

REGULAR MEETING OF THE BOARD OF HEALTH
Minutes of Meeting
February 28, 2018

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A Regular Meeting of the Board of Health was held at the Town Hall on Wednesday, February 28, 2018, at 6:30 p.m. The meeting was duly posted. Board members present: Chairman Peter DeTerra, Jeannine Lopes and Lindsay Gordon. Also present: Mary Freire-Kellogg, Health Agent and Amanda Blair, Administrative Assistant. FAIRHAVEN, MASS.

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 January 24, 2018. Motion to approve the minutes was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

Public Hearing:

None.

Before the Board:

The Board discussed a Special Permit from the Planning Department for 1 Fairhaven Commons Way. The proposed project consists of converting the old Pizza Hut building into a Citizen's Bank. The Board found no issues with the project, nor did they have any questions or comments.

The Board reviewed septic plans for a new septic system to be installed for 256 Huttleston Avenue. Motion to approve the plans for the property was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

The Board discussed a building permit for 172 Balsam Street. The proposed permit would be required for the owners to convert their existing deck into an office space. Ms. Freire-Kellogg explained that a letter from the owner would be required; the owner would state the office would never be used as a bedroom, only office space. Ms. Lopes expressed her concern, stating she would like the property to have a deed restriction for office space only. Ms. Lopes' reasoning for a deed restriction would be for the benefit of a future homeowner who may use the space as a bedroom. Motion to have the owner of the property put the specifications of the office space into a deed restriction was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

The Board discussed a building permit for 122 Balsam Street. The proposed permit would be required for the owners to remove a wall, install a beam and add a bathroom. Ms. Lopes asked for clarification purposes if the owner was including a bathroom addition. Chairman DeTerra confirmed the bathroom addition. Ms. Freire-Kellogg stated bathrooms are not regulated by the Board of Health. Ms. Gordon asked about the wall removal. Chairman DeTerra stated the wall removal would provide an open space. Ms. Freire-Kellogg signed on the Health Department's section of the building permit per Chairman DeTerra on February 22, 2018.

The Board discussed the Title V Inspection Report that was mailed to the Health Department for 8 Chambers Street. Ms. Freire-Kellogg explained the Title V inspection was not scheduled with the Health Agent, therefore the inspection would need to be redone. At this time, the inspection had not been rescheduled.

The Board discussed a percolation test that was completed for 148 Shaw Road. Ms. Freire-Kellogg stated the siv test needed to be completed. Chairman DeTerra explained the property is the Old Carvalho Farm and the farmhouse is in the process of being updated.

The Board discussed the food truck for Down the Hatch located at 56 Goulart Memorial Drive. The owners of the establishment expressed the need to utilize the food truck is mostly due to costs; owners would like to use the food truck instead of spending money to knock down walls to expand the establishment. Ms. Lopes asked where the food truck would be placed. The owners explained the food truck would be placed on the North side of the establishment. Motion to accept the food truck was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

The Board reviewed a letter submitted by Attorney Robert Perry regarding the property at 51 Mangham Way. Attorney Perry explained his client is purchasing the property in an "as is" condition and is requesting a waiver that the upgraded septic system have two years to be completed. Motion to grant the waiver was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

The Board discussed recycling in the Town of Fairhaven. Ms. Freire-Kellogg brought to the attention of the Board that the Town By-law states all residences have to recycle; the By-law does not mention businesses. The Health Agent explained condominiums in Town would like to recycle, except the Associations do not have private pickup for recycling. The Health Agent asked the Board for clarification since the By-law states everyone needs to recycle. Ms. Lopes advised the Board should notify the Associations and state they need to recycle. Chairman DeTerra stated he wouldn't mind educating the Associations about recycling, however he asked what would happen if the Associations do not comply. Ms. Lopes stated the Associations need to be in compliance; if the Associations do not comply, the Board would need to seek other guidance. All members of the Board were in agreement to send a letter with attached By-law to condominium Associations in Town.

The Board began discussion regarding the Food Establishments in Town that are still operating without a valid food permit for 2018. It should be noted that it was posted on the Agenda to discuss the three establishments that are operating without a permit. An intense discussion among the Board and the Health Agent ensued regarding permitting, expiration dates, notification to establishments and late fees. Audience members wanting to speak at the present meeting did not request a public hearing to express their concerns about paying a late fee. Once audience members started to become uncontrollable, Ms. Lopes advised Chairman DeTerra to get a handle on the meeting and the audience. Ms. Lopes then asked the audience members to refrain from speaking since they were attending a Board meeting and were not on the Agenda. The intense discussion continued. Motion to follow the Federal Food Code set by the State of Massachusetts was made by Ms. Lopes; the motion was not seconded. Ms. Gordon stated she would like everyone to have a grace period; the Board was not in agreement. Motion to not accept late fees until after December 31st for food permits was made by Chairman DeTerra; the motion was not seconded. The intense discussion still continued and the Board was not in agreement with each other. The discussion ended with all members of the Board in agreement with asking Town Council for an opinion regarding the Federal Food Code. The discussion was tabled for another time.

