

**BOARD OF HEALTH
MINUTES OF MEETING
OCTOBER 17, 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
Robert M. Ethier, Director
Patrick MacDonald, Inspector
Suzanne Burke, Recording Secretary

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- October 3, 2018

The minutes of meeting held on October 3, 2018 were reviewed and accepted.

Catherine Phinney made a motion to accept the minutes. Glenn Monterio 2nd. All in favor. 3-0-0 Minutes of October 3, 2018 accepted.

4:35 p.m. 18 Windship Avenue, Clemmey/Winship LLC- Discussion

Mr. Carl Clemmey was ordered before the Board to discuss the existing septic system located at 28 Windship Avenue. It was brought to Director Robert Ethier's attention that the property included a beach house with bathroom facilities and the structure did not meet compliance to Title 5 requirements. Mr. Carl Clemmey appeared with his son William Clemmey and stated upon purchase of the property a Title 5 Inspection was performed and passed. After discussion and review of the septic design it was revealed that the main house was hooked into a Title 5 system and the beach house was serviced by a cesspool. Mr. Ethier stated this is an environmental issue/concern and must be addressed. The Clemmey's agreed to research systems to meet compliance and will report back to the Board.

**4:40 p.m. 81 Edgewater Drive, Collins Civil Engineering Group, Inc.-
Discussion**

It was brought to the Boards attention that the subsurface sewage disposal system design located at 81 Edgewater Drive does not provide nitrogen removal as required in the regulations. Therefore, the Board ordered Mr. George Collins of Collins Civil engineering Group to provide a new design plan of a nitrogen reduction system as required by the Wareham Board of Health Regulations. Mr. Collins appeared and told the Board on or about June 1, 2014, he spoke with Robert Ethier specifically about the new local regulations requiring advanced treatment for nitrogen removal. He had the conversation over the phone before he prepared the proposal for his client. Discussion of the use of the Presby Advanced Enviro-Septic system design for advanced treatment in an attempt to fulfill the intent of the new regulation. It is Mr. Collins professional opinion that with a seasonal use home such as this, denitrification systems do not work properly with heavy fluctuations in water usage (0 gallons per day for prolonged periods to normal usage for short periods of time). As a result, Mr. Collins suggested over the phone that the Presby system be installed. Mr. Ethier asked to submit the DEP approval letter along with the design. His office filed with the Conservation Commission and Board of Health, ultimately obtaining permits from both entities. Subsequently, the system was installed and certificates of compliances were obtained from both the Board of Health and Conservation Commission. Mr. Collins stated it is now four (4) years and two (2) owners later and the Board is requesting a new system be installed. Mr. Collins stated at this time, it is not a reasonable nor practical request. Mr. Ethier explained the regulation was in its infancy at the time and was in the process of developing the implementation of the new regulation. To be fair, the proposed plan was submitted seven days before the final regulation went into effect. Mr. Ethier suggested granting a variance with a stipulation the system is monitored. Pumping every two years with a routine inspection. Mr. Collins requested pumping annually instead of sampling to save the homeowner costly expenses. After extreme review and intense discussion it was agreed to grant a variance for yearly pumping and records must be filed with the Board of Health. A deed restriction to be filed in the Plymouth County Registry of Deeds.

On a motion of Catherine Phinney and seconded by Glenn Monterio, it was agreed the present septic design may stay upon the condition the system is pumped on a yearly basis. Pumping records are to be submitted to the Board of Health and a deed restriction to be filed with the Plymouth County Registry of Deeds granting a waiver requiring annual pumping and restricting the home to four bedrooms.

All in favor. 3-0-0.

**4:45 p.m. 30 Lakeview Drive, McKinnon & Keese Engineering- Variance to
State Regulations**

Ms. Sandra Keese appeared before the Board with Nancy Libardoni of 30 Lakeview Drive in request of the following variances:

Title 5 Variances (Setbacks 15.211)

1. Tight tanks to southerly property line: 0'; Title V, 10'. Note that these property lines have been delineated by Westgate Survey, Kinston, MA & this line lies on an unimproved, gravel private way.
2. Tight tanks to crawl space foundation: 5.5' & 4' respectively, Title V 20'. The excavation here shall utilize steel plates to shore up soil on the foundation side. One tank @ a time to be excavated, installed, backfilled, before the excavation for the second tank can be installed. We used 2-1,000 gallon tanks that were narrower, shallower than a single 2,000 gallon tank. Both are H2O loading, heavy tops with steel manhole covers for added weight to eliminate any flotation Calc's are on our plan.

