Board of Health

Meeting Minutes

October 19, 2023

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TOWN OF LUDLOW

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

Also Present: Paulina Matusik, Tim Fontaine

Meeting was called to order at 4:30 PM by Ms. Lamas and Pledge of Allegiance was performed.

Monthly Business:

Mr. DeSantis made a motion to approve the meeting minutes for September 19, 2023. Second by Mr. Tavares. All in favor 3-0.

Ms. Matusik shared the Health Department monthly update with the board.

She also informed them that Anita Goncalves has given her notice, and her last day was October 13, 2023. She will continue to help out until the position is filled.

Ms. Matusik also discussed Red Ribbon Week, which is October 23rd through October 31st. Monday is wear red day to start off the week. There will also be a talk about medication safety at the Senior Center on Monday to kick off the week.

Visitations:

None

Actions/Correspondence:

There was continued discussion about the request for chickens at 97 Fuller Street. This request was tabled from the previous meeting. Mr. Fontaine explained to the board that he and Octavia Anderson, the Animal Control Officer, went out to the home to do an inspection of the coops. Mr. Fontaine provided the board with a letter written with recommendations made by himself, as well as Ms. Anderson, as the Animal Inspector. The homeowners were also present for the discussion. Ms. Anderson has done some research on the health of the chickens and that fall is known as the Molten season in which hens may stop laying eggs and start losing feathers before regenerating new feathers. Some of the concerns over the cleanliness of the coops may be in part to the homeowner having been in Portugal for 3 months and his children didn't have as much time to spend cleaning. Mr. Fontaine recommended that they give the homeowners 60 days to get the coops cleaned up and some repairs done, and then he and Ms. Anderson will go out again and inspect.

The board discussed a request for a local upgrade for 1327 East Street. There is a request for use of a Sieve Analysis compared to the Perc Test, as well as a 1-foot reduction in ground water. Ms. DeSantis made a motion to approve the 1-foot reduction in ground water from 4 feet to 3 feet, as well as use of Sieve Analysis in place of Perc Test. Second by Mr. Tavares. All in favor 3-0.

There was a discussion about the Communication Policy for the Board of Health with other boards. Back in April, the board discussed inter-board communication and are now looking to create a Policy in regard to communication. The policy states that if another board wants to speak with a member of the Health Department, there must be a Board of Health member present. Mr. Tavares made a motion to approve the Communication Policy. Second by Ms. DeSantis. All in favor 3-0.

Other Discussion:

Ms. Matusik shared with the board information on Pioneer Valley Mosquito Control. They have a new director whose name is John Briggs. Ludlow does not currently do any testing, so we will never know if there are positive cases in town, rather just the surrounding areas. We cannot use Shared Services money to pay for this as Palmer is already invested in this, and Warren and West Brookfield do not fall into the Pioneer Valley region. If Ludlow chooses to do testing, the cost would be $5,000 for the year. It would first have to be approved by the Board of Health and then go to Town Meeting for approval. Ms. Matusik shared with the board what the $5,000 membership includes. She also shared that there is $5,000 in the budget for overtime pay that could be put towards this service. Budgets are due November 15, 2023, so she wanted to bring it to the board's attention. Ms. DeSantis asks what Ludlow would do with the information if we did have it. She feels that there needs to be a good reason to spend the money. Apparently, there is a waiting list for towns to join this membership. Mr. Tavares does not feel it is worth the $5,000 and feels we should hold off at this time. Ms. Lamas would like to also hold off and see what happens in a year and revisit the topic.

A Community Health Survey update was given by Ms. Matusik. So far there have been 246 responses online, but that does not include the ones that residents have passed into the office. The population of responses seem to be coming from residents 65 years and older.

