



# Town of Fairhaven

## Board of Health

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

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FAIRHAVEN,  
MASS.

April 14, 2021

PRESENT: Peter DeTerra, Michael Ristuccia, Kevin Gallagher, David Flaherty, Jocelyn Bowers

### 1. Call to Order

- a. Chairman Peter DeTerra called the meeting to order at 5:00pm. Roll call attendance of the meeting members were taken, Michael Ristuccia and Kevin Gallagher, all were in attendance.

### 2. Welcome and Media Notification

- a. Mr. DeTerra welcomed everyone and read the media and recording notifications and Welcome the public to speak on items.

### 3. Reorganization of the Board- Appointment of Chairperson & Vice Chairperson

- a. Mr. DeTerra nominated Mr. Ristuccia to be Chairperson, Mr. Gallagher seconded. Vote was unanimous.  
Mr. Gallagher nominated Mr. DeTerra as Vice Chair, Mr. Ristuccia seconded. Vote was unanimous.  
Mr. DeTerra made a motion for Mr. Gallagher to be the Clerk, Mr. Ristuccia seconded. Vote was unanimous.

### 4. Minutes of the Meeting:

- a. Open Session March 31, 2021  
Mr. DeTerra made the motion to approve the minutes of the open session on March 31, 2021. Mr. Ristuccia seconded, Mr. Gallagher abstained. Vote passed.

### 5. Health Agent Report/ COVID-19 Update

- a. As of April 8, 2021 the total case count for Fairhaven is 1884. The total case count for the last 14 days is 56. The positivity rate for this period is 3.92%, down from the previous two week rate of 4.07%. Fairhaven is still designated as "yellow".
- b. The total number of tests for the last 2 weeks is 1735 with 56 being positive. Our Public Health Nurse currently has 56 cases they are following.
- c. COVID testing is at the Emergency Management Building at 150 Sconticut Neck Rd on Saturdays from 10:00 am to 12:00 noon.
- d. Vaccine Pre-registration for all persons over 16 years old is now available at <https://www.mass.gov/info-details/preregister-for-a-covid-19-vaccine-appointment>
- e. The state has lifted capacity limits for restaurants; full capacity is allowed so long as all seating between tables is 6ft. Events are still limited to 10 for indoor and 25 for outdoor.
- f. All seniors who are having any difficulty signing up for a vaccine may call the Council on Aging for assistance at 508-979-4029
- g. Number of Perc Tests witnessed 2, System Installation Inspections 2, Complaints followed up 3, Chapter II Inspections 1.

