

REGULAR MEETING OF THE FAIRHAVEN BOARD OF HEALTH  
June 4, 2012

A Regular Meeting of the Board of Health was held at the Town Hall on Monday, June 4, 2012 at 6:30 PM. The meeting was duly posted. Board members present: Barbara Acksen, Jeannine Lopes and Peter DeTerra. Also present: Patricia Fowle, Health Agent.

The Chairman called the meeting to order at 6:30 PM and asked that the minutes of the meetings of May 14, 2012 be amended or approved.

Ms. Lopes motioned to approve the minutes. Ms. Acksen seconded. The vote was unanimous.

The Board reviewed a septic system inspection for 12 Saltmarsh Road performed by inspector Ronald Arruda of Fairhaven Honeywagon. The inspector recommended input from the Board for depth to groundwater on the site. The septic system passed inspection in 1995 but since then there has been a lot of groundwater elevation data on abutting properties. To ensure the system meets Title 5 requirements for septic system inspections Mr. DeTerra recommended a soil evaluation be performed on site by a licensed soil evaluator. This would ensure accurate groundwater elevation information on this specific site.

Ms. Lopes motioned to require a soil evaluation for the site to determine groundwater elevation.

Ms. Acksen seconded. Vote was unanimous.

The health agent reported to the Board that there were between 120-130 complaints on noise and/or flicker with the wind turbines since their start-up in late April. The complaint form on the town's website has been a useful tool. A spreadsheet chronicling the complaints is being maintained in the office. Members of the audience asked to be recognized. The Chairman acknowledged them.

Ken Pottel, Wampanoag Drive, asked what the next step is for the Board. Mr. DeTerra would like to share the information with Fairhaven Wind LLC. Ms. Acksen and Mr. DeTerra would like to ask the Department of Environmental Protection (DEP) to perform a sound study. Ms. Lopes stated that there were a number of complaints that came in on Thursday night to Friday morning, June 7 to 8, and upon investigation was informed that the sewer treatment plant digester emergency generator had been turned on and was very noisy, similar to a jet engine. This may have contributed to the number of complaints.

Mr. Joe Rosa, 6 Teal Circle, allowed a video of flicker in his home to be shown. He said it occurs every sunny day for 45 minutes. He cannot have his windows open because the sound is loud, jet like.

Kevin McKenna, 7 Teal Circle, said his household is bothered by flicker and it is waking people up and disturbing their rest. As for sound, he said it sometimes sounds like a freight train in his back yard.

Mike Thomas, 1 Teal Circle, questioned the rationale of the digester generator because this sound is always there with a loud, constant hum. He has flicker in his house in the morning.

Peter Gobon, 4 Teal Circle, said he has lived here for 20 years with no complaints. The sound now is as his neighbors say it is. His house has flicker, strobe-like, that you wake to. It is disorienting and he cannot use his bedroom.

Dawn Devlin, Main Street, said she knows of 5 people who want to complain but are fearful to do so.

There must be a sound study now. Use the information quickly and not make people wait.

Ms. Acksen encouraged people to use the complaint form so that the data represents what is happening.

Mr. DeTerra stated that the owner, Fairhaven Wind LLC, must fix the problem. Just as you would take a new car back to the dealer if something isn't working right, the Board must take the problem here to the owners to fix it.

Mr. DeTerra made a motion to request the DEP do a sound study on the wind turbines and to forward the complaints, that the Board has permission to share, to Fairhaven Wind LLC with a requirement that they provide a mitigation plan to the Board by the next Board meeting.

Ms. Acksen said she would like to see the motion in two parts because she is in favor of one part but not the second. She would like to use a mitigation plan that she brought with her to the meeting.

Ms. Lopes stated she would not consider voting on anything she has not had time to review.

Sarah Powers, 10 Little Bay Road, stated when it is windy the turbine sound is very distressing. Kathryn Starr, 15 John Street, said she is experiencing sound and pressure change problems. She has headaches, nausea, sleep deprivation and she must also deal with flicker. The turbines also are affecting her grandson who lives with her.

Cheryl Methia, 3 Shawmut Street, said she does not want to see complaints in the hands of the developer. They are not residents. All in her household are sick from this.

John Methia, 3 Shawmut Street, said he posted a noise meter video on YouTube. The evidence is there. This is an emergency situation. He would like to see litigation immediately to stop the turbines. Shut the turbines down from 7:00 PM to 7:00 AM

Mr. DeTerra motioned again to request DEP do a sound study and require Fairhaven Wind LLC to have a mitigation plan for review by the Board at its next meeting in 3 weeks which would be June 25, 2012.

Ms. Acksen motioned to have the two requests in two different motions so the Board could vote on each action separately. There was no second to Ms. Acksen's motion.

Ms. Lopes seconded Mr. DeTerra's motion.

The vote was unanimous to request DEP do a sound study and to inform Fairhaven Wind LLC a proposed mitigation plan must be presented to the Board at its next meeting June 25, 2012.

Many in the audience objected loudly.

#### Health Agent's Report:

The health agent asked the Board if they would vote to have all 7 bathing beaches tested weekly. Four of the beaches are exempt and are required to be tested only every 30 days. The public is keenly aware now of bacterial testing and it would be inappropriate not to have the results weekly.

Ms. Lopes motioned to test 7 beaches weekly. Ms. Acksen seconded. Vote was unanimous.

The Board discussed whether to move forward with proposed tobacco regulation changes for sale of tobacco products. The consensus of the Board is to move forward and for the health agent to create a draft regulation for Board review and discussion.

Mr. DeTerra motioned to have the health agent draw up a draft regulation. Ms. Lopes seconded. The vote was unanimous.

The Board reviewed complaints: the complaint of odor from the sewer treatment plant must be directed to the sewer department; the complaint of feral cats in a Manhattan Avenue neighborhood should be investigated by the health agent and animal control officer.

A plan for a proposed Rocky Ace Hardware in the Stop & Shop Mall was reviewed. The Board offered no comments.

Invoices and payroll were reviewed and signed by the Board.

The next meeting will be Monday, June 25, 2012 at 6:30 PM.

There being no other business before the Board, Ms. Lopes motioned to adjourn the meeting at 7:45 PM. Ms. Acksen seconded. Vote was unanimous.

Patricia Fowle, Health Agent