the Board there are three options, to test the applicant, issue a permit with the information provided or deny the permit. These are the options she was given by other Health Departments she reached out to.

Ms. DeSantis made a motion that the Disposal Works Installers application will now include an amendment that anyone applying for an Installers permit in the Town of Ludlow, who has not had a permit within the last five years, will be considered a first-time installer effective March 19, 2025, seconded by Mr. Tavares. All in Favor 3-0.

The next Board of Health meeting will be on Wednesday, April 16, 2025, at 4:30 PM in Hearing Room #1.

A motion was made by Ms. DeSantis to adjourn the meeting on March 19, 2025, at 6:50 PM, seconded by Mr. Tavares. All in Favor 3-0.

Respectfully Submitted,



Antonio, Tavares, Secretary