

REGULAR MEETING AND PUBLIC HEARING
OF THE FAIRHAVEN BOARD OF HEALTH
February 28, 2013

A Regular Meeting of the Board of Health was held at the Town Hall on Monday, February 28, 2013, 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, members of Fairhaven Windwise and others.

The Chairman called the meeting to order at 6:30 PM and asked that the minutes of the meeting of January 7, 2013, be amended or approved.

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

Ms. Karen Isherwood, 3 Teal Circle, appeared before the Board to voice her personal health concerns regarding the wind turbines in proximity to her house. A written statement was read and is attached as part of this record. In the beginning of the statement the Chairman asked if these were Ms. Isherwood's words or if someone had prepared them for her. Mr. DeTerra stated he had received an email from Mr. Ken Pottel of Windwise including a statement from Mr. John Methia also of Windwise which had much the same wording. Ms. Isherwood stated she personally wrote the statement that she was reading. Mr. DeTerra asked her to continue, which she did. She stated the Board of Health has received over 400 complaints from residents regarding noise from the wind turbines and requested the turbines be shut down to protect the health of residents. She called for a public hearing for all to be heard. Mr. Methia was offended by Mr. DeTerra's statement and demanded to be heard.

On the matter of the wind turbines, Mr. DeTerra stated he believed the Massachusetts Department of Public Health (DPH) should be called upon to do a health study and so motioned. Ms. Lopes seconded. Ms. Acksen asked what the difference was in asking the DPH to do a health study when the first step would be to hold a public hearing where residents could relate their health issues and concerns as they relate to the wind turbines.

Ms. Louise Barteau, 5 Fishermans Road, spoke on the matter of the turbines. She stated the studies will continue for a long time and immediate action is required under this emergency. People are suffering from lack of sleep. Both the Department of Environmental Protection (DEP) and DPH are promoting wind energy technology and cannot be trusted to have an open mind. An immediate shut down is required, not waiting for three years as in Falmouth. Ms. Barteau asked to be placed on the agenda to explain her findings of the noise study being conducted by DEP presently. She stated she has evidence that Fairhaven Wind can manipulate the turbines to respond favorably when the noise readings are being taken. She would like an opportunity to explain this to the Board. Mr. DeTerra stated he is aware of her letter to DEP and he intends to ask DEP for more noise level testing. She called for the Board's resignation if the turbines were not immediately shut down.

Mr. DeTerra called for a vote on his motion. Ms. Acksen said she would like to discuss the motion as she believes the first step should be a public hearing, and then involve the DPH. Ms. Acksen motioned to hold a public hearing. There was no second.

Mr. DeTerra motioned to request DEP do an additional sound study. Ms. Lopes seconded. Ms. Acksen stated she has spoken to Laurel Carlson of the DEP and Mr. Kimmel, regional director of the DEP, who stated the sound study method is flawed because the analysis is geared to noise complaints in general and not to wind turbine noise. They indicated that DEP is looking into reviewing and revamping its procedures in this regard.

Mr. DeTerra called for a vote on the motion to request DPH do a health study. Mr. DeTerra and Ms. Lopes voted to approve the motion, Ms. Acksen did not vote. Mr. DeTerra called for a vote on the motion to request DEP do additional sound testing. Mr. DeTerra and Ms. Lopes voted to approve the motion. Ms. Acksen did not vote.

Ms. Powers, 10 Little Bay Road, stated she cannot stand the noise any longer. No sleep. Ms. Barteau, 5 Fishermans Road, stated she had written to be placed on the agenda and had received a personal phone call from the Chairman instead. She stated the Board is not acting on the people's behalf. She is shocked the Board has no interest in the flawed sound study data. Ms. Devlin, Main Street, stated the Board must not wait but should act on the health issues now. The general consensus of the crowd is that the turbines should be shut off during the night so that people can sleep; or shut the turbines off until the health study is done and people can know the dangers of the turbines to health. Mr. DeTerra closed the discussion on the matter.

Mr. DeTerra stated that the police officer assigned to the schools spoke to him of the availability of "K2" or fake weed here in Fairhaven at a local convenience store/gas station. Ms. Lopes read from a CNN article of a youth's life-altering use of K2 and then spoke to the need of the Board and community to work with the police to stop the sale of the product. Youth are smoking the chemically laced "incense" and "potpourri" and getting high. The chemicals added to the material are not regulated and the effects can be deadly. Ms. Acksen stated this is a national and long standing problem. It is difficult to regulate because the chemicals used are constantly changed. It has been found in Massachusetts that this is something the Board of Health cannot regulate because it is not food or in health products. It must be regulated by the police as it is done in New Bedford and Fall River. She could arrange for Nick Charest of the Tobacco Control Program to speak to the Board and the police on the matter if it is requested. Ms. Lopes stated PSA's would be of use as well as educating parents of the dangers.

Health Agent's report:

A septic system repair plan for 303 Mill Road designed by Gregory Nicholas, PE was presented. Mr. DeTerra removed himself from discussion as he is a neighbor. Variances required for the three bedroom dwelling which is serviced by a well and septic system are: setback to wetlands 34.3' to the north to a non-jurisdictional wetland, 21' to the east and 50' to the southeast of the 150' Board of Health Regulations requirements. A new well will have to be drilled due to setback requirements and will be 100.5' from the proposed leaching facility. A Board of Health Regulation setback variance of 50' is required.

Motion to approve the variances as stated was made by Ms. Acksen. Ms. Lopes seconded. Vote was two in favor with Mr. DeTerra abstaining.

The final indoor air quality report from the Department of Public Health Inspector Cory Holmes, on January 31, 2013 was released. Most results were excellent. However, it was recommended that univent maintenance become a routine matter.

The landfill biennial report from Brown & Caldwell, Middleborough, showed the landfill to be in excellent condition with just a small worn-out patch on the far north let down channel.

A septic system for new construction on Causeway Road did not meet code specifications and will be resubmitted.

Emergency preparedness training is required for all Emergency Dispensing Site volunteers. The first of four trainings was held this week. Others will follow with the police, fire and emergency management (ema) personnel. Trainings are in emergency dispensing site operations, strategic national stockpile procedure and inventory control. Fire, Police and EMA are assisting the health agent.

The Board of Health fiscal 2014 budget will be discussed with the Finance Committee on Thursday, March 14 at 7:45PM. The meeting will be posted so Board members may attend.

Rabies clinics for cats and dogs will be held March 24, 2013 at the two animal hospitals from 8:00 AM to Noon. Advertisements are being handled by the Board of Health.

There being no other business before the Board, Ms. Lopes motioned to adjourn the meeting at 7:35 PM
Mr. DeTerra seconded. Vote was unanimous.

Patricia Fowle, Health Agent