



Town of Fairhaven

Board of Health

FAIRHAVEN TOWN CLERK
RCUD 2026 AUG 13 AM9:41

Town Hall · 40 Center Street · Fairhaven, MA 02719

Telephone: (508) 979-4023 ext. 8125 · Email: boh@fairhaven-ma.gov

July 15, 2026

PRESENT: Barbara Acksen, Brian Meneses, Justine Frezza, David Flaherty

1. Call to Order

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

2. Pledge of Allegiance

3. Welcome and Media Notification

- a. Chair Acksen read the media and recording notifications.

4. Minutes of the Meeting

- a. **Motion:** Vice Chair Meneses made the motion to accept the minutes of the Public Meeting July 1, 2026. Member Frezza seconded. The vote passed unanimously (3-0-0).

5. Health Agent Report

- a. COVID positivity rate remains at 0% for the past two weeks.
- b. Blood pressure and wellness clinics offered every Wednesday at the COA from 1-3 pm.
- c. Measles, pertussis, other childhood diseases, influenza, and RSV are on the rise. Please consult your physician regarding vaccinations.
- d. Bristol County Mosquito Control Project has reported Fairhaven at low risk for both WNV and EEE. Please also be vigilant to check for ticks.
- e. One Perc test was witnessed and one Title 5 inspection was witnessed.
- f. Rodent complaints are still coming in and are increasing. 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.

- g. Fairhaven home-bound residents qualify for a free home-bound flu vaccine offered by the Southeastern MA Public Health Collaborative to provide an in-home vaccine.
- h. Agent Flaherty followed up on five Chapter II housing complaints.
- i. Seasonal beach water testing passed for this week and the previous week.
- j. The Southeastern MA Public Health Collaborative has provided medication disposal bags, sharps containers, CPR masks, and pill containers (these are available in English and Spanish). The Health Department is awaiting more tick removers and sunscreen. Please visit the Health Department for any of these free items.
- k. Agent Flaherty noted there are no updates on the wind turbines and one Impact form has been received in the past two weeks.

6. Discussion on Wastewater Treatment Plant –

- a. Complaint Form Reporting Protocol: Chair Acksen opened by reading a letter from Ann Espindola (Attachment 1). The Complaint Forms are now automatically sent to the BPW. Agent Flaherty will reply to each complaint. Discussion ensued regarding where and how to save each complaint. Ms. Masha Shea requested that on behalf of seniors that may not have computer capability if there could be a dedicated voicemail box for calls.

- b. Odor Study

- c. Installation of Odor Sensors

- d. State Advocacy for Emergency Support Relative to Odor Nuisance
Chair Acksen read a Memorandum from Bob Espindola concerning items b, c, and d. (Attachment 2).

Ms. Shea of 4 Buxton St reviewed that the odor is hydrogen sulfide and reviewed potential health effects associated with exposure. Ms. Shea requested toxic gas monitoring be conducted; especially throughout the construction.

BPW Director Vinnie Furtado reported that the BPW began implementing odor-reducing chemicals in March. There were no odor complaints received until June. The residents attended a BPW meeting, where the engineer spoke on odor mitigation and control. At that meeting, the project engineer presented odor mitigation and control measures and recommended several remedial actions, which the BPW implemented.

Mr. Furtado stated that the Wastewater Treatment Plant is an OSHA-compliant work site that is regularly inspected. In response to a question from Chair Acksen regarding measuring hydrogen sulfide levels, Mr. Furtado explained that the project engineer indicated such monitoring on the West fence line may not be practical due to the number of variables.

The Board discussed the odor mitigation measures currently in place. Mr. Furtado invited members of the Board of Health to tour the Wastewater Treatment Plant to better understand the construction project and the mitigation efforts. He noted that the reduction in odor complaints suggests the remediation measures are having a positive effect and added that weather conditions appear to significantly influence odor levels.

Chair Acksen asked whether complaint data could be compared with the timing of the remediation efforts. Mr. Furtado responded that resident complaints have been used to help determine when and where mitigation measures should be implemented.

