



Town of Fairhaven

Board of Health

Town Hall · 40 Center Street · Fairhaven, MA 02719
Telephone: (508) 979-4023 ext. 125 · Fax: (508) 979-4079

June 21, 2023

PRESENT: Kevin Gallagher, Heidi Hacking, Justine Frezza and David Flaherty

1. Call to Order

- a. Chairman 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.

4. Minutes of the Meeting:

- a. Vice Chair Hacking made the motion to accept the minutes of the meeting of June 7, 2023. Member Justine Frezza in agreement and motion accepted. The vote is unanimous.

5. Health Agent Report

- a. Health Agent Flaherty reports Covid numbers have gone down and have leveled off since his last report.
- b. COVID Test Kits are available and the public can pick up a kit at the Board of Health office or Council on Aging. The kits expire on June 28th and to pick up prior to that date.
- c. Medication disposal bags are available in the Health Office at Town Hall, Library, COA, Fire Department and Police Department.
- d. Blood pressure and wellness clinics offered every Wednesday at the COA from 1-3pm.
- e. No Perc tests were witnessed and no Title 5 Inspections were witnessed.

- f. Follow up on various Chapter II housing inspections
- g. Two swimming pool inspections
- h. One recreation day camp inspection for a day soccer camp
- i. Beach water testing has started and will be done by Agent Flaherty weekly for suitability for swimming at the seven beaches in Fairhaven.
- j. Arbovirus Update- Bristol County Mosquito Control Project has started their larva side treatments to wetlands and swamps for mosquito larva. Pool testing has been done. Last week they tested 280 pools. They tested 2 humans and everything was negative. Ticks are out in force. Agent Flaherty recommends using Deet or treatment for skin. Permethrin for shoe and pant legs when out in meadows and woods. Use of treatment on skin with anti-tick chemicals should be at the advice of the pharmacist. Check with the Fairhaven health website for an updated PSA.
- k. Rodent Complaints- Agent Flaherty reports a few rodent complaints have come in. Please be vigilant with trash and birdseed on your property. Consult a licensed exterminator for property treatment in conjunction with neighbors if it seems overwhelming.
- l. Sunscreen dispensers – the BPW has been busy with the water treatment flushing. Agent Flaherty has been following up with BPW to install the sunscreen dispensers.

6) Discuss weekly Board of Health related topics - Member Frezza states she believes at the last meeting the topic was food insecurities. Member Frezza stated she went on the town website and had some difficulty navigating the health department page. Agent Flaherty stated there is a lot of information and maybe some information should get consolidated. Member Frezza asked if the QR codes for resources on homelessness, drug and alcohol resources to distribute to local businesses is still being worked on. Agent Flaherty is waiting for the new QR codes to come in. Chairman Gallagher asked if information is available on ticks and mosquitoes. Agent Flaherty affirmed there is information on the town health page and the PSA he did a couple of weeks ago is also available. Vice Chair Hacking suggested a monthly topic be the focus on the website with a schedule set in place for the monthly topics.

7) Discuss Chapter II hearing for 236 Adams Street – Agent Flaherty reports this property has been an issue and the south side of the house has been getting worse. Agent Flaherty has spoken with 3 building commissioners and nothing has progressed with remediation of the property. Agent Flaherty has attempted to speak with the homeowner, Mr. Clooney, on several occasions and has been told by the homeowner now is not a good time to talk. Agent Flaherty feels this property is in such poor condition and does not want anything terrible to

