



Town of Fairhaven Board of Health

Town Hall · 40 Center Street · Fairhaven, MA 02719

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September 23, 2026

PRESENT: Barbara Acksen, Justine Frezza

ZOOM: Brian Meneses, David Flaherty

1. Call to Order

- a. Chair Acksen called the meeting to order at 5:02pm. 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:** Member Frezza made a motion to accept the minutes of the Public Meeting August 26, 2026. Chair Acksen seconded. A roll call vote was taken: Brian Meneses in favor, Justine Frezza in favor, Barbara Acksen in favor. The vote passed (3-0-0).

5. Health Agent Report

- a. COVID positivity rate was 4.26% 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 five 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. The Animal Control Officer will be out on leave and the Assistant Animal Control Officer will be filling in.
 - k. 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.
 - l. Agent Flaherty will be picking up COVID test kits for distribution at the Health Department.
 - m. Vice Chair Meneses reviewed that most of the Flu Clinics will be offering COVID, RSV, Shingles and Pneumonia vaccines.
6. **Vote on New Tobacco Compliance Inspector from SEMA – Mark Galan** – Chair Acksen introduced Mark Galan the newly appointed Tobacco Compliance Officer. Mark Galan introduced himself and gave a brief report on his passion for tobacco cessation. **Motion:** Member Frezza made a motion to accept the new Tobacco Compliance Inspector from SEMA, Mark Galan, as the Town of Fairhaven's Tobacco Inspector. 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 (3-0-0).
7. **Discuss and Vote on 4 Earle Street Subdivision Plan** – Chair Acksen reviewed the 4 Earle Street Subdivision was previously approved by the Board of Health. The plan is now revised to show easements for water and sewer. Agent Flaherty reviewed the addition of the easements are an improvement to the previously approved plan. Discussion ensued regarding the subdivision and the scope of the revised plans. **Motion:** Member Frezza made a motion to accept the 4 Earle Street subdivision plan revisions. Chair Acksen seconded. A roll call vote was taken: Justine Frezza in favor, Barbara Acksen in favor, Brian Meneses abstained. The vote passed (2-0-1).

8. **Discussion on Board of Health Septic System Regulation Changes** – Topic to be discussed at the next Board of Health Meeting.
9. **Board of Health Review of Complaint and Contact Forms** – Chair Acksen reviewed that Member Frezza drafted a policy and included the revisions discussed at a previous Board of Health Meeting (Attachment 1). The draft of the policy was discussed and a few revisions were suggested. Member Frezza to revise the draft and present at the next Board of Health Meeting.
10. **Wastewater Treatment Plant Status** – Chair Acksen reported that complaints regarding the Wastewater Treatment Plant continue to be received, including one complaint regarding a beeping noise. Vinnie Furtado, Director of the BPW, invited the Board of Health members to come for an inspection of the plant. Mr. Furtado noted that access is currently limited due to construction at the site. The Board discussed scheduling a time for the inspection. Mr. Furtado reported that the beeping noise was a one-time event associated with the activated carbon system coming online and noted that the issue should now be resolved.
11. **Wind Turbine Status** – Chair Acksen reported that the Town Administrator is available to meet with members of the Board of Health to answer questions regarding the wind turbine contract. Chair Acksen also reported that abutting residents intend to submit a letter requesting information regarding the decommissioning of the turbines, inspections, and associated timelines.
12. **Status Report 21 Morton Street** – Agent Flaherty reported that there have been no additional rodent complaints regarding 21 Morton Street. Agent Flaherty also reported receiving an mail from an abutter that no rodent activity has been observed.
13. **Discussion and Vote on Kratom Regulation for eCode** – Chair Acksen reviewed that the Board of Health previously voted to accept the Kratom Regulation for Fairhaven on July 15, 2026. Chair Acksen reported that, subsequent to the Board's vote, the Commonwealth issued regulations affecting kratom and that a notation should be added to the Town's eCode indicating that applicable State regulations supersede the local regulation until such time as the State regulations change. Chair Acksen read the language suggested by Town Counsel: "These Kratom regulations were approved on July 15, 2026. Since then, the Commonwealth of Massachusetts and the FDA have reclassified kratom and its synthetic derivatives as a Schedule I substance, which cannot be sold over the counter. This classification will be reevaluated in August of 2028".
 - a. **Lora Romney, International Plant and Herbal Alliance** – reported there are discussions that the State may classify kratom derivatives as Schedule I substances while allowing natural leaf kratom. Agent Flaherty clarified that the Fairhaven Board of Health has already voted on the local Kratom Regulation and that the purpose of the discussion was

