

MEETING OF THE FAIRHAVEN BOARD OF HEALTH  
ORGANIZATIONAL MEETING  
And  
REGULAR MEETING  
May 8, 2013

An Organizational Meeting of the Board of Health was held at the Town Hall on Wednesday, May 8, 2013, at 6:30 PM. The meeting was duly posted. Board members in attendance: Barbara Acksen, Jeannine Lopes and Peter DeTerra. Also in attendance: Patricia Fowle, Health Agent.

The Chairman called the meeting to order at 6:30 PM and stated that this is an Organizational Meeting of the Board of Health. He requested nominations for Chairman and Vice Chairman for the upcoming year.

Ms. Lopes nominated Mr. DeTerra as Chairman; Ms. Acksen seconded. The vote was unanimous. Mr. DeTerra nominated Ms. Acksen as Vice Chairman; Ms. Acksen seconded. The vote was unanimous.

Upon nominations duly made and seconded it was unanimously voted that Peter DeTerra is the Chairman of the Board of Health and Barbara Acksen is the Vice Chairman of the Board of Health.

Motion to close the Organizational Meeting was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous. The Organizational Meeting was closed at 6:32 PM.

A Regular Meeting of the Board of Health was held at the Town Hall on Wednesday, May 8, 2013 at 6:30 PM. The meeting was duly posted. Board members in attendance: Mr. DeTerra, Ms. Acksen and Ms. Lopes. Health Agent, Patricia Fowle also in attendance.

The Chairman called the meeting to order at 6:35 PM and asked that the minutes of February 28, 2013 be amended or approved.

Motion to approve the minutes was made by Ms. Lopes; Ms. Acksen seconded. The vote was unanimous.

The Board reviewed a septic system design prepared by Outback Engineering of Middleboro for a new 3 bedroom dwelling at 31 Causeway Road. The system meets all of the requirements of Title 5 and the Board of Health Regulations.

Motion to approve the plan as presented was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous.

A proposed septic system upgrade plan designed by Field Engineering, Inc. of Mattapoisett for 21 Shaw's Cove was received. The septic system requires variances, one of which requires a public hearing due to property line setbacks. The public hearing will be scheduled for May 22, 2013 at 6:30 PM. The design engineer will be notified.

A proposed septic system upgrade plan designed by Ferreira Engineering, Inc. of New Bedford for 162 Weeden Road was received. The septic system requires variances, one of which requires a public hearing due to property line setbacks. The public hearing will be scheduled for May 22, 2013 at 6:30 PM. The design engineer will be notified.

A proposed septic system upgrade plan designed by Charon & Associates, Inc. of Rochester for 4 Wilbur's Point Drive was received. The septic system requires variances, one of which may require a public hearing due to property line setbacks. The public hearing will be scheduled for May 22, 2013 at 6:30 PM. The design engineer will be notified.

A request for the keeping of chickens at 46 Gilbert Street was received. Additionally, abutters have complained that the chickens are present now. A hearing for the keeping of the chickens will be scheduled for May 22, 2013 at 7:00 PM. The applicant will be notified of the requirements for the keeping of the chickens. The Animal Control Officer will be asked to perform an inspection to ensure compliance with the requirements can be done. The health agent will notify all abutters of the hearing.

An in-ground pool application was received from 13 Mayflower Street. The proposed pool is 4' from the south property line and 8' from the east property line. Board Regulations require a minimum setback of 10' from property lines. The abutters affected by the proposed location of the pool have each written letters stating they do not object to the proposed location. The letters are part of this record. Motion to approve the variance for the pool location as presented on the application was made by Mr. DeTerra; seconded by Ms. Lopes. The vote was unanimous.

Mr. Andy Gomes, Massachusetts licensed septic system inspector, accompanying the owner of 36 Winsegansett Avenue, Ms. Ruth Ann Martin addressed the Board. Ms. Martin had received a written notice from the health agent dated March 27, 2013 stating the septic system serving her property of 36 Winsegansett, rental property, had failed and was flowing to the ground surface. Pictures of the failure were attached to the notice. Ms. Martin had requested a hearing on the matter before the Board of Health and was informed the Board would meet with her at their next scheduled meeting of May 21 or 22 but would not be confirmed until this evening's meeting. Mr. Gomes stated he performed a septic system inspection and had the report with him. Mr. DeTerra stated that the Board had not met since February 28, 2013 due to extenuating circumstances and the purpose of this meeting was to clear up old matters and set dates for pending hearings. This matter will be scheduled for May 22, 2013 at 7:30 PM. It cannot be heard at this time because it was not advertised through the posted agenda. The health agent will notify Ms. Martin of the correct date and time. The parties left the meeting.

