

**BOARD OF HEALTH
MINUTES OF MEETING
AUGUST 2, 2017**

PRESENT: Amy Wiegandt, M.D., Chairman
Glenn M. Monterio, Member
Catherine Phinney, Member
Thomas L. Gleason, M.D., Associate Member

Patrick MacDonald, Inspector
Suzanne Burke, Recording Secretary

EXCUSED: Robert M. Ethier, Director

Chairman Wiegandt called the meeting to order at 4:00 p.m. on the Third Floor, Wareham Town Hall, Rm. 27.

4:00 p.m. Signing of Minutes

The minutes of July 19, 2017 were read and accepted.

On a motion of Catherine Phinney and seconded by Dr. Wiegandt the minutes were accepted. All in favor.

4:05 p.m. Village Motel- Discussion

Mr. Thomas Melanson, owner of Village Motel, located at 2739 Cranberry Highway was ordered before the board after Health Inspector Patrick MacDonald received complaints from guests staying at the motel. Mr. MacDonald and Mr. Ethier inspected the property and found the motel was not complying with local Board of Health regulations nor the Mass General Law, Chapter 140 pertaining to motels and hotels. Along with the lack of daily housekeeping; linens, towels and toilet paper were not in place. The manager of the motel, Daniel Rodriguez also appeared to discuss the limited over-night accommodations for transient motorists and the limited stay to three weeks. Section 3- Lodging, Motels, Items 5 of the Board of Health regulations state: Every person who owns, manages or operates a motel shall maintain an up-to-date guest register containing each guest name, permanent residence address, date of registration, and duration of stay. Such register shall be made available for inspection to the Board of Health, its agent, or a police officer. Section 3 Lodging, Motels, Items 6- Occupancy of a guest unit shall be limited to over-night accommodations for transient motorists and shall not be occupied as a principal place of residence. Occupancy of a motel guest unit by a person at the same licensed premises shall be limited to three weeks.

Mr. Melanson stated he never received a copy of the regulations and was following what the previous owner did. At the time of sale, the previous owner still owed fees/fines to the Board of Health. On Mr. Melanson's behalf, Mr. Rodriguez paid the outstanding fees to the office and was handed a copy of the Board of Health Rules and Regulations. The board stressed the importance of owning a business and following up on all regulations both state and local as all business owners must meet compliance. After discussion it was agreed, Mr. Melanson and Mr. Rodriguez will meet with Mr. Patrick MacDonald during the week to review the regulations in order to help the motel meet compliance. Mr. Melanson told the board he is in the process of turning the property over into condominiums. Dr. Gleason commented on the properties conditions and the ability to do so. Dr. Wiegandt commented on the units not being appropriate to sell as condominium units without renovations. Mr. MacDonald stated the owner would have to check with Inspectional Services/ Zoning Rules and Regulations as all new sprinkler systems/fire blocking/kitchens would have to be put in place first. Zoning would have to approve a zoning change. Catherine Phinney explained the board is trying to improve living conditions and the motel must meet the requirements for appropriate housing along with the daily cleaning of each unit. Dr. Wiegandt warned Mr. Melanson if the property does not follow the required regulations a fine will be imposed. Mr. Melanson will relate this information to his attorney and will return before the board on September 6th.

Board of Health Liaison Judith Whiteside recommended a letter be issued to Mr. Melanson stating: (1) the date of this meeting. (2) Mr. Melanson received a copy of the regulations at this meeting. (3) a plan is put in place by Mr. Melanson and submitted to the board at the September 6th meeting. Dr. Wiegandt agreed and requested to send certified mail.

4:10 p.m. 2 Carmichael Way, McKinnon & Keese Engineering- Discussion

Ms. Kathy Dionne abutter of 2 Carmichael Way appeared before the board in reference to the July 19th variance approval on the above mentioned property. Variances granted and conditions are stated below.

1. S.A.S. to Crawl Space: 6', Title V, 20'. A Ruffco 240 Barrier shall be installed against the existing fence on the easterly side of the SAS & on the over dig on the westerly side.
2. SA.S. to Easterly Property Line: 2', Title V 10'
3. Septic Tank: (A) Crawl Space: 7' Title V, 10' (B) Property Line 9', Title V, 10'
4. Pump Chamber to: (A) Crawl Space 7', Title V, 10', (B) Water Line: 2' Title V, 10,
5. Water Table Mottles to Bottom of S.A.S. in less than 2 min. /in. Soils 15.212 : (1) (b)) 4', Title V, 5'.