After review it was agreed the engineered plan had various discrepancies and omissions. Ms. Keese will submit a new designed plan and appear on November 7, 2018.

4:50 p.m. 408 Main Street, Bernadette Kelly & Sheldon Daly- Rental Discussion

Ms. Kelly & Mr. Daly requested to appear due to a complaint regarding the lack of heat (sometimes no heat), by a tenant residing on property located at 408 Main Street. The tenant reported the rental history has been ongoing since 2014. Property owners Ms. Bernadette Kelly & Mr. Sheldon Daly were notified that the property has not been registered for the Town of Wareham Board of Health Rental Property Mandatory Inspection Program promulgated under the authority vested in Mass M.G.L. 111, Section 31, and in accordance with the State Sanitary Code, Chapter II, and Minimum Standards of Fitness for Human Habitation. The property owners were notified they had ten (10) business days to submit the payment of fees (including late fees) totaling \$1,125.00. The property owners requested to appear before the Board to reduce the fees. Mr. Daly told the Board he had not received an invoice nor had he ever heard of the regulation. Ms. Kelly argued they pay their bills and would have complied if an invoice was mailed or if notification was sent in regards to the regulation. The Board reported the rental payment notices are issued in with the tax bills and mailed out every year to remind all residents of the yearly registration fee. Dr. Wiegandt stated this has happened to residents in the past. Some residents do not receive tax bills at their home addresses. Many accountants, banks, etc... may be receiving the notice with the tax bill and pay only the property taxes without following thru with the notification of rental properties. After further discussion, it was agreed to waive the fees and move forward with the 2018 & 2019 payments.

On a motion of Catherine Phinney and seconded by Glenn Monterio, the request to waive the past due amount including late fees was granted. Rental property owners of 408 Main Street will pay the 2018 and 2019 rental fees totaling \$200.00.

5:00 p.m. Rooster/Poultry Regulation- Discussion

Gary Buckminster, Director of Natural Resources appeared to discuss the updating of the rooster/hen/poultry regulations. Mr. Buckminster stated he and the Animal Control Officer have reviewed numerous regulations of neighboring communities and feel while not one town in particular has the ideal set of regulations, together they utilized some areas of the other towns regulations and created a recommendation that will be geared to the issues within the Town of Wareham. The office of the Board of Health has received numerous complaints regarding roosters. Residents who submitted complaints appeared in the hope a rooster ban would be put in place and allow roosters only in large acreage areas. Many other residents appeared to protest a regulation change. Mr. Ethier included the audience while reading out loud the amended regulations. After lengthy discussion and audience input, the Board agreed the residents will register their fowl with the Department of Health and under the regulation: ROOSTER-# 1. Restrictions and Enforcement A, B & C..... all will remain except for C. – Roosters are for breeding only. No rooster shall be permitted on less than one (1) acre. C- will be removed. (See attached amended Poultry Regulations.)

On a motion of Catherine Phinney and seconded by Mr. Monterio, the amended poultry regulations are accepted as read with the exception of the acreage requirement. 3-0-0 All in favor.

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

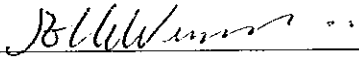
OLD BUSINESS-

NEW BUSINESS-

On a motion of Catherine Phinney and seconded by Glenn Monterio the meeting was adjourned at 6:39 p.m. All in favor. 3-0-0

Respectfully submitted: Suzanne Burke

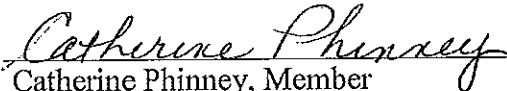
Signed and dated: January 16, 2019



Amy Wiegandt, M.D., Chairman



Glenn M. Monterio, Member



Catherine Phinney, Member

Pooper- Scooper Regulation

1. Regulation:

- A. The purpose of this regulation is to protect the foreshores, wetlands and waters of the Town of Wareham by restricting dogs from the public beaches of the Town of Wareham. No dog shall be allowed upon the salt water or fresh water beaches or marshes of the Town of Wareham either loose or on a leash.
- B. The dog owner shall keep control over the dog at all times that the dog is off the owner's property. The dog owner shall be required to have in his possession a means to pick up all feces deposited by the dog on any public property. All feces collected shall be deposited in the owner's rubbish containers.
- C. Any party in control of a dog in the absence of the owner, while the dog is off the owner's property, shall be required to observe all rules and regulations pertaining to the owner as contained in this regulation.
- D. Seeing-eye dogs are the only exemption, when accompanied by the owner.

