



Town of Fairhaven

Board of Health

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

December 6, 2023

PRESENT: Justine Frezza, Brian Meneses, David Flaherty
ABSENT: Kevin Gallagher

1. Call to Order

- a. Vice Chair Frezza called the meeting to order at 5:00pm. Vice Chair Frezza welcomed everyone.

2. Pledge of Allegiance

3. Welcome and Media Notification

- a. Vice Chair Frezza read the media and recording notifications.

4. Minutes of the Meeting

- a. Vice Chair Frezza noted minutes from November 8, 2023 meeting will be continued until the next meeting when Chairman Gallagher is present to vote.

5. Health Agent Report

- a. Health Agent Flaherty reports COVID numbers continue to go down, now at 13.38% down from 13.91% based on testing from clinical settings. COVID Test Kits are available at the Town Hall, as well as the COA.
- b. Medication disposal bags are available in the Health Office at the Town Hall, Library, COA, Rec Center, Fire Department and Police Department.
- c. Blood pressure and wellness clinics offered every Wednesday at the COA from 1-3 pm.
- d. One Perc test was witnessed and one Title 5 was witnessed.
- e. There are multiple Chapter II housing issues followed up on.
- f. Arbovirus Update – No humans have tested positive for EEE, but 5 humans have tested positive for WNV, none in Bristol County. The Arbovirus surveillance season is over so this will be the last report until next year.

- g. Rodent complaints have leveled off. 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.
- h. Fairhaven home-bound residents qualify for a free home-bound flu vaccine offered by the Greater New Bedford Health Alliance to provide an in-home vaccine. Please call the Health Department for more information. The COVID vaccine is not yet available for home-bound residents. The Health Department is preparing to have a flu vaccine clinic hopefully in the next couple of weeks.
- i. 2024 Permit season is underway, currently about 75% have already permitted.

6. Discuss and vote on proposed request from the BPW regarding spending from the shared recycling grant account – Vice Chair Frezza reviewed that the Board of Health received a letter from the BPW asking if they can spend the money to engage with our town landfill engineer to relocate the recycling center from the end of Arsene Street the former Bridge Street landfill. This is due to the waste water plant expansion. Vice Chair Frezza and Member Meneses had no further questions regarding the letter. Agent Flaherty recommended to accept the proposal.

Motion: Member Meneses made a motion to approve spending money from the shared recycling grant by the BPW. Vice Chair Frezza seconded and motion passed unanimously (2-0-0).

7. Update on the Single Use Plastic Reduction By-laws – Agent Flaherty reviewed that letters were sent to the businesses in town regarding the Single-Use Plastic Reduction By-law and Prohibit the Sale of “Nip” Bottles By-law. Agent Flaherty summarized the letters sent to the businesses, please refer to Attachment 1 and Attachment 2.

8. Discuss Chapter II hearing 236 Adams – Agent Flaherty spoke with the Building Commissioner today and there is a meeting with the contractor in the next week. Agent Flaherty would like to see this be made weather tight before the winter. The work should begin within the next couple of weeks. Vice Chair Frezza noted that this has been ongoing and work needs to happen by the next meeting or the Board of Health may need to move forward and discuss what the next step should be.

9. Discuss Board of Health Related Topics – Vice Chair Frezza noted the website will continue to be ongoing. Vice Chair Frezza also noted cold weather is here, so if anyone needs any information on shelters please call the Health Department for information.

10. Public Comment – No public comment at this time.

11. Invoices, Correspondence and other business

- a. Invoices reviewed and approved.

12. Next Meeting Date – December 20, 2023 at 5:00pm.

13. Meeting Adjourned – Motion: Member Meneses motioned to adjourn the meeting. Vice Chair Frezza seconded. Motion passed unanimously (2-0-0).



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

November 20, 2023

RE: FOOD SERVICE PLASTIC USE CHANGES

Dear Food Service Permit Holder,

The Town of Fairhaven, at the last Annual Town Meeting, approved to amend the bylaws to limit the use of single-serve plastics as per the language as follows:

ARTICLE 21: AMEND BYLAWS, CHAPTER 164 SOLID WASTE

The Town voted to amend The Town of Fairhaven General By-Laws Chapter 164 Solid Waste by adding a new section, § 11, Single-Use Plastic Reduction as follows, or to take any other action relative thereto effective January 1, 2024.