happen. Agent Flaherty would like to see a plan from a contractor hired by the Mr. Clooney and to work with the building and health departments. The home needs to be made weather tight. Chairman Gallagher asked, for the benefit of the public, what the health department's responsibility is as it pertains to the sanitation code. The health agent is responsible to document and enforce the sanitation code and if that does not remediate the issue then a hearing is brought before the board of health. Chairman Gallagher asked if this needs to be advertised as a public hearing. Agent Flaherty said it does not have to be a public hearing but can be done procedurally before the board. Chairman Gallagher addressed Mr. Clooney to discuss the plan for the violations to the sanitation code. Mr. Clooney is meeting with contractor Baker to move forward with the necessary permits with the health and building departments. The contractor will remove the debris and fix the roof. Chairman Gallagher reviewed the plan with Mr. Clooney is to fix the roof and ensure it is weather tight. Agent Flaherty explains the building commissioner is ready to issue a permit for this work, however, there are outstanding taxes and according to the town code, a permit cannot be issued on a property with outstanding taxes. Mr. Clooney will need to take care of this first. Agent Flaherty asked of Mr. Clooney when the contractor starts work if there are more issues found will all issues be repaired. Mr. Clooney confirmed they would fix anything needing repairs found by the contractor. Agent Flaherty requested the contractor to meet with him to discuss the urgency of this work for the homeowner's safety. Vice Chair Hacking suggested that a timeline for the work to be completed be made available by Mr. Clooney and the contractor to ensure this is being remediated in a timely manner. Mr. Clooney stated he understands it is important to keep the board informed of the progress. Agent Flaherty summarized the common goal is to get this remediated and the importance of moving forward quickly. Chairman Gallagher reviewed that Mr. Clooney is to have the contractor Baker follow up with Agent Flaherty the following week and for Agent Flaherty to follow up with the board by next Wednesday as to the progress. The board wants this to keep moving forward and allow Mr. Clooney time to remediate the issues before resorting to action per the sanitation code. Agent Flaherty agreed to keep this on the agenda to provide updates. Chairman Gallagher allowed time for public comment on this issue and thanked Mr. Clooney for coming to the meeting. Agent Flaherty addressed Melissa from Elder Affairs as a resource to Mr. Clooney. Melissa stated their process is to receive reports of unsafe living concerns or self-neglect of elders and they do a wellness check. The Elder affairs can then offer help and resources. Chairman Gallagher again thanked Mr. Clooney for coming to the meeting.

8) Discuss Chapter II hearing for 6 Evergreen Street – Agent Flaherty explained on April 20, 2023 at the request of the Fairhaven FD he was called to 6 Evergreen Street for suspected sewer water in the basement. Agent Flaherty came to the address on the Sunday night, there were firemen, policemen and the owner Maria Gautreau and her son present. Ms. Gautreau invited Agent Flaherty in to her home and brought him to the basement. There was about 1-2 feet of black water in the basement. Agent Flaherty only went down the stairs halfway since the water looked like it had been there awhile and was not sure if the steps were compromised. Agent Flaherty could see that there was staining on the furniture and that the heating system was compromised and possibly some of the electrical system. There was no odor in the home until you went to the basement. Agent Flaherty told the FD not to proceed to the basement to avoid getting sick. Agent Flaherty told the homeowner the water needs to be pumped by a licensed septic contractor; then a cleaning contractor to come and sanitize and

