



**Town of Wareham  
Board of Health**

**Meeting Minutes**

**January 5, 2011**

**Members Present:**

**Thomas L. Gleason, M.D., Acting Chairman**

**Charles S. Gleason, M.D., Member**

**Lisa T. Irish, Associate Member**

**Robert Ethier, Health Agent**

**Absent: Diane Allen, R. N., Chairman**

**Gleason:** January 5<sup>th</sup>, 2011 Board of Health meeting. I am Doctor Tom Gleason. Diane Allen, the Chairman, is unable to be present this evening. First order of business is the Onset Water Department discussion with regard to Smoking Regulations.

**Ethier:** Excuse me Doctor Gleason and Chairman, Bob Brady asked to interject for one second to ask the Board a question before the hearing.

**T. Gleason:** Okay.

**Brady:** Thank you. I just wanted to go on the record to express my continued willingness and desire to serve on the Board of Health as (?) the Board of Selectmen last night. I am encouraging citizens to step up and serve. So, if the Board is still interested in my service. I could re-submit my application to the Board of Selectmen for approval and (?) we can fill (with confidence). Thank you.

**T. Gleason:** Thank you. Okay.

**Discussion with regard to the Onset Water Department and Smoking Regulations.**

**Ethier:** I can explain the reason why they are coming back before the Board if I may. Since our last meeting, the Board was asking as a decision to have someone educate the people at the Onset Water District because we weren't quite sure what was going on there as far as smoking. There was some contradictions in statements. So, we needed to clarify that. Some of the members and employees, members of the Commission and Prudential Committee asked us to bring this before the Board again to further clarify it to get a concrete decision by the Board tonight, whether to have Bob Collette, who has taken some of the complaints, through the Department of Public Health. He is with the Barnstable County Tobacco Enforcement Program. So, that is where we are at at this time Mister Chairman.

**T. Gleason:**

All right. Bob, you want to interject now or .....

**Collette:**

Well, maybe we could get a synopsis of what the history of (?), leading up to today and then we can adjust it from there.

**Ethier:**

I can fill you in on that. Some of the members and Commissioners and Prudential Committee members came to my office and as you know, you have had a number of calls. We have had a number of complaints. These complaints were made in person and the accusations are that they are still smoking in the building, that there are cups with water filled with cigarette butts in the building. The statement was made that instead of putting the receptacle out in the area where it is designated for smokers, they bring them in so that it doesn't start a fire and they put it on the counter. Some people dispute that. Other people have come in personally and said that they are still smoking and they feel that their health is in danger. Others have made the complaint as of two weeks ago that people that, employees there are smoking in the vehicles as they work and as they drive through the Town. So, that is it in a nutshell. A lot of complaints still coming in. The people that are making the complaints are not satisfied that their voices have been heard and that their rights have been protected.

**Collette:**

Okay. I think we should give the folks from the Fire Department opportunity to state their case and then we can go from there.

**Moran:**

My name is Jim Moran. I am a Water Commissioner from Onset. I am not here to defend what is going on over there. I am not there 24/7. I am only there like twice a month. All I go by is what I hear but I can't just make a decision on myself (at this point there is a muffled sound which makes transcribing basically impossible.)

**Collette:**

You are a Commissioner, sir?

**Moran:**

Yes.

**Ethier:**

Would you state your name?

**T. Gleason:**

He already stated: Jim Moran.

**Dean:**

Winna Dean, Chairman of the Prudential Committee. I have seen smoking on the so called (?). They claim that is the outside, but it is still part of the building. I have gone in. I haven't seen anybody with a cigarette in their mouth smoking in the building but I am a nonsmoker. (?) And I am the one that found the cup with the cigarette butts in the (?). It is bothering one of our employees that are here now. And she has a health problem, not from ever smoking. And it got to the point where it was really, really dangerous and bad for her. She has to close her door and open the windows in the office. When they are not doing work, it is a quiet space. So, I have been there a couple of time. I have gone to Bob and I have said (?). Now I have outsiders who see in the building saying, what is going on there. There is all kinds of smoke in there. I thought there was a law.

**T. Gleason:**

The last time you were here, you brought up the incident of the cigarette butt in the cup. Are there new incidents since that time?

