

**BOARD OF HEALTH
MINUTES OF MEETING
NOVEMBER 4, 2015**

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

Robert M. Ethier, Health Agent
Patrick MacDonald, Health Inspector

EXCUSED: Frank X. DeFelice, Associate Member
Glenn M. Monterio, Member

Chairman Wiegandt called the meeting to order at 4:00 p.m., in Room 23, on the Third Floor of the Wareham Town Hall.

Dr. Wiegandt moved Dr. Thomas Gleason to member seat in absence of Glenn Monterio.

4:00 p.m. Signing of Minutes- October 7, 2015.

On a motion of Dr. Wiegandt and seconded by Mrs. Phinney the minutes of the meeting on October 7, 2015 were read and accepted. All in favor.

4:05 p.m. 274 Marion Road, Sam's Gas- Smoking in the Workplace- Violation

The Board of Health received complaints from Cape Cod Tobacco Control program regarding violations of the MGL Chapter III, Section 31, adopted by the Wareham Board of Health on November 5, 1996, effective January 1, 1997. This action constitutes a violation of the MGL Chapter 270, Section 22, and 105 CMR, 661.000 regarding restrictions on "Smoking in the Workplace". Sam's Gas Business Manager, Bucky Ellakallis appeared before the Board. After discussion, the Board requested Mr. Robert Collett of Cape Cod Tobacco Control Program and Mr. Sam Ellakallis to appear before the Board. Mr. Ellakallis is the owner of the business and person in question on complaint. Hearing is continued until November 18, 2015.

4:10 p.m. 2537 Cranberry Highway, Five Star Gateway Gas- Violation to Ban on Self Service Displays.

The Board of Health was notified by the Cape Cod Regional Tobacco Control Program that the business Five Star Gateway Gas is in violation of the Town of Wareham and State Law 105 CMR 661.400 (b)- egregious non-compliance. Business owner Zahra Ali

is out of town and requested to move the hearing to a later date. The hearing is moved to November 18, 2015.

4:15 4 Mallard Road, BBS Design Engineering & Surveying- Variance to State & Local Regulations

Mr. Jeffrey E. Ryther, P.E. approached the Board with the following variances.

The items under 15.405 (1) that the applicant requests to diverge from are as follows:

- (a) Reduction of system location setbacks.
 - 1. The SAS is proposed to be 0 feet from the street line (10' variance).

- (f) Reduction of system location setbacks from surface waters, salt marshes, and inland and coastal banks.
 - 2. SAS is proposed to be 35 feet from the coastal bank (15' variance.)

Town Regulations requires 150 feet from SAS to a Bordering Vegetated Wetland....

- 3. The SAS is proposed to be 65 feet from the BVW (85' variance).

Applicant requests that the Board approve the two-bedroom soil absorption system on the lot and that the system size does not include area for a third bedroom.

On a motion of Dr. Wiegandt and second by Mrs. Phinney the Board voted to grant the variances.

4:20 p.m. Regulation to Ban Smoking on Town Beaches/Town Parks & Playgrounds.

Following discussion, the Board voted to ban smoking on public beaches. The ban restricts the use of all delivery products, cigarettes, e-cigarettes, pipes, cigars and/or any form of smoking on town beaches; beach dunes access points and waterways. The ban also includes no smoking in and/or on any public park, public playground and public recreation areas.

On a motion of Dr. Wiegandt and seconded by Catherine Phinney a motion was made to ban smoking on public beaches, beach dunes, access points, public parks, public playgrounds and public recreation areas. Effective January 1, 2016.

4:25 p.m. Lodging Regulations

See attached "drafted" lodging regulations. The regulations were discussed and members agreed to change the language as reads "each guest" in all phrases and change to read,



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. Monterio, Member
Catherine Phinney, R.N., Member
Frank X. DeFelice, Assoc.
Thomas L. Gleason, M.D., Associate

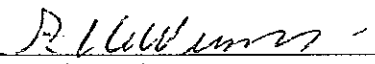
Robert Ethier, Health Agent

November 4, 2015

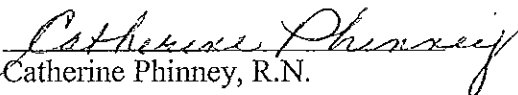
On November 4, 2015 the Wareham Board of Health voted to ban smoking on public beaches. This ban restricts the use of all delivery products, cigarettes, e-cigarettes, pipes, cigars and/or any form of smoking on town beaches, beach dunes, access points and waterways. This ban also includes no smoking in and/or on any public parks, public playgrounds and public recreation areas.

On a motion of Dr. Wiegandt and seconded by Catherine Phinney, a motion was made to ban smoking on public beaches, beach dunes, access points, public parks, public playgrounds and public recreation areas. Effective January 1, 2016.

Signed and dated: _____



Amy Wiegandt, M.D.



Catherine Phinney, R.N.

“guest”. Discussion of the homeless and relocation of lodging guests were addressed and members agreed to move the date to go into effect from January 1, 2016 to May 1, 2016. A letter of notice and a copy of the regulations will be mailed by certified receipt to all lodging establishment owners.

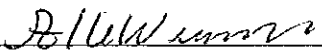
On a motion of Dr. Wiegandt and second by Mrs. Phinney the lodging regulations were voted on and accepted with the language to change in all phrases from “each guest” and changed to read as “guest”. Regulation to go into effect May 1, 2016. All members in favor.

HEALTH AGENTS REPORT- See attached.

Mrs. Phinney made a motion to close the meeting at 5:30 p.m. All in favor.

Respectfully submitted: Suzanne Burke, November 10, 2015

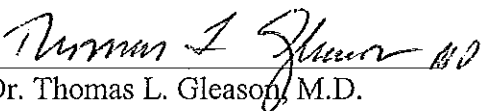
Signed and dated: _____



Amy Wiegandt, M.D., Chairman



Cathy Phinney, R.N., Member



Dr. Thomas L. Gleason, M.D.