

MEETING OF THE FAIRHAVEN BOARD OF HEALTH
December 5, 2011

A Regular Meeting of the Board of Health was held at the Town Hall on Monday, December 5, 2011 at 6:30 PM. The meeting was duly posted. Board members present: Jeannine Lopes, Dolores Caton and Peter DeTerra. Also present: Patricia Fowle, Health Agent.

Mr. DeTerra, Chairman, called the meeting to order at 6:30 PM and asked that the minutes of the meeting of November 21, 2011 be amended or approved.

Motion to approve the minutes was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous.

Appearing before the Board was a number of citizens who wished to speak regarding the municipal project permitting two commercial wind turbines to be constructed on the east shore of town by the bike path extension and Little Bay. Chairman DeTerra stated that the group is not on the agenda for the evening and would have to come back at a later date in compliance with the open meeting law. Attorney DeNardis stated she represents the interest of the group called Windwise Fairhaven and insisted that the group was on the agenda. The chairman stated that because of litigation filed early last week by Windwise against the town, the group was taken off the agenda because the Board cannot discuss anything in litigation. Board member Jeannine Lopes stated the same. Attorney DeNardis stated that a court ruling was issued which gave ample time for the Board to place the group back on the agenda. Ms. Lopes stated a point of order that the Board received notice of the court ruling on Friday morning, December 2 which was too late to change the agenda. Chairman DeTerra stated that whatever the sequence of events was, the group is not presently on the agenda and will have to wait for another Board meeting to be heard. Ms. Donna McKenna stated she was the individual who asked to be placed on the agenda and had not been informed that she was taken off the agenda. Ms. Lopes stated that she had told the office to inform Ms. McKenna of the change and that was all she knew. Ms. Lopes stated she would like to see scientific facts on the health claims before it is placed on the agenda. The matter of the turbines was approved by Town Meeting almost 5 years ago and noise studies have been done on site and one of the turbines was moved to accommodate the finding of that study. Many of the group spoke out anonymously at this time. The group's concerns relate to recent studies of health issue complaints in regards to operating commercial wind turbines near residential areas, specifically in Falmouth, MA. There is a petition of over 170 people against the Fairhaven turbines. Some of the concerns expressed were lower house values, health effects, short and long term effects caused by sound vibration, noise, flicker and the unknown. Board member Dolores Caton spoke stating she is very interested in looking at the information the group has garnered. She would like an opportunity to be informed, hear their concerns and get answers to issues the group may have. Mr. DeTerra stated that the Board will place the group on the agenda for its next meeting of December 19 as long as the Board received the information the group has regarding their concerns. Mr. Grant Menard stated he had emailed a letter to the Board but had not received a reply. Mr. DeTerra stated the Board had received the letter but had not met until today to review it collectively. Mr. Menard stated he is fearful for his young children and has a lot of information to share. Mr. DeTerra asked that the information be forwarded to the Board office and the health agent would ensure that each Board member received what is being sent. Mr. Ken Pottel stated an individual who lives near the Falmouth wind turbine was present to give a small presentation. Mr. DeTerra asked that the presentation be made at the next Board meeting after the Board had an opportunity to receive and review the information that will be forwarded to them. The group then left the meeting.

Health Agent's report:

The Oncology Center Café, 206 Mill Road is conferring with its architects to determine what kitchen equipment required by the Board can fit in the small establishment. The Café will contact the Board with the information within a month.

TLC Play & Learn Center, 16 Temple Place, would like a waiver from the fee for the annual Food Establishment Permit. The center is run by the Lutheran Church and is non-profit.

Motion to waive the fee for the 2012 Food Establishment Permit was made by Mr. DeTerra, seconded by Ms. Lopes. The vote was 2 in favor with Ms. Caton abstaining.

3 Lincoln Drive is under agreement for purchase but needs a new septic system. The buyer will lose his loan rate if the septic system is not approved and the house is listed as uninhabitable. The realtor, Sharon Simmons requested a letter from the Board stating the house is habitable as is.

Motion to write the letter as requested once the septic system plans have been presented to the office for review was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous.

Ms. Fowle reported that Judith Cokendayll of the SmokeFree Coalition reported that Wareham has approved its new regulation to ban the sale of tobacco products from health care institutions, regulate e-cigarettes and limit the number of tobacco permits allowed in Wareham. Dartmouth will consider a ban in April. Middleboro is looking to adopt a ban similar to Wareham's. The statewide ban is unlikely within the next year. The Board stated it may reconsider its position in the spring.

Restaurant inspections were reviewed.

Invoices and payroll were reviewed and signed by the Board.

There being no other business before the Board, motion to adjourn the meeting at 7:30 PM was made by Ms. Lopes; seconded by Ms. Caton. Vote was unanimous.

The next meeting is Monday, December 19, 2011 at 6:30 PM.

Patricia Fowle, Health Agent