



Town of Fairhaven

Board of Health

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January 18th, 2023

PRESENT: Heidi Hacking, Kevin Gallagher, David Flaherty
Absent: Michael Ristuccia

1. Call to Order

- a. Chairman Kevin Gallagher called the meeting to order at 5:00pm. Chairman Gallagher welcomed everyone.

2. Pledge of Allegiance

3. Welcome and Media Notification

- a. Chairman Gallagher read the media and recording notifications, and welcomed the public to speak on items.

4. Minutes of the Meeting:

- a. Ms. Hacking made the motion to accept the minutes of the meeting of January 4th 2023. Chairman Gallagher in agreement and motion accepted.

5. Health Agent Report

- a. Health Agent Flaherty reports Statewide hospitalizations for COVID: 409 up from 316, ICU Admittances is 119 up from 105. 46 Intubated cases up from 36. Other statistics have been included in order to educate the public. The 14 day Positivity rate for Fairhaven is 20.6 %. Case counts for the last two weeks are 56. since reporting began in 2020 Fairhaven has had 5252 cases. Trends seems to be going up and CDC may recommend masking if the trends continue.
- b. Covid Test Kits are available and the public can pick up a kit at the Board of Health office or Council on Aging.
- c. The Community Health Nurse will be offering homebound vaccinations for Covid & Flu shots for homebound residents, please call 833-983-0485.
- d. Medication disposal bags are available in the Health Office, Library, COA, Recreation Center and the Fire and Police Department.

- e. Go to South Coast Health Care Website for vaccine clinic information at southcoast.org/covid-19-vaccination
- f. Blood Pressure Wellness Clinic held at Council on Aging weekly on Wednesdays Between 1:00 p.m. & 3:00 p.m. No Perc tests and no Other Title 5 System inspections performed.
- g. Agent Flaherty reports at this time the Board of Health has completed Food Service and Tobacco establishment renewals. Good responses have kept the staff busy.
- h. Follow up on various chapter two housing inspections with focus on complaints.
- i. Arbovirus update- Hard Frost has taken place and testing season is now over.
- j. Title 5 revisions- Flaherty states he will include this in the update later on.
- k. Rodent Complaints-No rodent complaints at this time.

6) Covid number update on Town Website- Chairman Gallagher confirms there are 56 current cases in the last 2 weeks. Positivity rate of 20.6% Flaherty believes the number has risen and is based only on when people are reporting. Gallagher confirms Covid test kits and masks are readily available at the Board of Health. He encourage the residents to regularly test and monitor health.

7) Update on reestablishing the ability of residents to report issues or concerns regarding the Wind Turbines- Agent Flaherty confirms at this time the health office will accept complaints via email or phone. Agent Flaherty will review each complaint and then forward the complaints to the DEP. At this time, he is researching who would be the most appropriate contact at DEP. Agent Flaherty explains there is nothing in the health code regarding Wind Turbines however he is aware it is with the state and different departments. To submit a complaint at this time please email the Board of Health at BOH@fairhaven-ma.gov or to contact 508-979-4023 Ext. 8125. Chairman Gallagher agrees it is appropriate to submit complaints to state or local level. Vice-chair Hacking states she would like to be made aware of any complaints that are submitted. Gallagher requests that this be placed on the agenda.

8) Update on proposed Sconticut Neck Subdivision Plan- Agent Flaherty reports that he received revised plans showing a 50 foot buffer which is alongside the sewage plant. Chairman Gallagher questions if these are the same plans that were submitted to the planning board? Agent Flaherty states this is correct. He states the planning board received a letter from

Attorney John P. Matthew stating he restates my objection to the Board of Health making any further comments on this matter. This matter is concerning the Planning Board and nothing to do with the Board of Health. The Board of Health cannot properly vet a remand of subdivision land. Chairman Gallagher confirms Mr. Foley responded that he did speak with the Fairhaven Town Counsel and that it is appropriate for the Board of Health to comment as a Board. Chairman Gallagher explains the task is to fulfill the requests of a different town board that has asked the board of health to communicate concerns. Chairman Gallagher states when the definitive site plan is present the Board of Health has 45 days to comment. Chairman Gallagher and Ms. Hacking agree it would be appropriate to communicate and to address areas of interest to the planning board and developer so that when definitive plans are received the planning board is aware of interests. Chairman Gallagher has six different areas he would like to present in a letter that he would like the developer or whomever wants to develop in that land respond too. The first area is the issue of standing water. He states the town goes to great lengths to minimize threats such as Triple E and other pest diseases. Second lack of a sound study. Third the encroachment into the exclusion zone. Four Ongoing concern of ice throw. Five confirming what the exact buffer zone would be. 6. Quality of life, concerns for the neighborhood. Vice Chair Hacking states the idea will be to create a letter that will include all of these issues of concern to the Planning Board. She also states they are still waiting on a definitive plan and she would not feel comfortable signing off on a plan that is not definitive. Chairman Gallagher states the planning board will meeting will take place next week and the letter will then be submitted.

