

REGULAR MEETING OF THE BOARD OF HEALTH
August 25, 2014

A Regular Board of Health Meeting was held at the Town Hall, 40 Center Street, on Monday, August 25, 2014, at 6:30 p.m. The meeting was duly posted. Board of Health members present: Ms. Lopes, Mr. DeTerra and Ms. Acksen. Also present were Nic Charest, Tobacco Agent for the Board and Health Agent Patricia Fowle.

Chairman Lopes called the meeting to order at 6:30 p.m. and asked for a motion to approve the minutes of the Regular Meeting held August 4, 2014. Motion to approve the minutes was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous. Ms. Lopes asked for a motion to approve the minutes of the Executive Meeting held August 4, 2014. Motion to approve the minutes was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous.

Ms. Lopes stated the Board would now enter into a Public Hearing regarding Cumberland Farms, 68 Main Street and a possible seven (7) day suspension of the tobacco permit because of a second sale of tobacco products to a minor in six (6) months. Before the Board was Richard Boyle, Regional Manager of Cumberland Farms and Michael Simmons, Store Manager. Mr. Boyle stated he understood the gravity of the situation as does Mr. Simmons. He explained in detail, steps that have been put in place at this particular store to ensure there will be compliance with all regulations and especially sale of nicotine products. Steps included are: increased employee training now done quarterly instead of annually, training on-line and in-store, proficiency testing, daily review of tobacco sales report, secret shoppers and at point-of-sales terminals automatic sales alert mechanism that does not allow sales to move forward without entering date of birth and ID data. Additionally, Mr. Simmons stated he was new to the store as the manager and the employee who sold was in-training though had passed the tobacco sales proficiency on-line. Mr. Boyle asked for leniency because of the steps they had put in place at both of the Fairhaven stores and because the employee was new. The chairman asked for input from the Board, Mr. Charest and the health agent. Ms. Acksen stated the location has a good size population of minors and the regulations should be adhered to. Mr. DeTerra stated the regulation should be enforced. Mr. Charest stated the double sale in less than six months is unnerving and the regulation is clear in its application in such cases. As to the leniency he stated the regulation states "shall" and not "may". Ms. Fowle agreed stating it is best not to defer from the regulations. Discussion ensued.

Ms. Lopes asked for a motion. Ms. Acksen motioned to suspend the Sale of Tobacco Products and Nicotine Delivery Products Permit for seven (7) days from Wednesday, September 24, 2014, at the store's 5:00 a.m. opening through Tuesday, September 30, 2014, midnight at closing. And further, that all tobacco and nicotine delivery products are to be removed from the site during that period. Mr. DeTerra seconded. The vote was unanimous. The health agent will inspect the store at start of, during and close of the suspension period.

Mr. Boyle and Mr. Simmons stated they would comply. Mr. Boyle asked for a copy of any proposed regulation changes to be forwarded to him directly. There being no further business in this matter Mr. Charest, Mr. Boyle and Mr. Simmons left the meeting.

Appearing before the Board was Mr. Ed Ducary, 474 Sconticut Neck Road. Ms. Lopes stated this is a Public Hearing per the Board's Chapter VII Regulations for the keeping of animals. Mr. Ducary requests a permit for 6 chickens and no rooster. The health agent stated 10 abutters had been notified of the meeting. Mr. Ducary stated he had approached his abutters and asked them to sign his petition for the keeping of the chickens. All abutters had no objections to the request. The health agent had visited the site and found it appropriate for the request. All information required in the application regarding the keeping and maintaining of the animals was presented and reviewed. Discussion ensued.

Mr. DeTerra motioned to approve the application for the keeping of 6 chickens and no rooster at 474 Sconticut Neck Road; Ms. Acksen seconded. The vote was unanimous.

Mr. Robert Lague, 11 Babbitt Street was scheduled to appear before the Board for a permit for the keeping of 12 chickens and no rooster. No Public Hearing is required because this request required a Special Permit from the Board of Appeals that was granted in May, 2014. Mr. Lague had the chickens on his property when the health agent inspected the site recently. All information required in the application is complete and the site is adequate for the request. The Board was disappointed that Mr. Lague was not present for the meeting. Discussion ensued.

Mr. DeTerra motioned to approve the application for the keeping of 12 chickens and no rooster at 11 Babbitt Street; Ms. Acksen seconded. The vote was unanimous.