Ms. Shea reiterated her request that a toxic gas monitor be installed to evaluate air quality and emphasized the importance of protecting residents' health. She referenced CDC recommendations and stated that air quality testing should be conducted.

Chair Acksen noted that the Memorandum includes a comprehensive list of resident requests. She encouraged residents to continue meeting with the BPW and project engineers regarding mitigation efforts. She also noted that the Board of Health could explore options for monitoring toxic gas levels with the Department of Public Health, the Department of Environmental Protection, and the Director of MAHB Cheryl Sabara for guidance.

Member Frezza commented that the Board's inquiries should focus not only on construction-related concerns but also on long-term prevention of odor issues at the Wastewater Treatment Plant. Mr. Furtado explained that reduced wastewater tank capacity during construction has contributed to current conditions and again encouraged Board members to tour the facility for additional context.

Member Frezza also noted that tree clearing in the area may be contributing to the increased odor in addition to the construction activities.

Chair Acksen stated that the Board of Health should clearly identify its specific requests before seeking assistance from state agencies.

Following further discussion regarding odor mitigation and possible next steps, the Board expressed its desire to hold a joint meeting with the Board of Public Works to continue addressing the issue.

7. Public Comment – 2 Minute allowance by Chair on Public Health Issues

- a. Sue Powers of Little Bay Rd – Ms. Powers requested an update on the wind turbines and the Board of Health's position regarding resident concerns and complaints. Chair Acksen reviewed that the Board investigated the possibility of conducting additional noise measurements; however, an engineering firm advised that further testing was not recommended, as no changes would be expected. Chair Acksen also noted that the Town Administrator will be researching the timeline and process for decommissioning the turbines.

Ms. Powers expressed her concern that the turbines continue to be a nuisance, negatively affecting residents' quality of life. She commented that the Board of Health should take action to address these concerns.

- b. Marsha Shea of Buxton St – Ms. Shea commented on the repaving of the bike path. Ms. Shea noted that the paved surface is now higher than the adjacent grass, creating a potentially hazardous condition for users who need to move off the path to pass others. Chair Acksen recommended reaching out to the BPW regarding the concern.

8. Invoices, Correspondence and any other business that may properly come before the Board not reasonably anticipated 48 hours in advance of the meeting

- a. Invoices reviewed and approved.

9. Next Meeting Date – July 29, 2026 at 5:00pm

10. Meeting Adjourned – Motion: Vice Chair Meneses motioned to adjourn the July 15th Public Meeting and enter into the Public Hearing. Member Frezza seconded. The vote passed unanimously (3-0-0).

11. Public Hearing to Vote on Kratom Regulations – Agent Flaherty reviewed the revisions to the proposed Kratom Regulation that were requested by the Board at its July 1, 2026 meeting. Chair Acksen opened the hearing to public comment.

- a. Dan Gibbs stated that his 25-year-old son died after ingesting natural leaf kratom, with the cause of death determined to be mitragynine toxicity. Mr. Gibbs expressed concerns that the proposed regulation contains ambiguous provisions that may be difficult to enforce and could create confusion. He also commented on the challenges of determining the safety of kratom products and requested that the Town prohibit the sale of all kratom products.
- b. Jennifer Mercier a resident of Massachusetts – Ms. Mercier expressed appreciation for the Board's science-based approach to developing the regulation. She noted that the Board had taken time to research kratom, consider available information, and follow recommendations from the DEA while allowing continued access for individuals who use natural kratom.
- c. Holly Trouville a resident of Massachusetts – Ms. Trouville stated that her 25-year-old son died from mitragynine toxicity after consuming a kratom seltzer marketed as a natural product. She noted that the FDA considers kratom unsafe for human consumption and expressed concerns about product marketing, consumer dosing, and the lack of oversight. She urged the Board to prohibit kratom products.
- d. William Reagan of Gloucester, Virginia – Mr. Reagan expressed sympathy to families who have lost loved ones due to kratom use. He stated that he is an unpaid advocate who uses natural kratom to manage chronic pain and that it has

also helped him stop consuming alcohol. Mr. Reagan thanked the Board for prohibiting synthetic kratom derivatives while allowing natural kratom.

