

REGULAR MEETING OF THE BOARD OF HEALTH  
Minutes of Meeting  
July 25, 2019

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A Regular Meeting of the Board of Health was held at the Town Hall on Thursday, July 25, 2019, at 6:30 p.m. The meeting was duly posted. Board members present: Chairwoman Jeannine Lopes, Michael, Silvia and Peter DeTerra. Also present: Mary Freire-Kellogg, Health Agent and Amanda Blais, Administrative Assistant.

**Before the Board:**

Chairwoman Lopes asked for a motion to approve the minutes of the Regular Meeting of June 27, 2019. Motion to approve the minutes was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously.

The applicant of Black Horse Vapor, to be located at 32 Sconticut Neck Road, appeared before the Board for a tobacco establishment permit approval. The Health Agent stated the Board had questions from the previous meeting regarding the tobacco consortium, specifically if the number of tobacco permits would be reduced or maintained at a certain number; the Board had to seek guidance from Town Council in reference to this. According to Town Council, the Board is already at the twenty establishment maximum, including the present application, however the Board can freeze the number of establishments; if a permitted tobacco establishment does not renew their permit within the thirty-day period, the number of tobacco establishments would decrease. Chairwoman Lopes asked the Health Agent if she had any issues or concerns with the current application and the Health Agent responded she did not have any issues; the state permit is already in place and an inspection is to be performed by Joseph Carvalho, Tobacco Inspector. Ms. Lopes asked the applicant if he understood the procedure and he responded yes. The Health Agent clarified that this permit is for a twenty-one and over establishment only and the Tobacco Inspector would go over the regulations during the inspection. Motion to approve the tobacco permit for Black Horse Vapor at 32 Sconticut Neck Road was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously.

The Board continued their discussion regarding tobacco establishment reduction. Mr. Silvia stated that when the Board does the reduction, he assumed some establishments will be grandfathered in. The Health Agent clarified that if an owner of a tobacco establishment sells the establishment, the permit would go with the establishment, however if someone didn't want to renew their permit or the permit exceeded past the thirty-day renewal period, that permit would go away and would not be retrievable. Mr. Silvia mentioned he thinks it would be more conducive to do a gradual shrinkage. Chairwoman Lopes asked for future reference, how low of a number does the Board reduce to and does the Board have to cap off and the Health Agent responded the Board does not have to cap off. Mr. Silvia stated the Board could choose to revisit this every few years. The Health Agent mentioned she suspects that already permitted establishments will continue to renew; to clarify, there wouldn't be a waitlist with this process. Ms. Lopes stated that when Sheryl Cibatta came to discuss tobacco control with the Board a few years ago, the Board capped off at twenty per her guidance. Mr. DeTerra agreed with Chairwoman Lopes' statement, however he received backlash from residents when this occurred. Ms. Lopes stated the Board would need to take a formal vote; when an establishment drops out, the Board would decrease from twenty and keep that number as new cap. Mr. Silvia stated he is concerned that if someone new applies for a tobacco permit, they would be denied because the Board is already at the cap. Mr. Silvia asked the Board how to proceed and Ms. Lopes stated the Board either makes a motion



to drop and cap as permits fall off or make a motion to cap at twenty establishments. Motion to lower cap of tobacco permits when permits are not renewed was made by Mr. Silvia; Mr. DeTerra did not want to second; motion seconded by Chairwoman Lopes. Motion passed with a 2-1 vote. Chairwoman Lopes reiterated that this topic could be revisited at any time.

The Board reviewed a new animal application for 8 Deerfield Lane. The Health Agent stated the applicant received approval through the Zoning Board of Appeals. Mr. DeTerra mentioned that, being on the Zoning Board, he liked how all neighbors within 300 ft. were notified; he felt that if an applicant does not require approval from the Zoning Board and only requires approval from the Board of Health, all neighbors should be notified. The Health Agent clarified that abutter notification would be the responsibility of the applicant seeking approval, which this information can be obtained through the Assessor's Office, and must be done through certified mail. Motion to approve four chickens (no rooster) for 8 Deerfield Lane was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously. Motion to make a policy to notify abutters without required approval through the Zoning Board of Appeals was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously.

The Board reviewed a food establishment application for The Donut Factory located at 7 Howland Road. The Health Agent recommended the plan approval be approved based on the documents that had been submitted. Chairwoman Lopes asked the Board if there were any questions; there were not. Motion to approve the food permit for The Donut Factory at 7 Howland Road was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously.

The Board reviewed a food establishment application for the Little Village Café located at 23 Center Street. The Health Agent recommended the plan approval be approved based on the documents that had been submitted; this location is the former Pumpnickel's building. Motion to approve the food permit for the Little Village Café at 23 Center Street was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously.

**Public Hearing:**

None.