2. Penalties: Any person who violates this regulation shall be fined upon conviction.

3. Description of "Pooper – Scooper" acceptable to the Board of Health:

- A. A device manufactured for the express purpose of picking up dog feces.
- B. Any sanitary means of collection, including, but not limited to, plastic container, rubbish bags and garbage bags.

Poultry

Updated: October 17, 2018

1. Definition: Poultry means domesticated bird, including chickens, turkeys, ducks, roosters, geese (other than wild), guinea fowl, pheasants and pigeons of any age and sex.

2. Location:

- A. All coops, hutches and other such buildings should be located 100' from wetlands and waterways. A buffer zone of a minimum of 1 foot in height is required consisting of wood timbers or grass seeded earth that will keep storm water runoff from running directly into the wetlands.
- B. Not less than 150' from the high water mark of any source of drinking water or any tributary thereof or less than 150' from the high water mark of any open waters flowing directly or ultimately into any source of water supply.

3. Construction of Buildings: All coops, hutches or other such buildings used for poultry shall be of durable construction. Such structures shall be designed so as to prevent the harborage of rats or mice.

4. **Ventilation:** All coops, hutches or other such buildings used to house poultry shall be properly ventilated and kept dry.
5. **Maintenance of Facilities:**
 - A. Nests shall be movable and surrounding areas must be maintained in clean, sanitary condition, weekly. Perches and areas beneath perches shall be cleaned weekly. Surrounding areas are to be maintained in a clean and sanitary condition, weekly or as needed.
 - B. Feed stations shall be maintained in proper sanitary condition. Interior of coops, hutches, structures, etc. shall be whitewashed (or equivalent treatment) at least once a year.
6. **Receptacles for Garbage or Refuse Food:** Garbage or waste refuse food shall not be fed to animals unless such food is placed in proper receptacles, which shall be kept clean. Such food may also be placed upon cement or other waterproof surface provided such surface is kept clean.
7. **Manure Storage:**
 - A. A covered, ventilated, water tight storage facility constructed of any durable material for the storage of poultry waste shall be provided and so located as to promote regular removal of manure from the premises.
 - B. Poultry waste must be stored 50' from any dwelling and 50' from property line, wetland line, and public/private waterway. The waste storage area must be treated and maintained to eliminate odor and insect problems.
 - C. Storage of poultry waste shall not be less than 150' from the high water mark of any source of drinking water supply or any tributary thereof, or less than 150' from high water mark of any open watercourse flowing directly or ultimately to any source of water supply.
8. **Restriction to Premises:** All poultry shall be kept in an approved building, run or enclosure of adequate size. Poultry shall not be permitted to roam unrestricted. Any animal shall be deemed to be "at-large" when it is off the premises.

Rooster

1. **Restrictions and Enforcement:**
 - A. The rooster shall be kept between the hours of 7:00 p.m. and 7:00 a.m. within a fully enclosed structure designed to minimize noise.
 - B. The person shall not allow or permit such rooster at anytime to annoy another person's reasonable right to peace or privacy by making loud or continuous noise where such noise is plainly audible between the hours of 7:00 a.m. and 7:00 p.m. at a distance of 150 feet from the premises where the rooster is kept, or between the hours of 7:00 p.m. and 7:00 a.m. at a distance of 50 feet from the premises where the rooster is kept, or when such noise is continuous in excess of 10 minutes.

- C. Roosters are for breeding only. No rooster shall be permitted on less than one (1) acre. ~~C. TO BE REMOVED~~

9. Poultry Registration/Permits:

- A. All backyard flocks (chickens, ducks, roosters, geese, turkey etc.) must be registered with the Wareham Health Department at the beginning of each year.
- B. A poultry permit is required by the Wareham Board of Health.

10. Poultry Penalties for Violation of Regulation: If, upon written complaint, or observation by authorities, the Animal Control Officer or a Board of Health Agent determines a violation a warning or citation may be issued based on the following schedule:

- 1st Offense: \$50.00
- 2nd Offense within any 12-month period: \$75 fine
- 3rd Offense within any 12-month period: \$100 fine

This regulation was adopted on October 17, 2018.

