



Town of Fairhaven Board of Health

Town Hall · 40 Center Street · Fairhaven, MA 02719

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August 26, 2026

PRESENT: Barbara Acksen, Justine Frezza, David Flaherty

ZOOM: Brian Meneses

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. Health Agent Report

- a. COVID positivity rate was 3.45% 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 no Title 5 inspections were witnessed.
- f. 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.
- g. Agent Flaherty followed up on five Chapter II housing complaints.
- h. Agent Flaherty will be attending the Yankee Conference September 22-25, 2026 and the MHOA Conference October 27-30, 2026. Agent Flaherty was also selected

to attend the Environmental Health Training at the Center for Domestic Preparedness Training in Alabama December 13-19, 2026.

- i. Seasonal beach water testing passed for last 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.
5. **Discussion on State-Wide Regulation Regarding Kratom** – Chair Acksen reviewed the Board of Health’s previously enacted regulation allowing natural kratom and prohibiting synthetic kratom derivatives within the Town of Fairhaven. Agent Flaherty reported that the State has since prohibited the use of all kratom products and classified kratom as a Schedule I substance. Agent Flaherty noted that the State regulation supersedes the Town regulation and is expected to remain in effect for one year. Agent Flaherty has contacted Town Counsel regarding how this superseding regulation should be reflected in the Town’s eCode.
6. **Discussion on Board of Health Septic System Regulation Changes** – Agent Flaherty reviewed ongoing discussions regarding measures to reduce nitrogen from septic systems. A sample septic regulation was provided to the Board for consideration regarding potential nitrogen-reduction requirements in Fairhaven. The Board discussed the potential impact of proposed septic regulation changes on properties throughout the Town. Member Frezza requested that Agent Flaherty compile a list identifying currently accepted septic systems and proposed requirements based on the location of the property within the Town. Bob Pink of West Island thanked the Board for reviewing the septic regulations and asked whether the draft regulations would be made available to the public. Agent Flaherty explained that the sample regulation provided to the Board is currently in effect in the Town of Marion.
7. **Board of Health Review of Complaint and Contact Forms** – Member Frezza presented a draft Complaint and Contact Form Policy for the Board of Health (Attachment 1). The Board discussed the proposed policy. Member Frezza will incorporate the requested revisions and present the revised policy at a future Board of Health meeting.
8. **Wastewater Treatment Plant Status** – Agent Flaherty reported that he continues to forward complaints and respond to related emails. There is no update at this time regarding the installation of hydrogen sulfide monitors along the property line adjacent to the neighboring properties.

9. **Wind Turbine Status** – Agent Flaherty reported that the wind turbines have been operating intermittently. He also noted that the Town Administrator is available to meet with members of the Board of Health regarding the matter.
10. **Status Report 21 Morton Street** – Agent Flaherty noted that he conducted a sanitary survey of the neighborhood surrounding 21 Morton Street. He did not find any other contributing environmental factors to the rat infestation. A dumpster is located in the area, but did not appear to have any rat activity. Agent Flaherty reported the chickens were relocated to a farm in Middleboro, and the property is scheduled for clean up in the next day or two.
 - a. Nancy Burton of Deane Street – noted the dumpster belongs to a church that is conducting some renovations. Ms. Burton expressed appreciation that the chickens have been relocated and pest control measures are being conducted.
 - b. Joanne Bettencourt of Morton Street – noted the resident of 21 Morton Street has been taking steps to remediate the rats. Ms. Bettencourt noted the property had been cleaned up earlier that day.
11. **Public Comment** – 2 Minute allowance by Chair on Public Health Issues
 - a. Lisa Howland of Deane Street – noted the clean-up efforts at 21 Morton Street had begun. Ms. Howland noted she is checking the bait traps along her property for evidence of rats.
 - b. Joanne Bettencourt of Morton Street – requested what the plan will be moving forward. Agent Flaherty noted an update will be provided at each Board of Health meeting. Member Frezza noted that, after three months, the Board of Health will revisit the matter and discuss whether the chickens appeared to have been a contributing factor to the rat infestation. Member Frezza requested that neighboring residents continue to provide feedback to the Health Agent.
 - c. A resident of Deane Street - requested when the holes created by rats could be filled. Agent Flaherty recommended waiting until the exterminator provides guidance that it is appropriate to do so.
12. **Invoices, Permits, Correspondence and any other business that may properly come before the Board not reasonably anticipated 48 hours in advance of the meeting**
 - a. Invoices and permits reviewed and approved.
13. **Next Meeting Date** – September 9, 2026 at 5:00pm
14. **Meeting Adjourned – Motion:** Member Frezza motioned to adjourn the August 26, 2026 Public Meeting. Vice Chair Meneses seconded. A roll call vote was taken: Justine Frezza in favor, Brian Meneses in favor, Barbara Acksen in favor. The vote passed unanimously (3-0-0).

