

REGULAR MEETING OF THE BOARD OF HEALTH
Minutes of Meeting
September 13, 2018

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A Regular Meeting of the Board of Health was held at the Town Hall on Thursday, September 13, 2018, at 6:30 p.m. The meeting was duly posted. Board members present: Chairman Peter DeTerra, Jeanine Lopes and Michael Silvia. Also present: Mary Freire-Kellogg, Health Agent and Amanda Blais, Administrative Assistant.

Before the Board:

Chairman DeTerra stated the minutes of the Regular Meeting of July 26, 2018 be amended. Chairman DeTerra believed the quote "Salary employees are exempt from clocking in and out at exactly 8:30 to 4:30, unlike hourly employees who are required to do so" should be removed. Chairman DeTerra made a motion to approve the amended minutes; seconded by Mr. Silvia; opposed by Ms. Lopes. The motion passed with a 2-1 vote.

David Darmofal came before the Board on behalf of the Thomas Livesey Memorial Club to discuss a waiver request that was submitted regarding a commercial kitchen. Mr. Darmofal asked the Board to waive the commercial kitchen and stated a grease trap would be installed as a precaution. The Health Agent mentioned clubs have never been inspected before, therefore she didn't believe the Board should say Yes or No to the commercial kitchen. Motion to approve the request to waive the commercial kitchen for the Livesey Club was made by Ms. Lopes; seconded by Mr. Silvia. The motion passed unanimously.

The Board discussed questions presented by the Health Agent regarding housing inspections for Section 8 tenants. The Health Agent mentioned minimum housing for tenants on Section 8 require an inspection. The Health Agent asked the Board for a recommendation as to what the fee should be for the inspection. The Board reviewed a fee schedule comparing surrounding cities and towns. Chairman DeTerra stated he would like to charge as low as possible for the Town. Ms. Lopes asked who is responsible for paying the inspection fee and the Health Agent stated it is the responsibility of the landlord. Ms. Lopes stated she would like to stay the same as New Bedford and charge a \$100.00 fee. Motion to charge \$100.00 fee for Section 8 housing inspections was made by Ms. Lopes; seconded by Mr. Silvia. The motion passed unanimously.

Gary Lavallette came before the Board to discuss excessive bird feeding at Fort Phoenix. Mr. Lavallette performs maintenance of the beach on the Town side and stated residents are feeding birds on the State side, which is now starting to navigate onto the Town side of the beach. He spoke with the State and the State had mentioned residents should not be feeding the birds. Mr. Lavallette has posted signs on the Town side but believes the Board of Health would need to go to Town meeting to propose an ordinance. Mr. Lavallette stated it is at the Boards discretion to take this matter further. Ms. Lopes asked Mr. Silvia if this matter would have to go to Town meeting or could the Board hold a public meeting and he mentioned he would like to know what other areas do. Mr. Lavallette stated he wants residents to understand how much of a health issue this matter is. Mr. Silvia asked Mr. Lavallette if he would consider going before the Board of Selectmen and Mr. Lavallette stated this matter is not his fight but he sympathizes with the frustration of the residents who are trying to enjoy the beach; he will ask to speak before the Board of Selectmen with representation from the Board of Health. The Health Agent stated the Board has the power to write regulations but cannot enforce them. Ms. Lopes mentioned to

Mr. Lavallette for him to notify her once he is put on the agenda for the Board of Selectmen and she will attend the meeting with him. Mr. Lavallette confirmed he would make an appointment to speak before the Board of Selectmen.

Ms. Lopes asked to discuss the new time management software at the present meeting. She believed only Chairman DeTerra had access to the system but found out Mr. Silvia did as well. To date, Ms. Lopes still does not have access and has asked to meet with Finance Director Wendy Graves on numerous occasions but has not heard back. Ms. Lopes state she would like to know how other members of the Board were contacted regarding the new software system. Chairman DeTerra stated he came to the department head meeting to learn about the new system but was asked to leave the meeting by Town Administrator Mark Rees; felt the Health Agent should've reported to and educated the Board on how to operate the new system. Ms. Lopes mentioned this system comes from downstairs, therefore it is not up to the Health Agent to inform the Board. Motion for the Health Agent to clock in at 8:30a.m., clock in and out for one hour lunch and clock out at 4:30p.m. with detailed explanations each day was made by Chairman DeTerra; seconded by Mr. Silvia in order to have a discussion. Ms. Lopes stated the Board has never ordered the previous Health Agent to do so and asked why is the Board requiring so now of the current Health Agent. Mr. Silvia stated he would like Chairman DeTerra to withdraw the motion for the moment; would like the Health Agent to use the new system in order for the Board to be comfortable in knowing the whereabouts of the Health Agent.

