

Board of Health

Meeting Minutes

February 13, 2025

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TOWN OF LUDLOW

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

Also Present: Paulina Matusik and Emily Quinn

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 Wednesday, January 15, 2025. Ms. DeSantis made a motion to approve the minutes of January 15, 2025, seconded by Mr. Tavares. All in favor 3-0.

Ms. DeSantis signed the meeting minutes from Thursday, January 16, 2025. Ms. DeSantis made a motion to approve the minutes from Thursday, January 16, 2025, seconded by Mr. Tavares. All in favor 3-0.

Public Hearing:

Ms. Lamas explained that the public hearing scheduled for 350 West Street, Unit #6 is to hear evidence regarding the condemnation of 350 West Street, Trailer #6. The Ludlow Board of Health will open the hearing to hear evidence from the Health Inspector, alleged violator, and others in the audience that could include the Building Department, Fire Department, Landlord etc. Once all the evidence is heard, the public hearing will be closed. The Board of Health members will make a decision to deliberate after the public hearing or to deliberate at their next Board of Health meeting.

Before the Board of Health begins and in the interest of time, Ms. Lamas, asked that everyone adhere to the following ground rules. When addressing the Board of Health, everyone must first identify themselves by name, address and any professional affiliation that person may have that impacts their comments. Please be considerate of the person speaking whether you agree or disagree and refrain from commenting out of turn. Any person who shows verbal disrespect will be asked to leave the public hearing. Ms. Lamas then thanked everyone for their anticipated cooperation.

Ms. Lamas: May I now need a motion to open the public hearing.

Ms. DeSantis: I motion to open a public hearing for 350 West #6, condemnation hearing.

Ms. Lamas: Do we have a second for that motion?

Mr. Tavares: Second

Ms. Lamas: All in favor 3-0. So, the public hearing for the condemnation of 350 West Street, trailer #6 has been opened. So, you will hear from Emily, our Health Inspector, first.

Ms. Quinn: I'm Emily Quinn, the Health Inspector for Ludlow, umm, so ok, I printed out one set of photos, if you don't mind passing that amongst yourselves. Umm, and then I printed out

Ms. Quinn: This hearing is to discuss the conditions that we found at 350 West Street #6 – background information on the property. Our office received a complaint from the occupant of 350 West Street #6 with concerns of the conditions of the home including a leak and mold. Paulina and myself conducted an inspection of the property on January 8, 2025 at which time numerous violations of 105 CMR 4:10 Minimum Standards of Fitness for Human Habitation were found. Exhibit A is a copy of the inspection report. An Order to Correct was sent to the owner - Exhibit B detailing thirty-one violations with several conditions deemed to endanger or materially impair health or safety including: a missing portion of roof, the bathroom sink not being connected to the sanitary drainage system rendering it unusable, the exposed wiring, and improperly installed outlets and the complete absence of any smoke and CO detectors in the home. An Order to Correct was also sent to the occupant - Exhibit C detailing four violations with two conditions deemed to endanger or materially impair health or safety including: the second means of egress being obstructed and unusable and the complete absence of smoke and CO detectors. The occupant disclosed that they removed one from the kitchen and was instructed to restore it at the time of inspection. After that I reached out to the Fire Department and the Building Department to schedule a joint inspection given the conditions we witnessed. This inspection was conducted on January 22, 2025, at which time both departments had serious concerns of the conditions. The Fire Department put a battery-operated smoke CO detector on site and the second egress was unblocked by the occupants at the time of that inspection. On January 23, 2025, the Building Department notified us that they posted 350 West Street #6 with a stop work order as well as a notice that the structure is unsafe for human occupancy or use, that's Exhibit D in the packet. She also gave a letter, that she just drafted up today for the occupants, detailing her findings. Ashley Jediny, our Shared Services licensed social worker contacted the occupant on January 14th, January 23rd, and February 7th to provide resources for seeking alternative housing options given the conditions of the home, her notes from the conversation are in the packet as Exhibit E. Do you have any questions for me at this moment?

Mr. Tavares: No

Ms. Lamas: Any questions for Emily?

Ms. DeSantis: No, I'm glad she got involved, that's nice, we didn't have that before.

Ms. Quinn: Yeah, it was very helpful.

Ms. Lamas: It's a good example of what a social worker is for. I don't have any questions right now.

Ms. Quinn: The violations found are numerous and I do not believe the property can be effectively brought into compliance, or up to code standards while it is occupied. I know that the Building

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Department has already, stated that it shouldn't be occupied but from our point of view I don't believe it should be occupied. It's my recommendation that the Board declare the property unfit for habitation and the property be secured and condemned.