**Dean:**

No, nothing in there but I am not in there all the time either. But we have, I don't know if you would like her to speak but (?) is here and

she is the one that it really bothers her health.

**T. Gleason:**

I think we should hear from her.

**Dean:**

I don't know (?), she works part time. (?).

**T. Gleason:**

I think we should hear from her.

**Ethier:**

Would you state your name for us, please?

**Dean:**

Jovina or Winna.

**T. Gleason:**

State your name, please.

(?)

(Melissa ?).

**T. Gleason:**

And could you tell us what you have seen at ....

**(Melissa?)**

(.....The last thing I want is to be put in the middle.....)

**T. Gleason:**

We are not trying to put you in the middle. We are just trying to establish the facts.

**(Melissa?)**

I would just like you to know that after the Water Department was contacted by the Board of Health, the Chairman of the Water Commissioners called me and apologized to me for the inconsideration of my smoking allergies and that if they had known I had an illness, that they would have been more considerate. And the point is, I don't have smoking allergy. I have emphysema and chronic bronchitis. Because of the smoking in the building as a contributory factor, I have put on, I was put on a third, one of my inhalers, the does of the medicine has been increased from 80 to 160 on my (?). On the Pulmicort I have gone from 80 to 160 on my dosage. I also now have my rescue inhaler. And I am not saying that only because of that but it is a contributory factor as I am sure you are aware. They are smoking in the building and I have seen them smoking in the building and I (?).

**T. Gleason:**

Since the last meeting we had here?

**(Melissa?)**

No. Since the last complaint was issued and Mister Ethier contacted the Superintendent, probably within a week there was no longer smoking inside the building. But I have seen the Superintendent smoking inside the building.

**T. Gleason:**

Since, in the last month?

**(Melissa?)**

Not in the last month but that is (?). They were contacted last year about the smoking in the building and were told that they needed to stop and (?) and I work in that building and I am pretty cheap. Their reaction to being contacted. You saw his reaction at the last meeting. How angry and defensive he gets. And that is what we faced last year and it didn't stop. Has it stopped since we had contacted at the end of October beginning of November, yes. There is no longer smoking in the building. In six months, will there be again? Probably. I would say probably. If the pattern continues, more than likely. And it is not from the smell of clothing and it is not from a cigarette butt being brought in from outdoors. I know the difference of whether there is smoke in the building or whether it is smoke on clothing. And I know how it affects me and I know how it affects my health and I know how careful I have to be and I also know it is nobody's business what my health issue is and the Chairman of

the Water Commission has no business calling me and apologizing for their inconsideration. And I asked him to stop discussing my health and a week later the Superintendent comes in to the office, into my office and informs me that he has spoken to the Chairman of the Water Commissioners and he starts screaming at me, like he was screaming at you while at the meeting. So, when I asked him to leave and to stop the discussion, I asked him three times to leave me alone and he didn't. It's an issue. Do I think he is going to respect the ruling of this Board? No. I don't. Do I hope he surprises me? Yes. I do.

**T. Gleason:** Well, it would seem the fact of the matter is, since the last meeting there hasn't been a violation, that's what it would seem?

**(Melissa?)** Yes.

**T. Gleason:** And it would seem that random inspections would be an appropriate to follow this up. But maybe we should have an education conference as part of this. I don't know. What do you think?

**Moran:** When this was first brought to light, the smoking issue, we compromised with the help that we have and we (?) 25 people in the building, that they could smoke or something like that. And it just didn't work out even after we compromised and said we are going to smoke out in the (?). Where they park is probably 15 – 20 feet away from the building. We were letting them do that. (?). Somebody has to set a president and I don't care who it is.

(Still a muffling hum in the foreground with Mister Moran)

**C. Gleason:** Everything is said that needs to be said right now. Education is the most important thing. In other words, get everyone well educated and hopefully that will help.

**Irish:** I agree with everything. I just don't know what sort of questions there are because it's a municipal building. I mean we threatened to pull licenses of businesses. I am not really sure what we can do in this instance.