Mr. Tavares brought up how he feels that we as a town should be doing more for our residents in terms of nursing services. We used to provide many more services in the past for our seniors. He states that he gets many requests from seniors throughout the town for more nursing services available. Ms. Matusik asked Mr. Tavares if he had any specific services in mind. He said that perhaps we could have Angela Kramer speak to this, or even ask Jodi Zepke at the Senior Center. Mr. Tavares feels that since there is money available in the budget, we should hire someone. Ms. DeSantis feels that there should be a process put in place and that if there is a need, then we can go ahead and hire someone. She also feels that we need to continue doing more research into the town's needs and revisit this again. Ms. Lamas also agrees that we need to do more in the way of researching the town's needs.

Ms. Matusik provided the board with a Shared Services update. The Inter-Municipal Agreement (IMA) is still in draft form. The Town Council has reviewed it, and it has now been sent out to the other towns for review and to schedule a meeting with the advisory board. Ludlow is the lead town and shall oversee all services. The name of our collaboration is the Mills Town Coalition. We did receive $147,000 this past week but cannot begin using it until the IMA is signed. We are still waiting for this year's budget to be approved. Ms. Matusik reviewed the role of the advisory board. She reports that the first position she would like to hire is the Shared Services Coordinator. All towns do have to agree on positions for them to be funded.

Mr. Fontaine presented the board with his recent inspections. He has been very busy bouncing between septic work and food establishment inspections. He reports that he is about 90% caught up with his inspections. In January, Mr. Fontaine will report numbers for the annual report. Ms. Lamas asked Mr. Fontaine if he is seeing any trends or things that can maybe be changed next year. He reports that he feels that things are good, and that the town is performing inspections at the state level requirements, and at times above. He reports that folks are responding well to his education. As far as housing inspections go, he is doing more this year and is identifying some trouble areas.

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The next Board of Health meeting will be on November 16, 2023, at 4:30 PM in Hearing Room #1.

A motion was made by Mr. Tavares to adjourn the meeting at 5:21PM. Second by Ms. DeSantis. All in favor 3-0.

The Board of Health will now enter into a Public Hearing.

Public Hearing 290-292 Cady Street

Ms. Lamas: Good evening. Reconvening the Board of Health, Thursday, October 19th 5:30 PM. We are opening the Public Hearing. Do I have a motion to open the Public Hearing at 5:30 PM?

Ms. Matusik: Please state what it's for.

Ms. Lamas: This Public Hearing is for 290-290 Cady Street requesting to appeal letter from Health Inspector dated September 15, 2023, regarding emergency condemnation and order to vacate and secure property. Board of Health to vote on any discussion/action pertaining to the hearing in response to condemnation order. Do I have a motion to open the hearing?

Ms. DeSantis: I make a motion to open the hearing for 290-292 Cady Street.

Ms. Lamas: Do I have a second?

Mr. Tavares: Second.

Ms. Lamas: All in favor? Public Hearing opens at 5:31 PM for 290-292 Cady Street. It looks like the owner is not here.

Ms. DeSantis: They requested the hearing?

Ms. Matusik: They requested the hearing. I have the letter here. A letter was sent, and he had requested the 5:30 start time otherwise it would have been at 4:30 at your normal time. That was just the letter requesting the hearing with the board, so we had sent the letter certified mail and he had requested that 4:30 did not work and that 5:30 did.

Ms. Lamas: Alright, so we will wait.

Ms. Matusik: We'll wait until they get here. I mean, in the meantime, we can hear..

Mr. Fontaine: I'll be happy to discuss what we saw.

Ms. Lamas: Ok.

Mr. Fontaine: We had a joint inspection between myself, Leslie in the Building Department and Seth from Fire. He's our Fire Prevention Officer. The house is unlivable. The pictures are coming around now. Completely overgrown. There were two tenants in the house. They were leaving within a couple of days, so we gave them the time to pack up everything. The tenants called me on the morning of the 15th, and said they were out. At that time is when we condemned the property. I did send a certified letter to him about the condemnation order and read some of the highlights of it. In violations, failure to provide and maintain a sewage disposal system in operable conditions. From what I saw during inspection is he actually had a failed septic system. And there was actually a 2-inch black pipe running through the side of the house, rather through the side of the property, and attaching illegally into the clean out at the end of his driveway, because the town had just run sewer up there and he refused to connect. So he basically just took a 90-degree and connected.