Ms. Lamas: Okay, thank you, Emily. I have a follow up question? What would be the Board's role in the next steps if we do determine that this structure is condemned?

Ms. Quinn: We would put out a notice of the finding of the public hearing and you would determine a time frame for, when we would placard that condemnation, so you could set a date and time for us to go and secure the property.

Ms. Lamas: And then when you say secure, you mean to lock it down so the occupant can't get back in?

Ms. Quinn: Yeah, we don't want anyone to enter it whether it be the occupant or anyone unlawfully entering it because it would be unsafe.

Ms. Lamas: And if they still have personal effects in here, it looks like they might, how would that process work if they need to get any items for themselves.

Ms. Quinn: So, in the past if we've secured a property, we would set up an appointment with the occupant or whomever it may be to retrieve the belongings. We would go and make sure that they were in and out and nobody was left inside and then lock it back up.

Mr. Tavares: Is there someone living there right now?

Ms. Matusik: We did receive a phone call from the Police Department Friday at 10pm leaving us a voice message that they were dispatched to the property at around 8:30pm because there was no water at the trailer. The occupant informed the Police Department at that time that the Board of Health had allowed them to occupy the unit, which is false, and they took pictures of the placard that the Building Department had put on there, so, on Friday, there was someone living in the trailer. I touched base on Monday, our Building Commissioner was out on Monday, and I referred to Building because the Board of Health did not meet yet. I did inform Police that the Board of Health would be having a meeting, Thursday to determine if the property would be condemned and we would follow up with next steps just because I can't answer to building regulations.

Mr. Tavares: Have you spoken with the owner of the property?

Ms. Lamas: The'll probably be next.

Ms. Quinn: I spoke to the owner of the trailer; I want to say last month, just before I think it was before the building department had gone out with us for that second inspection, I'm going off of memory, so I apologize. At the time, I had asked that at least the critical violations of smoke detectors and the roof, etc., if I could get a time frame for repairs because our goal is not to remove people from their homes if we can help it. I hadn't heard from the owner after that.

Ms. Lamas: Do you have a follow up for Emily?

Mr. Tavares: Well, I would just like to know if the owners, are planning on fixing the property, you know what I mean.

Ms. Matusik: We can hear from the owners after Emily, if the Board wants to call them up?

Mr. Tavares: No, further questions from me.

Ms. Lamas: Any further questions for Emily?

Ms. DeSantis: No, thank you

Ms. Lamas: No, thank you Emily

Ms. Quinn: Thank you

Mr. Tavares: Thank you, Emily,

Ms. Lamas: Are one of you gentlemen, ok, you both coming up or

Mr. Robare: No, I'm the owner

Ms. Lamas: Okay, you can come

Mr. Loranger: I'm his cousin

Ms. Lamas: Okay

Ms. Lamas: You can have a seat, please introduce yourself

Mr. Robare: Milton Robare

Ms. Lamas: Milton Robare, okay

Mr. Robare: This this mess started, last January 5th my mom died, not the one that just went by the one before that and the owners of the park raised the rent at the same time, and I got stuck with it and I'm paying two lot fees know, two double everything. And I got stuck, I started fixing it, ran out of money. This guy is a friend of a friend, he supposedly got evicted out of a place in Connecticut and needed somewhere to go. He told me, you know, he did construction work, that he could fix it, so we made a deal, and nothing got done and two weeks before the call from her, from Emily, I hear about a water leak, mold all this within two weeks. I was like, you've been there six months. All of a sudden, all these problems and now I'm stuck, I don't know what to do, I'm out of money. I'm talking to the park owner, and I got another buddy of mine, they are gonna try to help me fix it but not with them there and he's, you know, there trying to snowball me on guilt going there, when I get outta work they're not there or vice versa. And there just threatening me with housing, now he says he has housing court on me or something, I haven't seen, I haven't got a summons or anything, I don't know. But I wanna fix it or do what I can or try to sell it, but I can't do anything with them there.

Ms. Lamas: Okay

Mr. Tavares: So, you want them out of there?

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Mr. Robare: Yeah, I can't do anything with them there, the place is so packed. They brought, it looks like they brought like three houses worth of stuff into a one-bedroom trailer. They got it written up as two bedrooms, it's a one-bedroom trailer.

Ms. Lamas: Okay

Ms. DeSantis: So, your intention is to make the improvements and then sell it eventually or

Mr. Robare: Right, yes

Ms. DeSantis: You're not looking at just letting it go at this point and just getting it off your hands?

