

REGULAR MEETING OF THE BOARD OF HEALTH

Minutes of Meeting

June 18, 2020

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2020 SEP 29 A 9:53

A Regular Meeting of the Board of Health was held at the Fairhaven Town Hall Banquet Room and via Zoom on Thursday, June 18, 2020, at 5:00 p.m. The meeting was duly posted. Board members present: Chairman Peter DeTerra and Vice-Chair Michael Ristuccia. Also present: via zoom Mary Freire-Kellogg, Health Agent.

Before the Board:

Chairman DeTerra thanked Board member Michael Silvia for his many years of service. The Board reviewed a new tobacco permit application for Bridge Gas and Convenience located on 277 Bridge Street. The Health Agent stated the establishment is seeking approval for a tobacco permit and the opening inspection and food establishment permit have been completed. Motion to issue the tobacco permit for Bridge Gas and Convenience was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously.

The Board reviewed a new food establishment application for Traveler's Alehouse located at 111 Huttleston Avenue. The Health Agent stated this is the former Cleary's Pub and the new establishment will use the same equipment. Chairman DeTerra asked when the establishment wants to open and the Health Agent stated it depends on what the owner wants to do; if the owner wants to open the dining room, he will have to wait for the Governor to open order, but if the owner wants to do takeout, he can do so once he is ready. The owner, Minh Tieu, stated he plans to open mid-July with takeout and apply for outdoor dining. Chairman DeTerra asked what the process is for outdoor dining. The Health Agent stated the following procedure:

- If you want a tent, you have to seek permission from the Building Department.
- If you want to serve liquor, you have to seek permission from the Board of Selectmen.
- If you want to have a big enough tent, you have to seek permission from the Fire Department.

The Health Agent mentioned the Board of Health policy doesn't change. A food permit is the same for indoor/outdoor, however food being served will have to be protected when leaving the kitchen until it reaches the consumer. Mr. Ristuccia asked if the owner has intentions of opening with outdoor dining or hoping COVID-19 is over and he can have indoor dining. Mr. Tieu stated again that he is planning for dining and applying for outdoor seating. Motion to approve the food permit for Traveler's Alehouse was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously.

Public Hearing:

None.

Health Agent's Report:

Ms. Freire-Kellogg discussed updates regarding COVID-19. Currently, there are 280 cases with 6 cases being followed by the public health nurse. Chairman DeTerra asked what are the items to assist with COVID and the Health Agent stated she has ordered stickers and window clings for all businesses in Town.

Ms. Freire-Kellogg stated the office has been reopened; the Administrative Assistant works from 8:30a.m. to 4:30p.m. with the exception of leaving the office at 4p.m. on Mondays, Wednesdays and Thursdays to attend college courses. Mr. Ristuccia stated every employee that works in the department should be working normal days and hours with the exception of someone being compromised by COVID-19. Mr. Ristuccia further stated he is requesting that if an employee cannot be in the office from 8:30a.m. until 4:30p.m., the employee must submit a letter to the Board by 10:00a.m. tomorrow for the Board to address. The Health Agent informed Chairman DeTerra of a letter that is in the drawer of the table the Board is currently sitting at. Chairman DeTerra mentioned the Health Agent still email and send the letter by 10:00a.m. tomorrow. Motion to reopen the office tomorrow for normal business hours from 8:30a.m. until 4:30p.m. was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously. The Health Agent informed the Board that clerical staff belongs to the Town, not the Board of Health. Chairman DeTerra stated staff work under the jurisdiction of the Board. The Health Agent stated staff works in the department but belongs to the Town.

Invoices/Other Business:

Mr. Ristuccia stated in an effort to save money for the Town, he motions that anyone in the department, including Health Department staff and the Board of Health, not contact Town Council unless they first come before the Board stating a reason why they should seek Town Council, and then the Board can vote to pursue Town Council; seconded by Chairman DeTerra. The motion passed unanimously.

Mr. Ristuccia stated COVID 19 is the biggest health crisis in the last 100yrs. He feels all Health Department members should not travel for health reasons. Anyone from the Health Department shouldn't be traveling due to COVID-19 and any scheduled travel should be cancelled; all people should be here and available should taxpayers need them. Chairman DeTerra mentioned out-of-town travel includes meetings, etc. and a person should come before the Board with an explanation for traveling. The Health Agent stated the Town has already cancelled out-of-town travel per COVID-19 guidelines. Mr. Ristuccia stated he would like to make a motion to restrict out-of-town travel for health reasons. Motion to cancel all out of town travel for Health Department until further notice was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously. The Health Agent informed the Board of grants previously involved with; travel is currently cancelled but it is uncertain as to what will happen in the Fall. Chairman DeTerra stated the Health Agent would have to ask for permission from the Board before any travel outside of town. The Health Agent responded that permission had previously been approved and Chairman DeTerra reiterated the Health Agent would have to ask for permission from the Board, thank you.

Mr. Ristuccia stated all calls coming into the Health office should be logged in and all calls should be logged in a hardcover book. Chairman DeTerra mentioned this would be a good idea for tracking. Mr. Ristuccia said the book is to stay in the office and only leaves the office during Board meetings for members to review. The Health Agent stated the department keeps a log already and the State requires a log to be kept on the computer because books are antiquated; there has been an issue with complaints being taken by the Board of Selectmen and Chairman DeTerra, and not being sent to the Health Department to be addressed. Mr. Ristuccia stated he also wants a hard book but keeping a log on the computer is fine as well, as a hard book is easier for him to understand. Motion for a hard cover log book to be used and kept in the office was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously.