**Ethier:** That's a good point. Mister Collette is here, he works on a grant through the Department of Public Health, Tobacco Control Program and also the Cape Cod Tobacco Control Program and he has some suggestions to the Board about this particular case and as I said earlier, he has been involved in taking complaints through the Department of Public Health at this same building. (?) He will address I believe the issues of smoking in municipal vehicle. Municipal meaning for the Town or of the Town. So, it all is included in this regulation.

**Collette:** Thank you Mister Ethier. Could I have a raise of hands of who is employed over there? Okay. I would say it is almost impossible not to know that there has been a State law that has been in effect since July 5<sup>th</sup> of Two-thousand, four, expressly prohibiting smoking in all work places with one or more employees, including all municipal buildings, municipal vehicles of all types and you know, any (?) public places are also included. So, given that you are a public entity. People come in and out of that building to make a payment and do business with you. There is absolutely no reason why there should have been any smoking

on in there for the last two years. Any violations that are found are subject to fines of up to \$300.00. The first one is a hundred, second, two hundred, third and any subsequent violations are \$300.00. Anybody who is unaware of this or pretends to be unaware of this is just being inconsiderate of the other people in the building itself. But they absolutely had to have known that this law was on the books and everybody else is living by it. (?) It's 2011 now. But this law has been on the books since July 5<sup>th</sup>, 2004. So, there have been a couple of other instances in Town where we have had businesses that have sort of ignored the laws and we went in and did some education for them. From a human resources standpoint, you know, if you have people who repeatedly violate, we obviously have the option to remove those folks from further employment. And I am open to any questions, comments or what have you. It is kind of hard to believe that anybody could have been unaware of the law.

**Ethier:** Mister Collette, would it be your suggestion at this point that with this many violations as we have, not to charge them the \$300.00 but to charge them a \$100 fee and offer a program of education of tobacco awareness?

**Collette:** Yes. That (?) and I am happy to do that.

**T. Gleason:** All right. Lets make it a Motion.

**Ethier:** The Motion would be to issue a fine to the Onset Water Department for \$100 and also to set up a program with Mister Collette to educate for tobacco awareness for employees, smokers and non-smokers.

**C. Gleason:** So moved.

**T. Gleason:** I approve. We have to vote on it.

**C. Gleason:** All in favor?

**T. Gleason:** Aye.

**Collette:** May I add one more note to that. The State law also expressly prohibits smoking in a place where migration of smoke may go back into the building. So, if you are out on a ramp or outside of a window or a doorway and the smoke can come back into the building at any level, no matter how miniscule, that is also a violation. So, if you stand in a doorway, stand outside somebody's window or stand in an open doorway, the smoke can come right back in. You might as well be standing right in the middle of the building according to the interpretation for the law. Just for clarification.

**T. Gleason:** Would you set up that meeting?

**Collette:** Absolutely.

**T. Gleason:** Okay. Any comments?

**Ethier:** Anybody from the audience have any comments?

**(?)** First of all excuse me for being late but I was told the meeting was at 4:30. Am I correct?

**T. Gleason:** 4:00.

**(?)** First of all people smoking in the building. I have been Water Superintendent there since September of 2009. Nobody smokes in that

building. And everything that is being said about people smoking in that building is totally untrue. And I don't (?) sit here and fine the Onset Water Department \$100 for smoking in the building, which didn't happen. And I will tell you right now, I know that is going to be (?) but there never has been any smoking in that building. I don't see what people are sitting up there and saying that it is not working. It is working because nobody is smoking in that building. I have one person that smokes quite a bit. She goes in her vehicle and smokes. So, even that smoke is not permeating in the air, nor is she near the front door or the side door. So, everything that is being said, I honestly disagree with it all, every bit of it. And I am very firm on that too and I know if my employees were smoking in that building, I would have an issue with it.

**Ethier:**

Mister Chairman, if I may? We heard this case a month ago and there were some people that stated there were cigarettes in coffee cups on the counter inside the building. And that statement was that they take them from outside where they smoke and put them in water and bring them in the building. With no smoking in the building it is kind of difficult to understand why you bring a cigarette butt inside the building. We can only listen to the complaints and in a lot of cases, the complaints we don't actually see the people in action violating the action. We do, however, issue fines based on that situation. In defense of the Board and in defense of the tobacco program, we act on complaints and the complaints were.... I don't know how else to listen to this case and rightly (?) the law, which this Board is charged to do here tonight. I mean, if there is four people saying that there's people smoking in the building and there's a couple employees that say they are not, we would tend to side with the majority. Is that not correct Mister Collette?