Mr. Robare: No, no, no, that was my mom's and that's all I had.

Mr. Tavares: My question for you is, let's say, your first goal is get them out of the house, out of the trailer

Mr. Robare: Right

Mr. Tavares: Your second goal is to fix the trailer

Mr. Robare: Right

Mr. Tavares: But you just told us that you ran out of money, and you have no money

Mr. Robare: Well, I'm in talks with the park owner

Mr. Tavares: Okay

Milton Robare: He's interested but he wants to, once we get them out, he wants to go through and see how much work it's gonna need, you know, to put it up to code and all that. And I gotta, until they move out and we put the numbers together, I don't, I don't know what to do. He says he'll help me.

Mr. Tavares: I think a letter from our Board that they cannot live, the property cannot be livable, I mean he has to

Ms. Lamas: That's the condemnation letter

Mr. Tavares: He has to leave,

Mr. Robare: Right, right, that's what I want

Mr. Tavares: I don't know, our inspector, you know if she's gonna put, you know, for time and fix and I know it all takes money to fix all the issues, you know what I mean.

Mr. Robare: Right, right, right, that's what I'm sayin, the park owner is interested in helping me or maybe buyin it or work out some kind of a deal because I'm behind on the, lot fee because they're not helping me with any of the bills. I left about two thousand dollars worth of tools I got there, all the supplies for him to do the work. And he said he would do the stuff, my stuffs still there, the supplies that it needs, my tools, everything was still there.

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Ms. Lamas: Milton I have a question, do have any kind of lease or agreement with him

Mr. Robare: No

Ms. Lamas: Okay, so he was just on word

Mr. Robare: Yeah, word

Ms. Lamas: Good faith, okay

Ms. Lamas: Do you have any follow up questions for Milton?

Ms. DeSantis: So is he still in there now?

Mr. Robare: They're not supposed to be, but I heard the neighbors on the street say they come and go.

Ms. DeSantis: Okay

Mr. Robare: And then I got the call about the water line leaking and he knows you're supposed to leave the waters dripping, and I'm not saying he did, but my guess is he let it freeze up on purpose to cause me more headache and more damage.

Ms. Lamas: Sorry about your mother passing, it sounds very frustrating and an aggravating situation

Mr. Robare: Thank you, it's been

Ms. Lamas: I'm just curious if we vote to condemn, based on what we're hearing, you wanna fix it. I'm just curious once it's condemned then the owner can go in and fix it, right. It's more it can't be fixed while someone is living in it because it's unlivable at this time.

Ms. Quinn: If the property were to be condemned our goal is to bring it back into compliance so if he or another person is able to do the repairs and bring it back into compliance then obviously that is great.

Ms. Quinn: The reason that I don't think the repairs can be done while it's occupied is as Milton mentioned there is quite an accumulation of items inside the property. If you review my report, there's a lot of mold, there's unfinished floors, unfinished walls. There's questions about the electrical. When the Fire Department and the Building Department went in they were very taken aback by the wiring. With people going in and out I don't know that they could work around the items and work around three people.

Ms. Lamas: Okay, thank you

Ms. Quinn: Yeah

Mr. Tavares: You know, I think the thing is you want them outta there

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Mr. Robare: He's lied to me throughout this whole and got me in this big mess. At this point, there was none of that mold, none of that was there. I don't know if a pipe broke in the wall over the winter and he didn't tell me. I don't know, but he's going to tell me after the fact that there's mold all over the place and then tell me and then call

Ms. DeSantis: So, when you handed the place over to him to stay there

Mr. Robare: there was zero, my mother was living in there, there was no mold

Ms. DeSantis: It was very different.

Mr. Robare: Yes

Ms. DeSantis: Okay

Ms. Lamas: Our role, Milton just so you know, we're not involved in the housing court and what's going on there.

Mr. Robare: Right, right I understand

Ms. Lamas: That's our role as the Board and then the Building and Fire could get involved as well.

Ms. DeSantis: I think the report speaks for itself, and the pictures and, and for human, you know, survival there, the exhibits it's very clear to me. I really don't have any questions.

Mr. Robare: Ahh, he didn't do me no favors

Ms. Lamas: Do you have any other follow up questions for Milton or Emily? Did you sir, were you going to speak, you're just here for support?

Mr. Robare: Yeah, yeah, he was there

Mr. Loranger: If I could speak, my name is Tom Loranger, I live on Lillian Street, and I was there when he let, the guy came to look at the place because he was being evicted from Stafford Springs, and he did make that promise that he would do the repairs

Mr. Robare: The floors, the painting, the woodwork, he was supposed to do all of that, and he assured he was gonna, he did none of it.

