



Town of Fairhaven Board of Health

Town Hall · 40 Center Street · Fairhaven, MA 02719

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September 9, 2026

PRESENT: Barbara Acksen, David Flaherty

ZOOM: Brian Meneses ABSENT: Justine Frezza

1. Call to Order

- a. Chair Acksen called the meeting to order at 5:08pm. 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 2.86% 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 moderate risk for WNV and low risk for EEE. Please also be vigilant to check for ticks.
- e. No Perc tests were witnessed and two Title 5 inspections were 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 three Chapter II housing complaints.
- i. 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.
- j. Seasonal beach water testing passed for last week and has commenced for the season.
- k. The Animal Control Officer will be out on leave and the Assistant Animal Control Officer will be filling in.
- l. 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. Minutes of the Meeting

- a. **Motion:** Vice Chair Meneses made the motion to accept the minutes of the Public Meeting August 12, 2026. Chair Acksen seconded. A roll call vote was taken: Brian Meneses in favor; Barbara Acksen in favor. The vote passed (2-0-0).
- b. **Motion:** Vice Chair Meneses made the motion to accept the minutes of the Executive Session Meeting August 27, 2025. Chair Acksen seconded. A roll call vote was taken: Brian Meneses in favor, Barbara Acksen in favor. The vote passed (2-0-0).

6. Discussion on Board of Health Septic System Regulation Changes – Agent Flaherty noted that he is working on updating the regulation to incorporate new information concerning new construction and repairs to septic systems located within 200 feet of coastal resource areas and vegetated wetlands. The proposed regulation would require the installation of a denitrification system in applicable circumstances. Agent Flaherty also noted that if sewer is available, a property would be required to connect to the sewer system after the applicable allowable time period.

Agent Flaherty noted there will be an open discussion next week at the Town Hall to discuss septic and sewer in regards to West Island.

Agent Flaherty also noted that Town's previous regulations prohibited Perc tests from June – September. There is current science that supports allowing Perc tests to be conducted year-round, as a Certified Soil Evaluator can determine groundwater conditions based on soil mottling. The State allows Perc tests to be conducted year-round.

Discussion ensued regarding Title 5 guidelines and the proposed changes to the septic regulations.

Robert Pink of West Island – asked whether the proposed changes regarding denitrification systems would be made available for public review and requested information on when a draft of the proposed regulations would be available. Mr. Pink also noted that the State ballot question concerning smaller lot sizes and the ability to construct on such lots applies only where town water and sewer are available.

7. **Board of Health Review of Complaint and Contact Forms** – Chair Acksen reviewed that Member Frezza drafted a policy, which was presented at the last Board of Health Public Meeting. Since Member Frezza is absent tonight the discussion will be continued at the next Board of Health meeting.
8. **Discussion and Vote on Kratom Regulation for eCode** – Agent Flaherty reviewed that the Board of Health previously voted to accept the Fairhaven Kratom Regulation on July 15, 2026. Agent Flaherty noted that, subsequent to the Board's vote, the State issued a superseding order classifying kratom as a Schedule I substance. A notation on eCode is needed to clarify that the State regulation supersedes the local regulation until the State completes its review of kratom. Chair Acksen requested that the proposed language to accompany the Fairhaven Kratom Regulation be made available to the Board prior to taking any further vote.
9. **Wastewater Treatment Plant Status** – Agent Flaherty reported that complaints regarding the Wastewater Treatment Plant continue to be received and are being retained both digitally and in hardcopy. Agent Flaherty also reported that he spoke with Cheryl Scharra of NAHB regarding the ongoing remediation efforts; and the remediation currently being undertaken is the best available course of action given that the issue is expected to be resolved upon completion of the upgrade.
10. **Wind Turbine Status** - Agent Flaherty reviewed that there have been two Impact Forms received in the past two weeks. Agent Flaherty noted the Board is encouraged to reach out to the Town Administrator for any questions regarding the contract.
11. **Status Report 21 Morton Street** – Agent Flaherty reported the chickens have been relocated to a farm in Middleborough, cleanup of the property has been done and extermination efforts will continue for the next three months until there is no evidence of rats.
12. **Public Comment** – 2 Minute allowance by Chair on Public Health Issues
 - a. Bob Espindola of John St – Mr. Espindola expressed neighborhood concerns regarding odors occurring during late-night and early-morning hours. Mr. Espindola questioned why the odors were occurring during these times when no construction activity was taking place. Chair Acksen had reached out to Vinnie Furtado, Director of the BPW, about the possible source of the odors. A potential explanation was overflow conditions within the system may be resulting in sewage

being directed into another holding tank. Mr. Espindola expressed concern regarding the monitoring of odors and noises occurring outside of regular work hours.

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

14. Next Meeting Date – September 23, 2026 at 5:00pm

15. Meeting Adjourned – Motion: Vice Chair Meneses motioned to adjourn the September 9, 2026 Public Meeting. Chair Acksen seconded. A roll call vote was taken: Brian Meneses in favor, Barbara Acksen in favor. The vote passed (2-0-0).