- e. Shannon Lee a resident of Massachusetts – Ms. Lee thanked the Board for its work on the regulation. She stated that kratom has enabled her to continue working and providing care to her mother. Ms. Lee expressed appreciation for the Board's research and consideration of the issue.
- f. Lora Romney – Ms. Romney thanked the Board for their research and developing the proposed regulation, including its compliance provisions. Ms. Romney noted that effective August 6, 2026, 7-OH and other synthetic derivatives will be classified as Schedule 1 substances; and commented that natural leaf kratom may assist individuals transitioning away from synthetic products.
- g. Ashley Davidson of Hull, Massachusetts – Ms. Davidson reviewed that kratom has had a positive impact on her life by helping her overcome alcohol dependency and maintain daily functioning. Ms. Davidson thanked the Board and showed her support for the proposed regulation.
- h. Susan Eppard – Ms. Eppard stated that her son, Matthew, died in 2021 from mitragynine toxicity after consuming whole leaf natural kratom, as reflected in the toxicology report. She urged the Board to prohibit kratom products.
- i. Wendy Chamberlain of New York – Ms. Chamberlain is the founder of Kratom Danger Awareness Incorporated, a national non-profit focused on public education regarding kratom risks. Ms. Chamberlain stated that she lost her son in 2020 to accidental mitragynine toxicity associated with kratom use. Ms. Chamberlain requested the Board prohibit kratom and all of its derivatives and provided information regarding the potential risks associated with kratom use.

Chair Acksen thanked all individuals who provided public comment. Chair Acksen asked whether any Board members wished to postpone consideration of the proposed regulation. Hearing none, Chair Acksen entertained a motion to adopt the Kratom Regulation as presented, including the 2% total alkaloid limit. **Motion:** Member Frezza made a motion to accept the Regulation with the 2% total alkaloid. Vice Chair Meneses seconded. The vote passed unanimously (3-0-0).

12. Public Hearing Adjourned – Motion: Vice Chair Meneses motioned to adjourn the Public Hearing. Member Frezza seconded. The vote passed unanimously (3-0-0).

I am writing on behalf of the entire neighborhood and surrounding area affected by odors from the Fairhaven Wastewater Treatment Plant to express our profound disappointment and concern regarding the handling of odor complaints submitted through the complaint reporting system that was established in March of this year at the request of the neighborhood.

We appreciate that the Board of Health worked with residents to create a standardized complaint form. The intent of that form was straightforward: to document each odor event as accurately and completely as possible so that trends, severity, timing, frequency, and impacts on residents could be properly understood.

It has therefore been extremely disturbing to learn that submitted complaints were being screened before being forwarded to the Department of Public Works. We understand that the Health Agent made the decision to withhold certain complaints because they were viewed as “redundant,” including multiple complaints submitted by the same household throughout a single day or complaints from nearby households experiencing the same odor event.

We strongly disagree with that approach.

Multiple complaints from the same household are not redundant. They document when odors begin, intensify, diminish, and return throughout the day. That information is precisely the type of data needed to identify operating conditions, construction activities, weather patterns, or other factors that may contribute to odor events.

Likewise, complaints from neighboring households are not duplicates. Each represents an independent observation by a different resident. Together they help define the geographic extent, intensity, and movement of odor events. Eliminating complaints because they originate from nearby homes fundamentally changes the record of what residents actually experienced.

The complaint form itself asks residents to rate odor intensity, describe impacts, provide comments, and identify the time the odor occurred. Those details are unique to each submission. No individual should be deciding which complaints are worthy of being forwarded and which are not.

Regardless of whether this practice has now stopped, the fact that it occurred at all has significantly undermined public confidence in the integrity of the complaint process.