Ms. DeSantis: And he did nothing, nothing.

Ms. Lamas: Thank you Tom.

Ms. Lamas: Do we have any other follow up questions for Emily or Milton for the public hearing portion before we close the public hearing? No, okay.

Ms. DeSantis: I think it's pretty straight forward.

Ms. Lamas: Okay, so we'll need a motion to close the public hearing.

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Ms. DeSantis: I give a motion to close the public hearing for 350 West Street #6, condemnation hearing.

Ms. Lamas: Okay, do we have a second?

Mr. Tavares: Second

Ms. Lamas: All in favor. So, the public hearing for 350 West Street trailer #6 has closed and now it sounds like, based on board members, that we are going to deliberate and vote tonight on whether or not it should be condemned.

The Board deliberated and felt the information Ms. Quinn submitted to the Board was very detailed and thorough and expressed that she had done a great job.

Mr. Tavares made a motion to condemn property 350 West Street #6, seconded by Ms. DeSantis. All in favor 3-0. The Board of Health has declared 350 West Street trailer #6 has condemned the property as of Thursday, February 13, 2025. Ms. Matusik will go out to condemn the property and if there are personal effects, they can reach out to the Health Department.

Ms. Lamas read the standardized public hearing script from the state that addresses how a public hearing works in regard to public comment and participation just as she did at the January 16, 2025, public hearing:

“As chair of the Ludlow Board of Health, I want to inform attendees that we will not be accepting public comments or public participation for the remainder of this meeting. This decision ensures that we can efficiently address the agenda items and conduct necessary Board business without disruption. Public input is always valued, and we encourage residents to submit concerns in writing or attend future meetings designated for public discussion. Thank you for your understanding and cooperation.”

Mass General Law: the open meeting law states – No person shall address the meeting or the public body without permission of the chair and all persons shall at the request of the chair be silent. Chapter 30A: Section 20G

Actions/Correspondence:

Ms. Lamas explained that there were two meetings in regard to updating the Tobacco Regulations on March 26, 2024, and November 19, 2024, and a public hearing on January 16, 2025. Ms. Goodnight, who is the Tobacco Control Director for the Massachusetts Municipal Association, attended each meeting and public hearing.

Proposed Changes:

1. Changing maximum number of tobacco product sales permits from 20-16
2. Banning smoking bars
3. Possibly proposing limit on oral nicotine pouches to 6mg
4. Changing fining structure to align with the state

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5. Changing suspension/violation period
6. Adding retail density –
 - a. No tobacco sales permit shall be issued to any new applicant for a retail location within 1,000 feet of an existing retailer.
 - b. Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school.

Ms. Lamas noted that all current businesses who have active tobacco sales permits align with the retail density.

Ms. Matusik noted that at the public hearing on January 16, 2025, there was a lot of back and forth and per the Boards request; she reached out to the tobacco retail stores within Ludlow on January 28, 2025, by email explaining the public hearing was held and public comment was extended to January 31, 2025. In the email she asked if there were any questions or concerns regarding the draft tobacco regulations and if anyone wanted to schedule a meeting. She also expressed in the email that the Board may be limiting oral nicotine pouches to 6mg which could affect their sales if they sell more than 6mg. Ms. Matusik did meet with one establishment (Ludlow Smoke Shop) on January 30, 2025, at 9:00am. They went over the draft regulations; she was able to alleviate the confusion and answer their questions. The owner verified that his establishment does sell 3mg, 6mg, and 9 mg oral nicotine pouches. Ms. Matusik did speak with another establishment after the public hearing because they crossed paths at Town Hall. During their discussion she found out that this establishment sells the oral nicotine pouches in 3mg, 6mg and 12 mg. This owner explained to Ms. Matusik that they are looking to return the 12mg pouches because no one buys them. Other than these two establishments Ms. Matusik has not heard from any of the other establishments in town.

Ms. DeSantis wanted to know if the other establishments sell the nicotine pouches. Ms. Matusik feels that they probably do sell them but that they have not reached out.

Ms. Lamas asked the Board how they would like to proceed with adopting the tobacco changes?

Ms. DeSantis felt that the proposed regulations align with the state except for the oral nicotine pouches, she thought this should be discussed.

Mr. Tavares is not in favor of limiting the oral nicotine pouches to 6mg because anyone can drive right over the bridge into Springfield to buy them along with their gallon of milk. He believes that if the state wants to regulate the pouches, it should be statewide.