Health Agent's Report:

Ms. Freire-Kellogg distributed an updated copy of the Food Inspection Report. The updated copy included recent inspections, rechecks and expiration dates of all ServeSafe, Allergen Awareness and

Anti-choking certifications that are currently on file. At this time, there were no critical violations reported by the Health Agent.

Ms. Freire-Kellogg informed the Board of the FDA Foodborne Illness course she had recently taken, stating the course was very informative. The Health Agent is currently waiting for the certification to be sent to her.

Ms. Freire-Kellogg discussed the Employee Health Policy she would like to have mailed to all food establishments in Town. The Health Agent explained the purpose of the policy, the different illnesses and symptoms that should be reported, the responsibilities of the person-in-charge and the food employee, as well as the certification requirements for food establishments. With regard to the anti-choking certification, this requirement is only pertinent for establishments that seat twenty-five or more. The Employee Health Policy will list a few contacts in which the owner of an establishment can obtain the anti-choking certificate.

Ms. Freire-Kellogg briefly mentioned building permits for 100 Balsam Street, 10 Cherrystone Road and 356 New Boston Road. The Health Agent stated these permits were only informative to the Board since they did not require Board approval.

Ms. Freire-Kellogg touched upon the internship opportunity that was discussed at the previous Board meeting. The Health Agent applied for the internship and is currently waiting for an answer.

Ms. Freire-Kellogg briefly discussed the animal permit approval for Tractor Supply Company. The establishment applied for an animal permit to sell chickens two times per year. The Health Agent also discussed the animal permit approval for 48 Glenhaven Avenue. The applicant went through the Zoning Board of Appeals process and was granted zoning approval for chickens. At the present meeting, the Board granted approval for the applicant to keep eleven chickens on the property. The applicant requested to amend their permit to also keep goats on the property. The Board mentioned the applicant would have to revisit the Zoning Board of Appeals.

Ms. Freire-Kellogg touched upon Frozen Dessert permit applications, stating the application was never given to the four establishments in Town that require a permit for frozen dessert. The Health Agent reported the Health Department has recently created an application and the application has been delivered to the four establishments.

Ms. Freire-Kellogg touched upon Mosquito Control. The Health Agent passed around a notice from the Bristol County Mosquito Control Project regarding the Aerial Larval Control Application in 2018.

Ms. Freire-Kellogg informed the Board of the Town Administrator's Recommended FY19 Budget that was distributed in their meeting packets to read at their leisure.

Ms. Freire-Kellogg discussed the proposed agreement with Brown and Caldwell. The company is looking to resign the contract they originally had with the Town of Fairhaven after being bought out by another company. The Health Agent informed the Board the new contract would increase the Health Department's landfill account and she would notify Town Administrator Mark Rees.

Ms. Freire-Kellogg informed the Board that Community Nurse would like to change their blood pressure clinic hours at the Town Hall to 1-2p.m. instead of 2-3p.m. The nurse who does the weekly clinic felt more people would utilize the clinic if it were at an earlier time.

Ms. Freire-Kellogg distributed a fee schedule in which she created that compares all fees from Health Departments in surrounding areas. The Health Agent expressed the urgency of updating the departments' fee schedule. The fees are correct on the Town of Fairhaven's website, however the fees are incorrect on eCode360 through the Town Clerk.

Ms. Freire-Kellogg informed the Board that the Tobacco Regulations have a few errors that need changing. The Health Agent asked the Board if these regulations could be amended. Ms. Lopes stated the regulations could be amended.

Ms. Freire-Kellogg briefly mentioned joint housing inspections. The Health Agent informed the Board that the State is standardizing the way housing inspections are being conducted, requiring five inspections be done with a certified trainer. Since the Health Agent is a certified trainer, she would be conducting trainings with Fall River, New Bedford and Housing Court under the Mass Phitt Housing program. All Board members were in agreement that the Health Agent would be able to do the trainings.

Ms. Freire-Kellogg asked the Board if they had knowledge of a poultry slaughterhouse in Town. At this time, the Board did not know of any information regarding this topic.

Ms. Freire-Kellogg proposed for the Board to have an open discussion regarding the Health Agent's six month probationary period. The Health Agent asked the Board to provide any feedback about her performance over the past six months. Ms. Lopes thanked the Health Agent for the good work she has done for the Town thus far; the rest of the Board did not express any input.

Invoices/Other Business:

Board members reviewed and approved all invoices to be paid.

The next Board meeting will be March 14, 2018.

There being no other business before the Board, Ms. Gordon made a motion to adjourn and was seconded by Ms. Lopes. The motion passed unanimously. Meeting adjourned at 8:31 p.m.

Respectfully submitted,



Amanda L. Blais
Recording Secretary/Administrative Assistant