

**BOARD OF HEALTH
MINUTES OF MEETING
MARCH 20, 2019**

PRESENT: Amy Wiegandt, M.D. Chairman
Glenn M. Monterio, Member
Catherine Phinney, Member
Thomas L. Gleason, M.D., Associate Member
Lawrence Perry, Associate Member
Robert M. Ethier, Director
Patrick MacDonald, Inspector

4:30 p.m. New England Farms, 2501 Cranberry Hwy.- Tobacco Violation

The Health Department received a notice of violation regarding the following violation of the MGL Chapter 111, Section 31, adopted by the Board of Health on January 16, 2013.

#10 Sale of Flavored Tobacco Products: No person shall sell or distribute or cause to be sold or distribute any flavored tobacco product, except in smoking bars and retail tobacco stores.

Mr. Robert Collette of Barnstable Cape Cod Tobacco Control Program appeared before the Board to testify the violation of selling blue flavored cigars. Mr. Eric Rosenlund appeared before the Board in defense stating the distributor led him to believe the blue flavor was not a banned product. Mr. Rosenlund requested a list of banned products. After discussion, the Board agreed it was not intentional and education needs to be enforced regarding the products which are not legal to sell in the town. Mr. Collette will send the Health Department office an email link to forward to all establishments selling tobacco where they can view a list of products not allowed to be sold. Mr. Collette will look into further sources of education for the tobacco retail establishments.

On a motion of Catherine Phinney and seconded by Glenn Monterio, a warning was issued to New England Farms to take responsibility of ensuring compliance with all sections of the smoking regulations. All in favor. 3-0-0

4:40 p.m. Wareham Liquors, 419 Main Street- Tobacco Violation

The Health Department received a notice of violation regarding the following violation of the MGL Chapter 111, Section 31, adopted by the Board of Health on January 16, 2013.

#7 Self Service Displays: All self-service displays of tobacco products and/or Nicotine Delivery Products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

Mr. Robert Collette of Barnstable Cape Cod Tobacco Control Program appeared before the Board to testify the violation of leaving the humidor unlocked allowing open/self-service availability for cigars. Mr. Daniel Patel, owner/operator appeared in defense stating it was a one-time error while adding water to the humidor. He left the key on top of the humidor. It has always been locked and is now locked. Mr. Patel has not had any violations since his new ownership of the establishment and reported he follows the regulations of the town. After discussion the Board agreed to issue a warning. Mr. Ethier suggested the Board consider adding a condition to the warning making the next violation within a year a second offense instead of a first offense. The Board agreed and requested Mr. Collette assist in offering further education to Mr. Patel and the employees of the establishment.

On a motion of Catherine Phinney and seconded by Glenn Monterio, a warning was issued to Wareham Liquors with the condition.... if in violation within one year, the violation will be treated as a second violation with a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days. WARNING ISSUED. All in favor. 3-0-0

4:45 p.m. Browns Package Store, 189 Marion Road, Tobacco Violation

The Health Department received a notice of violation regarding the following violation of the MGL Chapter 111, Section 31, adopted by the Board of Health on January 16, 2013.

#10 Sale of flavored Tobacco Products: No person shall sell or distribute or cause to be sold or distribute any flavored tobacco product, except in smoking bars and retail tobacco stores.

Mr. Robert Collette of the Barnstable Cape Cod Tobacco Control Program appeared before the Board to testify the violation of selling wine flavored cigars in the store which is in violation of the town's flavored banning regulation. Ms. Monika Johar part owner/operator of Brown's Package Store appeared in defense stating that the flavored cigars were delivered by the distributor and the employees stocked the shelf. After viewing the product, Ms. Johar contacted the distributor to pick up the product and return for credit. Ms. Johar removed the product from the shelf. Ms. Johar presented a packing slip from the distributor showing the Board the product was returned. Discussion included the importance of educating employees on what products are banned from sales in the town. The Board agreed to issue a warning.