Ms. DeSantis noted that out of all the establishments, only one came forward to discuss and understand the proposed changes including putting a limit on the pouches. She wanted to know what was the conclusion of the meeting Ms. Matusik had with the owner of the Ludlow Smoke Shop. Ms. Matusik explained that they went through all the proposed regulations, and she explained that if all the regulations passed, the only one that would affect him would be limiting the

oral nicotine pouches to 6mg and he explained that he does sell some but not a lot of them and noted that his sales are more prominent for the 6mg pouches.

Ms. DeSantis feels that there wasn't a big pushback in eliminating the 9mg oral nicotine pouches according to the meetings and public hearing that was held. She also explained that the Board only received a few letters and responses on this and noted that it didn't seem like it was a big component in regard to the Ludlow Smoke Shops sales.

Mr. Tavares feels that they should leave the oral nicotine pouches the way they are and to not put a limit on them because according to the Ludlow Smoke Shop, he does not sell a lot of these.

Ms. Lamas explained that the concern with oral nicotine pouches is that years ago there used to be incentives from the tobacco companies to get young people to use their product and to earn merchandise by turning in their points. ZYN is now doing the same thing, so the more pouches they buy the more points they accumulate, like a rewards system. She explained that one 6mg pouch equals three to four cigarettes, and for a 9mg pouch she is guessing there are about eight cigarettes. Cigarette sales are down but other nicotine sales are up. If part of ZYN's marketing strategy is for tobacco cessation, they use it as tobacco cessation, which means that Nicorette gum can be bought – it can be purchased at CVS, a person can buy up to 6mg over the counter. Ms. DeSantis asked if the nicotine patches are more than 6mg. Ms. Lamas believes that the person would work with their primary care provider, they would start at a certain dosage to eventually wean off the patch. She noted that only two establishments reached out and one of them doesn't sell a lot of the 9mg pouches and feels that because the other establishments didn't reach out it may not affect them at all, she is not sure.

Ms. DeSantis explained that they are also looking at other programs for nicotine reduction, noting there will be more changes coming, more dramatic changes they could see over the next year. She also feels that this is a step in the right direction.

Mr. Tavares noted that as he was looking over the list of tobacco establishments in Ludlow, many of the businesses are on Center Street and East Street and all someone needs to do is drive five minutes over the bridge and spend their money which means the establishments and the town will be losing money. He also believes that if the state wants this, it should be statewide because why is Ludlow going to be the only town to do this when the surrounding towns and cities are not?

Ms. DeSantis asked how many towns have adopted the limit on oral nicotine pouches to 9mg?

Ms. Lamas expressed that not too much is being said about the oral nicotine pouch limit, the focus is on the nicotine free generation regulation from a public health standpoint. And feels that the role of the Board is to keep the community as healthy as they can per their authority to create policy. She did note there were local regulations the Board did not adopt because they were thinking about the businesses in town. Ms. Lamas feels that the Board did their due diligence in thinking about the businesses and how they could be affected financially as well as the overall health of their community and is in favor of limiting the oral nicotine pouch to 6mg.

Mr. Tavares asked Ms. Lamas if a person from Ludlow goes over the bridge to buy a 9mg oral nicotine pouch and then come back to Ludlow, are you making Ludlow healthier if they are a Ludlow resident? Ms. Lamas expressed that they only have control of what happens in their community, and they can go over multiple scenarios of what may or may not happen. The Board can just do the best they can when adopting new regulations, whether people follow them or not is a different story. She also noted that there are fining structures in place. Ms. Lamas felt that after the public hearing, she was glad to hear that Ms. Matusik spoke to the owner of the Ludlow Smoke Shop and was able to alleviate a lot of the confusion and answer his questions regarding the proposed regulations.

The Board discussed accepting all the changes as is and amending the regulation to limit the oral nicotine pouch to 9mg.

Mr. Tavares made a motion to accept all the changes as is and amend the regulation to limit the oral nicotine pouch to 9mg, seconded by Ms. DeSantis. All in favor 3-0.

Ms. DeSantis made a motion that on June 1, 2025, the new tobacco regulations and the amendment will go into effect, seconded by Mr. Tavares. All in favor 3-0.

Ms. Lamas explained there were two meetings that the Board of Selectmen had where the Board of Health was mentioned in regard to the Tapestry Funds. She also wanted to make sure the Board received from Ms. Matusik an email that was sent to the Board of Selectmen including Mr. Strange. Ms. Lamas shared with the Board a copy of the inter board communication policy and stated that she did receive a response from the Board of Selectmen from her email.