Unfortunately, this also reopens painful memories within our neighborhood. Approximately fourteen years ago, residents submitted numerous complaints regarding wind turbine impacts that were reportedly lost and never properly accounted for. That experience severely damaged trust between residents and local government. We believed those lessons had been learned and that systems would be put in place to ensure complete transparency and accountability going forward.

Learning that odor complaints were again being filtered before reaching the department responsible for plant operations has been extremely discouraging. It raises legitimate concerns about whether the complaint record accurately reflects what residents experienced and whether decision-makers have been receiving complete information.

The credibility of this complaint system depends on one simple principle: every complaint submitted by a resident should become part of the official record exactly as it was received. No complaints should be screened, consolidated, summarized, or excluded before being transmitted to the appropriate parties.

To help restore public confidence, we respectfully request that the Board of Health implement the following practices:

Require that every complaint submitted through the odor complaint system be forwarded in its entirety, without screening or filtering, to the Department of Public Works. *Vivian C'P.*

Ensure that the complete complaint database is preserved as a public record.

Establish a written policy confirming that no complaint will be withheld, consolidated, or discarded.

Implement an automatic email confirmation that is sent immediately to every individual submitting a complaint. That confirmation should include a copy of the information submitted so residents have independent documentation that their complaint was received exactly as filed and retroactively send copies of ALL prior complaints back to each person who filed it.

Periodically audit the complaint process to ensure that every submission has been received, retained, and forwarded appropriately.

The odor complaint system exists to document residents' experiences—not to edit them. Its value depends entirely upon the completeness and integrity of the data collected.

We respectfully ask the Board of Health to address this matter publicly, reaffirm its commitment to a transparent complaint process, and take whatever actions are necessary to ensure that residents never again have reason to question whether their concerns are being fully and accurately recorded.

We appreciate your attention to this important matter and look forward to working together to restore confidence in the complaint process.

Respectfully,

Ann Espindola

14 John St.

On behalf of

The Affected Neighborhood and Surrounding Residents

MEMORANDUM

To: Fairhaven Board of Health

Subject: Request for Board of Health Assistance, Permanent Odor Monitoring, and State Advocacy

We write this on behalf of the residents of an entire neighborhood and the surrounding area near the Fairhaven Wastewater Treatment Plant to respectfully request the Board's continued assistance in addressing the very significant odor impacts associated with the Town's ongoing nitrogen removal construction project.

We appreciate that Town officials and the project team have implemented several short-term measures to reduce odors during construction. While these temporary efforts appear to have reduced the frequency and intensity of some odor events, they have not eliminated the problem. Residents continue to experience odors that interfere with the normal use and enjoyment of our homes.

This construction project has now continued for well over a year and is scheduled to carry on for another year. Residents experienced significant odor problems last summer, and this summer the conditions have become substantially worse at some times unbearable. We also understand that additional phases of construction over the coming year are likely to result, again, in periods of severe odors affecting the surrounding neighborhood.

Our neighborhood supports the Commonwealth's and the Town's efforts to improve water quality through nitrogen removal. However, we do not believe that nearby residents should be expected to endure years of significant nuisance conditions as the cost of achieving environmental goals. Environmental protection and neighborhood quality of life should advance together.

We respectfully request that the Board of Health continue to play an active role in protecting the health and quality of life of residents by advocating for both immediate and long-term solutions.

Specifically, we ask the Board to:

Continue investigating odor complaints and documenting neighborhood impacts.

Hold periodic public meetings dedicated to wastewater treatment plant odor conditions during construction. *Already Done*

Request the Town to maintain and publicly report on its odor mitigation efforts.

Advocate for additional odor control measures whenever monitoring or resident complaints indicate they are warranted.

Work with the Massachusetts Department of Public Health, the Massachusetts Department of Environmental Protection, Representative Mark Sylvia, and other appropriate state agencies to identify technical assistance and funding opportunities.

Permanent Odor Monitoring

We respectfully request that the Board of Health advocate for the installation of a permanent odor monitoring system at and around the Fairhaven Wastewater Treatment Plant.