Board of Health Complaint Receipt, Retention, Processing, and Reporting Policy

Purpose

The purpose of this policy is to ensure that all complaints submitted to the Board of Health are received, documented, preserved, investigated appropriately, and handled in a consistent, transparent, and accountable manner. This policy is intended to promote public confidence in the complaint process and establish clear procedures for complaint management regardless of changes in personnel, administration, or staffing.

This policy is adopted to ensure that all residents are treated fairly and equally, that complaint records are maintained in accordance with applicable laws and regulations, and that no complaint is lost, altered, withheld, or improperly discarded.

Scope

This policy applies to all complaints received by the Board of Health, including but not limited to:

- Wastewater treatment facility complaints
 - Public health concerns
 - Housing and sanitation complaints
 - Nuisance conditions
 - Food establishment complaints
 - Animal and vector control complaints
 - Environmental health complaints
 - Wind Turbine complaints
 - Public safety concerns within the Board of Health's jurisdiction
 - Any other matter submitted to the Board of Health for review or investigation
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Complaint Receipt and Documentation

1. Complaints may be received through any approved method, including:
 - Online submission forms
 - Email
 - Mail
 - Telephone
 - In-person reports
 1. The original complaint shall be preserved in its entirety exactly as submitted.
 2. No complaint shall be altered, modified, edited, summarized, consolidated, screened, filtered, or discarded.
 3. Any notes, comments, findings, or correspondence generated by Board of Health staff shall be maintained separately from the original complaint to preserve the integrity of the original submission.
 4. A complete electronic record shall be created and maintained for every complaint received.
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Distribution of Complaints

1. Every complaint received by the Board of Health shall be forwarded in its entirety, without screening or filtering, to:
 - All Board of Health members
 - The Health Agent
 - Any department, agency, or official responsible for investigating or responding to the complaint
2. Distribution shall occur as soon as reasonably practicable following receipt.
3. A record shall be maintained documenting:
 - Date received
 - Date distributed
 - Individuals and departments receiving the complaint

4. No employee, official, volunteer, contractor, or agent of the Board of Health shall prevent or delay the distribution of a complaint except where required by law.
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Acknowledgment of Receipt

1. Every complainant shall receive confirmation that their complaint has been received.
 2. Electronic complaint submissions shall receive an automated acknowledgment.
 3. The acknowledgment shall include:
 - Date and time received
 - A copy of the complaint as submitted
 - Contact information for follow-up inquiries
 4. The purpose of this acknowledgment is to ensure residents have independent documentation that their complaint was received exactly as filed.
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Complaint Tracking System

1. A master complaint log shall be maintained containing:
 - Date and time received
 - Complainant name, when provided
 - Complaint category
 - Subject matter
 - Assigned department or investigator
 - Current status
 - Date resolved or closed
 2. The master complaint log shall be maintained electronically and backed up regularly.
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Record Retention

1. A permanent digital copy of every complaint and related records shall be maintained indefinitely.
 2. Hard-copy records shall be retained for a minimum of ten (10) years.
 3. Complaint records shall be stored in a manner that protects against:
 - o Loss
 - o Damage
 - o Unauthorized access
 - o Unauthorized alteration
 - o Accidental deletion
 4. Backup copies of electronic records shall be maintained in accordance with municipal record retention requirements.
 5. Complaint records shall not be deleted, destroyed, or removed except as authorized by applicable law and approved records retention schedules.
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Public Records and Transparency