The response back from the Chair of the Board of Selectmen – “That policy is counterproductive”

Ms. Lamas read a small passage from her email because she feels this is the central point of what she is getting at based Ms. Matusik conversations that she has had with each board member.

Ms. Lamas explained that the roll of the Town Administrator is to be a leader of Town Hall, she is a leader in her position, Mr. Tavares is a leader in his position, etc., etc. When it comes down to communication and overseeing Town Hall there is a level of communication that everyone should expect with professionals including what happened with the Board.

The concerns that the Board of Health had were not addressed in the Chair’s response. Ms. Lamas summarized the inter board communication policy and stated that the policy did not preclude any Select Board member to communicate with any Health Department Staff because there have been Select Board members that have communicated with Ms. Matusik and most recently someone asking the administrative assistant in the Health Department when the next Board of Health meeting was?

Ms. Lamas stated in her email to the Board of Selectmen – “It is unfortunate that your email did not address the following concerns. The lack of knowledge of the Ludlow Health Department and the

Tapestry partnership, Marc was aware of this partnership as Paulina communicates updates regularly, it was also in the annual report for 2023. Tapestry submitted their proposal and budget to Marc on October 3, 2024. On October 16th Marc responded to Tapestry saying that the Select Board reviewed the proposal and then requested Liz Wynott's attendance at the November 19th meeting".

Ms. Lamas went on to explain that Mr. Stange stated the Board of Health/Health Department was unresponsive, which was not true.

Ms. Lamas also explained that Mr. Strange is the Town Administrator, his duties are outlined in the Town By-Laws and part of that is Chief Procurement Officer. These are public funds and without a formal RFP process, it's unclear how proposals should be submitted and how they are approved. To ask the Board their thoughts on one proposal and not others is confusing, lacks communication and without a formal process this could be questioned why something is approved versus not approved, which is what the Select Board did by rescinding the funding for Tapestry. Ms. Lamas wanted to make it clear that the Board's concerns were not about approving or not approving the funds, it's that there is no accountability, the miscommunication between the Town Administrator and either Ms. Matusik or Town Administrator and the Select Board regarding the Board of Health. Without a formal RFP process and how they approve public funds, it's really concerning. Ms. Lamas' opinion is that she does not want her name anywhere on public fund distributions without a formal process.

Ms. Lamas and Ms. Matusik received an email from Mr. Strange requesting their presence at a Select Board meeting to discuss nicotine regulations, the Opioid funds, and Tapestry funds rescinded. Ms. Lamas noted that the meeting agendas are posted, and they have been working on the tobacco regulations since March of 2024 (9 months) and if there was more efficient communication, this would have been addressed. She also explained that the purview of the Board is well within the scope of approving nicotine regulations and is not in the purview of the Select Board. She also feels that the email she received for past actions is not a productive request. Ms. Lamas requested Ms. Matusik to ask Mr. Strange what the Select Board was looking for in this meeting request? How can they prepare, and what they wanted to discuss because these meetings are basically business meetings, if this is a meeting to move forward, that would be great but if the meeting is to go back and forth that would not be productive and is not professional. Ms. Lamas explained that the response from Mr. Strange to Ms. Matusik was very unprofessional and concerning.

Ms. Matusik shared that she printed and forwarded the email communication for each of the Board members. She reached out to Mr. Strange asking what she can do to prepare for a meeting date and what she could pass along to the Board members, and she was informed by Mr. Strange "to bring a bullet proof vest" which was the only response that she received and was not sure how to take his comment and felt that it was unprofessional in a work setting.

Ms. DeSantis asked Ms. Matusik, no agenda was provided. Ms. Matusik explained that no agenda, no information or clarification was provided except for his comment. Ms. Matusik stated that it was very uncomfortable.

Mr. Tavares asked Ms. Matusik if she asked why Mr. Strange would he say that to us? Ms. Matusik explained that she had a meeting with Mr. Strange and the Human Resources director, regarding the comment made and communication. Mr. Strange left that meeting early. Ms. Matusik stated that she did address the issues and concerns and felt like there were no next steps, no resolutions or even trying to work through this. She also felt that there was no point behind the meeting request and feels that overall, it was inappropriate.

Ms. Lamas stated that the April 2023 meeting, and the history with the Select Boards behavior deliberating at that meeting, it would be concerning not only for Ms. Matusik walking into that space but also for them as a Board, noting the meeting request is not a productive request, it's inappropriate and unprofessional.

Ms. DeSantis said, let's put this back on the professional table, this is now going into feelings, who said what and when and noted that Ms. Matusik documented the communications on the Opioid Funds, Tapestry and the Tobacco changes. Ms. DeSantis would like to put this back on the Selectmen in a professional way to please provide them with an agenda and they would be glad to meet with them.