A permanent monitoring network should include:

Continuous hydrogen sulfide (H₂S) monitoring stations.

Weather monitoring equipment to correlate odor events with wind direction and weather conditions.

Public reporting of monitoring results.

Routine analysis of monitoring data to evaluate odor mitigation efforts.

A permanent monitoring system would:

Provide objective documentation of odor events.

Measure the effectiveness of odor mitigation efforts.
Improve transparency and public confidence.
Help identify operational or construction activities associated with odor releases throughout construction and during normal operations after construction.
Assist Town officials in responding more effectively to resident concerns.
Provide valuable information for future facility planning and operations.

Because the nitrogen removal project is being undertaken to satisfy state environmental mandates, we believe the Commonwealth should assist municipalities in protecting neighboring residents from significant construction-related impacts.

Accordingly, we respectfully request that the Board of Health advocate for emergency state funding and technical assistance to implement this permanent monitoring system.

If permanent funding cannot be secured immediately, we ask the Board to support a temporary state-funded monitoring program that remains in place throughout the remainder of construction while funding for a permanent system is pursued.

Broader State Policy

We also believe this situation presents an opportunity for the Commonwealth to improve how future wastewater treatment projects are planned.

State-mandated wastewater treatment upgrades should include neighborhood impact assessments, odor mitigation planning, objective odor monitoring, and dedicated funding to minimize impacts on surrounding communities. Major environmental infrastructure projects should not require nearby residents to endure years of significant nuisance conditions without adequate monitoring, mitigation, and public accountability.

Requested Board of Health Resolution

Finally, we respectfully request that the Fairhaven Board of Health adopt a formal resolution recognizing the significant impact these odors have had on the surrounding neighborhood and requesting assistance from the Commonwealth.

We respectfully ask that the resolution:

Recognize that residents have experienced prolonged and significant nuisance odors associated with the wastewater treatment plant construction project.

Recognize that, despite recent improvements, additional construction phases are expected over the coming year and may again produce severe odor impacts.

Support the installation of a permanent odor monitoring system at and around the Fairhaven Wastewater Treatment Plant, including continuous hydrogen sulfide (H₂S) monitoring, weather monitoring, and public reporting of monitoring data.

Request emergency state funding and any other supplemental funding and technical assistance available to implement odor monitoring and additional odor mitigation measures during the remainder of construction.

Request assistance from the Massachusetts Department of Public Health and the Massachusetts Department of Environmental Protection in evaluating the impacts on nearby residents and identifying additional mitigation measures.

Request Representative Mark Sylvia and the Fairhaven legislative delegation to advocate for state funding and technical assistance on behalf of the Town and its residents.

Recommend that future state-required wastewater treatment upgrade projects incorporate neighborhood impact assessments, odor mitigation planning, objective odor monitoring, and dedicated funding as standard project requirements.

We believe such a resolution would demonstrate the Board's commitment to protecting public health, strengthen Fairhaven's ability to obtain technical and financial assistance from the Commonwealth, and help ensure that future projects better balance environmental improvements with the quality of life of surrounding neighborhoods.

The residents of our neighborhood appreciate the Board's continued attention to this issue. We believe the Board of Health is uniquely positioned to advocate for practical, science-based solutions that protect public health while helping the Town successfully complete this important project.

We are willing to participate in any way that would help advance the requested actions and we look forward to seeing how the Board of Health will respond to these serious health related issues. We hope that you will treat them with urgency, as if these odors were permeating your own homes, impacting your sleep, meals and general enjoyment of your home. We hope that you will seriously explore how the Town and the Commonwealth can work together to better protect the residents living closest to the wastewater treatment facility.

Thank you for your time, consideration, and continued service to the residents of Fairhaven.

Respectfully,

Robert and Ann Espindola

14 John St.

On behalf of the

Concerned Residents of the Neighborhood Surrounding the Fairhaven
Wastewater Treatment Plant