

**BOARD OF HEALTH
MINUTES OF MEETING
APRIL 3, 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
Suzanne Burke, Recording Secretary

Catherine Phinney made a motion to move Dr. Thomas Gleason to voting member. Glenn Monterio made a motion to move Member Catherine Phinney to Chairman. All in favor. 3-0-0-

4:30 p.m. Signing of Minutes- March 20, 2019

The minutes of March 20, 2019 were read and accepted.

On a motion of Glenn Monterio and seconded by Dr. Thomas Gleason, the minutes of March 20, 2019 were read and accepted. All in favor. 3-0-0-

4:35 p.m. 194 Glen Charlie Road, J. C. Engineering- Title 5 Variance Request

In accordance with 310 CMR 15.401-15.405, the following Local Upgrade approvals were approved from 310 CMR 15.211:

1. A 5.0' variance (10.0'-5.0') for the setback from the septic tank to the foundation.
2. A 4.5' variance (10.0'-5.5') for the setback from the pump chamber to the foundation.
3. A 2.0' variance (20.0'-18.0') for the setback from the leaching facility to the foundation.
4. A 5.0' variance (10.0'-5.0') for the setback from the leaching facility to the side property line (Lot 18-192 Glen Charlie Road).
5. A 7.2' variance (10.0'-2.8') for the setback from the leaching facility to the front property line.
6. A 2.8' variance (10.0'-7.2') for the setback from the pump chamber to the side property line (Lot 20-196 Glen Charlie Road).

7. A 7.0' variance (10.0'-3.0') for the setback from the leaching facility to the water line.

****Dr. Wiegandt is present. Catherine Phinney motioned to hand back Chair. Glenn Monterio seconded. All in favor. 3-0-0-**

Hearing continued:

The following variance request is from the Wareham Board of Health Regulations:

1. A 79.2' variance (150.0'- 70.8') for the setback from the leaching facility to the pond.

On a motion of Catherine Phinney and seconded by Glenn Monterio, the variances were granted. All in favor. 3-0-0

4:45 p.m. Felicity Smith, Ink Sane- Tattoo Apprenticeship Application

Due to a family emergency, Ms. Smith postponed her hearing until further notice.

4:55 p.m. New CBD Policy- Discussion

Mr. Ethier's intention was to discuss a Temporary Policy for Hemp & CBD products to be issued to Wareham Food and Retail Establishments. The Massachusetts Department of Agricultural Resources oversee hemp and CBD products. Mr. Ethier spoke with the program director and legal counsel of the Mass Department of Agricultural Resources minutes before the meeting and was informed no CBD products are allowed to be sold in the state. Until further notice, it is not necessary for the Board to hold discussion on CBD/Hemp being sold in the retail stores.

5:15 p.m. Food and Retail Policy- Discussion

On March 20, 2019, 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. The Board discussed the option of adopting the regulation under the Mass General Laws Chapter 111, Section 31, that "Boards of Health may make reasonable health regulations".

The Wareham Board of Health is responsible for inspecting food establishments within the Town of Wareham. The health department has a set fee for all retail food establishments to pay a yearly fee which requires an inspection to be performed twice a

year. The Massachusetts Department of Public Health has adopted the 2013 FDA Food Code with amendments made by FDA in 2015 and additional amendments adopted by DPH in 2018 as the 105 CMR 590: State Sanitary Code, Chapter 10- Minimum Sanitation Standards for Food Establishments, which states that “An establishment that offers only prepackaged foods that are not time/temperature control for safety foods” is not considered a food establishment. Therefore, the fee and inspection would not be mandated. The Wareham Board of Health maintains the opinion that the products sold in these type of establishments still pose enough of a risk to consumers that it warrants permitting and inspection by the Board of Health. After discussion and review of a “Regulation Requiring Permits for Establishments that Offer Only Prepackaged Foods That are not Time/Temperature Control for Safety”, the Board voted and agreed to continue to regulate the establishments that offer only prepackaged foods, which are not time/temperature control, for safety. See the attached signed regulation effective March 6, 2019.