Ms. Lamas expressed that her professional concerns are when there are no processes in place and when there are arbitrary decisions made then the Select Board wants to discuss the arbitrary decisions after the fact. If they would like to discuss processes and how to move forward to be productive, they can do that but other than that there have been decisions that have been made and the tobacco regulations are not in the Select Board purview, noting they are more than welcome to attend any of the Board of Health meetings. She also brought to the attention of the Board that each year when the Boards reorganize, or the Select Board reorganizes there is typically a Board of Health liaison. She asked the Board if they were aware of this, and they were and noted that they had not heard from that person for a long time. Ms. Lamas feels that this is a good example of how a liaison can be utilized in communicating with anyone of the Board members or Ms. Matusik. The inter communication policy is about putting an agenda on public record for open meeting law and the Board of Health is included. The Board of Health needs to be aware, present and prepared. Mr. Strange does not oversee Ms. Matusik, the Board of Health as a Board does. If Ms. Matusik is getting requests outside of her scope, it is the concern of the Board to wonder why, and they would need to be aware.

Ms. DeSantis expressed that this would not be a discussion because they have been burned in the past, they would like to get this right.

Ms. Lamas explained that before 2022, they operated on historical relationships and practices whether they were policy or not. They operated on trusting relationships. It should be that if the Health Director goes to this meeting, she should not be berated, but she was.

Mr. Tavares feels that the two dates given to meet in Mr. Strange's email were February 18, 2025, and March 4, 2025, he is recommending that they respond that March 24, 2025 is voting in Ludlow

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and they should meet after that because if they meet the existing Select Board and nothing comes out of this meeting then they would have to schedule another meeting with the new Select Board.

Ms. Lamas suggested that maybe the Select Boards Board of Health liaison meet with Ms. Matusik between now and after March 24, 2025, to get clarification of the Board of Health liaison role and to build a foundation and move forward or to decline the meeting request because she feels they want to discuss things that have already happened or not within their scope.

Ms. Lamas will respond back to Mr. Strange that the Board would like to meet after March 24, 2025, and will ask what the agenda items are because they all would like this meeting to be productive and move forward and find ways to work together.

Ms. Quinn handed each of the Board members a packet regarding 38 Bristol Street because there was a complaint noting there is a history with this property. On June 21, 2022, the complaint was about the trash, odor and rats. On June 6, 2023, and July 12, 2023, the complaints were about rats in the neighborhood. The Health Inspector in this role at that time went out on July 24, 2023, to conduct an inspection and sent out an order to correct. On August 15, 2023, a reinspection was conducted, and the conditions were the same, a letter of violation was mailed including a hundred dollar fine, the letter was unclaimed and returned to the sender. On October 2, 2023, another inspection was conducted and on October 3, 2023, a second order to correct that included the previous violation notice that was undeliverable, was delivered by a constable service the same day. On June 12, 2024, a complaint was received about a dumpster, upkeep yard and the complainant stated they saw rats in their own backyard. On July 9, 2024, Ms. Quinn conducted an inspection and found the dumpster that was in the front yard, the property did appear to be cleaned and was not terrible at the time of her inspection and continued to monitor the property. The towns by laws state that a resident can have a dumpster for less than fourteen days without a permit. On July 23, 2024, a resident from the neighborhood did inform the Health Department that the dumpster was removed, and a new one was brought in. On August 20, 2024, a complaint was received that there was trash in the driveway and the dumpster was blocking the sidewalk. On August 22, 2024, an inspection was conducted to confirm the dumpster was blocking the sidewalk and contacted the police department, she believes the police did go out and did leave a notice for them. On September 9, 2024, a reinspection was done, the same dumpster was in place and there was an accumulation of items in the driveway. On September 10, 2024, an order to correct was mailed to clean up the property and to apply for a dumpster permit or remove the dumpster. On October 1, 2024, the condition of the property was still on going. On October 2, 2024, a second order to correct was mailed. On January 28, 2025, another complaint was received. On January 30, 2025, an inspection was conducted, noting that the dumpster was full, overflowing, there was trash and debris and there was a trailer blocking the sidewalk. The police were called and went out regarding the trailer blocking the sidewalk. Ms. Quinn explained to the Board that they are looking for guidance on the next steps because the occupants are not responding to them or the police. She explained that a couple of options would be more fines or to take this to court.