**Collette:**

Yes. (?). If you have a preponderance of people (?). If it was just one person maybe .... But when it comes to two people then (?) situation ...

(?)

They came forward and said that they saw people smoking in the building?

**Ethier:**

I don't know if you were here for her testimony, was that not since the last time you had to appear before the Board but prior to that. Subsequent to the last hearing you were ordered to, they were smoking in the building. But since the last hearing, that has stopped.

(?)

I will tell you what, (?) but they don't put them out on the ground. That is the reason why they are brought in and put in a cup. So, she cools them off and then she throws them in the trash. That is the reason why.

**Ethier:**

Do you have any reason Mister Collette or members of the Board to reverse the decision that was made here based on your....

**Collette:**

It is a Board decision as far as the fine goes.

**Ethier:**

I am asking you. You received numerous calls from the Department of Public Health that were lodged with.

**Collette:**

Yes.

**Ethier:**

Do you have any reason to believe they were manufactured because some one doesn't like somebody?

**Collette:**

No. I have no reason to believe that.

**T. Gleason:**

From my point of view, correct me if I am wrong, but I think you should let the fine stand but I think we should also have the education and I think we should also have a random check and have Bob walk in periodically or have Dave walk in periodically and see what's going on.

(?)

But they don't come out. They don't come out randomly. So, they just go by what people are saying and whether they are telling you the truth. Anybody can call and call and complain then is what you are saying. You don't need evidence. All you need is people to say, well, yeah, they are smoking in there.

**Ethier:**

Mister Chairman, if I may. I don't quite agree with that. I went before the Board at the Onset Water District and Office Building, before your board, sir. One time when I first started and that was 6 years ago, the issue with smoking was going on then. The issue with complaints of smoking continued and it is 2011. This is 5 or 6 years later and I am still receiving questions, which seems to me to be suspect that someone might be still be smoking there. I mean, usually when we talk to somebody about the first violation, if I go before a board to say that your employees are smoking in this building and violating a State law, we never hear from it again. But it just seems a little bit unusual that this would keep popping up, not only calls to my office but calls to Boston to the State Department of Public Health Office and Division of Smoking. And that they would lodge complaints there also. I mean, I am...

(?)

(?) Not since I've been there (?) nobody smokes in that building.

**T. Gleason:**

I think that the only way that I can reasonably see that, to solve this is to have a random check. You know, I would let the fine stand at this point and you can certainly appeal if you wish. Okay. I think we should go ahead with the education but I think we do need to have random checks and you know, if people remain concerned about smoking in the building and they think it is still going on, call us.

(?)

I just think people are (?). Thank you.

**T. Gleason:**

Any other comments? Thank you.

**Ethier:**

Thanks for coming in. Mister (?) thank you very much, appreciate your testimony. Mister Chairman, if I may talk to Lt. Walcek for a minute. He is here about this case. I am going to tell him that the person is not going to be here.

**T. Gleason:**

Okay.

**Irish:**

I can't make a Motion because I am not a full member. I know that I couldn't vote but I wasn't sure about the Motion.

**T. Gleason:**

Second on the agenda:

**4:15 p.m.**

**3 Peaceful Lane, Mister David Lacave – Order to Appear.**

### **Will File in Court**

We have Lt. Walcek present. The complaint is:

