

REGULAR MEETING OF THE BOARD OF HEALTH
November 9, 2016

A Regular Meeting of the Board of Health was held at the Town Hall on Wednesday, November 9, 2016, at 6:30 p.m. The meeting was duly posted. Board members present: Jeannine Lopes, Lindsay Gordon and Peter DeTerra. Also present: Patricia Fowle, Health Agent and Paula Medeiros, Administrative Assistant.

Chairwoman Lopes called the meeting to order at 6:30 p.m. and asked for a motion to approve the minutes of the Regular Meeting of October 5, 2016.

Motion to approve the minutes was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

Chairwoman Lopes asked for a motion to approve the minutes of the Joint Meeting of the Board of Health and Board of Selectmen on November 7, 2016.

Motion to approve the minutes was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

Chairwoman Lopes asked for a motion to close the Regular Meeting and open the Public Hearing. Motion to approve was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

Public Hearing:

The Public Hearing for the proposed new regulation Ban of The Sale of Synthetic Drugs was opened at 6:31 p.m. About 40 retailers were notified of the hearing.

Fairhaven Police Chief Myers was present at the hearing to show his support and endorse the regulation. He stated the police department is running into situations involving synthetic drugs. Chairwoman Lopes asked Chief Myers if the Middle School is their biggest problem and stated that her daughter's friend did pass away from using synthetic drugs this past year. The Chief stated the police department encounters dangerous reactions to synthetic drugs with all types of people and ages. Discussion ensued with the Chief about collaboration between the police department and Board of Health in reporting and notifying each other of any incidents. Board of Health will be checking on the retailers. Selectman Espindola was also present on behalf of the Board of Selectmen to show their support for the proposed regulation. At the Joint Meeting on November 7, 2016, Selectman Freitas suggested the fines be more significant. Discussion ensued and Chairwoman Lopes stated the fines should be higher to indicate the seriousness of any sale of synthetic drugs in Town. Ms. Gordon and Mr. DeTerra concurred. The Board discussed the effective date for the new regulation. Concurrence was January 1, 2017, which would coincide with the majority of other Board of Health permits issued. The Board would like the regulation delivered in hand to all affected retailers.

Motion to adopt the proposed regulation Ban of The Sale of Synthetic Drugs as amended with an effective date of January 1, 2017, was made by Mr. DeTerra; Ms. Gordon seconded. The vote was unanimous.

At 6:46 p.m. Mr. DeTerra motioned to close the Public Hearing and re-open the Regular Meeting; Ms. Gordon seconded. The vote was unanimous.

Before the Board:

Before the Board was Stevie Carvalho, EIT, Farland Corp, New Bedford for a proposed repair septic plan for 2 Montauk Avenue. Mr. Carvalho presented the proposed plan for a new 1500 gallon monolithic septic tank, 1000 gallon monolithic pump chamber and a 32' x 13' Presby Enviro-Septic leaching facility for the three-bedroom dwelling to replace the existing cesspool. The Presby is an approved DEP remedial use leaching facility and is in keeping with the requirements for use. The design required the following variances: from the Board's Title 5 Regulations-the leaching facility is 90' from a BVW, from DEP- 5-15.104-a sieve analysis was performed in place of a percolation test due to high groundwater. Mr. DeTerra noted that the proposed distribution box must be a heavy duty H-20 box per Board of Health policy. Mr. Carvalho noted he would resubmit the plans indicating the H-20 distribution box. Motion to approve the plan with the requested variances was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

Mr. DeTerra recused himself from discussion on this matter because he has performed work on the property in the past.

Before the Board was Alan Ewing, P.E., Ewing Engineering, Fairhaven, MA for a proposed new construction septic plan for a new lot at 357 Bridge Street. Mr. Ewing presented the proposed plan for a fully conforming Title 5 septic system with a 1500 gallon septic tank and a 44' x 29' Contactor 100 leaching facility for the proposed four-bedroom dwelling. The dwelling will be served by Town water. Motion to approve the plan as presented was made by Ms. Gordon; seconded by Ms. Lopes. The vote was two in favor and one abstention.

The Board reviewed a septic system inspection report for 28 Scott Street, performed by Ronald Arruda, Fairhaven Honeywagon, Fairhaven, on June 10, 2016. The system is a 2,500 gallon sewage holding tank installed in 2008. The inspection passed. The health agent was present at the time of inspection. The Board concurs with the findings of the report.

Motion to accept the septic system inspection report was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

The Board reviewed a septic system inspection for 2 Lincoln Drive, performed by Louis Labate III, Bay State Sewage Disposal, Inc., New Bedford on November 3, 2016. The system failed the inspection due to root clogged lines and distribution box. Sewer abuts the property. The health agent was present at the time of inspection. The property owner is also aware of the findings.

Motion to accept the septic system inspection report was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

The Board reviewed a septic system inspection for 888 Scoticut Neck Road, performed by Jason Haskell, All Clear Septic & Wastewater Services, Norton, MA on October 11, 2016. The system passed the inspection. The health agent and home owner were present at the time of inspection. .

Motion to accept the septic system inspection report was made by Mr. DeTerra; seconded by Ms. Gordon. The vote was unanimous.

Patricia Fowle, Health Agent

Health Agent's Report:

The board reviewed and discussed the food establishment inspection log sheets.

The Health Agent discussed the court ruling on sewer tie in demands for the Scoticut Neck Road area. The Health Agent went to Housing Court with Town Counsel Whynacht. Judge Edwards on October 19,

2016, ruled all defendants must be tied in to municipal sewer by May 7, 2017. Failure to do so will be in contempt of court. Town Counsel will then handle the matter.

The Health Agent discussed the DPH notice of proposed changes to the Food Code and Recreation Camp State regulations. She stated that this will be more responsibility on the Board of Health requiring more on site work and reporting to the State electronically. The DPH will be accepting comments on the proposed changes until December 2nd.

The Health Agent presented to the Board a DPH disease reporting compilation for CY2016 from January 2 through October 31, 2016. The report is generic with no specific patient identification. This is a new tool for reporting diseases which is a good way to see current trends.

The Health Agent spoke of a recent Greater New Bedford Medical Reserve Corps meeting held in Dartmouth at which the Dartmouth Health Director spoke of the Town's involvement in combating the opioid crisis in the Southcoast area. Much is being done in surrounding town and the Health Agent would like to participate in the monthly meetings and workshops to learn and foster programs that would benefit residents of Fairhaven. This dovetails very well with the most recent department head meeting held by the Town Administrator in which he shared some goals and objectives adopted by the Board of Selectmen for the Town. One goal was to collaborate with the Board of Health, Police Department, Fire Department and EMS to raise awareness of, educate and combat the opioid crisis in the area including Fairhaven. Regionally there are resources such as guest speakers, videos, risk surveys, Etc. that are available. The Dartmouth Health Director extended an invitation to attend these meetings and the Health Agent would like to participate along with the Board's public health nurse. The Board was unanimous in their full support.

There was a brief discussion regarding marijuana being legalized in the State of Massachusetts and the burden that will be put on the Town. The Health Agent stated that she will share the information regarding this law as it becomes available.

The Board reviewed and signed invoices.

The date of the next Regular Meeting of the Board will be December 7, 2016, at 6:30 p.m.

There being no other business before the Board, Mr. DeTerra motioned to adjourn; Ms. Gordon seconded. The vote was unanimous at 7:30 p.m.

Respectfully submitted,
Paula Medeiros, Administrative Assistant