

REGULAR MEETING OF THE BOARD OF HEALTH
October 21, 2015

A Regular Meeting of the Board of Health was held at the Town Hall on Wednesday, October 21, 2015, at 6:30 p.m. Board members present: Peter DeTerra, Jeannine Lopes and Lindsay Gordon. Also present: Patricia Fowle, Health Agent.

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 September 16, 2015. Motion to approve the minutes was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

Appearing before the Board was Mr. Jose C. Gomes of 42 Gellette Road to request an Animal Permit for the keeping of a horse and a goat stabled on his 1½ acre property. The animals have been there for a few months as he was unaware that a permit was required until notified by the Town. Mr. Gomes was granted a Special Permit by the Zoning Board of Appeals in September, 2015, for the keeping of the animals which required notification to all abutters within 300' of the property limits. A site inspection was performed by the Animal Control Officer and the Health Agent. The premises and the keeping of the animals are in compliance with all regulations. Also in attendance at this meeting were property abutters Mr. Raymond Fauteux and Ms. Denise Cooper of 15 Brook Drive who stated that upon occasion they can smell the horse manure. They had not met with Mr. Gomes until this evening and, upon exchange of contact information, stated they will work out their differences as they occur. They then offered no opposition to the permit request and indicated they would inform Mr. Gomes and the Board should problems arise.

Motion to approve the permit for the keeping of one horse and one goat at 42 Gellette Road was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous.

Appearing next before the Board was Mr. Christopher Medeiros President of Mackatan General Store, 39 Causeway Road. Mr. DeTerra abstained from the discussion. Mr. Medeiros submitted a written request for a variance to the Board's tobacco regulation, "Regulation Restricting the Sale of Tobacco Products" and requested a permit to sell tobacco products at Mackatan General Store. The Board regulation which went into effect on January 1, 2015, limits the number of Tobacco Sales Permits in Town to 18, which was the number of permits in Town on December 31, 2014. Mr. Medeiros explained it is a financial hardship for his store not to sell tobacco and many of his customers have stated such. Ms. Lopes stated the purpose of the regulation is to protect Fairhaven youth and public health and though the financial impact on his establishment is regrettable, the focus must remain on public health. Ms. Gordon stated that as the Board of Health they must vote to uphold the regulation but also noted that many people speak very highly of the store. Mr. Medeiros in his letter stated he had his building permits in hand before January 1, 2015 and should be allowed to have a tobacco sales permit. However, upon review it is noted the Building Department permit is dated January 30, 2015, as observed by the Board. Ms. Lopes assured Mr. Medeiros that he is the first in line should a tobacco sales permit slot become available.

Motion to uphold the existing "Regulation Restricting the Sale of Tobacco Products" was made by Ms. Lopes; seconded by Ms. Gordon. Mr. DeTerra abstained. The vote was unanimous not to grant the Variance (0-2).

Mr. DeTerra abstained from this next matter. The Board reviewed bids for the annual mowing of the 27 acre landfill. Two bids were received: Northeast Slope Mowing at \$4,000.00 with no channel and drainage work to be performed and Peter DeTerra Excavating at \$3,900.00 with all other drainage and channel work to be performed as directed at \$265.00 per man per day. The health agent explained that Northeast Slope Mowing was the only landfill mowing company who could do the work last year and the job was not complete, requiring additional work by other contractors to clean and mow the let down channels on all sides and slopes of the landfill. DeTerra Excavating has the equipment and manpower to do the complete job at a savings. Discussion ensued.

Motion to award the landfill mowing contract to Peter DeTerra Excavating was made by Ms. Lopes; seconded by Ms. Gordon. Mr. DeTerra abstained from all discussion and action. The vote was unanimous (2-0).

The Board reviewed the new MaDPH requirements for any State supplied vaccine, including flu vaccine, requiring that a pharmacy or vaccine grade refrigerator be in use for vaccine storage by January 2016. The health agent has reviewed the supplier websites as provided by MaDPH and reported that the cost for an under-counter refrigerator runs from \$5,000-\$10,000. Additionally, as observed this year, the MaDPH has placed use restrictions on the flu vaccine such that it may only be given to uninsured adults or children under the age of 19. Using these guidelines a flu clinic was held on Monday, October 19, 2015, and there were only 31 attendees. There are now approximately 19 doses of flu vaccine left for use. The health agent contacted all other local health departments and the Fairhaven School Department to see if they could use the vaccine. There has been was no response. Ms. Gordon asked that St. Joseph's School be contacted as well. Board discussion ensued. Ms. Gordon stated the purpose of the Board is to serve the public at large. There are other means in which to offer a flu vaccine clinic to the public without being so restrictive to the population served.

Motion that the Board, at least for the foreseeable future, should act as a facilitator and assist in arranging privatization of flu clinics as offered by the large pharmacies such as Walgreens, Rite Aid and CVS, and which the Town Hall recently used for Town employees was made by Ms. Gordon; seconded by Ms. Lopes. The vote was unanimous (3-0).

Health Agent's Report:

1. Recycle tonnage for September has remained flat at about 24%.
2. MaDPH Tobacco Control Program provided a written update on flavored tobacco. The State now has a list of tobacco's that are known to be flavored. The list will be distributed to the 18 tobacco retailers in Town. Additionally, per the new information provided, all adult-only (18 years of age and older) retail tobacco shops must be allowed to sell flavored tobacco products per the federal code. Discussion ensued.

Motion that the Board comply with the MaDPH requirements was made by Ms. Lopes; seconded by Ms. Gordon. The vote was unanimous (3-0).

3. MaDPH held a teleconference to discuss the new year focus for the Department. Included in the topic was talk of avian flu possibly affecting Northeastern states in the Spring of 2016. Preparation is underway across multi-state agencies to educate poultry farmers on the virus. The rise of opioid use in Massachusetts was discussed along with certification of sober houses. The food code and housing code will both be revamped in 2016. Public hearings on the changes will be held throughout the State. More information on all these matters will be provided.

4. The health agent updated the Board on the sewer tie in demands that were sent in April of 2015. The deadline for compliance is November 1. A final analysis will be forwarded to the Board of Selectmen on November 5, 2015 for legal handling. Of the original 33 dwellings notified 5 have tied in, 4 indicated they cannot get a contractor to return inquiries and 1 dwelling is vacant.

5. MAHB will hold its annual Health Board Member Certification course on November 7, 2015 in Taunton. The Board is invited to attend. Members will check their schedules and confirm availability.

Invoices were signed.

The Board will meet next on Wednesday, November 18, 2015, at 6:30 pm at the Town Hall. There being no other regular business before the Board, Mr. DeTerra motioned to adjourn; Ms. Lopes seconded. The vote was unanimous at 8:15 pm.

Respectfully submitted,
Patricia Fowle, Health Agent