Ms. Lamas noted that the occupants were already fined. Ms. Quinn stated they were fined in 2023 but is unsure if it was paid. Ms. Matusik explained that it was returned "return to sender." Ms. Quinn explained that the occupant had the same fine delivered by constable service but doesn't know if the fine was paid. Ms. Lamas asked if there was a fining structure? Ms. Matusik explained there is no fining structure for the dumpster and the Board can determine the fine that they feel would be appropriate.

Mr. Tavares wanted to know if the dumpster is there to fix or clean up the property. Ms. Quinn is not sure because she has not received any communication from them regarding any of the orders that were mailed. Mr. Tavares asked if she was able to get in touch with Mr. & Ms. Botelho. Ms. Matusik explained that they were informed the owners of the property are in Portugal, and that the new orders were delivered by constable and undeliverable. Mr. Tavares asked if their kids were living on the property. Ms. Quinn explained that on October 3, 2023, an order was delivered by constable service (Lieutenant Detective Kornacki) to Mark Botelho, the son of the owners. Mr. Tavares asked if the son said anything? Ms. Matusik explained that for a constable service they can only deliver the mail in hand, they cannot communicate or ask anything.

Ms. Matusik's recommendation to the Board would be to hold a public hearing based off all the correction orders, all the information that was given, and set a date for the public hearing because they have done a lot of correction orders, inspections, reinspection's and all of that takes time, it's costly and it takes Ms. Quinn away from other duties that she can be focusing on and because this has been an ongoing issue. The Board did decide to hold the public hearing at their next Board of Health meeting.

Ms. Matusik updated the Board on the outstanding permits.

El Cid Café - not permitted for their food service.

Subway (477 Center Street) – not permitted for a dumpster.

Circle Drive Trailer Park – not permitted

97 Winsor Street – not permitted for a dumpster.

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Multiple communications have been sent out by mail, email and phone without a response. She wanted to address this with the Board to make them aware and to go over options for the next steps. A couple of options would be to do an in person visit or a public hearing for the businesses. Ms. Matusik's main concern is the El Cid Café because they serve food – both Ms. Matusik and Ms. Quinn did go out and do an in person visit and noted that the owner was not there but was told she would call the next day and there has been no communication.

Ms. DeSantis feels the business should all receive a letter stating that the Board of Health is aware they are in violation because their permits are expired and if this can't be addressed within a certain time frame (exp. Seven days or Fourteen days) they will incur a fine. The Board discussed sending letters stating the permits need to be renewed by March 4, 2025, and if not, the fine would be the cost of the permit.

Ms. DeSantis made a motion to get correspondence out with a March 4, 2025, deadline for renewal of said permits, seconded by Mr. Tavares. All in favor 3-0.

Other Discussions:

Ms. Quinn explained that on February 3, 2025, the occupant of 349 Holyoke Street came into the Health Department with concerns about the conditions of the dwelling. An inspection was conducted on February 4, 2025, and thirty-one violations were found at the time of the inspection, with several conditions deemed to endanger, materially impair health or safety including no heat, no hot water, no water in the bath showers, missing CO detectors, inadequate smoke detectors, lack of hand rail on interior stairs, damage potential asbestos on the basement pipes, and electrical issues throughout. The occupants informed Ms. Quinn they were running space heaters twenty-four/seven to heat the space and boiling water to wash up. Based on the conditions of the dwelling, Ms. Quinn made the determination that it was not safe and declared it unfit for human habitation. The occupants were ordered to vacate, and the property was secured the same day. Ms. Quinn has not heard from the occupant since but has been in contact with the attorney of the owner of the property. On February 12, 2025, Ms. Quinn met with the attorney to allow access to turn off water inside to avoid a burst pipe.

Ms. DeSantis asked if there was mold. Ms. Quinn stated there is evidence of access moisture and mold is the definition of access moisture, and in several places, there was water. Ms. DeSantis wanted to know if the occupants want to return or move on? Ms. Quinn stated that she understood they were being evicted. During the inspection she did ask the occupant if he wanted to continue living there or not and she believes they did not. Ms. DeSantis asked if the attorney corresponded in writing or telephone calls? Ms. Quinn stated that she did speak with the attorney on the phone and met with her on February 12, 2025.

Mr. Tavares wanted to know if the owners want to fix the property up. Ms. Quinn explained that the owners are in the middle of a purchase and sales agreement to sell the property.

The next Board of Health meeting will be on Wednesday, March 19, 2025, at 5:00PM in Hearing Room # 1.

A motion was made by Mr. Tavares to adjourn the meeting on February 13, 2025, at 6:31PM, seconded by Ms. DeSantis. All in Favor 3-0.

Respectfully Submitted,


Adrienne DeSantis, Secretary

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