On a motion of Catherine Phinney and seconded by Glenn Monterio a warning was issued to Browns Package Store to take responsibility of ensuring compliance with all sections of the smoking regulations. Warning Issued. All in favor. 3-0-0

4:50 p.m. Capeway Convenience, 3187 Cranberry Highway, Tobacco Violation

The Health Department received a notice of violation regarding the following violations for the MGL Chapter 111, Section 31, adopted by the Board of Health on January 16, 2013.

#10 Sale of Flavored Tobacco Products: No person shall sell or distribute or cause to be sold or distribute any flavored tobacco product, except in smoking bars and retail tobacco stores.

#17 Blunt Wraps: The regulation bans the sale of blunt wraps, bans the commercial use of Roll-Your-Own Machines and bans smoking “in all outdoor areas where food and/or beverages are served to the public by employees of restaurants, bars and tavern”

Mr. Robert Collette of the Barnstable Cape Cod Tobacco Control Program appeared before the Board to testify violations of Capeway Convenience selling Fronto King Wraps and Black & Mild Wine Cigarillos. Ms. Monika Johar part owner/operator of Capeway Convenience appeared in defense stating the flavored cigars were removed from the shelf and she was not aware the blunt wraps were on the banned list. Mr. Collette reported blunt wraps are definitely on the banned list as wraps are often used for drugs. Discussion of education for all business owners and employees to understand the rules and regulations were directed to Mr. Collette. Informational/educational website links will be sent to the health office. Mr. Collette will look into further educational services. As a result of the violations to the flavored tobacco ban and selling of blunt wraps the Board agreed this is a first offense where the violator shall receive a fine of Three Hundred Dollars.

On a motion of Catherine Phinney and seconded by Glenn Monterio a fine of Three Hundred Dollars (\$300.00) was imposed on the Capeway Convenience Store located at 3187 Cranberry Highway. All in favor. 3-0-0

5:00 p.m. Cranberry Plaza Mobil/Circle K, 2900 Cranberry Highway- Tobacco Violation

The Health Department received a notice of violation regarding the following violations for the MGL Chapter 111, Section 31, adopted by the Board of Health on January 16, 2013.

#10 Sale of Flavored Tobacco Products: No person shall sell or distribute or cause to be sold or distribute any flavored tobacco product, except in smoking bars and retail tobacco stores.

Mr. Robert Collette of the Barnstable Cape Cod Tobacco Control Program appeared to testify violations of Cranberry Plaza Mobil-Circle K selling Black & Mild Jazz, Cheyenne and Double Diamond (20 packs) and Game 4 packs. Mr. Ackel Jreige owner and A.J. Jreige, manager appeared before the Board. Education was requested by owner on the pricing. Manager A.J. Jreige was selling cigars for \$4.71 plus tax where the cost should be \$5.00 plus tax. Regulations read: No person shall sell or distribute or cause to be sold or distributed a single cigar. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more. Owner and manager apologized for the confusion and have removed the flavors from the shelf and will change the pricing on the non-flavored cigars. The Board again discussed education, regulations, and the importance of sending out information to tobacco retailers in order to help educate themselves on the regulations to ensure they abide by the rules. Health & Food Inspector Patrick MacDonald will forward links to the manager for a list of banned products.

On a motion of Catherine Phinney and seconded by Glenn Monterio a warning was issued to the Cranberry Plaza Mobil/Circle K to take responsibility of ensuring compliance with all sections of the smoking regulations. All in favor. 3-0-0

5:05 p.m. A Touch of Grace Skin Care, Grace Minnock- Application for Tattoo Establishment/Practitioner

Grace Minnock is the Owner/Operator of A Touch of Grace Skin Care located at 191 Main Street, Suite 209, Wareham. Ms. Minnock is a graduate of Ailano School of Cosmetology as well as Aesthetics Institute of Boston, and has over 25 years' experience in the skin care industry. Ms. Minnock is requesting a tattoo establishment and practitioner permit in order to perform micro blading (the process of introducing semi-permanent makeup in the form of colored pigments to mimic hair on the eye brows). Ms. Minnock appeared before the Board with all the appropriate paperwork/certificates required. Nurse Catherine Phinney and Dr. Amy Wiegandt reviewed the paperwork and confirmed all credentials/requirements were in place.