The Chairman stated he received a call from Department of Environmental Protection Commissioner Martin Suuberg stating he would like to hold a public meeting to present an interim report on the sound testing of the wind turbines. The Commissioner is available on Tuesday, May 21, 2013. The public meeting will be held Tuesday, May 21, 2013, at 6:30 PM in the second floor Ballroom of the Town Hall.

The health agent reported on the following:

A septic system inspection was performed by Ronald Arruda, Fairhaven Honeywagon, Fairhaven, at 330 Huttleston Avenue. The system failed the inspection. Sewage was at the surface of the cesspool. The health agent was present for the inspection.

Motion to accept the report as written was made by Ms. Acksen; seconded by Ms. Lopes. The vote was unanimous.

A septic system inspection was performed by Ronald Arruda, Fairhaven Honeywagon, Fairhaven, at 11 Studley Street. The system failed the inspection. The distribution box was full of solids with signs of sludge material over the outlet inverts. The health agent was present for the inspection.

Motion to accept the report as written was made by Ms. Acksen; seconded by Ms. Lopes. The vote was unanimous.

A cost proposal for landfill mowing was submitted by T-Corp, Attleboro, for a total of \$4,650 for 26 acres. Two other landfill mowing firms expressed no interest in bidding. Landfill mowing requires specialized equipment due to the side slopes. T-Corp has mowed the landfill for a number of years. Motion to accept the proposal of \$4,650 from T-Corp of Attleboro was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous.

The health agent informed the Board of ongoing noise complaints received in the office regarding the Fairhaven Shipyard at 32 Water Street. A spreadsheet has been setup much the same as that used for recording wind turbine complaints. Ms. Beth Luey, 31 Water Street, on behalf of the neighbors involved, asked to be placed on the next Board agenda to discuss their complaints and concerns. The meeting will be scheduled for May 22, 2013 at 7:30 PM. The Board indicated they would be interested in hearing from the Department of Environmental Protection in this matter as they are the permitting agency for establishing thresholds for pollutants such as land and air discharge including noise. The Town By-Laws do have a noise regulation, however, it is so old, general in nature and non-specific that it is basically unenforceable.

A request from Kathy Audette of the Fairhaven Sustainability Committee was received seeking confirmation from the Board to continue to disseminate curbside recycling information at the upcoming Farmer's Markets.

Motion to approve was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous.

The Town accountant is requiring a vote of all Boards on the procedure used to sign invoices. The Board currently requires a majority of its members to sign all invoices.

Motion to continue to require a Board majority to sign all invoices was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous.

Massachusetts Department of Public Health medical marijuana proposed regulations are ready and should be approved by the public health council by the end of May. Any noted changes can be found on the MAHB.org website.

There is a new Public Safety Department regulation requirement for ice cream vendors. Each ice cream vendor is required to secure a permit from their local police department after the police department does a complete CORI search. A prescribed permit form is part of the regulation. Sgt. Kevin Kobza is working with the health agent. The two Fairhaven ice cream vendors have been notified by the Board office in writing. No mobile vending permit can be issued by the Board of Health until this Public Safety permit is issued.

A new Department of Public Health Community Sanitation Division regulation entitled "Christian's Law" requires all swim instructors at natural bodies of water (beaches, lakes, ponds) to swim test each child, band each swim tested child with an appropriate color coded band and fit test all swim vests. The swim vests must be Coast Guard approved and fit tested as instructed by the Coast Guard. Due to sequestering throughout the government however, the Coast Guard is not able to instruct anyone in how to fit test. Life guards must be certified to swim test children and this is costly and not offered in many places. This information was shared with the Board of Public Works as they run the swim instruction program at West Island Town Beach. It appears their decision may be to not offer instruction because they do not have funding to supply swim vests nor do they have the certified people to swim test children and fit test swim vests.

Ms. Acksen stated she spoke to the manager at Benny's in Fairhaven and he indicated the store might be willing to offer a discount to Fairhaven residents on mosquito dunks. The Board was interested in pursuing this.

Motion to pursue the matter was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous.

The Board's next meeting is May 21 at 6:30 PM with the DEP and May 22 at 6:30 PM for other matters.

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

Patricia Fowle, Health Agent