1. Complaint records shall be maintained as public records to the extent permitted by applicable law.
2. Prior to public release, information that is exempt from disclosure under applicable law may be redacted, including:
 - o Medical information
 - o Personally identifiable information when required by law
 - o Information otherwise exempt from public disclosure
3. A publicly available complaint log shall be maintained whenever legally permissible, showing:
 - o Date received
 - o Complaint category
 - o General nature of complaint
 - o Status

- Date closed
 - 4. Any redactions made to records shall be documented and supported by the applicable legal exemption.
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Investigation and Resolution

1. All complaints shall be reviewed and assigned to the appropriate department, agency, official, or investigator.
 2. Investigative actions shall be documented in the complaint record.
 3. Documentation shall include:
 - Inspections performed
 - Findings
 - Actions taken
 - Communications regarding the complaint
 - Referrals to other agencies
 - Final disposition
 4. Closure of a complaint shall not result in the deletion or removal of any records associated with that complaint.
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Oversight and Reporting Requirements

1. The Health Agent or designated Board of Health staff member shall prepare and present a monthly complaint report to the Board of Health.
2. The monthly complaint report shall include, at a minimum:
 - Total number of complaints received during the reporting period
 - Complaint categories and the number of complaints within each category
 - Total number of open complaints
 - Total number of closed complaints
 - Average time from complaint receipt to resolution or closure

- Complaints currently awaiting investigation
 - Complaints remaining unresolved for more than thirty (30) days and the reason for the delay
 - Complaints referred to another department, agency, or authority
 - Complaints determined to be outside the jurisdiction of the Board of Health
3. The monthly complaint report shall be included in Board of Health meeting materials and maintained as part of the public record.
 4. The Board of Health shall periodically review complaint trends to identify:
 - Recurring public health concerns
 - Enforcement issues
 - Staffing or resource needs
 - Potential policy changes
 - Emerging public health risks
 5. Any discrepancy identified between received complaints and retained records shall be immediately reported to the Board of Health and investigated.
 6. If any complaint cannot be located, the circumstances surrounding the missing record shall be documented, reported to the Board of Health at the next scheduled meeting, and maintained as part of the public record.
 7. Failure to maintain, retain, distribute, or report complaints in accordance with this policy shall be documented and reviewed by the Board of Health for appropriate corrective action.

Auditing and Accountability

1. The complaint management system shall be audited at least annually.
2. Audits shall verify that:
 - Every complaint received was logged
 - Every complaint was preserved
 - Every complaint was properly distributed

- Retention requirements have been met
 - Complaint records remain complete and accessible
3. Audit findings shall be reported to the Board of Health and entered into the public record.
 4. Any deficiencies identified during an audit shall be addressed promptly and corrective actions documented.

Non-Interference and Accountability

1. No employee, official, volunteer, contractor, consultant, or agent shall intentionally:
 - Withhold a complaint
 - Delete a complaint
 - Alter a complaint
 - Conceal a complaint
 - Misrepresent the contents of a complaint
 - Prevent distribution of a complaint
 - Circumvent the procedures established by this policy
2. Any person found to have intentionally violated this policy shall be subject to appropriate administrative, disciplinary, contractual, or legal action as permitted by law.
3. Any suspected violation of this policy shall be reported to the Board of Health and documented in writing.

Effective Date

This policy shall become effective upon adoption by the Board of Health and shall remain in effect unless amended or repealed by vote of the Board of Health.

Date Received	Time Received	Method Received	Complainant Name (if provided)
07/01/2026	10:15 AM	Complaint Form	John Smith
07/02/2026	2:30 PM	Phone Call	Anonymous

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Address/Location of Concern	Complaint Category	Complaint Description
123 Main Street	Nuisance	Excessive trash accumulation
456 Oak Road	Wastewater	Odor complaint

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Assigned To	Status	Date Forwarded	Date Investigation Began
Health Agent	Closed	07/01/2026	07/02/2026
DPW	Open	07/02/2026	Pending

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Date Closed	Resolution Summary
07/10/2026	Violation corrected
	Investigation ongoing

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