

**BOARD OF HEALTH  
MINUTES OF MEETING  
SEPTEMBER 5, 2018**

**PRESENT:** Amy Wiegandt, M.D., Chairman  
Glenn M. Monterio, Member  
Catherine Phinney, Member  
Thomas L. Gleason, M.D., Associate Member  
Lawrence Perry, Associate Member  
Patrick MacDonald, Inspector  
Suzanne Burke, Recording Secretary

**EXCUSED:** Robert M. Ethier, Director

Chairman Dr. Amy Weigandt called the meeting to order at 4:30 p.m. on the Third Floor, Wareham Town Hall, Rm 27.

**4:30 p.m. Signing of Minutes- August 15, 2018**

The minutes of meeting held on August 1, 2018 were reviewed and accepted.

Catherine Phinney made a motion to accept the minutes. Glenn Monterio 2<sup>nd</sup>. All in favor. 3-0-0 Minutes of August 15, 2018 accepted.

**4:35 p.m. Kool Kone, 374 Marion Road, Mr. Thomas Strom- Order to Appear**

Mr. Thomas Strom owner of Kool Kone was ordered before the Board on August 15th due to violations to the Massachusetts General Laws, 105 CMR 590.000, State Sanitary Code for Food Establishments. Upon inspection of the premises Mr. Ethier and Mr. MacDonald witnessed side doors to the kitchen open without screens and a heavy presence of insects. Covers were left off the ice-cream. Poor general housekeeping in the kitchen, multiple areas were found to be dirty including the refrigerator. Food was found to be at improper cold holding temperatures. The owner was not on site at the time of inspection and did not attend the hearing. Discussion arose of creating a new Board of Health policy to require one (1) Serve Safe Certified Manager per shift. Mr. McDonald stated this is already a regulation and is located in the Regulation Book under Food Service, Section 2, Provisions. After discussion, the Board agreed to fine Kool Kone \$300.00 for failure to keep the establishment clean. Mr. Strom was ordered to appear again today to discuss the cleanliness and upkeep of his establishment.

Mr. Strom appeared before the Board along with eighteen (18) employees to discuss the violations. Inspector Patrick MacDonald stated he inspected the establishment and all has been brought back to code. New screen doors have been installed and the icing method has been upgraded. Mr. Strom stated he was away on vacation during the inspection and apologized to the Board for the lack of cleanliness. All employees apologized and agreed it will not happen again. Mr. Strom works seven (7) days a week overseeing/training his employees. Together as a group they will come up with a plan to keep the eating area clean when business is overwhelmingly busy. Board Members recommended training and enrolling more employees in the Serve-Safe Certification program. Mr. Strom agreed and is willing to enroll more employees into a program immediately.

**4:40 p.m. 33 Robinwood Road, Spink Design- Variance to Local & State Regs.**

Mr. Thomas Roux of Spink Design, 59 Clay Street, Middleborough appeared before the Board to request the following variances in behalf of the Estate of Louise Thunert. The property is located at 33 Robinwood Road.

1. **15.211 Minimum Setback Distances**
  - a. Soil Absorption shall be at least 50 feet from a bordering vegetated wetland (BVW).
  - b. Requesting a variance from 50 feet, down to 25 feet.
2. **15.221(7) General Construction Requirements for all System Components**
  - a. The top of all system components shall be installed no more than 36" below grade.
  - b. Requesting a variance from 3 feet deep to 6 feet deep for the soil absorption system.

After review the Board agreed to grant the variances with the condition a deed restriction is filed with the Plymouth County Registry of Deeds restricting the home to two bedrooms.

**On a motion of Catherine Phinney and seconded by Glenn Monterio the variances were granted with the condition a deed restriction is filed with the Plymouth County Registry of Deed restricting the home to two bedrooms.**

**4:45 p.m. 307 Main Street, Getty Station, Mr. Sam Mohamed- Tobacco Regs.**

Mr. Sam Mohamed appeared before the Board to request a tobacco sales permit for 307 Main Street, aka Getty Station. Mr. Mohamed purchased the Getty Station in 2013. Mr. Mohamed stated he was stopped from the Town of Wareham in the opening of the station until local and state upgrades were met. Mr. Mohamed did not renew his tobacco license for the establishment as the work permit process was going to take a couple of years with the town and state requirements. In 2016 the Board of Health signed an agreement and voted in a new regulation 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".

**Section 5: Smoking Regulations- #4 Tobacco and Nicotine Delivery Product Sales Permit:** J. A Tobacco and Nicotine Delivery Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired. Maximum Number of Tobacco and Nicotine Delivery Product Sales Permits (a) at any given time, there shall be no more than forty (40) Tobacco and Nicotine Delivery Product Sales Permits issued in the town of Wareham. No permit renewal will be denied based on the requirements of this subsection except any permittee who has failed to renew their permit by January 31 will be treated as a first-time permit applicant. Applicants who purchase a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products and/or Nicotine Delivery Products. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-serve" basis as issued permits are either not renewed or are returned to the town. (b) As of January 1, 2016, the town of Wareham shall begin reducing the number of issued Tobacco and Nicotine Delivery Product Sales Permits to no more than thirty-seven (37) permits. No permit renewal will be denied based on the requirements of this subsection except any permittee who has failed to renew their permit by January 31 will be treated as a first-time permit applicant. Applicants who purchase a business that holds a current Tobacco and Nicotine Delivery Product Sales Permit at the time of the sale of said business may apply, within Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the buyer intends to sell tobacco product and/or Nicotine Delivery Products. New applicants who are applying at a time when the maximum number of issued permits decreases to fewer than thirty-sever (37) permits.

After discussion, the Board denied the issuance of the tobacco permit until the town has decreased the number of permits. Mr. Mohamed will be placed on a waiting list and will be contacted once the number of issued permits is decreased to fewer than thirty-seven (37) permits. The Board did give Mr. Mohamed permission to transfer his tobacco permit from Sam's Gas located on Marion Road to the Getty Gas on Main Street upon the submittal of the proper paperwork to the Health Department.

**Mr. Mohamed was informed to confirm with the Health Department Inspectors before any changes are made.**

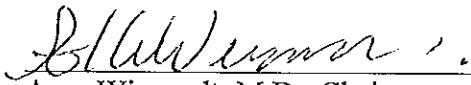
**HEALTH AGENTS REPORT-** Inspector Patrick MacDonald reported. (R. Ethier not present) See attached.

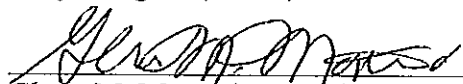
**NEW BUSINESS-** Discussion with Department of Natural Resources regarding roosters will be placed on the September 19th agenda. Members will review regulations.

On a motion of Catherine Phinney and seconded by Glenn Monterio the meeting was adjourned at 5:27 p.m. All in favor.

Respectfully submitted: Suzanne Burke

Signed and dated: September 19, 2018

  
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Amy Wiegandt, M.D., Chairman

  
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Glenn M. Monterio, Member

  
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Catherine Phinney, Member