The Board reviewed the department's fee schedule, as it is in need of an update. Chairman DeTerra felt the Board shouldn't raise fees at this time. Ms. Lopes asked to adjourn the meeting due to disrespectful behavior from the Chairman. Chairman DeTerra stated Ms. Lopes could ask to adjourn, however he will not allow because there are other items to be discussed. Mr. Silvia suggested the Board discuss the fee schedule at a later date due to the tension in the room.

The Board reviewed a percolation test application that had recently been created. The Health Department did not have an application in the past. Chairman DeTerra stated it has always been past practice to compare applications to surrounding areas before creating a new one. Motion for the Health Agent to obtain other Town applications and bring before the Board at the next meeting was made by Mr. Silvia; seconded by Chairman DeTerra; opposed by Ms. Lopes. The motion passed with a 2-1 vote. The Board reviewed septic plans for 348 New Boston Road. Chairman DeTerra explained the location will need an H20D box. There is an existing septic tank, however the owners are installing a new septic tank. Motion to approve the septic plans for 348 New Boston Road was made by Mr. Silvia; seconded by Chairman DeTerra. Ms. Lopes felt she couldn't vote because she was excluded from the conversation. The motion passed.

Chairman DeTerra discussed a fee waiver for an IA System at 624 Scoticut Neck Road. Chairman DeTerra stated the discussion would have to be tabled at this time; the owner was informed to appear before the Board and has not responded back.

The Board discussed the annual Celebration of Hope event. The Health Agent mentioned this is a temporary food event for cancer survivors and suggested the permit fee be waived. Motion to waive the permit application fee for the Celebration of Hope event was made by Mr. Silvia; seconded by Ms. Lopes. The motion passed unanimously.

The Board discussed the mowing of the landfill. Chairman DeTerra stated the landfill and bidding process is under the Boards' budget and jurisdiction; the documentation that has been submitted needs

to include a Scope of Work; Northeast Slope Mowing is not qualified to perform the duties of the landfill. Chairman DeTerra added it is the Health Agent's job to gather information and report to the Board; the Health Agent has overstepped her bound and did not contact the correct vendors. Chairman DeTerra continued by stating Town Administrator Mark Rees does not have the authorization to approve the landfill bid and has been meddling in affairs. The Health Agent read the email correspondence between Northeast Slope Mowing and herself. Chairman DeTerra stated the landfill mowing would need to be put out for a re-bid, as the initial bidding process was done without the Boards' approval. Ms. Lopes did not believe the bid process should be redone since Northeast Slope Mowing was the only vendor to submit a bid in the first place. Motion to send the landfill mowing project out for re-bid was made by Chairman DeTerra; seconded by Ms. Lopes only to have further discussion. Ms. Lopes insisted the Board did not have time to put the project out for a re-bid due to monitoring compliance; the Board should award the vendor that put an initial bid in, as the landfill should be mowed by October. At this time, the original motion to send the landfill mowing project out for re-bid made by Chairman DeTerra was still on the table; seconded by Mr. Silvia. The motion passed with a 2-1 vote.

Chairman DeTerra discussed grants and contracts, stating he wishes to appoint Mr. Silvia to oversee all future grants and contracts. Mr. Silvia mentioned he would like to help prioritize with what the Health Department needs to do. Motion to appoint Mr. Silvia to oversee all future grants and contracts was made by Chairman DeTerra; seconded by Mr. Silvia. The motion passed.

On a side note, Mr. Silvia mentioned he does not like communication through email; Chairman DeTerra agreed with this statement. Ms. Lopes informed Mr. Silvia that it was Chairman DeTerra who demanded the Health Agent email the Board daily of her schedule and anything related to the Health Department prior to Mr. Silvia joining the Board.

Public Hearing:

None.

Health Agent's Report:

Ms. Freire-Kellogg informed the Board of a letter she received from a resident that was pleased with the new recycle program.

Ms. Freire-Kellogg informed the Board that a meeting among all members and the Health Agent is necessary; there isn't any support from the Board when it comes to various topics and she is not comfortable with how these topics are either handled or not handled at all.