Ms. DeSantis: Who refused?

Mr. Fontaine: He did not connect to the sewer.

Ms. DeSantis: He had no interest in connecting?

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Mr. Fontaine: I guess there is interest now. He had mentioned it to me. So that's one of the main reason without actual legal. Sanitary septic system is a big one. Product accumulation, the yard was completely full of, I'm going to say so overgrown you can barely see. There was garbage, trash, rubbish, wood, numerous things. Somethings I can't even make out. The stove, there's a stove in this person's apartment that was hooked to a 20-pound propane tank down outside below and they couldn't get to it because of the overgrowth. So they couldn't even refill the gas to use the stove. The front stairs are falling apart, there's missing balusters on the patio. The rear egress what completely blocked by overgrowth. There isn't a second egress so if something happened in the house, they'd be in trouble. Handrails were missing. There were no working smoke detectors, no CO detector in there. I mean we ran into issues with mice and rats in the past in that area and with just all the overgrowth, there was a place where they can harbor. So that was some of the reasons why we condemned the house. And then I have fire, basically they went along with the same thing. Combustible vegetation needing to be removed. Exterior stairway found in a state of deterioration. Determined unsafe by the fire department and smoke and carbon monoxide detectors an issue. So fire went right along with it.

Ms. DeSantis: How did this come across our radar?

Mr. Fontaine: This house has come across our radar several times. We had issues with turkeys and chickens in the past. We had dog issues where the dog kept on getting loose. I've been aware.

Ms. DeSantis: Based on this current condition, how long do you think it's been in this condition?

Mr. Fontaine: Quite a while.

Ms. DeSantis: Years?

Mr. Fontaine: I think so.

Ms. DeSantis: When is the last time an inspection was done?

Mr. Fontaine: I went to this house personally I forget how many years ago for a complaint in the lower apartment and it was ok.

Ms. DeSantis: It was rough?

Mr. Fontaine: It was rough then too. Just to give you some highlights of Leslie's notes on it.

Ms. Matusik: Can you just state who Leslie is?

Mr. Fontaine: So Leslie is our Department of Inspectional Services. She's our Building Commissioner who came out. Her highlights. The exterior property the entire yard front and back is overgrown with vegetation. Enclosed shed attached to the house in the rear yard open to all weather and inaccessible. Broken windows throughout the unit. Vegetation growing out of the gutters. Stairs leading to the second-floor units have no handrails, no guards. Second floor porch area missing balusters from the guard rails in many areas. In the first-floor unit we went into, there was a large area of sheetrock missing from ceiling and entryway. Restaurant equipment was stored on the porch. There was a gas can and lawnmower stored in the porch. Large areas of wall coverings removed throughout the unit. Evidence of work being done without permits. Large area missing ceiling cover and black discoloration throughout remaining ceiling coverings in the garage area. Open electrical boxes and switch plates throughout the unit. In the second-floor unit, the efficiency apartment constructed without a permit. Electrical boxes falling out of the wall behind the door. Large areas of wall coverings missing and covered over with plywood. Walls were built without permits and not code compliant. Electrical wiring feed directly through ceiling coverings above the unpermitted walls. Electrical wiring fed across the threshold in the kitchen doorway. Water tubing fed into toilet from unknown purpose. Supposed there's a drain from a neighboring apartment. The gas stove is not functional. Rear egress is not passable due to overgrowth. Structure of all stair components questionable and unsafe. The rear porch structure shows evidence of deflection and rot. Secondary porch stairs missing handrails and guards. Multiple appliances abandoned on the rear porch. Secondary porch egress stairs are not passable as there is not an outlet from the landing out to the rear yard due to uneven ground and overgrowth. And there are no grounded outlets around the sink. The other two living units we were not able to get into.

Ms. DeSantis: And why is that? Are they locked?

Mr. Fontaine: They were locked.

Ms. DeSantis: Ok. But there is no one there? And no one is living in them?

