

**BOARD OF HEALTH
MINUTES OF MEETING
SEPTEMBER 20, 2017**

PRESENT: Amy Wiegandt, M.D., Chairman
Glenn M. Monterio, Member
Thomas L. Gleason, M.D., Associate Member
Richard Bowen Esq., Town Counsel

Robert M. Ethier, Director
Patrick MacDonald, Inspector
Suzanne Burke, Recording Secretary

EXCUSED: Catherine Phinney, R.N., Member

Chairman Wiegandt called the meeting to order at 4:05 p.m. on the Third Floor, Wareham Town Hall, Rm. 27. Dr. Thomas Gleason moved to voting member.

4:05 p.m. 2 Carmichael Way, Ms. Roseann Dalbec- Variance Hearing

Town Counsel Richard Bowen called the evidentiary hearing to order. Attorney Bowen read the notice of request to appear. Ms. Kathleen Dionne homeowner residing at 4 Carmichael Way and her attorney John J. Gushue are requesting to rescind the variance granted to Ms. Roseann Dalbec of 2 Carmichael Way during the Board of Health- July 19th meeting due to improper/lack of notification as stated in 310 CMR 15.411 State Regulations. All parties involved requested to appear and testify. The following parties were sworn in: Ms. Kathleen Dionne of 4 Carmichael Way and her attorney John J. Gushue of Gushue Law. Ms. Roseann Dalbec of 2 Carmichael Way and her representation Ms. Sandra Keese of McKinnon & Keese Engineering. In support of 2 Carmichael Way, Mr. Frank Westgate of Westgate Land Survey, Mr. Howard Smith of Smith Cesspool Service and abutter Mr. Paul Corwyn owner of Blackmore Pond Cranberry Bog, Inc., 100 Blackmore Pond Road also appeared.

Town Counsel Richard Bowen stated the only question being discussed at this hearing is; "Did the applicants notification letter to the abutter comply with 15.411: Process for Seeking a Variance from Local Approving Authorities (1) The Local Approving Authority shall review requests for variances as follows. (a) Every request for a variance shall be in writing, shall make reference to the specific provision of 310 CMR 15.000 for which a variance is sought, and shall include a statement demonstrating compliance with 310 CMR 15.410. and (b) No application for a variance shall be complete until the applicant has notified all abutters by certified mail at his/her own expense at least ten

days before the Board of Health meeting at which the variance request will be on the agenda. The notification shall reference the specific provisions of 310 CMR 15.000 from which a variance is sought, a statement demonstration compliance with 310 CMR 15.410, and the date, time and place where the application will be discussed.”

After testimony and review of evidence, Attorney Bowen stated he is only in attendance to run the hearing, not to vote on an outcome. With permission of Chairman Dr. Amy Wiegandt, Attorney Bowen shared his own conclusion. “There is no question this is a very difficult regulation. Although it is a specific regulation and is required. The timing of the notice is defective and due to inadequate content I do not see the regulation was followed.” The Board must vote to rescind or not to rescind the variance granted on July 19, 2017. Director of Health, Robert Ethier stated it is an emergency and at this point the problem must be resolved. Dr. Amy Wiegandt is in favor of rescinding the variance and inquired if a motion is on the floor.

Attorney Richard Bowen requested permission from Chairman Wiegandt to make a motion to close the evidentiary part of the hearing. Permission granted. Seconded by Dr. Thomas Gleason. All in favor.

Dr. Amy Wiegandt is in favor of rescinding the variance. Dr. Thomas Gleason and Member Glenn Monterio agree.

Dr. Thomas Gleason made a motion to rescind any/all variance requests granted to Ms. Dalbec on July 19, 2017 on property located at 2 Carmichael Way due to improper/lack of notification. Seconded by Glenn Monterio. All in favor. Variances rescinded.

4:10 p.m. Ken Buckland- Master Plan Discussion

Mr. Kenneth Buckland, Town Planner appeared before the Board to discuss input on the Master Plan for the Town of Wareham. He is asking the Board to share the top major issues the Board of Health would like to address and/or what perspective as a citizen of the Town of Wareham they would like to see happen. This is a plan in work and Mr. Buckland is requesting input. After discussion, the Board made a few suggestions: 1. Full Time Public Health Nurse. 2. Update Needle Program- purchase one machine to destroy/sanitize used needles. 3. Town Sewer to be completed in the town. 4. Permitting & Regulations- expedite the process with all departments and uniform department regulations. Ms. Nancy McHale, member of the audience and Treasure of the Wareham Land Trust requested addressing land preservation and storm mitigation. Mr. Buckland thanked the Board and the audience for their input and encouraged their participation at future town meetings.

4:15 p.m. Village Motel, Mr. Melanson- Discussion

As requested at the September 6th meeting, Mr. Thomas Melanson appeared before the Board to submit a plan of action regarding violations of the Board of Health Local Regulations: Section 3- Lodging Motels, Items 5 & 6. Mr. Melanson told the board he is still in the process of turning the motel into condominiums and is providing toiletries and housekeeping until the conversion is complete. Dr. Wiegandt inquired on the plan of action that was to be submitted. Mr. Melanson stated he is working with an engineer and will have plans within a month. Upon completion of the engineered plans, Mr. Melanson will submit plans to the Board of Health and to the Inspectional Service Department. The Board again reviewed the regulations with Mr. Melanson and his manager Mr. Daniel Rodriguez. The Board ordered Mr. Melanson and Mr. Rodriguez to get a plan of action in place and requested both owner and manager appear with a plan of action at the October 18th meeting.

OLD BUSINESS


1. **Signing of Minutes- September 6, 2017. On a motion of Dr. Gleason and seconded by Glenn Monterio the minutes of September 6, 2017 were read and accepted.**
2. Animal Regulations – Regulations will be discussed at the October 4th meeting.
3. Hazardous Waste- Ongoing.

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

Dr. Gleason made a motion to close the meeting at 5:59 p.m. Seconded by Glenn Monterio. All in favor.

Respectfully submitted: Suzanne Burke, September 26, 2017

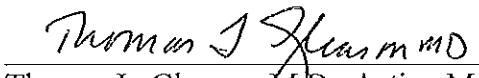
Signed and dated: 10-4-17



Amy Wiegandt, M.D, Chairman



Glenn M. Monterio, Member



Thomas L. Gleason, M.D., Acting Member

HEALTH AGENT'S REPORT

September 20, 2017

Last Meeting, September 6, 2017

BOARD OF HEALTH STATUS REPORT

TITLE 5 REVIEW AND VARIANCES

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

PERCOLATION TESTS

- (1)

EMERGENCY RESPONSE

- (2)
93 Marion Road
3106 Cranberry Highway

INSPECTIONS

Restaurant inspections begin October 1, 2017 for 2018.

BEACH WATER SAMPLING PROGRAM

Beach Water sampling season ended on August 29, 2017.

COURT CASES

- (2) Cases on docket for October 4, 2017.

PUBLIC HEALTH NURSE

Interviewed nurse on September 19, 2017

BLOOD PRESSURE CLINIC POSTPONED UNTIL FURTHER NOTICE

DISEASE REPORTING

NO RECENT CASES

PLYMOUTH COUNTY EMERGENCY PREPAREDNESS COALITION

OLD BUSINESS

Rental Housing Program -- Registration for 2017 ongoing.

1190 private homes, 836 inspected

630 apartments, 630 inspected

Total revenue = \$104,675

Fines for non-compliance = \$4925

97 PROPERTIES UNREGISTERED ACCORDING TO LAST YEARS FIGURES

NEW BUSINESS

Robert M. Ethier, Director of Public Health

Wareham Board of Health

RME