A. Purpose

The Town seeks to reduce and eliminate the use of single-use plastic bags, polystyrene and expanded polystyrene (Styrofoam) disposable food containers, and to promote the use of reusable alternatives. This bylaw is enacted to protect the health, safety and welfare of the inhabitants of the Town by protecting the environment, advancing solid waste reduction, reducing greenhouse gas emissions, and protecting waterways.

B. General Prohibition and Regulation.

No retail establishment, retail food establishment, nonprofit and/or Town facility food provider shall transfer merchandise to end consumers in a thin- film single-use plastic bag, and shall only use check-out bags that are:

- a. Reusable checkout bags
- b. Recyclable paper bags.

1. No retail establishment, or retail food establishment, nonprofit and/or Town facility food provider shall transfer prepared food to consumers in polystyrene or expanded polystyrene disposable food service ware. No retail establishment shall sell cups, coolers, ice chests, or similar containers made in whole or in any part with foam polystyrene that is not wholly encapsulated within a more durable material.

2. No retail establishment, or retail food establishment, nonprofit and/or Town facility food provider shall automatically provide single use plastics straws, stirrers, splash sticks, or cutlery to customers unless requested by the customer for health reasons or other.

C. Penalties and enforcement.

1. Any person, firm or corporation who violates or refuses to comply with any applicable provision of this bylaw shall be fined a sum not to exceed two-hundred dollars (\$200) for each such violation.

2. This bylaw may be enforced by the Town Administrator or his/her designee or the Health Agent by the noncriminal disposition method under MGL c. 40, § 21D, in which case the penalties shall be as follows: first violation – written warning, second violation fifty dollar (\$50), third one-hundred dollars (\$100), and subsequent violations two hundred dollars (\$200) each day that any violation is permitted to exist after written notification thereof by the Town Administrator or his/her designee or Health Agent shall constitute a separate offense. The Town shall be the beneficiary of all fines and penalties paid, including the costs of prosecuting any legal action if allowable by law.

Exemptions. This bylaw shall not apply to the following items:

1. Flexible transparent covering (commonly referred to as "plastic wrap").
2. Thin-film plastic bags used to contain produce, dry cleaning, dog waste or newspapers.
3. Foods or merchandise prepared or packaged outside the Town of Fairhaven for transfer to consumers in the Town of Fairhaven.

Approved at Town Meeting May 6, 2023

Reusable plastic bags, while not explicitly described in specific thickness, are generally about 4 mills. Should you have more stock after January 1st, 2024. Please contact this office to make mutually agreed upon plans to exhaust existing supplies. Without this plan all plastic articles must adhere to the January 1st, 2024 deadline. Any subsequent orders from your vendors must be in acquiescence with the language of this article.

Thank you in advance for your attention and anticipated compliance to this matter.

Sincerely,



David D. Flaherty Jr., RS
Health Agent

CC: Fairhaven Board of Health
Fairhaven Selectboard
file



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

November 30, 2023

RE: ALCOHOLIC “NIP” BOTTLES (REVISED MEMO)

Dear Alcoholic Beverage Permit Holder,

The Town of Fairhaven, at the last Annual Town Meeting, approved to amend the bylaws to prohibit the sales of alcoholic “nip” bottles as per the language as follows:

ARTICLE 22: AMEND BYLAWS, CHAPTER 83 ALCOHOLIC BEVERAGES AND DRUGS

The Town voted to adopt the following ban on the sale of miniature single use plastic containers for alcoholic beverages as a general by-law and to add into the Fairhaven Town Bylaw Chapter 83 Alcohol Beverages and Drugs a new section, **§ 5, Prohibit Sale of Plastic Alcohol “Nip” Bottles**. The sale of alcoholic beverages in containers less than or equal to 100 milliliters is prohibited within the Town of Fairhaven effective January 1, 2024 or to take any action relative there to.

Approved at Town Meeting May 6, 2023

Please be aware this change in the bylaw goes into effect on January 1, 2024. Thank you for your consideration and anticipated compliance to these changes. If you need more information to implement this procedure, please call the Selectboard’s office at 508-979-4023 extension 9102.

Sincerely,

David D. Flaherty Jr., RS
Health Agent

CC: Fairhaven Board of Health
Fairhaven Selectboard
file