

REGULAR MEETING OF THE BOARD OF HEALTH  
Minutes of Meeting  
January 23, 2020

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A Regular Meeting of the Board of Health was held at the Town Hall on Thursday, January 23, 2020, 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.

**Before the Board:**

Chairwoman Lopes asked for a motion to approve the minutes of the Regular Meeting of December 18, 2019. Motion to approve the minutes was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously.

Thomas Alden, owner of 46 Gilbert Street, appeared before the Board for approval of a well permit. Mr. DeTerra asked the applicant if he has animals and what purpose would the well be used for. The applicant stated he currently does not have animals and the well would be used for irrigational use. Mr. Alden sees the well as a potential investment for the property. Motion to approve the well permit for 46 Gilbert Street was made by Mr. Silvia; seconded by Mr. DeTerra. The motion passed unanimously.

The Board reviewed a food establishment application for B. Balanced Fitness located at 18 Center Street. The Health Agent disclosed that the applicant is her niece. The Health Inspector is to perform an opening inspection, which will be primarily for a cooler, as the applicant works with Plan It Eats. Plan It Eats will provide B. Balanced Fitness with commercially prepared meals and will service the cooler twice per week. Mr. DeTerra asked if the establishment will have to be ServeSafe certified and the Health Agent responded they would not, since food preparation will not occur on site. Mr. Silvia abstained from making a motion because he sits on the Board of Trustees for the establishment location. Motion to approve the food permit for B. Balanced Fitness was made by Mr. DeTerra; seconded by Chairwoman Lopes. The motion passed.

The Health Agent informed the Board that the septic repair for 5 Wamsutta Street is required to go before the Conservation Commission prior to approval from the Board of Health. The Health Agent contacted the owner of the property and had the Conservation Agent briefly review the septic repair plans.

Chairwoman Lopes informed the Board that she had received an email from the Town Administrator office regarding a questionnaire that is required to be completed by the Board, as a group effort, and submitted back to the Town Administrator office. Chairwoman Lopes wasn't aware if other members of the Board had received the same email. Chairwoman Lopes advised the Board to complete the form and return to the Health Agent, who can then forward responses to the Town Administrator office. The Board was in agreement.

The Board reviewed documentation for the proposed construction of a new car dealership for Mazda located at 250 Bridge Street. The Health Agent stated the Board doesn't have a piece in this matter because Mazda already has municipal connections and minimal trash and recycling.

Paul Foley, Fairhaven Planning Director, gave a brief demonstration of where the public can find information on the Town of Fairhaven website regarding current projects that are under review. In

reference to the Hiller Avenue and Timothy Street project, Mr. Foley discussed the Subdivision of Land Section 322-14.E and stated this law was brought to the applicants' attention, which is why the plans for this project were routed to the Board of Health. Mr. Foley further mentioned the proposed houses would be within 100 feet of wetlands. Chairwoman Lopes asked the Health Agent if this project had already come before the Board, where it was decided the Board of Health did not have a say in the matter. The Health Agent confirmed there had been a discussion. Chairwoman Lopes recalled the discussion in either July or August 2019. Chairwoman Lopes understood the applicant submitted to the Board of Health to be in compliance with the law, however it was previously decided the Board doesn't play a part due to issues not aligning with the Health Department. The Health Agent stated Chairwoman Lopes was accurate; the Health Agent contacted the Massachusetts Department of Public Health to ask for further guidance since potential houses would be close to Wastewater Treatment Plant and wetlands – the response given to the Health Agent was that the Board of Health doesn't have a piece in the matter. However, the Health Agent stated she had concerns regarding mosquito breeding since Fairhaven does have an issue with mosquitos in the area. The Health Agent stated, at this time, the Board of Health can't do anything until something happens. Mr. Silvia mentioned that the Board of Health isn't in the business of subdivisions, therefore he is unsure of where to begin. Mr. Silvia can understand the Board expressing their concerns about potential hazards, however Planning and Conservation should take it from there. Mr. Foley added that the Board of Public Works submitted their concerns about noxious fumes and odors coming from the plant. Mr. Silvia stated that he was under the impression Planning Board denied the plan for this project and Mr. Foley confirmed Planning Board did deny the project. Chairwoman Lopes felt she had to stick with the previous decision that the Board of Health doesn't have a part in this project at this moment; her recommendation would be to send the project back to Planning Board. Chairwoman Lopes asked the Board for their input. Mr. DeTerra stated that, with the upgrade of the treatment plant, odors should be reduced. The Health Agent stated she understands the potential concerns, however she doesn't think this is a Board of Health issue at this time. Wayne Hayward, Planning Board member, distributed regulations that state the Board of Health is the only authority who can deny a subdivision, which in turn would prohibit the Planning Board from approving said subdivision. Mr. Hayward continued, stating that evidently, the applicant never filed with the Board of Health; plans are routed with all departments, however this is not a legal filing; once the applicant files with the Board of Health, the Board has forty-five days to approve, disapprove or take no action at all. Mr. Hayward suggested the Board of Health reach out to Town Council. Chairwoman Lopes suggested that the Board seek Town Council to state they have no part in the project at this time. Dave Davignon, engineer from Schneider, Davignon and Leone, represented the applicant, Robert Roderiques. Mr. Davignon disagreed with Mr. Hayward, stating Mr. Foley did notify the Board of Health with plans despite the applicant not doing so himself. Chairwoman Lopes stated, once again, that the Board has no significant findings at this time. Motion to contact Town Council 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 of a foodborne illness complaint. The Health Agent was notified by the Massachusetts Department of Public Health. The complaint turned out to be a flu and respiratory complaint. Investigations were conducted at the two food establishments where the complainant stated they had eaten at, however there were no findings to correlate with the complaint.

Ms. Freire-Kellogg wished to inform the public that the Health Department is now located where the Veteran's Office used to be, across from the Building Department. It was more conducive for the Veteran's Office to be near the handicap access ramp.

Ms. Freire-Kellogg informed the Board she is currently in the process of working with the Board of Public Works to have organics and textile recovery for curbside collection.

Ms. Freire-Kellogg informed the Board she had a discussion with BPW Superintendent Vincent Furtado regarding a complaint on the location and frequency of a port-o-jon that is used on a property. Both the Health Agent and the BPW Superintendent felt it necessary to have a bylaw or regulation in place. It was also discussed that there have been complaints regarding trash and recycling carts being left on the curbside despite it not being the scheduled pickup date. Currently, regulations are under the Board of Health but collection is handled by the Board of Public Works.

Ms. Freire-Kellogg informed the Board that files are missing for entire streets regarding septic systems. The Health Agent stated files should not leave the department and she is not comfortable with files leaving the office. The Health Agent felt the Board should be aware of the occurrence.

Ms. Freire-Kellogg informed the Board on coronavirus information.

The Board approved to have E-Waste as a free vendor for the recycling collection event in April.

**Invoices/Other Business:**

The next Board meeting will be February 24, 2020.

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 7:40 p.m.

Respectfully submitted,



Amanda L. Blais  
Recording Secretary/Administrative Assistant