

REGULAR MEETING OF THE BOARD OF HEALTH
November 18, 2013

A Regular Meeting of the Board of Health was held at the Town Hall on Monday, November 18, 2013, at 6:30 p.m. The meeting was duly posted. Board members present: Ms. Lopes, Mr. DeTerra and Ms. Acksen. Health Agent Patricia Fowle was present.

Chairman Lopes called the meeting to order at 6:30 p.m. and asked that the minutes of the Regular Meeting of October 28, 2013, be amended or approved. Mr. DeTerra motioned to approve the minutes; Ms. Acksen seconded. The vote was unanimous.

The Chairman stated she would take the agenda out of order because of the public interest in the Fairhaven Wind LLC "Updated Mitigation Plan" discussion on the agenda. The Chairman stated that this is a regular meeting of the Board of Health and the Board would not be taking comments nor would anything be open for discussion on the submitted plan. If people became disruptive during the meeting, they would be asked to leave.

DISCUSSION: Updated Mitigation Plan

The Chairman stated the Updated Mitigation plan submitted by Fairhaven Wind LLC dated November 11, 2013 is not a legal document nor has it been accepted by the Board of Health or Selectmen who are discussing the plan at their own meeting this evening. The purpose of this meeting is to receive comments on the plan from the Board members. The intent is to gather the comments for Mr. DeTerra, as the Board negotiating member on the Fairhaven Wind-Town negotiation team, to discuss at negotiations.

Ms. Acksen concerns are:

1. What is being presented was drafted by Fairhaven Wind without input from the Town or others.
2. The sampling is from the DEP and Fairhaven Wind samplings. There have been no independent sophisticated measurements taken. There needs to be inter-related reliability on the data. The plan is predicated on only 26 events which do not represent actual conditions throughout the year. DEP's equipment is old and the data provided cannot be validated. Newer more sophisticated equipment should be required to gather the data.
3. There needs to be on-going testing to continuously check that the mitigation plan does work and is producing the desired results.
4. The plan must include SCADA data and not just the sampling results to determine when the plan would be most effective, that is, to shut off one turbine or the other from 12:00 a.m. to 4:00 a.m.
5. The mitigation plan is based again on the DEP collected data of June 2013 and not during the winter when the complaints are the worst. More sampling is required.
6. The Board needs an independent consultant to review any plan and data.

Mr. DeTerra's concerns are:

1. Input from the DEP and CEC on the updated plan should be received and reviewed.
2. The Board should be notified when the turbines are shut off so the Board can then verify the wind conditions as they relate to complaints received.
3. It is his understanding that the DEP equipment had been newly calibrated when the June 2013 reading was taken. The equipment was in good repair at that time and there is no need for more sophisticated equipment.

Ms. Lopes' concerns:

1. As to the equipment used for testing, the DEP should work with Fairhaven Wind to ensure the correct equipment is in use at the time of testing and that the equipment is calibrated properly. This same equipment is what was used to determine that the turbines were out of compliance and later, in compliance.

2. The plan proposes to have an automated program that will shut off the turbines given certain wind and weather conditions. The plan is reasonable. However, the Board of Health must be notified when conditions exist that the turbine(s) are shut off, for how long and under what conditions and whether or not the shut down resulted in the anticipated results.
3. The updated plans are just a start. The Town and Fairhaven Wind must DO something and get off the center where nothing is being done. This is a beginning and other issues can be addressed as the plan progresses.

Ms. Acksen stated the turbine manufacturer parent company has some pirating issues and doubts that the anticipated automated program will be available any time soon, if at all.

A member of the audience spoke out asking for clarification by the Chairman. Ms. Lopes stated the plan is for right now, a place to start mitigating the situation. Until that begins nothing will get done. The town can continue to investigate and mitigate new findings. Other audience members spoke out but the Chairman stated there will be no discussion.

DISCUSSION: Request for Joint Meeting

The Board received a written petition asking for a joint public hearing between the Board of Health and the Board of Selectmen in regards to the turbines. The petition was received in the office on October 31, 2013 and is part of this record. The Chairman stated there is no reason for a joint meeting. The Board of Selectmen are responsible for the contractual aspects of the turbines and the Board of Health are responsible for receiving and investigating complaints. The Board of Health will do what is needed but there is no need for a joint meeting at this time.

Ms. Acksen stated there is a need for a public hearing to address health complaints and testimony. Ms. Lopes stated there is nothing new to add to the complaints received. There may be a need in the future, but presently there is not.

Health Agent Report:

A septic system plan for repair of a three-bedroom dwelling at 32 Nakata Avenue as designed by John Boardman, P.E. of Hancock Associates, Marlborough, MA requiring a variance of 3' to groundwater in place of the required 4' and 58' from a wetland in place of the required 100' was reviewed. Motion to accept the plan with the required variances was made by Ms. Lopes; seconded by Ms. Acksen. The vote was two in favor with Mr. DeTerra abstaining from discussion and vote.

The septic system plan for repair at 345 Bridge Street required redesigning and so was not reviewed.

A letter of thanks to the Board of Public Works for assisting in a move by the Greater New Bedford Medical Reserve Corps from the Fairhaven town hall to the Dartmouth town hall was signed by the Board.

The Board reviewed a written policy for inspection requirements on septic system construction.

Invoices were signed.

There being no further business before the Board, motion to adjourn was made by Mr. DeTerra; seconded by Ms. Acksen. The vote was unanimous. The meeting was adjourned at 7:00 p.m.

Respectfully submitted,
Patricia Fowle,
Health Agent