Mr. Fontaine: They are completely vacant now.

Ms. DeSantis: So you said he started doing some work, in cleaning up?

Mr. Fontaine: So he's cleaning it out. I've seen the lawn has been mowed down somewhat. There's a dumpster there. There are trailers of junk being collected.

Ms. DeSantis: Was there a dumpster there when you went that day?

Mr. Fontaine: No

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Ms. DeSantis: No, so there's a dumpster there now?

Mr. Fontaine: It's been taking a little bit at a time.

Ms. DeSantis: And does he have intentions of wanting to get it to standard where he can rent?

Mr. Fontaine: So I'm not going to speak for him but from talking to him, I think the plan is that he wants to sell it.

Ms. DeSantis: Ok.

Ms. Matusik: Is that everything you have to.

Mr. Fontaine: Yes. The three of us are in conclusion that the house right now is not structural sound. It's not livable. So if the owner brings it up to code, brings it up to par, then we can definitely remove the condemnation order.

Ms. DeSantis: But they would have to apply for. He would have to apply for a four unit again and everything?

Mr. Fontaine: He would have to apply through building for proper permits of what he did.

Ms. DeSantis: So there's still, even though he said oh I've cleaned up the room he still has to go through inspections and everything else.

Mr. Fontaine: The three of us would go back out again and see if it's accessible. If we find it livable, we can remove our placard absolutely.

Ms. Matusik: Since there's nobody else here, I say we wait six more minutes.

Ms. Lamas: It's 5:39 now. So we'll wait until 5:45.

Ms. Matusik: Tim you are free to go.

Mr. Fontaine: Do you want me to wait in case he does show up?

Ms. Matusik: I mean he can't really ask you questions. He states his, you state yours. You're more than welcome to stay.

Mr. Fontaine: Yeah, I'll wait a couple of minutes.

Ms. Matusik: Ok.

Mr. Tavares: Did he know about the meeting?

Ms. Matusik: The reason we're having this is because he requested the hearing.

Ms. DeSantis: If he requests another date, do we honor that?

Ms. Matusik: No because he requested this hearing, this was his letter he has. At the end of the order it states, I want to say, one week to request a hearing with the Board of Health which is what this is. He picked this date, he picked this time, and if he doesn't show up this was his one request.

Ms. DeSantis: So then we just continue working with Tim?

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Ms. Matusik: Yes. So we'll send him a letter if he doesn't show up in 4 more minutes. You guys can close the hearing again by motion and vote then you can deliberate. If you don't come to a conclusion today, you can deliberate at your next meeting as well. Or if you have an idea in mind, you guys can deliberate and then vote, and then depending on what you guys decide we'll send a letter.

Ms. DeSantis: What are we voting on?

Ms. Lamas: To condemn it.

Mr. Fontaine: Just to sustain my order.

Ms. DeSantis: Based on the information we have today?

Ms. Matusik: Yes.

Ms. Lamas: Alright, so the owner of 290-292 Cady Street has not attended the public hearing so we will ask for a motion to close the public hearing.

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Ms. DeSantis: Motion to close the public hearing.

Ms. Lamas: Second?

Mr. Tavares: Second.

Ms. Lamas: All in favor. 3-0. Public Hearing has ended at 5:45 PM.

Ms. Matusik: And now you guys deliberate.

Ms. Lamas: And now the Board of Health will deliberate and discuss next steps and vote. So sustain the condemnation order is what I heard. All in agreement to sustain the order? Do I have a motion to sustain?

Ms. DeSantis: I make a motion to sustain the condemnation order.

Mr. Tavares: Second.

Ms. Lamas: For 290-292 Cady Street. All in favor. 3-0. So board moves to sustain the condemnation order for 290-292 Cady Street. Ok. That's it. We don't have to do a formal closing?

Ms. Matusik: You guys already closed the public hearing. You just deliberate, you vote, you made the motion, you voted. And that's it.

Respectfully submitted,

Adrienne DeSantis

Secretary