- h. Attended Tobacco compliance Zoom meeting, LBOH and COVID-19 State Zoom Meetings. More information to follow on Public Health Nursing Programs.
  - i. Mr. Gallagher expressed his concern about finding COVID Information on the State's website. Mr. Flaherty stated that the State has changed the way the weekly information was shared, but all the information is there. Mr. Gallagher also stated his concern of 1 out of our 3 nursing facilities are not in compliance with the State and if we could reach out to them. Mr. Gallagher also mentioned adding into the Health Agent Report, Vaccination numbers in the Town of Fairhaven. There are 16,013 residents in Fairhaven. 51%, 8,424 are Female and 49%, 7,770 are Male. Fully vaccinated persons in Fairhaven total 4,094. The percentage of fully vaccinated are 38% Male and 62% are Female. Mr. Gallagher would like to monitor these numbers and if there is any discrepancy to do public outreach in efforts to up the numbers.
- 6. Starboard Drive- Title 5 Inspection Report Review-Updated**
- a. Mr. Flaherty said it needed further evaluation. It is an Alternative Denitrification System and since its construction it was never sampled. The office has received an updated report for with an OM Plan and results. Recommends accepting the report.  
Mr. DeTerra made the motion to approve the inspection report for Starboard Drive, Mr. Gallagher seconded, vote passed unanimously.
- 7. 33 Whisper Lane- Title 5 System Design Review- Repair**
- a. Mr. Flaherty witnessed the perc test and design. It was a cesspool, the design engineer decided to use a Presby System. Recommends approving the design. Mr. Gallagher made the motion to approve, Mr. Ristuccia seconded the motion, and Mr. DeTerra abstained. Vote passed.  
Mr. Flaherty made a mistake and read the paperwork for the next agenda item. Mr. Ristuccia amended the motion for 249 Huttleston, Mr. Ristuccia made the motion to rescind the previous vote. Mr. Gallagher seconded, vote passed unanimously. Mr. Gallagher made a motion to approve 249 Huttleston, Mr. Ristuccia seconded, and Mr. DeTerra abstained, the vote passed.
- 8. 249 Huttleston Ave- Title 5 System Design Review- Upgrade**
- a. For 33 Whisper Lane, Mr. Flaherty witnessed the perc. The property has high groundwater, using a pump system. No variances. Recommends approving the design. Mr. Gallagher made the motion to approve 33 Whisper Lane, Mr. Ristuccia seconded the motion, and Mr. DeTerra abstained. Vote passed.
- 9. 269 Mill Road- Title 5 Inspection Report- Review**
- a. Mr. Flaherty stated the inspection was done March 30<sup>th</sup>. It was a failure and the homeowner was aware. We should be seeing an application for a percolation test shortly.
- 10. Public Hearing- Proposed Change's to Tobacco Sales Regulations**
- a. Mr. DeTerra made the motion to open the Public Hearing, Mr. Gallagher seconded, the vote passed unanimously.
  - b. DJ Wilson via zoom introduced himself. He is the Tobacco Control Director at Mass Municipal Association and he assists cities and towns with implementing and updating the local regulations dealing with the sale of tobacco and or second hand smoke. Mr. Flaherty said Fairhaven is very well regulated than most towns in Southeastern Massachusetts. The State has enacted certain regulations, fines and schedule that Fairhaven would need to enact to be in line with what the state does. Fairhaven will not be more stringent than the state, it will just bring us in step with the State. Mr. Wilson stated that the goal is to align the Town with the state laws and definitions so the retailers

know what is expected of them. Fairhaven would need to update their language in the flavored policy to align to the state. Fairhaven would also contemplate adding rolling papers into the flavored policy. Mr. Ristuccia suggested that a drafted document would be created for the next meeting of what will be proposed and posted for public comment. Via Zoom Jeannine Lopes stated she would like to see the state fines at the local level, also via Zoom Diane Hahn questioned if menthol was a part of the flavor ban, Mr. Wilson said, yes menthol is included and it is only permitted for sale in one of 25 regulated smoking bars in Massachusetts. Mr. DeTerra made a motion to continue until the next meeting to create a draft. Mr. Gallagher seconded, vote was unanimous.

**11. Invoices/ Other business**

- a. Mr. Flaherty mentioned that the Water Department sent a letter stating that a reduced pressure backflow preventer is to be installed on 250 Bridge Street. We also had a request to use Town Property for a Yoga Fair in June. They already have approval from Public Works and they will be following all COVID guidelines.
- b. Mr. Gallagher gave a temporary email address for residents to contact him at until he is provided with a Town email address. He also stated his concern about allowing the public access into the meeting room during the meetings. Mr. Ristuccia stated a letter will be created, sent to the Board for review and then sent to the Selectmen because they should not be having the public coming into their meetings since there are still persons contracting COVID and it is not safe just yet. Mr. Gallagher also expressed his thoughts on allowing public comment. If the board is not allowing public into the meeting until the numbers go down, would the Board consider a comment period during public meetings. Mr. Ristuccia said the public is allowed to comment on the agenda items during the meeting. Mr. DeTerra stated that the public can also contact the office with any concerns. Mr. Ristuccia suggested to discuss public comment at the next meeting. Mr. Gallagher mentioned adding the member packets online to be seen by the public. Mr. Gallagher also stated that after speaking with the Health Agent on the subject that he would hold off on pursuing the topic due to it possibly becoming harmful to some if it was posted on the website, but would like to revisit the topic to see what they can and cannot post on the website.

**12. Next meeting Date: April 28, 2021**

- a. Mr. DeTerra made the motion to adjourn the meeting at 6:10pm, Mr. Gallagher seconded, vote was unanimous.