

REGULAR MEETING OF THE BOARD OF HEALTH

January 6, 2014

A Regular Meeting of the Board of Health was held at the Town Hall on Monday, January 6, 2014, at 6:30 p.m. The meeting was duly posted. Board members present: Ms. Lopes, Mr. DeTerra and Ms. Acksen. Health Agent Patricia Fowle was present.

Chairman Lopes called the meeting to order at 6:30 p.m. and asked that the minutes of the Regular Meeting of November 18, 2013, be amended or approved. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

A septic system plan for repair of a three-bedroom dwelling at 345 Bridge Street as designed by Richard Riccio, P.E. of Field Engineering, Mattapoisett, MA requiring a variance of 3' to groundwater in place of the required 4' and 58' from a wetland in place of the required 100' was reviewed. The health agent asked that additional requirements be that the leaching field be constructed using C3 sand and the fill for the leaching area be constructed in Title 5 sand and that ballast for all the tanks may be required. Motion to accept the plan with the required variances and health agent recommendations was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

Mr. DeTerra abstained from review and discussion on the following as the property belongs to his parents. Septic system plans for 2 and 4 Antone Drive were presented. These are for two new houses. The plans were designed by Al Ewing, PE of Fairhaven and require no variances to any codes. 2 Antone Drive will be a four bedroom home and 4 Antone Drive will be a three bedroom home. Both sites will be served by private wells. Both plans comply with State and local septic system codes. Motion to accept the plans as presented was made by Ms. Acksen; seconded by Ms. Lopes. The vote was two in favor and one abstention.

The Board then reviewed and discussed the Turbine Mitigation Plan as prepared by Fairhaven Wind LLC (FWLLC) dated December 12, 2013. Mr. DeTerra stated the plans are a result of the last negotiation meeting and represent what the Board had asked for along with Laurel Carlson of the Massachusetts Department of Environmental Protection (MaDEP). He stated additional testing will be extensive. Ms. Acksen stated she had reviewed the plan and found many flaws; there should be an independent consultant; there needs to be an acoustical engineer to review the plan; there is not adequate sampling with which to base this plan; the MaDEP did the sampling with inadequate equipment; there is no data during rain because the MaDEP's equipment could not be used in the rain and complaints occur during rain events; there should be continuous sampling; the neighborhood should be allowed to participate with input into the plan; there is no stated outcome goal which should be an increase in the number and intensity of complaints. The plan is not adequate. There were small changes with some numbers but nothing substantial. SCADA should be available for review. When the automatic shut down program is functioning even the Board of Health will not get the data it is getting now.

Mr. DeTerra countered that once the plan is approved FWLLC will have to comply. The plan if accepted will be standards to which FWLLC must comply.

Ms. Lopes stated the testing will continue along with MaDEP and there will be compliance because it is required by law. The town does not have the funds for an independent consultant and the consultant hired by FWLLC is observed by MaDEP. The complaints may never be completely resolved because they are personal issues and individually subjective. The Board has done what it promised to do and she feels the course is worth pursuing to see if the changes make a difference. Ms. Acksen countered that we are not experts in these matters and a consultant is necessary.

There was some discussion as to why the agenda was not more widely publicized. Ms. Lopes stated the agenda was posted correctly. The plan review discussion is meant for the Board and not open to the public for comment. Ms. Acksen questioned if the changes would be effective over time and how one would be able to measure this since the Board will no longer be privy to the shared information it is receiving now until the automatic shut down program goes into effect. Ms. Lopes stated we must start

somewhere. If more information is required then the Board will get it. Ms. Acksen warned that more should be done by the town to avoid possible lawsuits which will cost more than a consultant would have. Ms. Lopes stated we must move forward.

Motion to approve the Mitigation Plan dated December 12, 2013 was made by Mr. DeTerra; seconded by Ms. Lopes. There was no other motion. The Mitigation Plan was approved by a vote of two in favor and Ms. Acksen opposed.

A septic system inspection at 74 Nakata Avenue was performed by Tom Silvia of Swansea. The septic system failed the inspection due to high groundwater and the existing beehive leaching system has less than one day capacity of flow. The health agent was present for the inspection.

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

A septic system inspection at 9 Palmer Street was performed by Ronald Arruda of Fairhaven. The septic system passed the inspection. The health agent was present for the inspection.

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

A proposed fiscal 2015 landfill inspection budget was received from Brown & Caldwell of Middleborough, Mass, the landfill engineers of record. The proposal is to perform quarterly testing for groundwater, surfacewater and gas monitoring as required by the MaDEP. The cost is \$20,100 which is lower than last year because the landfill is now on a sampling rotation along with other local landfills which keeps the sample collection fee down.

Motion to approve the fiscal 2015 landfill monitoring budget was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

The health agent reported all 2014 Food Establishment Permits, Tobacco Sales Permits and Offal Hauler Permits have been issued.

The Board reviewed the 2013 Annual Report submitted to the Board of Selectmen.

The Curbside Recycling Contract must be bid for fiscal 2015. The health agent is currently preparing the bid package for release in mid-January.

The fiscal 2015 budget is not yet ready for review. However, it is due no later than January 14, 2014 at 4:30 PM in the Selectmen's Office. The Board should review the budget as a 2% decrease is being sought.

Invoices were signed.

The next Board meeting will be January 13, 2014 at 6:30 to review the fiscal 2015 budget. There being no further regular business before the Board, motion to adjourn was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous. The meeting was adjourned at 7:05 p.m.

Respectfully submitted,
Patricia Fowle,
Health Agent