

REGULAR MEETING OF THE BOARD OF HEALTH
February 24, 2014

A joint Regular Meeting between the Board of Public Works (BPW) and Board of Health was held at the Board of Public Works Office, 5 Arsene Street on Monday, February 24, 2014 at 6:00 p.m. The meeting was duly posted. Board of Health members present: Ms. Lopes, Mr. DeTerra and Ms. Acksen. Health Agent Patricia Fowle was also present. Board of Public Works members were in attendance along with BPW Superintendent Vincent Furtado and Administrative Assistant Kathy Tripp.

The purpose of the meeting was to hear a presentation from ABC Disposal, Inc. of New Bedford on a new proposal on both curbside recycling and curbside trash collection. The written presentation is part of this record. The proposal is for single stream recycling and trash collection with two separate wheeled containers provided by the company, 65 gallons and 55 gallons. It was also noted that those communities currently using the system-Plymouth, Westport, and others, generally see an uptick in recycling collections to a total of 30% curbside. Currently Fairhaven is 14%. However, such a costly investment by the company would require a 10 year contract with the town. Town residents in attendance were allowed to participate in the discussion.

The Board of Public Works then entered into Executive Session to discuss financial aspects of the negotiations. The outcome of the Executive Session is to have the two Boards meet again on March 10, 2014, at the BPW Office to hear another proposal by Waste Zero of Lowell, MA. It is anticipated that both Boards will then meet in Executive Session to discuss contract negotiations.

The Board of Health closed the meeting at 7:15 p.m. to re-convene at the Town Hall.

The Regular Meeting of the Board of Health re-convened at 7:30 p.m. All Board members and the Health Agent were present.

Chairman Lopes called the meeting to order at 7:35 p.m. and asked that the minutes of the Regular Meeting of January 13, 2014, be amended or approved. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

Chairman Lopes asked that the amended minutes of the Executive Meeting of January 6, 2014, be amended or approved. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous. On a related matter, the Chairman acknowledged that a written request from Health Inspector Susan Griffin had been received requesting a copy of the Executive Minutes. Per the Open Meeting Regulations, the Board must vote to release the minutes or not, per the guidance within the law. Upon consideration, Ms. Acksen motioned to release the January 6, 2014, Executive Minutes; there was no second and there was no other motion. The January 6, 2014, Executive Minutes are not released. Upon questioning by the audience the Chairman responded the minutes concern a personnel matter and should not be released. Ms. Griffin inquired how long the minutes could be held. The Chairman responded she would review the matter and respond to Ms. Griffin in a timely manner.

The Chairman asked the Board if they had reviewed the revised job description for Health Inspector. The Health Agent stated that per the instructions of the Board at the last meeting, the only change to the job description was to add the "policies/procedures" item which contained discussed job requirements and reporting parameters from the prior meeting of January 13, 2014. There was no further discussion.

Motion to accept the job description for Health Inspector was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

Health Agent's report:

The Massachusetts Department of Public Health (MassDPH) has accepted the Registered Marijuana Dispensary (RMD) proposal of Compassionate Care which plans to open its RMD on Alden Road, Fairhaven. The Health Agent inquired if the Board would like to consider adopting regulations for RMD's now that one will be located in Town. The Board consensus is for the Health Agent to contact all the other communities where an RMD had been approved to inquire if they had any regulatory plans or regulations. The Health Agent will report back at the next regular meeting.

Stop & Shop, 221 Huttleston Avenue, would like to open a Pea Pod Pick-Up service. Customers would call in or email their orders; the store would pull the order and place it in a cooler storage container at the store front exterior where an employee is in charge. The customer would then drive up, load up the order and drive off. The process is in place in Dartmouth and other communities with good success. Ms. Lopes stated that she thought there should be no smoking near the food storage area which is covered by a canopy and allows the smoke to remain. Ms. Acksen noted this is the same area where a bench is located and store employees can take their breaks or customers can wait for a ride. She does not wish to inconvenience the employees or customers who use the bench. The plans indicate the bench will be moved.

Mr. DeTerra motioned to request Stop & Shop post the area as non-smoking as long as the bench is moved and the new location will not interfere with the enjoyment of those who use it; Ms. Acksen seconded. The vote was unanimous.

In regards to the ongoing noise, dust, and particulate complaints from three residences on Fairhaven Shipyard,

24 Water Street, the Health Agent has been informed by the MassDEP that MassDEP is currently in negotiations with Fairhaven Shipyard and all matters are considered confidential until an agreement is reached. Upon the settlement the Town through the Board of Health and Board of Selectmen will be notified of the findings and conditions set. It is hoped the settlement is soon.

A tobacco compliance check occurred through the Federal Program on January 24, 2014. Of the 11 establishments checked, four sold tobacco to a minor. This was the first violation for each store over the last three years, the regulatory tolling period, and a \$100 fine was assessed for each. The fines have all been paid to the Town Clerk. The four stores were Little Bay Liquors, Fairhaven Valero, Cumberland Farms-Main Street and Premium Liquors.

Invoices were signed.

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 7:55 p.m. The Board will meet with the Board of Public Works at Arsene Street on Monday, March 10, 2014 at 6:00 p.m. to review a Curbside Recycling option with Waste Zero and then to enter into contract discussion in Executive Session with the Board of Public Works.

Respectfully submitted,
Patricia Fowle,
Health Agent