**Health Agent's Report:**

Ms. Freire-Kellogg informed the Board that a discussion is still needed regarding the flavor ban in tobacco. Mr. DeTerra asked how many other Towns have this ban and the Health Agent responded that Towns are putting in their consortium to restrict flavors, considering menthols and mints as flavors. Mr. Silvia asked if anyone has already moved forward with the ban and the Health Agent believed New Bedford, Acushnet, Freetown and Dartmouth are supposed to; this ban would be in retail grocery stores. Mr. DeTerra asked if this ban is just in relation to vaping and the Health Agent stated the ban is for all tobacco products and non-twenty-one-year-old stores. Mr. Silvia asked the Health Agent to educate the Board on the purpose of the flavor ban and the Health Agent stated that flavors target youth; this would be an amendment to our tobacco regulations. Chairwoman Lopes mentioned the Board would have to hold a public hearing to amend the regulations. The Health Agent stated we have met all standards of the consortium other than the flavor ban. Ms. Lopes asked the Health Agent to schedule the public hearing.



Ms. Freire-Kellogg informed the Board of a meeting she attended for the State; there is \$12 million plus available to give to underserved populations, specifically the elderly. The Health Agent mentioned this would be an easy grant process and the State is asking for ideas and budget proposal. The Health Agent has been asking other departments for ideas, including the purchase of eight kayaks so families can spend time outdoors together and also purchasing a lift for handicapped individuals to also engage in the activity, purchasing four-wheeled bikes to take an elderly or handicapped person for a bike ride, making the playground at the Recreation Center handicapped accessible, offer senior citizens and children swim classes at the YMCA, or to make the beach at Senior Cove handicap accessible. Chairwoman Lopes asked if the department would apply for just one idea for the grant and the Health Agent stated she didn't believe there to be a limit to how many ideas could be submitted.

Ms. Freire-Kellogg informed the Board of the giveaway items she purchased through the FY19 clinic budget. These items included hot/cold packs, first aid kits and silicon straws to be handed out at community events.

Ms. Freire-Kellogg informed the Board of a new grant opportunity that is coming up in reference to hoarding remediation. The Health Agent is to submit the final report to the State on the completion of the current round of remediation workshops. The Health Agent felt the efforts of the Fairhaven group was highly successful and is already thinking of what measures the potential grant could fund, with dumpsters being one option since the cost is expensive for clients. The Health Agent also thought that the department should put informational packets together to give to local realtors. Information would list services and resources the Health Department has, especially if the new owner of a home is a new Town resident or if a newly listed home has a lot of stuff that nobody knows what to do with.

Ms. Freire-Kellogg informed the Board that the annual National Night Out would be Tuesday, August 6, 2019.

Ms. Freire-Kellogg informed the Board that Household Hazardous Waste Day would be Saturday, October 26, 2019. The Health Agent spoke with DEP regarding the new recycle center; instead of having the event once per year, household hazardous material could potentially be picked up periodically. Locations are still to be determined.

Ms. Freire-Kellogg informed the Board she attended a training for emergency preparedness. The focus is now to include all individuals in the process, specifically individuals with behavioral and cognitive disabilities. The Health Agent explained there is a resident identification form that can be completed to let the Police and Fire Departments know ahead of time if there is someone in the household who has a disorder when they arrive to handle a situation; this would allow police and fire to better communicate with an individual. The Health Agent stated the form is strictly voluntary, but would be extremely helpful. The Health Agent is still in the process of having the form approved for use through the Police Department.

Ms. Freire-Kellogg informed the Board of two beach closures during the week, including West Island Causeway Road and Sandy Beach. The Health Agent posted signs, however Sandy Beach had to close on its own due to being a private association. The second sample has been obtained but results have not yet been disclosed of. If the samples pass, signs and notices will be removed.

Ms. Freire-Kellogg informed the Board of the positive EEE case in Town. Press releases have been posted to the Town website and sent to all local newspapers. The Town is currently at a moderate risk level.

Chairwoman Lopes stated she would like to post a highly advised restriction to curb all outdoor activities. Mr. DeTerra asked that the Health Agent email the Board if risk level changes to high.

Ms. Freire-Kellogg informed the Board of the following Title V inspection reports: 267 New Boston Road (conditional pass), 298 Mill Road (fail) and 356 Bridge Street (pass).

**Invoices/Other Business:**

Chairwoman Lopes notified the Board she could not be present for the routine scheduled meeting on Thursday, August 22, 2019. The next Board meeting will be Monday, August 19, 2019.

There being no other business before the Board, Mr. Silvia made a motion to adjourn and was seconded by Mr. DeTerra. The motion passed unanimously. Meeting adjourned at 7:23 p.m.

Respectfully submitted,

*Amanda L. Blais*

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Recording Secretary/Administrative Assistant