to add a caveat indicating that applicable State regulations supersede the Town's Regulation. The Board further discussed the appropriate wording of the caveat to accompany the Kratom Regulation on the Town of Fairhaven eCode. Agent Flaherty to revise the wording and present at the next Board of Health meeting.

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

- a. **Shannon Lee** - thanked the Board for its efforts in developing kratom regulations and for considering input from advocates throughout the process. Ms. Lee expressed difficulty regarding the State's ruling to ban kratom and is hopeful that natural leaf kratom will be permitted.

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

16. Next Meeting Date – October 7, 2026 at 5:00pm

- 17. Meeting Adjourned – Motion:** Member Frezza motioned to adjourn the September 23, 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 (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. The original, unredacted complaint shall be preserved in the Board of Health complaint record and provided in its entirety, without screening or filtering, to:
 - All Board of Health members
 - The Health Agent
2. When a complaint is forwarded to another municipal department, outside agency, organization, official, contractor, or other third party responsible for investigating or responding to the matter, the complainant's name and street number shall be redacted from the forwarded copy unless:
 - The complainant has given express permission for that information to be disclosed; or
 - Disclosure is required or otherwise authorized by applicable law.

3. Redaction of identifying information from a forwarded copy shall not alter or replace the original complaint. The original complaint shall remain preserved in its entirety in the Board of Health complaint record.
4. Distribution shall occur as soon as reasonably practicable following receipt.
5. A record shall be maintained documenting:
 - Date received
 - Date distributed
 - Individuals, departments, agencies, and organizations receiving the complaint
 - Whether identifying information was redacted and, if it was disclosed, the basis for disclosure
6. 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.

Complaint Form Administration and Supplemental Data Collection

7. The Board of Health may revise, supplement, or create complaint forms as reasonably necessary to support the receipt, review, investigation, tracking, and analysis of complaints.
8. Complaint forms may include fields for additional information relevant to the matter under review, including, when appropriate:
 - Date and time of the observed condition
 - Weather conditions, including temperature, precipitation, wind direction, wind speed, humidity, or other seasonal or environmental conditions
 - Frequency, duration, intensity, location, or pattern of the reported condition
 - Photographs, recordings, observations, or other supporting information
 - Any other data the Board of Health determines is appropriate and reasonably necessary for further review, investigation, trend analysis, or determination
9. Any revised or supplemental form shall be designed and used in a consistent and neutral manner. The collection of additional data shall not be used to screen out, reject, delay, or disregard a complaint solely because optional information was not provided.

10. Changes to a complaint form shall not alter the requirement to preserve the original complaint and all information submitted with it.

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 and stored in this form.
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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:
 - Loss
 - Damage
 - Unauthorized access
 - Unauthorized alteration
 - 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 as previously noted in this document.
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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:
 - Medical information
 - Personally identifiable information when required by law
 - Information otherwise exempt from public disclosure
3. A publicly available complaint log shall be maintained whenever legally permissible, showing:
 - Date received
 - Complaint category
 - General nature of complaint

- 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.
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Auditing and Accountability

1. The complaint management system shall be audited at least annually by the Board of Health.
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.
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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.
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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.