On a motion of Catherine Phinney and seconded by Glenn Monterio, effective March 6, 2019, the Regulation Requiring Permits for Establishments That Offer Only Prepackaged Foods That Are Not Time/Temperature Control for Safety was accepted and signed. All in favor. 3-0-0

5:30 p.m. Flock Registration- Discussion

On October 3, 2018 at a regularly scheduled meeting, Mr. Gary Buckminster Director of Natural Resources appeared before the Board to discuss the updating of the rooster/hen/poultry regulations. Mr. Buckminster stated he and Animal Control had reviewed numerous regulations of neighboring communities and would create a recommendation (addition to poultry regulations) to the Board that would be geared to the issues/complaints regarding poultry within the town. On October 17, 2018 at a regularly scheduled meeting, Mr. Buckminster reappeared for discussion and the Board agreed/voted and updated the poultry regulations. (See attached). During this discussion, it was agreed the residents will register their fowl with the Health Department. A form would be created for future review.

The Board reviewed the registration form on April 3, 2019 and agreed residents must register all backyard flock by July 1st, 2019. Registration forms will be available in the office and on-line. NO FEE REQUIRED. (See attached form).

On a motion of Catherine Phinney and seconded by Glenn Monterio, the Board agreed the Flock Registration Form will be mandatory for all homeowners to register any/all backyard flock animals. No Fee Required. The registration form will be available for pick up in the health office and on-line. All in favor. 3-0-0

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

OLD BUSINESS-

1. CVS – Gateway Plaza, 419 Main Street. On October 3, 2018 the Board voted to assess a fine of One Thousand Dollars (\$1,000.00) for non-compliance with the State Sanitary Code “Chapter II” Minimum Standards of Fitness for Human Habitation. This was a violation to the Massachusetts General Laws, Chapter 111, Section 122. This violation was due to the uncleanliness of the parking lot located at Gateway Plaza, 419 Main Street. The fine was not paid and while inquiring on payment, the office was informed owner of property Mr. Joseph Iaciavano recently passed away. The office will contact his son, Mr. Joseph Iaciavano, Jr. to inquire on payment. Dr. Thomas Gleason reported the last time he viewed the property it was in compliance showing a neat/clean condition.

NEW BUSINESS-

1. Town Clerk Mary Anne Silva advised the Board that as of April 3, 2019 she will no longer be acting as Town Clerk. As of April 3, 2019 the new Town Clerk will be Michele Bissonnette with her term to expire in April of 2022. In order for the new Town Clerk to continue authorizing burial permits, it is imperative that the Board of Health appoint Michele Bissonnette as the current Burial Agent for the Town of Wareham.

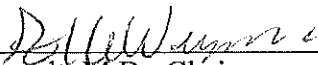
The Board agreed to appoint Town Clerk Michele Bissonnett to act as the Burial Agent for the Town of Wareham.

On a motion of Catherine Phinney and seconded by Glenn Monterio, the Board voted to appoint Michele Bissonnett to act as the Burial Agent for the Town of Wareham. All in favor. 3-0-0-

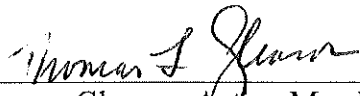
On a motion of Catherine Phinney and seconded by Glenn Monterio the meeting was adjourned at 5:31 p.m. All in favor. 3-0-0

Respectfully submitted: Suzanne Burke

Signed and dated: April 17, 2019

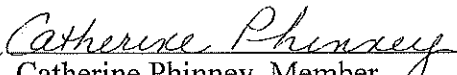


Amy Wiegandt, M.D., Chairman



Thomas Gleason, Acting Member

Glenn M. Monterio, Member



Catherine Phinney, Member



TOWN OF WAREHAM

BOARD OF HEALTH
MEMORIAL TOWN HALL
54 MARION ROAD
WAREHAM, MA 02571

Board of Health
Amy Wiegandt, M.D., Chairman
Glenn M. Monteiro, Member
Catherine Phinney, RN, Assoc. Member
Thomas L. Gleason, Assoc. Member
Lawrence Perry, Assoc. Member

Robert Ethier, Director
Telephone: 508-291-3100 x3197

Regulation Requiring Permits for Establishments That Offer Only Prepackaged Foods That are not Time/Temperature Control for Safety

A. Statement of Purpose:

Whereas the Wareham Board of Health is responsible for inspecting food establishments within the Town of Wareham, and the Massachusetts Department of Public Health has adopted the 2013 FDA Food Code with amendments made by FDA in 2015 and additional amendments adopted by DPH in 2018 as the 105 CMR 590: State Sanitary Code, Chapter 10 - Minimum Sanitation Standards for Food Establishments, which states that "An establishment that offers only prepackaged foods that are not time/temperature control for safety foods" is not considered a food establishment:

Whereas the Wareham Board of Health maintains the opinion that the products sold in these types of establishments still pose enough of a risk to consumers that it warrants permitting and inspection by the Board of Health.

