

MEETING OF THE FAIRHAVEN BOARD OF HEALTH
February 21, 2012

A Regular Meeting of the Board of Health was held at the Town Hall on Tuesday, February 21, 2012 at 12:00 PM. The meeting was duly posted. Board members present: Jeannine Lopes, Dolores Caton and Peter DeTerra. Also present: Patricia Fowle, Health Agent and representatives of Fairhaven Windwise (Windwise).

Mr. DeTerra, Chairman, called the meeting to order at 12:06 PM and asked that the minutes of the meeting of February 2, 2012 be amended or approved.
Motion to approve the minutes was made by Ms. Caton; seconded by Ms. Lopes. Vote was unanimous.

Health Agent's report:

Dunkin Donuts, 27 Alden Road is scheduled for a renovation and will be closed the week of February 26. The former Chris' Variety, 235 Main Street, has a sign in the window stating "opening soon". No plans have been presented for Board of Health review. The Building Department has been made aware that plans must be approved by the Health Department prior to any occupancy permit being issued. The two departments are working together on the matter.

The state Department of Public Health (DPH) will be performing a sanitary survey on the Seaview Avenue and Raymond Street beaches to allow the beaches to be granted a variance from the State code and perform beach water testing monthly rather than weekly during the bathing season of June through Labor Day. The Board will be informed of the survey outcome when completed.

DPH Emergency Preparedness requires the Board of Health to perform a quarterly call-down drill of its emergency dispensing site personnel. The health agent has done this manually in the past. The next drill will be through the Homeland and Health Alert Network (HHAN) and will be automated. The data for the drill will be entered into the system by the health agent when time permits. This will be the first automated call-down the department has performed.

Under Old Business:

Mr. DeTerra stated he received a written response from the State Department of Environmental Protection (DEP) regarding questions on the applicability of MGL C. 111, §143 in regards to site assignment for the siting of the wind turbines. The letter was sent to the Board members but the Board collectively has not met to review the letter or voice their questions and opinions until now. A number of Windwise members spoke on the matter of the turbines. Discussion ensued on many matters: the aforementioned DEP letter dated February 7, 2012 to the Board of Health; Attorney Crotty's letter to the Board of Health dated January 20, 2012; the January 2012 DEP report entitled "Wind Turbine Health Impact Study: Report of Independent Expert Panel" and the regional meetings on the report hosted by the DEP; copy of 2003 report "Noisome Trades" by Michael J. Ciota offered by a Windwise member; copy of July 21, 2011 statement entitled "Adverse Human Health Impacts of Industrial Wind Turbines" written by Dr. Sarah Laurie offered by a Windwise member; previous questions raised by Windwise member Donna McKenna and the Board's response to those questions through the Board of Selectmen; new questions and concerns raised by the Windwise members they believe should be responded to by the Board of Health; Windwise requested to be placed on the next Board meeting agenda; Windwise request for the Board to once again meet in the evening and not during the day.

Board members responses were varied: Ms. Caton had questions after reading the DEP letter regarding the use of MGL C. 111, §143 as it relates to zoning, the ambiguous nature of the letter, and some technical concerns in regards to decibels. Ms. Lopes responded to the request for evening Board meetings stating she has just recently been unavailable for evening meetings however, she would place the needs of the Board above her personal needs and be available for evening meetings if required. She also stated

that many of the initial questions from Ms. McKenna, on behalf of Windwise, were concerned with securing material goods or services requiring funding which the Board does not have at its disposal. Such requests for health studies, decimeters, web access complaint forms and legal input were best placed in the Selectmen's office as they have the funds, through the turbine contracts and access to the developers' contractual obligations to respond to the requests. Mr. DeTerra stated the process for responding to all the requests and information is lengthy because that is the nature of government and being transparent through the open meeting law. Agendas, discussions, responses, inter-department requests must all be public and this process can create a "delay" in responding. As to the DEP letter regarding MGL C. 111, §143-each reader will view the letter with a different response. There is a lot of case history the State has with the use of the law.

Final outcome of the discussion is that the next Board meeting will be March 12, 2012 at 6:30 PM. Each Board member will continue to contemplate the DEP letter and use of the information. Windwise will be placed on the agenda for the March 12 meeting. Mr. Ken Pottel of Windwise is requested to forward any new information and questions the group may have for the meeting so the Board can prepare prior to the meeting and not have to "delay" in response. The health agent is to contact the Dartmouth Board of Health to ascertain if the wind turbine at the University of Massachusetts at Dartmouth was sited by the Town of Dartmouth and if the Board of Health site assigned the turbine under MGL C. 111, §143. The health agent is also to get any zoning information Dartmouth may have on the siting of turbines. Many Windwise members left the meeting.

The Board reviewed the health agent's information on a request from a resident, to ensure that mobile vendors that cook and prepare foods in their licensed mobile trucks are not allowed to park for long periods of time occupy space on Old Fort Road during the summer, which is occurring through the week but more pronouncedly on weekends, because the generators are loud and the purpose of Old Fort Road at Fort Phoenix is meant for the public and beach goers. The health agent offered a few options to curtail long term uses but would like to work with the police chief to determine if there is another process to pursue. The materials will be reviewed by the Board at a later date.

Invoices and payroll were reviewed and signed by the Board.

There being no other business before the Board, motion to adjourn the meeting at 1:30 PM was made by Ms. Lopes; seconded by Ms. Caton. Vote was unanimous.

Patricia Fowle, Health Agent