

REGULAR MEETING OF THE BOARD OF HEALTH
July 8, 2015

A Regular Meeting of the Board of Health was held at the Town Hall on Wednesday, July 8, 2015, at 6:30 p.m. Board members present: Peter DeTerra, Jeannine Lopes and Lindsay Gordon. Also present: Patricia Fowle, Health Agent.

Chairman DeTerra called the meeting to order at 6:30 p.m. and asked for a motion to approve the minutes of the Regular Meeting of June 10, 2015. Motion to approve the minutes was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

Appearing before the Board was Kelly Massey, Fairhaven Animal Control Officer (ACO). Ms. Massey stated she is trying to enforce Town By-Law Chapter 87, §10 requiring dog owners to pick up their dogs' waste if the animals defecate on public property. Existing posted signs state a \$100 Board of Health fine will be assessed but Ms. Massey cannot find the actual Board of Health Regulation chapter and section which is required in order to write a ticket against the dog owners. The health agent has reviewed Board of Health minutes from 2000 forward and there is no mention of the Board adopting the Town By-Law which would allow the assessed fine of \$100 per offense under Board of Health Regulations. Ms. Massey stated this is a pronounced problem in parks and particularly Ft. Phoenix. Currently the Town By-Law assesses a \$25.00 fine per offense. Discussion ensued.

Motion to adopt Town By-Law Chapter 87, §10 per MGL C. 111 §31, into the Board of Health Rules and Regulations, Chapter 4 §7 "Nuisances", was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

The ACO was informed that the Board will publish the notice of adoption in a local paper in order for it to become effective. That notice will be completed shortly and Ms. Massey will then be notified.

Next before the Board were representatives from the Seaport Inn, 110 Middle Street- General Manager Jaime, Facilities Manager Al and Associate Jeff. The Seaport Inn is currently in the process of retrofitting its existing indoor swimming pool and spa for their guests. The Board previously approved the proposed design plan at a regular Board meeting and work is progressing. However, the health agent recently attended a MDPH training seminar in which semi-public pool design was discussed. The health agent met with the facility manager to discuss the new information and the General Manager and Facility Manager propose to alter the pool's entrance and utilize the existing foundation structure thereby effectively complying with the MDPH requirements. The Board reviewed the proposed changes. A copy of the plan is part of this record. Discussion ensued.

Motion to approve the proposed new entry to the pool was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

The Board reviewed the 2016 fiscal year Fairhaven Community Nurse & Hospice Services, Inc. contract for public health nurse services for the Board of Health. There is no change in the contract from the previous year.

Motion to approve the public health nursing contract with Fairhaven Community Nurse & Hospice Services, Inc. was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous and the

Chairman signed the contract.

A septic system inspection was performed today at 304 Mill Road by inspector Andrew Gomes of Acushnet. The health agent was present during the inspection and it passed. The written report is not yet completed.

Ms. Lopes motioned to allow the health agent to approve the submitted report as long as the report is true and accurate to the observed inspection, rather than have the homeowner wait for the next Board meeting; Ms. Gordon seconded. The vote was unanimous.

Health Agent's Report:

1. Beach water sampling is ongoing weekly now. The water quality has been excellent to date.
2. Sewer tie in's are on-going with 12 Jerusalem Road being tied in next week.
3. Inspections for week-end temporary fairs, farmer's markets and recreational camps are on-going. There are no non-compliance issues to report.
4. The health agent has reviewed the draft job descriptions for the health agent and health inspector as prepared by The LaurelRidge Consulting Group. All job descriptions of employees under the Personnel Board have now been formatted. The health agent pointed out to the Board many discrepancies of tasks not performed by their employees and the many tasks that were omitted that are performed. Most critical of note is the absence of mention of MGL C.41, §102B and C.111 §27 that stipulate the Board of Health is the only Board by law to hire, fire and set salaries of all of their employees. Also noted is the intent of placing the SEMASS trash contract and the sale of space under the contract on the shoulders of the Board of Health. The Selectmen's office handles this matter and has for years. The Chairman voiced his concern stating the Board is understaffed now and the whole issue of SEMASS, including billing, belongs either with the Selectmen's office who sign the contract with SEMASS and the haulers or with the Board of Public Works who hold the curbside trash contract. The health agent was directed to correct the two job descriptions, striking those tasks that should be deleted and/or included in the job descriptions. The prepared job descriptions will be handed into the Selectmen's office with a cover letter from Chairman DeTerra to the Board of Selectmen's Chairman explaining the changes.

Resident Donald Spooner requests to meet with the Board at the next meeting to discuss restaurant inspections and letter grading per inspection as A, B, etc. Resident Gary Laviolette would like to meet with the Board regarding hours Ft. Phoenix is open in order to defray vandalism and trash. Mr. DeTerra stated there is a deed on the property that states only the Park Department may handle such matters. He asked the health agent to secure a copy of the deed from the Board of Public Works.

Invoices were reviewed and signed.

There being no other regular business before the Board, Ms. Gordon motioned to adjourn; Ms. Lopes seconded. The vote was unanimous at 7:25 pm. The next scheduled Board of Health meeting will be July 29, 2015 at 6:30 pm.

Respectfully submitted,
Patricia Fowle, Health Agent