9) Update on the New DEP Title 5 Regulations-Agent Flaherty explains at this time DEP is still taking public comment at this time. He explains there will be another Zoom informational meeting that will be taking place January 30, 2023. Agent Flaherty explains the state would like to create a watershed area/nitrogen sensitive area in southeastern Massachusetts and force each town and community to prevent or reduce greatly nitrogen from going into the ground water via septic systems. It seems this does not take agricultural or golf courses into account. Agent Flaherty expresses concern that the agricultural is exempt from this. He believes measuring the amount of nitrogen with all the septic systems the number will remain the same due to the cranberry bogs not being included and nitrogen being present in the agricultural portion. He questions who will pay for the studies. Agent Flaherty states this is admirable that they would like to correct this problem, however it has not been thought out thoroughly. Agent Flaherty explains Buzzards Bay Coalition is advertising for an engineering company to provide watershed permitting for communities in the south coast which could up an upwards cost of half a million dollars which town could not absorb that cost. Chairman Gallagher shares information from an article from a New Bedford website titled New Bedford Light. Public comment periods ends January 30, 2023. Chairman Gallagher would like the board submit a public comment to Representative Strauss stating the goal is exceptional however the method is questionable. Vice Chair Hacking requests that the article be forwarded to everyone on the Board. Chairman Gallagher explains the cape has very sensitive issues they are dealing with and this is a problem that began there. Chairman Gallagher requests the document be included to Senator Montigny who is also opposing this issue. This is a decision that will be a large impact for some residents in town.

10) Public Comment

a. Town resident Karen Isherwood- states that she called the Health Office on Friday January 13, 2023 and no one answered the phone. Vice-chair Hacking Explains that a voicemail can be left in order to receive a return call. She states she does not want anyone to think there are not issues happening. She states the Health Board does have the authority to enforce noise nuisance. She has a form that was signed in 1990 has a copy which states in Chapter 111 27 B the Regional Board of Health. She states is in the general law and you have the Power to do that. She states she made copies of the research she did. She made a packet for one of the board members. Chairman Gallagher confirms sound issues are prevalent and something local government can work towards. Resident Isherwood also requests if a flicker plan can be requested. Chairman Gallagher agrees and states he will request a flicker/sound study on the letter that will be submitted to the Planning Board.

b. Town Resident Anne Espindola Fourteen John Street- states the town does have a sound by-law. Chairman Gallagher responds and states the Board of Health will be the repository of concerns that are raised and it will be our responsibility to get it to the right people. It may be the health agent or whomever the by law designates as responsible. Chairman Gallagher confirms they will address which complaints fall under The Board of Health scope and relay to the appropriate parties. She also requests if a report could be created regarding the odors from the sewage treatment plant? Agent Flaherty does recommend calling the Board of Public Works. Chairman Gallagher also thinks the Board should be made aware and follow up on what was the plan of action.

c. Gary Lavalette- Mr. Lavalette states there will be a form that people will have to sign to live in this area because they realize there are two nuisance/ending issues. He states no matter what happens whether we allow this to happen or not it is a no win for somebody. The people that come in are going to have complaints, or the developer will say you have come down and turned down my project. Mr. Lavalette states he would rather be on the cautious side of things because more likely there will be something that will happen. He stated the Board should take into account the 900 complaints that were originally received regarding the wind turbines, which have not completely gone away. He also states there has been twelve years of tree growth. He states the treatment plan is being updated and the odors will continue. He has calculated that the new house will be 200 feet closer to the turbine in comparison to Teal circle, which is about 1400 feet from the turbines. Once a project like this is allowed, you cannot return from this. He believes allowing the residents to live closer to the sewage treatment facility, wind turbines is a health risk, and the Board of Health should enforce a safe buffer zone. Chairman Gallagher

requests Mr. Lavalette to review that date and time and to present the information regarding a disclosure to reside in that area to the health agent.

f. Leah Isherwood- She states that she believes the Board has answered one her questions regarding the noise and who would be the most appropriate to address those concerns. She states it was not just the Board who was ignoring them, other people in town who did not live next to the turbines, they were very hostile and stating they did not want that in the backyard. She greatly appreciates that the Board is listening and allow them to speak on this. She also states just because no one is calling or emailing the Board regarding these issues does not mean it is not happening. She was unsure if the sewage treatment plant needs to be added to the potential impact list or considered a nuisance. Chairman Gallagher confirm he will add that to the list.

g. Town Resident- A town resident asks if it is 5 or 20 year plan to upgrade to a nitrogen reduction system? Also if residents would have to pay? Agent Flaherty explains it will depend on if the town is able to obtain a water shed permit. If the town is unable to obtain a water shed permit then it will be within 5 years of implementation. If the water shed permit is implemented it will be within a 20 year grace period. Agent Flaherty explains they have not developed the maps of where the watershed area would be. Chairman Gallagher explains this is unanticipated cost for the town in order to file for the permit. Agent Flaherty explains this would affect Mill Rd, New Boston Rd, Sconticut Neck Rd and Tootle Lane. Chairman Gallagher explains letters will be sent out to local and state representatives and this is something that they will closely watch.

11) Invoices, Correspondence & Other Business

a. Invoices reviewed and approved.

12) Next Meeting Date: February 1, 2023 at 5:00pm

13) Future Agenda items

- a. Update on reestablishing ability to report issues or concerns on wind turbines
- b. Update on proposed Sconticut Neck Subdivision plan
- c. Review and Discuss Disposal System Construction Permit Lot 1 Island View Rd.
Map 43 Portion of Lot 201
- d. Review and Discuss Disposal System Construction Permit Lot 1 2 Island View Rd.
Map 43 Portion of Lot 201