The variances were granted on July 19th with the conditions a I/A Summary Sheet is filed with the Board of Health and a deed restriction is filed with the Plymouth Registry of Deeds restricting the home to two

bedrooms. A copy of the stamped deed restriction is to be filed with the Board of Health.

Ms. Dionne stated she did not receive notice of the hearing on July 19th and wanted a chance to state her concerns. Ms. Dionne stated "the fact where the system is being located is against state regulations". Ms. Dionne is requesting the system be installed on the other side of the home. Engineer Sandy Keese stated "this is the only location the system can be installed and all other abutters received notification, Ms. Dionne's notification must still be at the post office. Beside the fact, they are dealing with a cesspool that is in a state of failure. The homeowner is spending \$30,000 to upgrade this system in order to comply with Title 5." Ms. Dionne said the state law guideline requires the system to be 10 feet away from the property line. Another concern of Ms. Dionne is the perc test time. Director Robert Ethier is on vacation at this time. In regards to all fairness to Ms. Dionne, Chairman Wiegandt will relay the concerns and the request to move the system to Mr. Ethier for inquiry with DEP and/or a second opinion. Mr. Ethier will be in contact with both parties upon his return.

HEALTH AGENTS REPORT- Director Robert Ethier is on vacation. Mr. Ethier will report at the September 6th meeting.

Old Business-

1. **Motels- Hotels-** Establishment owners who do not submit a monthly register will be fined. All registers will be recorded and kept on file. Village Motel and Rosewood Motel will appear at the September 6th meeting.
2. **Draft Lodging Regulations-** Patrick MacDonald is still waiting for town council approval. Once approved the regulations will be added to the regulation booklets.
3. **Animal Regulations-** Board members will review the animal regulations and comment at the next meeting. Patrick MacDonald will contact Animal Control to input on updating regulations.
4. **Smoking Regulations-** Mr. Ethier and Dr. Wiegandt will visit with Bourne BOH to discuss regulations. Friendly list of smoking regs will be composed in the near future.

New Business-

1. Patrick MacDonald reviewed the Federal Food Code and suggested definitions for Food Establishment, Packaged, and Limited Retail Food Establishment be added to the Board of Health Regulations.

2. Patrick MacDonald discussed adding a new regulation regarding Serve Safe- Food Protection Certificates. The board agreed to add a new regulation effective January 1, 2018.
3. The board agreed to add (as is) the Mass Department of Public Health, Farmer's Market Policies, Procedures and Guidelines to the local regulations.

On a motion of Catherine Phinney and seconded by Dr. Wiegandt the board agreed to add the following Food Service Definitions/Policies to the Board of Health Regulations.

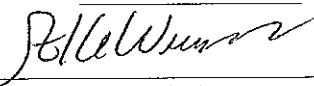
1. (A) Definition for Food Establishment- an operation that stores, prepares packages, serves, vends, or otherwise provides food for human consumption. Food Establishment does not include an establishment that offers only pre-packaged foods that are not potentially hazardous, a produce stand that only offers whole, uncut fresh fruits and vegetables, a food processing plant, or a residential kitchen.
 (B) Packaged- means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a Food Establishment or a Food Processing Plant. "Packaged" does not include a wrapped carry-out box, or other non-durable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
 (C) Limited Retail Food Establishment- Limited to 40 sq. ft. or less or prepackaged non-potentially hazardous foods. Including, but not limited to, beverage machines and drink refrigerators.
2. Provisions: - Effective January 1, 2018 the Wareham Board of Health will require one person in charge per shift to be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program. The person in charge that holds the food protection manager certification must be directly involved with food operations.
3. The Mass Department of Public Health, Farmer's Market Policies, Procedures and Guidelines shall be added to the Board of Health local Farmer Market Regulations. The DHP heading shall stay and will follow behind the Local BOH Regulations.

All members opposed- 0 All in favor-3- Motion granted.

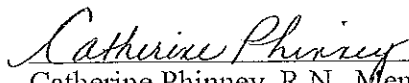
Cathy Phinney made a motion to close the meeting at 5:40 p.m. Seconded by Dr. Wiegandt. All in favor.

Respectfully submitted: Suzanne Burke, August 9, 2017

Signed and dated: _____



Amy Wiegandt, M.D, Chairman



Catherine Phinney, R.N., Member

Glenn M. Monterio, Member