Ms. Freire-Kellogg briefly discussed how successful the summer internship program was. The director of the program was highly impressed with the opioid statistics Intern Daniel Shea found and presented at the Department of Public Health State Laboratory.

Ms. Freire-Kellogg informed the Board there was nearly a beach water failure at Knollmere and Sandy beaches. The Health Agent asked the Board who's authority it is to close a beach if a potential failure arises. Mr. Silvia stated the Board should think about this before responding.

Ms. Freire-Kellogg informed the Board of the multiple grants she has received regarding the following areas: Fresh Start Hoarding Remediation program, youth access to alcohol and drugs through MOPC and SOPC, and tobacco through New Bedford; seed money for compost bins regarding recycling initiative through Fairhaven Rotary; \$12,100 towards recycling through MA DEP.

Ms. Freire-Kellogg announced the finalized date for the Household Hazardous Waste event. The event will be on Saturday, October 6th from 9a.m. until 12 noon. Other programs being offered during the event include paper shredding, latex paint reclaim Gifts to Give and order information for compost bins and rain barrels.

Ms. Freire-Kellogg informed the Board she was asked to have an informational table at the Fairhaven Farmer's Market, mainly to speak about recycling to residents who attend. The Health Agent was also invited to the Fire Department Open House on Sunday, October 7th to have an information table.

Ms. Freire-Kellogg discussed an external grease trap installation for the Pasta House. The Health Agent explained the establishment has tried other alternatives, however a grease trap needs to be installed; a letter has been sent to the establishment from the Board of Public Works.

Ms. Freire-Kellogg discussed public health announcements. The Health Agent asked the Board for guidance on who should receive press releases; when viable information needs to be made public, there needs to be a spokesperson to inform the public. Ms. Lopes stated the Health Agent should be reporting information to the public then reports to the Board as to what was done. Chairman DeTerra disagreed, stating this is not past practice; the Health Agent works with the Chairman to inform the public. Ms. Lopes urged that information cannot be held for days without a response. Mr. Silvia asked if members are allowed to vote via email or does there need to be a posted meeting. The Health Agent stated there needs to be more clarification, however the health of the public comes first.

Ms. Freire-Kellogg reminded the Board her FIAT and Statewide Steering Committee on hoarding meetings are quarterly.

Ms. Freire-Kellogg stated her concerns with the lack of responses from the Board on the following issues: West Nile Virus, important meetings, hurricane preparedness, insufficient amount of water in Town, Hazardous Waste, and her missing I9 file that includes her social security number. The Health Agent reaches out to Board for guidance on these issues that are time sensitive, however she still needs to proceed to protect the health of the public.

Ms. Freire-Kellogg asked Chairman DeTerra for the inspection reports from Our Lady of Angels annual feast numerous times. Chairman DeTerra stated the report was in his truck but since this was a temporary event, it is not that important. Ms. Lopes asked why the file is not in the office as it should be and Chairman DeTerra refused to respond.

Invoices/Other Business:

Chairman DeTerra stated he received a letter regarding the laundry connection from the septic system at 360 New Boston Road. Chairman DeTerra read the letter aloud. The Health Agent stated she is waiting for clarification from MA DEP. Chairman DeTerra asked the Health Agent if she told the engineer to cut the laundry connection from the system and the Health Agent stated she told the engineer the laundry couldn't be connected; the Health Agent did not tell the engineer to remove any piping. Chairman DeTerra advised the Board to go to Town Council. Ms. Lopes stated she would like to wait for

clarification from MA DEP and asked the Chairman if there was any evidence that the Health Agent told the engineer to remove piping; Chairman DeTerra did not respond. Mr. Silvia mentioned to give a copy of the letter to the Town Administrator. Chairman DeTerra stated he would handle the matter with the Town Administrator. Motion to meet with the Town Administrator regarding the laundry connection at 360 New Boston Road was made by Chairman DeTerra; seconded by Mr. Silvia; opposed by Ms. Lopes. The motion passed with a 2-1 vote.

The next Board meeting will be October 18, 2018.

There being no other business before the Board, Mr. Silvia made a motion to adjourn and was seconded by Chairman DeTerra. The motion passed unanimously. Meeting adjourned at 8:27 p.m.

Respectfully submitted,



Amanda L. Blais
Recording Secretary/Administrative Assistant