remove any ruined objects; as well as a plumber should come in to figure out the source of the water filling the basement. Agent Flaherty discussed that the Sewer dept. was also there and checked the manhole cover and verified no issues with the sewer at the street. Agent Flaherty could not determine where the water is coming from. Another issue, is there is high ground water. There was a sump pump in the basement, but must have failed. This water was previously pumped out on to the lawn. Agent Flaherty is not sure of the source, but said it smelled like sewer water. The other concern is that there is no heat, which is not a concern right now during the summer. Agent Flaherty let the homeowner know this would need to be fixed and that she should open a claim with her insurance company to do the repairs and that he would check back in the following morning. Agent Flaherty returned to 6 Evergreen the following day to talk with Ms. Gautreau. Ms. Gautreau stated she does not have homeowners insurance, and no claim could be made. Ms. Gautreau did not like what Agent Flaherty had to say in regards to remediating the issue and asked Agent Flaherty to leave the premises, to which, Agent Flaherty responded that he is only trying to do this to help because it is not healthy. Ms. Gautreau is not responding to any correspondence. Agent Flaherty has sent regular mail twice, certified mail and she has not responded. Chairman Gallagher noted the homeowner was not at the meeting or anyone to represent the owner. Vice Chair Hacking asked where the health dept. is in sending letters or next steps to take. Agent Flaherty agreed there are a number of things that can be done; make an attempt to contact the homeowner, or start issuing fines, or to proceed with condemnation orders. A condemnation order means the homeowner would be removed from the property and the doors would be secured. The town could then take it into receivership, which case, they would hire a third-party contracting company to come and clean everything out and then sell the property. Whatever money is received from the sale minus what the receivership had to spend would go to the homeowner. Chairman Gallagher said to restate that the code addresses concerns like this and it is unhealthy to have several feet of water in a basement that is approaching the electrical panel and has already compromised the heating system. Chairman Gallagher wants the record to show that this is not because Agent Flaherty received a call about a flooded basement, but that the BOH is taking action because this is a code violation and not because government can reach into your home. Chairman Gallagher asked if efforts should be made again to reach out. Vice Chair Hacking asked when the first correspondence took place. Agent Flaherty stated March 20, 2023. Vice Chair Hacking asked if Agent Flaherty could go with the police. Agent Flaherty stated he has not done that yet. Agent Flaherty believes Ms. Gautreau spoke to Martha Reed at the COA. Chairman Gallagher asked if Ms. Reed could coordinate a meeting. Agent Flaherty stated that may be an option. Martha Reed had Bristol County elder affairs come, but they did not have any luck in speaking with Ms. Gautreau. Vice Chair Hacking would like another attempt to contact Ms. Gautreau, then the health dept. will need to proceed and possibly the reality of the doors being locked will allow Ms. Gautreau to discuss the issues. Vice Chair Hacking would recommend to try and broker a meeting with the homeowner and if not then we need to proceed. Agent Flaherty agreed and stated this would remain on the agenda as well. Chairman Gallagher requested Agent Flaherty give the exact code to the board members for review. Member Justine requested Agent Flaherty have a timeline of when there may be a meeting with Ms. Gautreau, Agent Flaherty and Martha Reed from COA. Chairman Gallagher asked if 2 weeks would be feasible to try to get the meeting scheduled. Agent Flaherty will reach out to Martha and ask if she can contact Ms. Gautreau and try to schedule the meeting in the next 2 weeks. Chairman Gallagher would like Ms.

Reed to relay that the BOH would like to meet and work on a plan; otherwise, the board is ready to look at punitive measures, which is regrettable and most troublesome aspects of this, but we have a responsibility to do.

9) Discuss the community nurse contract – Agent Flaherty presented the board with the annual community nurse contract. They do wellness clinics over at the COA 2 hours a week. They do follow up on communicable disease, and everything should be laid out in the contract. Agent Flaherty stated during COVID there were a lot of overages in their time, understandably, but cost prohibited. There were funds appropriated at that time to cover those bills. Since COVID is on the wane there have been some overages, but not like there was. Fairhaven is part of the greater New Bedford health alliance with Acushnet, through a grant from the state we received an additional public health nurse at our disposal. Agent Flaherty would like to go back to them with an amended contract that states we will do the 7 hours, which is what is contracted; no overages, those will be appropriated to the New Bedford nurse, for which there is no fee. Agent Flaherty does not want to cut ties with the community nurse because the grant is only for 5 years. There is already a good relationship established and they do good work especially for the wellness clinics. Agent Flaherty thinks this is a good cost effective feature of the health dept. Chairman Gallagher discussed that if we are to ask for the amount of overage for the last fiscal year it would be skewed due to COVID. It has been 3 years since we had a normal year. The contract is for 7 hours a week at \$46 per hour, which is fair. Any overage hours will also be compensated at \$46 per hour, which is straight rate. However, the agreement is for 7 hours and we cannot allow overages that we just pay. Vice Chair Hacking questioned if this is changed in the contract and we do need overage hours would they be able to charge whatever they want over. Chairman Gallagher asked if the contract were to state that in the event of any overage hours there needs to be pre-approval by Agent Flaherty. Member Justine requested if there is a need for overage hours that the reason why be provided. For the next 5 years while we are using the New Bedford nurse through the grant to keep track of what we use the New Bedford nurse for. Chairman Gallagher summarized the new contract would need to be worked on, but should have pre-approval for community nurse overages (that cannot be done by the New Bedford nurse), as well as a way to track what overages went to New Bedford and what went to the community nurse.

10) Public Comment- No Public Comment at this time.

11) Invoices, Correspondence & Other Business
a. Invoices reviewed and approved.

12) Next Meeting Date: July 19, 2023 at 5:00pm

11) Future Agenda items
a. Additional Health Related topics.