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Mr. Ristuccia asked if the Town provides a car for the Health Agent to drive. The Health Agent stated there is a car that is available to the Town, however she provided a doctor's note in February for a reasonable accommodation and as of yet there hasn't been one or any further discussion. The Town car has been used by both the Agent and the Inspector. Mr. Ristuccia stated if the Agent should have a car, the Board should provide an accommodation. The Health Agent asked Mr. Ristuccia if he would like for her to explain the situation and he responded with Please. The Health Agent stated the department budget has always included, prior to her employment, money for two people: the Agent and the Inspector; two people can't drive the car at the same time, so if the Inspector works, the Agent puts in for mileage reimbursement, which has always been a line item in the budget. Mr. Ristuccia mentioned he has never seen a letter and asked who sent the letter. The Health Agent continued by mentioning Selectman Freitas had concerns with the Board of Health use of the car. Mr. Ristuccia asked if the letter was sent from a doctor stating the Agent couldn't drive the car and the Health Agent responded with "Absolutely." Mr. Ristuccia asked what was the issue with the car for her not driving the car and the Health Agent stated she has a medical condition that limits her from driving the vehicle. Mr. Ristuccia asked what was wrong with the car and the Health Agent stated she felt uncomfortable speaking about her medical condition. Mr. Ristuccia stated he is only asking for a reason as to why she can't drive that car so they can get her one that she can drive. The Health Agent insisted the matter be discussed in private. Mr. Ristuccia stated a private discussion would be fine and informed the Health Agent to send a response to his email, as he wants to resolve the situation. She shouldn't have to drive her own car and he really wants to help. The Health Agent stated this has been an issue since February with a doctor note on file within the building and Mr. Ristuccia mentioned the issue should've been addressed prior to the current meeting. If a reason is provided through email, the matter can be discussed at the next meeting. Chairman DeTerra stated there is an issue with the Health Agent driving her own vehicle, as the Town doesn't insure her car. The Health Agent responded by stating she believes this matter is being addressed in the new policy by the Board of Selectmen.

Chairman of Board of Selectmen, Daniel Freitas spoke during the present meeting, addressing a few topics that have been previously discussed. As for department staff, Chairman Freitas spoke with Town Council and was told the day to day operations would be supervised through the Health Agent, however scheduling for all Board of Health staff would go through the Board of Health. Chairman Freitas stated he responded to an inquiry about the Town car being parked at the Council on Aging for five or six months and not being used. The tires had gone flat, the battery was dead, no gas put in the car for month. The car was just sitting there unused. He was concerned why we have a town vehicle parked for so long used. If there is a problem with the car please bring it to the Board of Selectmen and they will assist. Regarding complaints, Chairman Freitas responded to a complaint and forwarded the email, but wanted to know if the complaint was written and could be produced. Chairman DeTerra asked the Health Agent if the complaint had been written down. The Health Agent clarified that she has never been asked by any Selectmen about the situation with the vehicle and doesn't know which complaint is being referred to. Regarding the car, Chairman Freitas asked the Town Administrator to look into it due to Chain of Command and received some answers, however Chairman Freitas needed to further look into it himself to answer the question asked by taxpayers. As for the complaint, the Health Agent knows which complaint is being referred to, as it was emailed to Chairman DeTerra and the Health Agent. Chairman Freitas asked again if the Health Agent wrote the complaint down. The Health Agent stated she has received more than one complaint and is unsure of which one is being referred to, then stated complaints were forwarded to Administrative Assistant.

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Chairman Freitas asked that Chairman DeTerra be in the Health office first thing tomorrow morning to check and if complaint hasn't been logged, then someone is breaking the law by not logging complaints. Chairman Freitas mentioned that he did not email the complaint to the Administrative Assistant because the complaint was mailed to the Health Agent. The Health Agent asked Chairman Freitas if he was referring to a food establishment complaint or a tent complaint and Chairman Freitas confirmed it was a food establishment complaint. The Health Agent mentioned both complaints had been addressed and asked for them to be logged; she responded by email to the Town Administrator and asked for the email to be forwarded to Chairman Freitas since he requested the Health Agent to not contact him. Chairman Freitas responded that the Health Agent knew why he asked for her not to contact him. Chairman Freitas asked the Chair to follow up on the complaint and verify that it has been addressed. He hopes when things are being said the truth should be said.

Chairman Freitas requested to see the last six months of complaints. Chairman DeTerra asked the Health Agent to email him the last six months of complaints please. The Health Agent asked if a written process for complaints would be created moving forward, since there are a lot of complaints that come from other places and a form should be completed. Chairman Freitas asked, if this is already a law by the Commonwealth of Massachusetts, why isn't this already being done. Chairman DeTerra responded by saying "let's move on here." Mr. Ristuccia added, getting back to the item on the floor which involves the Town car, this item should be tabled until the next meeting. Motion to table the car discussion until next meeting was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously.

Chairman DeTerra asked Mr. Ristuccia if he has keys to the Health office, to which Mr. Ristuccia responded with a "No." Chairman DeTerra mentioned that he didn't have keys either and stated the Board needs keys to the office, file cabinets, Town Hall building and passcodes to Town Hall in case someone gets sick with COVID and the Board can still run the office. Mr. Ristuccia stated he agreed and Chairman DeTerra mentioned he previously had keys to the old office but not the new office. Motion that Board of Health members are given keys and passcodes to Town Hall, the office, the and the file cabinets was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously. Chairman DeTerra stated he would email Town Administrator for passcode to Town Hall.

Motion to schedule the next meeting for Thursday, June 25, 2020 at 5:00p.m. was made by Mr. Ristuccia; seconded by Chairman DeTerra. The motion passed unanimously. There being no other business before the Board, Mr. Ristuccia made a motion to adjourn and was seconded by Chairman DeTerra. The motion passed unanimously. Meeting adjourned at 5:39 p.m.