

## Board of Health Meeting – Executive Session

October 11, 2023

**Attendees:** Kevin Gallagher, Justine Frezza, Brian Meneses, David Flaherty

The Executive Session was called to order by a roll call vote of Chairman Gallagher, Vice Chair Frezza, and Member Meneses at 5:23pm.

Meeting pursuant to G.L. c. 30A, s. 21(a)(3) (potential litigation) and (7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements”: Public Records Law, G.L. c. 4, s. 7(26) (discuss privileged legal opinion and potential litigation concerning 6 Evergreen Street).

Agent David Flaherty – Read the letter he sent to Town Counsel. The letter is as follows:

Kevin Gallagher, Chair  
Justine Frezza, Vice-Chair  
Brian Meneses, Clerk  
David D. Flaherty Jr, RS, Health Agent

October 2, 2023

Michael K. Terry  
Petrini & Associates, P.C.  
372 Union Avenue  
Framingham, MA 01702

**RE: Maria Gautreau  
6 Evergreen Street  
Fairhaven, MA 02719**

Dear Mr. Terry,

On Friday September 29, 2023 at approximately 1:30 p.m., Bristol County Constable Captain Joseph Latimer and I attempted to serve an Administrative Search to the above referenced party. We were assisted by Sgt. Vachon, Officer Mello and Officer Bettencourt who happened to be working a utility detail at the street.

Upon duly announcing ourselves and showing the Search Warrant from the Court, Ms. Gautreau became argumentative and refused entry to perform the search. After about thirty minutes of explanation of her options, she allowed Capt. Latimer and me entry. I proceeded to go downstairs and take pictures of the conditions in the basement.

While some furniture and other items had been moved, the conditions remained to be Unfit For Human Habitation as set forth in 105 CMR 410.000 Minimum Standards for Human Habitation (State Sanitary Code, Chapter II). Standing water remained but to a lesser degree than what I witnessed March 20, 2023. The odor was similar and the stain line of previous water damage was evident (see attached pictures No. 1-6).

At this point Capt. Latimer and I exited the premises.

Extensive remediation in the form of removing the affected items in the basement as well as sanitizing the walls and floor will be required. Identification of the source point of this contamination is needed as well. The water heater and heating system have been compromised and will probably need to be replaced; the electrical system was also affected according to the homeowner and will require servicing.

Please forward this report to:

District Court Department  
New Bedford Division  
75 N. Sixth Street  
New Bedford, MA 02740

Thank you in advance for your time and attention.

Sincerely,

David D. Flaherty Jr., RS  
Health Agent  
Town of Fairhaven

CC: Fairhaven Board of Health  
Angie Ellison-Lopes, Fairhaven Town Administrator  
Fairhaven Police Department  
Fairhaven Fire Department  
Fairhaven Building Department  
Fairhaven Department of Public Works  
file

Agent David Flaherty – Circulated the pictures he took during the search warrant to the Board members

Vice Chair Justine Frezza – Requested a summary for new member Brian Meneses

Agent David Flaherty – Reviewed the history of the issues at 6 Evergreen Street (refer to Executive Session Minutes from 08/02/2023)

Chairman Kevin Gallagher – Reviewed that the letter read by Agent Flaherty was to Town Counsel as a summary from the search warrant

Agent David Flaherty – Noted that Constable Latimer has already served the warrant back to the courts with Constable Latimer's report. Agent Flaherty is still awaiting a copy of the report.

Chairman Kevin Gallagher – Commented that the Board of Health previously voted to request that Town Counsel move forward with the court to take receivership of the property.

Member Brian Meneses – Asked if there is anything else the Board can do to try to help the homeowner.

Agent David Flaherty – Noted receivership was pursued since the homeowner has not been open to getting help to resolve the issues from the town or Elder Services.

Chairman Kevin Gallagher – Requested what the next steps will be.

Agent David Flaherty – The Board of Health now needs to wait for the warrant to come back to the Board of Health and Town Counsel.

**Motion:** Vice Chair Frezza motioned to adjourn the Executive Session at 5:36pm. Member Brian Meneses seconded. The motion passed unanimously (3-0-0).