On a motion of Catherine Phinney and seconded by Glenn Monterio the request to issue a A Touch of Grace Skin Care a Tattoo Establishment Permit and Grace Minnock a Tattoo Practitioner Permit was granted. All in favor. 3-0-0

5:10 p.m. 28 Old Glen Charlie Road, J.C. Engineering- Request for Title 5 Variances

Mr. John Churchill of J.C. Engineering appeared to represent owners of property located at 28 Old Glen Charlie Road and is requesting the following variances from Title 5 and Local Board of Health Regulations:

310 CMR 15.211:

1. A 10.0' waiver (10.0'-0.0') for the setback from the SAS to the front property line.
2. A 2.8' waiver (20.0'-17.2) for the setback from the SAS to the foundation.
3. A 8.9 waiver (10.0'-1.1') for the setback from the pump chamber to the front property line.

Local Variance Request:

1. A 97.8' variance (150.0'-52.2') for the setback from the leaching facility to the wetland.

After discussion the Board agreed **not to grant** the variances. Variance requests denied.

On a motion of Glenn Monterio and seconded by Catherine Phinney the variances were not granted. All in favor. 3-0-0

HEALTH AGENTS REPORT- Director Robert M. Ethier reported. See attached.

OLD BUSINESS- The minutes of March 6, 2019 were reviewed and accepted.

On a motion of Glenn Monterio and seconded by Catherine Phinney the minutes of March 6, 2019 were approved. All in favor. 3-0-0

NEW BUSINESS-

1. Mr. Ethier discussed a Memorandum sent to the Needham Food and Retail Establishments from Mr. Timothy Muir McDonald, Director of Health & Human Services in the Needham Public Health Division. Mr. Ethier requested the Board review the memorandum and discuss the option of adopting the regulation under the Mass General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

On a motion of Catherine Phinney and seconded by Glenn Monterio the meeting was adjourned at 6:17 p.m. All in favor. 3-0-0

Respectfully submitted: Suzanne Burke
Signed and dated: March 21, 2019

Amy Wiegandt, M.D., Chairman



Glenn M. Monterio, Member


Catherine Phinney, Member

RECEIVED

APR 10 2019

TO: [illegible]

HEALTH AGENT'S REPORT

March 20, 2019

Last Meeting, March 6, 2019

BOARD OF HEALTH STATUS REPORT

TITLE 5 REVIEW AND VARIANCES

- (1) Conventional Title 5 upgrades
- (1) Alternative Systems

PERCOLATION TESTS

- (3)

EMERGENCY RESPONSE

March 11, 2018 OFD, Fire in fan Marc Anthonys.

INSPECTIONS

Restaurant inspections to begin for 2019.

BEACH WATER SAMPLING PROGRAM

Beach Water sampling to begin May/June.

COURT CASES

- (Proposed 7 housing cases)
- 1 Building Department Issue

PUBLIC HEALTH NURSE

Blood pressure clinic weekly.
Notes provided for meeting.

DISEASE REPORTING

Reporting is ongoing.

PLYMOUTH COUNTY EMERGENCY PREPAREDNESS COALITION

Waiting for State to vote on iPad for Wareham.

OLD BUSINESS

Gateway Plaza (refuse to send check).

Rental Housing Program -- Registration for 2019 begins.

Flock Registration/pending

NEW BUSINESS

Retail Food regulations

CBD Regulations

Robert M. Ethier, Director of Public Health
Wareham Board of Health

RME

RENTAL REPORT

REPORT AS OF: 3/20/2019

HOME LISTINGS 1341
REGISTERED 658
INSPECTED 240

APARTMENT LISTINGS 696
REGISTERED 461
INSPECTED 165

INCOME \$ 45,600.00
LATE FEES \$ 200.00

INCOME \$ 4,975.00

Robert M. Ethier
Public Health Director
Wareham Health Department

RME