**Ethier:**

The complaint is a violation of the State Sanitary Code, Minimum

Standards of Fitness for Human Habitation. Under 410.602, the owner of any parcel of land, vacant or otherwise shall be responsible to keep such parcel of land in a clean and sanitary condition and free from garbage, rubbish and other refuse. The owner of such parcel shall correct any condition caused or on such parcel which affects the health and safety and well being. of the occupants of any dwelling or general public. They were ordered on September 10<sup>th</sup> by registered mail to remove all garbage, rubbish, debris and sources of filth on the property, all materials that provide harborage, areas for rodents must be removed. Couch and other debris at the back of the property must be removed. Dog feces in the pen must be cleaned up. Debris on top of the covered pool in back yard must be removed. Trash in open barrels at front of property must also be removed. Now, under the definition of rubbish, means combustible, non –combustible waste materials except garbage and includes but is not limited to such material as paper, rags, cartons, boxes, wood, rubber, tree branches, yard trimmings, tin, minerals..... Currently, they are not going to make it. I was out there yesterday with Lt. Walcek. We went out there because the person that made this complaint also made a complaint that their dogs were not taken care of properly. They were malnourished. They were left alone 24 hours a day. I went out with the Lt. and the Lt. called a representative from the Mass. Society for the Prevention of Cruelty to Animals. I will let Lt. Walcek tell you what he found.

**Walcek:**

We went to the home and Chris Charbenneau from the MSPCA and a police officer went there as well on the complaint that we received yesterday morning. The person came in to the police station. He examined the dogs and he found no issue with the dogs. And the Health Agent also arrived and he did a search. There was a little bit of a pile of trash in front of the building. We were told apparently that they were moving out and allegedly the trash would be removed today. Whether that happened or not, I don't know. There was a gentleman at the house with a small child.

**Ethier:**

The woman that came in earlier and gave me these photos, said she couldn't stay. I assume these were taken today and that he hasn't cleaned up the property. On a scale of one to ten, it is probably a 3 or a 4. It is not as bad as we've seen but still there is garbage and household waste and debris. So, with the Board's permission, I will go there tomorrow and if they have not cleaned up, I will immediately file for an immediate hearing with the Magistrate and get compliance.

**T. Gleason:**

The original order is dated in September?

**Ethier:**

That is correct and John Viveiros followed up on it and they hadn't done anything on it and that is why we ordered them before the Board.

**T. Gleason:**

I think it needs to be pursued. Sherm?

**C. Gleason:**

Absolutely.

**Irish:**

I agree. They are the owners of the property, not renters?

**Ethier:**

That I am not sure of. I never got to talk to the owners.



**Walcek:**

They told us they were leaving as of next week and I spoke with the complainant and she said to me that they've been saying that for quite some time, that they were going to move but it hasn't happened.

**Ethier:**

I certainly will issue fines through the Magistrate. I will get something within the next couple of weeks. If they are still there, I will tell them that we will want the court to issue fines immediately. Enough time has gone by with this household trash.

**T. Gleason:**

It's going on four months now.

**Ethier:**

The pictures before indicate that there isn't much household trash but there are tarps and other debris covering other debris. Just recently did the household trash become an issue. Most of the other stuff is cleaned up.

**T. Gleason:**

Any other comment?

**Ethier:**

Thank you Lt. for coming.

**4:20p.m.**

### **32 Carver Road – Eric Morrow – Order to Appear**

**Ethier:**

This was the letter for them to appear before the Board but in March ninth the same information on it, Order to Correct Land. This is 32 Carver Road. Now, if you remember last month, this gentleman came in, claims he is a Merchant Marine. You've seen the photos. Last time it was a hundred percent worse than this. So, if it pleases the Board, I would file in 4<sup>th</sup> District Court tomorrow because of his absence here today.

**T. Gleason:**

Our original determination was when? It is over 30 days.

**Irish:**

Yes, it was at our last meeting.

**Ethier:**

Yes.

**T. Gleason:**

I agree with that.

**C. Gleason:**

I agree.

**Irish:**

Yes.

**Ethier:**

Okay.

**4:25p.m.**

### **55 12<sup>th</sup> Street – Donna Perry – Order to Appear To Be Filed with the Court**

**Ethier:**

This letter was sent out in December on the 22<sup>nd</sup> as a result of no compliance on October 28<sup>th</sup>, a letter was written describing issues with the home, heating facility not up to par in the home. The lady is from Lincoln, Rhode Island but she apparently owned this house. It was in her family and now she is renting. And here are the violations, heating facility required, second floor home indicates there is no heat in the bathrooms or the bedrooms. Under owner's responsibilities and maintenance responsibilities, the kitchen stove must be connected to an outlet intended for this because it doesn't meet the electrical code. I guess the stove is connected to an outlet via the extension cord. Screens for windows, there is none. Under State Sanitary Code, they are required. This time of year you could have an argument about that.