Now, therefore, it is the intention of the Wareham Board of Health to regulate establishments that offer only prepackaged foods, which are not time/temperature control, for safety.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Wareham Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

C. Definitions:

1. For purposes of this regulation, "Pre-packaged foods" means foods that are sold in the same package as was received at the store. These packages may not be opened and repackaged, and do not need time/temperature control to ensure safety.
2. "Time/temperature control for safety food" (formerly "potentially hazardous Food" (PHF)) means a FOOD that requires time/temperature control for safety (TCS), to limit pathogenic microorganism growth or toxin formation.
3. For the purpose of this regulation, the covered establishments do not include:
 - (a) An establishment that sells only bottled water.

D. Permits Required for the sale of Pre-packaged foods that are not time/temperature control for safety

Effective March 6, 2019, the Wareham Board of Health is requiring permits for the sale of Pre-packaged foods that are not time/temperature control, for safety. The fee for the permit will coincide with the current fee schedule for the "Retail Food" permit.

E. Violations of this Regulation

It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with this regulation.

F. Enforcement:

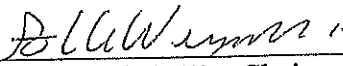
Enforcement of this regulation shall be by the Wareham Board of Health or its designated agent(s).

G. Severability:


If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

H. Effective Date:

March 6, 2019



Amy Wiegandt, M.D., Chairman



Catherine Phinney, Member



Glenn M. Monteiro, Member

TOWN OF WAREHAM HEALTH DEPT.

BACK YARD/ SMALL FLOCK REGISTRATION

EMAIL _____

ADDRESS: _____

FARM OR BUSINESS NAME _____

LAST NAME _____ FIRST NAME _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

Primary Phone Number _____

Additional Number _____

Purpose of flock: Auction ___ Contracted ___ Hobby ___ Live Bird Slaughter/Market ___

Own Consumption ___ Show/Competition ___ Other _____

POULTRY INFORMATION:

If birds are kept at a different address than listed above:

DOMESTIC POULTRY (Check all that apply, include the number of birds maintained during the last 12 months)

CHICKENS # _____

GAME BIRDS (pheasant, quail) # _____

RATITES (ostriches, emus) # _____

TURKEYS # _____

WATERFOUL (ducks, geese, swans) # _____

PIGEONS # _____ DOVES # _____

OTHER _____

EXOTIC BIRDS

Bird Type:

1. _____
2. _____
3. _____
4. _____

A pond is located on this property. Yes _____ No _____

A body of water is located near this property. Yes _____ No _____

HEALTH AGENT'S REPORT

April 3, 2019

Last Meeting, March 20, 2019

BOARD OF HEALTH STATUS REPORT

TITLE 5 REVIEW AND VARIANCES

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

PERCOLATION TESTS

- (6)

EMERGENCY RESPONSE

March 24, 2018 OFD, 7 p.m. co detected at 284 Onset Ave.

INSPECTIONS

Restaurant inspections to begin for 2019. (25 % completed).

BEACH WATER SAMPLING PROGRAM

Beach Water sampling to begin May/June.

COURT CASES

- (Proposed 7 housing cases)
- 2 (no Shows)

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 POLICY

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

RME



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MEMORIAL TOWN HALL
54 MARION ROAD
WAREHAM, MA 02571

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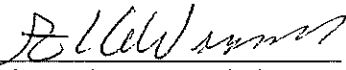
April 3, 2019

To Whom It May Concern:


On April 3, 2019, at a regularly scheduled meeting, the Wareham Board of Health agreed to appoint Town Clerk Michele Bissonnett to act as the Burial Agent for the Town of Wareham.

On a motion of Catherine Phinney and seconded by Glenn Monterio, the Board voted to appoint Michele Bissonnett to act as the Burial Agent for the Town of Wareham. All in favor. 3-0-0-

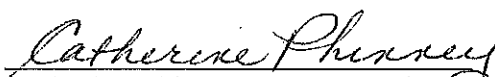
Signed this 3rd day of April 2019.



Amy Wiegandt, M.D., Chairman



Glenn M. Monterio, M.D., Member



Catherine Phinney, R.N., Member