

REGULAR MEETING OF THE BOARD OF HEALTH

Minutes of Meeting

July 16, 2020

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2020 SEP 29 A 9:53

A Regular Meeting of the Board of Health was held at Fairhaven Town Hall Banquet Room and via Zoom on Thursday, July 16, 2020, at 4:00 p.m. The meeting was duly posted. Board members present: Chairman Peter DeTerra and Vice-Chair Michael Ristuccia. Also present via zoom: Mary Freire-Kellogg, Health Agent and Amanda Blais, Administrative Assistant.

Before the Board:

None.

Public Hearing:

None.

Health Agent's Report:

Ms. Freire-Kellogg discussed updates regarding COVID-19. Currently, there are 285 cases and 2 active cases being followed by the public health nurse. The meeting was experiencing audio issues and paused while they were addressed.

The Board reviewed the food establishment plan review for Dunkin Donuts located at 277 Bridge Street. The Health Agent mentioned the establishment would be going into the Rosie's Deli location inside of Bridge Street Mobil. The application was standard procedure. Board continued to have audio issues from the zoom but was able to communicate with the health agent. Motion to approve the plan review for Dunkin Donuts at 277 Bridge Street was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously.

The Board reviewed the food establishment plan review for Subway located at 19 Plaza Way. The Health Agent mentioned this establishment was previously located on Sconticut Neck Road and the owner is moving the location of the business. Motion to approve the plan review for Subway at 19 Plaza Way was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously.

Invoices/Other Business:

Mr. Ristuccia stated the Board would have a joint meeting with the Board of Selectmen to discuss the vacancy position on the Board of Health. Mr. Ristuccia stated he would schedule the meeting for Thursday, July 30, 2020 with the Board of Selectmen and the letter to be addressed to the Board of Selectmen regarding the vacancy would be signed. Motion to schedule the joint meeting was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously.

Personnel Matter Mary Freire Kellogg, Chairman DeTerra asked the Health Agent if she would like to go in executive session or in an open meeting to discuss the letter submitted to the Board. Ms. Freire-Kellogg asked which letter Chairman DeTerra was referring to since there have been a few letters submitted. Chairman DeTerra stated the one in regards to the office. Ms. Freire-Kellogg chose to continue the discussion in open meeting and requested her attorney join into this meeting. The attorney was not present on the Zoom and a link was sent to him via email to join the meeting. After an extensive time of cable access working with the attorney to get him online he was able to join.

Representing Ms. Freire-Kellogg was Attorney Philip Beauregard. Chairman DeTerra clarified with Attorney Beauregard if he wished to discuss this personnel matter in open session or executive session it included medical information. Attorney Beauregard responded "open session is fine". Attorney Beauregard asked who was present at the meeting and Chairman Peter DeTerra confirmed himself and Vice-chairman Michael Ristuccia. Chairman DeTerra reiterated the meeting was an open meeting and it being broadcast live and available to the public. Chairman DeTerra confirmed with Attorney Beauregard he wanted this discussed in open session. Attorney Beauregard confirmed open session.

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Attorney Beauregard stated Ms. Freire-Kellogg received a letter to attend the current meeting to discuss personal medical matters and asked if there were other matters to discuss other than the medical discussion so he could represent Ms. Freire-Kellogg accordingly. Attorney Beauregard continued that Ms. Freire-Kellogg's physician Dr. Potts signed a letter for Ms. Freire-Kellogg to be out of work until August 17, 2020. Chairman DeTerra stated the letter the Board received was dated June 1, 2020. Attorney Beauregard asked Ms. Freire-Kellogg if she had provided the letter dated July 14, 2020 to the Board and she responded she had only provided the letter to Human Resources. Attorney Beauregard informed the Board that Ms. Freire-Kellogg would be taking medical leave starting tomorrow, July 17, 2020 until she sees Dr. Potts on August 17, 2020. Mr. Ristuccia stated the Board hadn't received the doctor letter and shouldn't further the current meeting until then and Attorney Beauregard stated it's a form for her to stay away from work isn't any more detailed than what is being mentioned. Mr. Ristuccia stated Ms. Freire-Kellogg being out of work until August 17, 2020 is fine with him and he doesn't question it. When Attorney Beauregard asked if there were any personnel matters not directed towards health concerns that needed to be discussed, Mr. Ristuccia stated there weren't any at this time.

Attorney Beauregard stated there were concerns expressed by Ms. Freire-Kellogg that the Board is aware of related to work stress from her April 2016 diagnosis. Ms. Freire-Kellogg is subjected to complications due to high levels of stress and a discussion of workers compensation is to be had. Her leave would be reevaluated after August 17, 2020 after discussions with her psychotherapist. Attorney Beauregard stated Ms. Freire-Kellogg would appreciate continuing her job after this leave. Mr. Ristuccia stated the Board intended to discuss Ms. Freire-Kellogg work from home during COVID so she isn't compromised because of her medical diagnosis but she has chosen to take leave. Attorney Beauregard stated the concerns expressed by Ms. Freire-Kellogg have to do with complaints that have been filed and not so much with COVID. Mr. Ristuccia stated the Board understood what is being said and Attorney Beauregard stated he would be in communication with the Board.

There being no other business before the Board, Mr. Ristuccia made a motion to adjourn and was seconded by Chairman DeTerra. The motion passed unanimously. Meeting adjourned at 4:40 p.m.