Waterfowl

1. Purpose:

- A. The protection of the foreshores, marshes, wetlands, public swimming beaches, shell fishing, water quality and recreational uses from pollution created by unnatural harborage of waterfowl as the result of feeding or baiting by the public.
- B. No persons shall feed or bait any waterfowl, including but not restricted to ducks, geese, swans, pigeons and seagulls at any place within the Town of Wareham. "Feeding and Baiting" means the placing, exposing, depositing, distributing or scattering directly or indirectly, of shelled, shucked or un-shucked corn, wheat, or other grains, seeds, breads, salt or nutritive substance in any manner or form so as to constitute for such birds a lure, attraction or enticement to, on or over any such areas where said feed items have been placed, exposed, deposited, distributed, or scattered. (Chapter 131 M.G.L.)
- C. Nothing in this regulation shall be construed to limit the feeding of domestic waterfowl, as defined by the Division of Marine Fisheries and Wildlife (DMF&W) by a farmer (Section 1A, Chapter 128).
- D. The Director of the DMF&W or his/her agent or designee, may authorize the emergency feeding of waterfowl and birds, when in his/her opinion, such action is necessary in order to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director must notify the Board of Selectman.
- E. Any person who violates any provision of this regulation shall be fined \$25.00 for each offense thereof. This regulation may be enforced by police officers,

shellfish constables, agents of the Board of Health, and environmental police officers.

Public Health Nurse Report

Town of Wareham

Submitted by Julie A. Silva, B.S.N., R.N.

October 17, 2018

October 2018

- Provide Blood Pressure/Wellness Clinic (2 hours per week) on Tuesdays 9:30-11:30AM @ Wareham Council on Aging at Multi Service Center
- To provide Public Education Inservice "Flu Prevention" on Tuesday, November 13, 2018 @ 11AM @ Council on Aging; (Missy, COA Director requested date change from October 16, 2018);
- Board of Health Office (8 hours per week) on Thursdays
- Continue to work on MAVEN (MA Virtual Epidemiological Network) via MA DPH Virtual Gateway for Reportable Diseases for Town of Wareham; phone calls to local Infection Control Preventionists, MD/Urgent Care offices, and town residents to complete MAVEN Reports
- Daily MAVEN checks and e-mail via MA DPH Virtual Gateway for any reportable disease updates
- MAVEN reportable disease investigations/reports for Wareham residents completed via MA DPH Virtual Gateway since PHN training completed (and Wareham BOH online with MAVEN 8/17/2018):

9	Babesiosis
1	Human Granulocytic Anaplasmosis
1	Tickborne, Other
2	Campylobacteriosis
3	Legionellosis
3	Salmonellosis
1	Cryptosporidiosis
1	Ehrlichiosis
1	Hepatitis A

- Completed MAVEN "test case" with MA DPH Epidemiologist for actual Wareham resident with recent onset Hepatitis A; MA DPH is looking for a prompt response within 24 hours); test case was completed for MA DPH promptly and thoroughly with education provided for case and wife for f/u IG prevention vaccination (case had been residing in Florida for incubation period for Hepatitis A and not a food handler)
- Spoke with Wareham High School Nurse regarding assistance in finding immunization provides for Foreign Exchange Students at the school; also discussed biggest areas of concern school nurse finds with students: anxiety & drug use
- Spoke with MA DPH Epidemiologist regarding Legionellosis; epidemiologist reported that they are seeing an increase in cases in all towns across the state
- PHN is a member and attended Upper Cape Voke Tech High School's Advisory Committee Meeting on 10/10/2018 (member for Health Technology Dept)

Public Health Nurse to attend next Board of Health Committee Meeting on November 7, 2018.

HEALTH AGENT'S REPORT

October 17, 2017

Last Meeting, October 4, 2018

BOARD OF HEALTH STATUS REPORT

TITLE 5 REVIEW AND VARIANCES

- (0) Conventional Title 5 upgrades
- (0) Alternative systems

PERCOLATION TESTS

- (3)

EMERGENCY RESPONSE

- (0)

INSPECTIONS

Restaurant inspections begin October 22, 2017 for 2018.

BEACH WATER SAMPLING PROGRAM

Beach Water sampling season ended on August 29, 2017.

COURT CASES

- (2) Cases on docket for November 18, 2017.

PUBLIC HEALTH NURSE

Blood pressure clinic continues

DISEASE REPORTING

No recent cases

PLYMOUTH COUNTY EMERGENCY PREPAREDNESS COALITION

OLD BUSINESS

Gateway plaza

Rental Housing Program – Registration for 2017 ongoing.

PROPERTIES UNREGISTERED ACCORDING TO LAST YEARS FIGURES

NEW BUSINESS

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