

REGULAR MEETING OF THE BOARD OF HEALTH
June 9, 2014

A Regular Board of Health Meeting was held at the Town Hall, 40 Center Street, on Monday, June 9, 2014, at 6:30 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.

Chairman Lopes called the meeting to order at 6:30 p.m. and stated that the Board will adjourn the Regular Meeting when the regular business is completed and enter into and adjourn from an Executive Meeting Session. Ms. Lopes asked for a motion to amend or approve the minutes of May 19, 2014. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

A septic system inspection was performed at 258 New Boston Road by Darren Michaelis of Foresight Engineering, Inc. of West Wareham, MA. The health agent was present during the inspection. The system passed the requirements. The Board reviewed the written report. Mr. DeTerra motioned to accept the report as written; Ms. Acksen seconded. The vote was unanimous.

A septic system inspection was performed at 33 Nelson Avenue by Fairhaven Honeywagon of Fairhaven. The health agent was present during the inspection. The system passed the requirements. The Board reviewed the written report. Mr. DeTerra motioned to accept the report as written; Ms. Acksen seconded. The vote was unanimous.

The Board reviewed The Agreement for Curbside Collection of Recyclables as amended by ABC Disposal, Inc. for the new contract effective July 1, 2014 through June 30, 2019 with two consecutive 5 year options. The health agent reported that the two-cart system will not be operating until the latter part of this year and as such, the existing contract fee of \$14,056.92 per month will remain in effect until the start-up of the new program. Mr. DeTerra motioned to accept the Agreement; Ms. Acksen seconded. The vote was unanimous and the Agreement was signed.

The Board reviewed the Fairhaven Community Nurse & Hospice Contract for July 1, 2014 through June 30, 2015. There were no changes requested by the Board. Along with the Board's approval, the Board of Selectmen must review and approve the Contract as it includes the use of Town Hall office space. Ms. Lopes motioned to accept the Contract; Mr. DeTerra seconded. The vote was unanimous and the Contract was signed.

The Board reviewed a proposed site plan as requested by the Planning Department for The Ice House, 136 Huttleston Avenue. The proposal is to enclose the exterior deck for use and extend the bar area and kitchen. No plans have been received by the office or the Building Department as of yet. The Board has no comments on the site plan proposal. The Planning Department will be informed as such.

TLC Play & Learn Center, 16 Temple Place, has a new manager. The center has an after school program that serves only small pre-packaged snacks and the manager is seeking approval from the Board to continue in the practice of not being charged the annual food establishment fee as the program is small with limited operation time. Mr. DeTerra motioned to continue the former process; Ms. Acksen seconded. The vote was unanimous.

The Board reviewed a request from the Selectmen asking to appoint a Board member to the newly formed Local Emergency Planning Committee (LEPC). Upon discussion it was the consensus of the Board that Mr. DeTerra be appointed with the caveat that he share with the Board any information or tabletop exercises planned through the committee. Ms. Lopes motioned to appoint Mr. DeTerra to the LEPC; seconded by Ms. Acksen. The vote was unanimous.

The health agent reported that Sam Chapin of Brown & Caldwell, Inc. of Middleboro, the Board's contracted landfill engineer/advisor reported that "clean demolition soils" are available from a number of contractors in the Boston area who are willing to pay users to take the soils. The Department of Environmental Protection (DEP) along with numerous Massachusetts engineering firms met with the contractors recently. DEP indicated at that meeting that the soils have been tested and are approved for use for fill in capping landfills. Mr. Chapin stated there is still the Bridge Street portion of the Fairhaven landfill that may be required by the DEP to be capped and this may be a good opportunity for the Town to get money and soils for that capping. Ms. Lopes asked if the DEP has required that action at this time. The health agent replied no. Discussion ensued. The unanimous consensus of the Board is not at this time. Mr. Chapin will be informed of the Board's discussion through a phone call.

The health agent reported that Mr. Nicholas Charest, Fairhaven Tobacco Health Agent and US FDA Tobacco Agent, performed a re-inspection on behalf of the US FDA on Friday, May 30, 2014 of both Friendly Farms, Sciticut Neck Road and Cumberland Farms, Main Street. Both stores sold tobacco to an under age individual in a compliance check in January, 2014. Unfortunately Cumberland Farms did sell again. The Board reviewed the written report forms. The health agent asked if the Board will pursue its violation stipulations under the Board's Tobacco Regulation which would be a \$200.00 fine and a seven (7) day Tobacco Permit suspension. Discussion ensued. Ms. Lopes stated sale of tobacco to youths is something the Board has worked on for many years and the message needs to be consistent. Both Mr. DeTerra and Ms. Acksen concurred. The Board consensus is to uphold the regulations and take the necessary actions required. The suspension requires a hearing which will be held at a time to be determined. Mr. Charest will serve the notice of the Board's decision to the Cumberland Farms store manager, Michael Simmons. The health agent will inform Cumberland Farms corporate headquarters.

The health agent reported that at the Zoning Board of Appeals there have been four (4) requests by homeowners for the keeping of chickens (no roosters) over the last two month. All were approved. None have requested permits from the Board of Health. Most petitioners do not understand the process of securing all necessary permits to keep chickens because the process is not easy to follow. The health agent has reviewed what other local communities do in permitting backyard chickens and asked if the Board would consider updating its regulations to streamline the process especially for those who do go before Zoning because all abutters within 300' of the petitioner are notified. Discussion ensued noting that raising chickens can be a good experience if done properly or a disaster if not tended to properly. The Massachusetts Department of Agricultural Resources has an excellent handout and checklist that would be handy to reference. The Board stated that as time permits, the health agent should look into updating that portion of the regulations that deal with the keeping of domestic animals.

The Selectmen have requested of every employee under the Personnel Board, to write a job description because the Personnel Board does not have a complete and updated file of all job descriptions. The Board reviewed the newly updated health agent job description. Upon review the Board asked that the health agent "tease out" those administrative assistant tasks now being performed by the health agent due to staffing issues. The health agent will do so and forward a Health Department Administrative Assistant job description to the Board. Once completed the job descriptions will be given to the Selectmen's office.

Invoices were signed.

Motion to adjourn the Regular Meeting and move to Executive Session was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous to adjourn at 7:25 p.m.

Respectfully submitted,
Patricia Fowle, Health Agent