Next appearing before the Board were representatives of Coastal Compassion, Inc. seeking Board of Health support for the company to open a registered medical marijuana dispensary (RMD) at 5 Pequot Road. Present were Mr. Tim Keogh, President, and Dr. Darrolyn McCarroll, MD, physician liaison and Ms. Mel Dixon, MIP Specialist. A brief history of the company was shared which included another associate Ms. JoAnne Leppanen, Executive Director of RIPAC not present. Mr. Keogh stated their company has been involved with the Department of Public Health (DPH) since the onset of the creation of the Massachusetts regulations. The company scored very highly on the first DPH application round and when DPH denied the full permit to proceed to Compassionate Care Clinics, Inc. who originally had secured the Town's commitment, Coastal Compassion, Inc. negotiated with Compassionate Care Clinics, Inc. for the use of the space. In order to proceed with the application to DPH the Board of Health, as the Board of Selectmen had, must either sign a letter of support or a letter of non-opposition to the proposal. The full application must be submitted by Coastal Compassion, Inc. to the DPH no later than August 29, 2014. Coastal Compassion, Inc. intends to use the same basic setup as Compassionate Care Clinics, Inc. for the building, though an actual business plan does not exist. Discussion ensued. The Board thanked the representatives and informed Mr. Keogh they would notify him of their decision to sign on or not. The representatives left the meeting. Board discussion ensued.

Ms. Acksen motioned to sign the letter of support with the provision that the Board be allowed to review and have input into the submitted work plan when completed; seconded by Ms. Lopes. Vote was unanimous. The health agent will contact Mr. Keogh and secure the request in writing before the Board signs the letter of support.

The Board received a copy of the written Fairhaven Shipyard-DEP Agreement. A neighbor has asked for the DEP to host a neighborhood forum to explain the agreement. As information is forthcoming the Board will be apprised.

The Board reviewed a septic plan upgrade at 23 Nelson Avenue as prepared by Rick Charon, PE of Rochester, MA. The proposal is for a two-fixture bathroom in a garage. A proposed 1500 gallon septic tank with a 500 gallon pump chamber will be added that will pump to the existing distribution box and disposal field.

Motion to approve the plan was made by Mr. DeTerra; seconded by Ms. Lopes. The vote was unanimous.

The Board reviewed a plan for a septic repair at 5 Fort Street as prepared by Al Ewing, PE of Fairhaven, MA. The plan is for an existing four bedroom dwelling and requires a one foot depth to groundwater variance to Title 5 for the leaching system. The plan meets all other requirements.

Motion to approve the plan and a request allowing the leaching facility to be 3' to groundwater was made by Ms. Lopes; seconded by Ms. Acksen. Mr. DeTerra abstained. The vote was two in favor and one abstention.

The Fairhaven Housing Authority at 275 Main Street servicing Oxford Terrace and Dana Court has received a grant to have Coastline Services provide 25-30 pre-made meals per day for the occupants. In order to do so the existing kitchen at the Main Street facility is being updated to comply with the required codes to ensure the food is kept at proper temperatures until served each day.

The Board reviewed plans from the Planning Department for two projects. 214 Huttleston Avenue for a proposed 10,380 SF medical building and expansion of an existing parking area for 90 new spaces at 200 Mill Road. Discussion ensued. The Board offered no comment on either project.

The Board of Public Works requests a meeting with the Board of Health to discuss grease traps in restaurants. There has been a particular problem with grease build-up in lines along Alden Road and Bridge Street. The meeting will be on Monday, September 15, 2014, at 6:30 p.m. at the Board of Public Works, Arsene Street.

The Tobacco Coalition requests a meeting with the Board to discuss strengthening the Board's tobacco and nicotine delivery product regulations. Though the Board's regulations were last updated in September 2012, there are many changes other local communities are making that would benefit the Town's stand on protecting public health from tobacco use. The meeting will be on Monday, September 15, 2014, at the Town Hall at 7:00 p.m.

The health agent stated the ad for a Health Inspector has been placed and the office will be accepting applications through September 5, 2014.

In other business New Bedford Health Director, Brenda Weis, has asked for the Board to agree to work collaboratively regionally to secure a State grant to combat the use of opioids. The grant is titled Drug Free Southcoast. Discussion ensued and the outcome is though interested in the problem and outcome of the collaborative effort, the Board does not have the personnel to participate at this time.

Invoices were signed.

Motion to adjourn the Regular Meeting was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous to adjourn the meeting at 8:30 p.m.

The next meeting is scheduled for Monday, September 15, 2014, at 6:30 p.m. at the Board of Public Works office and 7:00 p.m. at the Town Hall.

Respectfully submitted,
Patricia Fowle, Health Agent