

REGULAR MEETING OF THE FAIRHAVEN BOARD OF HEALTH
June 24, 2013

A Regular Meeting of the Board of Health was held at the Town Hall on Monday, June 24, 2013 at 6:30 p.m.. The meeting was duly posted. Board members in attendance: Mr. DeTerra, Ms. Acksen and Ms. Lopes. Health Agent Patricia Fowle.

The Chairman called the meeting to order at 6:30 p.m. and asked for the minutes of June 10, 2012 at 6:30 p.m. be amended or approved. Mr. DeTerra stated that he had abstained from discussion and vote on 162 Weeden Road. Ms. Lopes stated she recalled the same. Ms. Lopes motioned the minutes be amended to indicate that Mr. DeTerra abstained from discussion and the vote on the septic system at 162 Weeden Road; Ms. Acksen seconded. The vote was unanimous to approve the minutes with the amendment as stated.

The Chairman asked for the minutes of the Regular Meeting of June 17, 2013 at Noon and the minutes of the Executive Session of June 17, 2013 at 12:31 p.m. be amended or approved. Ms. Lopes motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

Health Agent Report:

The Board reviewed the proposed public health nursing contract for fiscal 2014 with the Fairhaven Community Nurse & Hospice Association. There are no changes to the previous year's contract. Ms. Lopes motioned to approve the contract; Ms. Acksen seconded. The vote was unanimous.

A septic system inspection was performed by Andrew Gomes, A Gomes Equipment Company of Acushnet at 352 New Boston Road. The system passed. The Board reviewed the written inspection report. The health agent was present during the inspection. Ms. Lopes motioned to accept the report as written; Ms. Acksen seconded. The vote was unanimous.

The fiscal 2014 budget will be available July 1. The health agent was directed to purchase "mosquito dunks" a form of BTI, a safe larvicide, to make them available to Fairhaven residents to assist in controlling mosquitoes in residents yards and property.

The health agent reported that today a partial septic system inspection was performed by Andrew Gomes of A Gomes Equipment Company of Acushnet at 36 Winsegansett Avenue per the mandate of the Board of May 22, 2013. The health agent was present. The inspection revealed the septic tank is a 750 gallon metal tank with a concrete cover. The tank is not in good repair. Inlet and outlet tees are corroded. The building sewer line is under the pavement of the driveway and could not be exposed. It is the recommendation of the health agent that a new concrete septic tank and building sewer be required for the property before the end of the year. The leaching facility appears to be functioning. The septic tank and building sewer may be getting clogged due to their corroded condition causing occasional clogging and breakout of sewage through the building sewer or tank cover seam. Motion to approve the recommendation of the health agent was made by Ms. Lopes; seconded by Ms. Acksen. The vote was unanimous. The health agent was directed to inform the owner of the decision of the Board.

Other Business:

The Board of Health office received two letters this afternoon.

One is from Martin Suuberg, Department of Environmental Protection (DEP), asking the Board to allow having the wind turbines turned on during two different nights from midnight to 4:00 a.m. to allow for proposed mitigation testing by Fairhaven Wind, LLC and DEP to observe and record noise levels alongside Fairhaven Wind, LLC. The request was for just two samplings-starting midnight June 26 to 4:00 a.m. and again midnight June 29 to 4:00 a.m. The letter of request is part of this record. The Board

stated they needed more information and instructed the health agent to contact Laurel Carlson of the DEP prior to the start-up.

The second letter is from Fairhaven Wind, LLC requesting a hearing pursuant to 310 CMR 11.00 on the Board's Order of Abatement of a Public Nuisance issued on June 17, 2013. The letter is part of this record. The Board considered the request and required that Fairhaven Wind, LLC supply information regarding the intent of the hearing including any proposed mitigation plan, strategies, witnesses and written documentation prior to the hearing. The Board discussed the need to have Town Counsel present during the process and to prepare for the hearing. Ms. Acksen stated she is displeased by the receipt of these two letters. After the Order of Abatement of Public Nuisance issued to Fairhaven Wind, LLC the company and DEP should be working with the Board of Health directly and not excluding the Board from its interaction with DEP and the Board of Selectmen. The request to test mitigation proposals in June is not the best time of year to do so. The Board should also be included in discussions with the DEP and Selectmen on negotiations because nothing will be approved until the Board of Health approves any proposal as was stated in the Order of Abatement of a Public Nuisance. Discussion ensued and the Board concurred.

Ms. Acksen stated she would like to seek additional legal counsel perhaps through the use of Massachusetts Association of Health Boards of which the Board is a member. She had many questions and was advised to speak with Town Counsel Thomas Crotty as well.

The Board will hold the public hearing as requested per 310 CMR 11.00 on Monday, July 15, 2013 at 6:30 p.m. at the Town Hall. The health agent was directed to inform Fairhaven Wind, LLC of its requirements.

Bills were signed.

There being no other business before the Board, Ms. Lopes motioned to adjourn the meeting at 7:10 p.m.; seconded by Mr. DeTerra. The vote was unanimous.

Respectfully submitted,

Patricia Fowle,
Health Agent