Under structural elements, broken windows in the building, large hole in the kitchen ceiling to the upstairs bathroom. The house didn't have any door knobs and there is rubbish all over the place. This is why that program we are trying to establish is so important because you shouldn't be able to rent sub standard houses in Wareham. It is quite a shame that she is not here tonight because I was hoping the Board could impress on her that she is breaking the law. I know these people need a place to live and so we can't just say, hey you are out on the street.

**T. Gleason:**

Is there any kind of an inspectional service?

**Irish:**

That's what you are trying ....

**T. Gleason:**

You know, to inspect these places before they are rented.

**Ethier:**

No. That's under the charge of the Board of Health. That is that regulation that I had half written, that we would like to get a Code Enforcement Officer to go around and there would be a fee and we would hope to make the fee expensive so that we could cover our inspections. And we would give them a report that says they can rent in Wareham or they can't rent in Wareham. So, that's what we are working on because Wareham's number one in all of Plymouth County for sub standard housing.

**T. Gleason:**

So, our recourse in this instance is....

**Ethier:**

In this instance, it's to file in 4<sup>th</sup> District Court.

**T. Gleason:**

I agree.

**C. Gleason:**

I agree.

**Irish:**

Now, when you file, is it usually successful when you go all the way to the court level?

**Ethier:**

Yes. The only one I haven't got compliance on is on Sandwich Road, and their lawyer, Bob Perry, has got another (?) by saying the guy is too ill to clean up his property. But I spoke to the DA not too long ago and told him this guy rides a bicycle 10 miles a day. He is in better condition than me. So, it is coming up again in two months. In the jury trial, it was on jury trial for 3 hours. We won the thing and he was encouraged to pay \$5,000.00 or two months in jail and now it is held up because he made the argument that he is too ill to clean up. That is the only other one and the one at Wareham Lake Shores. I was in court with them two weeks ago, just before Christmas and he has till the end of December and hasn't done a thing. So, I am going to file in court. The Magistrate said that if it doesn't work, to come back and file and we will go before the judge. But this is the same guy that had the property on Fanny's Lane that was foreclosed on, that had pigs in the wetlands and everything else and boats. He's got a 40 foot boat out here that is sinking in the Bay that he won't respond to the Harbormaster. He's got one sinking in the Wareham River right now that I ordered him before the Magistrate to clean up. He hasn't done that. This is what you are dealing with and it is a difficult situation to get compliance with things.

**T. Gleason:**

All right. Next is:

**4:30p.m.**

**197 Hathaway Street – Paul & Sandra Jackson – Order to Appear**

**Ethier:** Members of the Board, this was another letter sent out on December 22<sup>nd</sup> for no action taken on April 23<sup>rd</sup>, the last time they were sent a letter. This condition deemed to be a danger and land that has an issue with rubbish and garbage.

**T. Gleason:** Is there any comment? Do we have pictures? Dishwasher, pool, chairs, grille, couple of old propane tanks, cans, rubbish bags. You were originally asked in April to clean this up?

(?) No. It was like December, I think.

**T. Gleason:** Well, what happened in April?

**Ethier:** In April the original letter went out. Isn't that correct?

(?) I was like.... A long time ago, we got one letter and then we never heard anything.

**T. Gleason:** April 22<sup>nd</sup>, 2010. The violations were observed and the Order was to remove all rubbish and garbage and debris and all sources of filth from the land and garage. That is dated April 23<sup>rd</sup>, 2010.

(?) Yes and we did that and we never heard anything. So, we figured we were all set.

**T. Gleason:** Then how did this happen again?

(?) I don't know because we had some (?) the junk man take away and I guess somebody saw it and ....

**T. Gleason:** Has it been taken away?

(?) As far as I know, yes. I haven't heard anymore about it.

**T. Gleason:** Do you live there?

(?) Yes.

**T. Gleason:** Has anybody been out there?

**Ethier:** As of .... Didn't you come in and talk to Mister Viverios?

(?) Yes. I came in the day that they came to my house and said that there was a complaint. I explained to him that we had taken care of the stuff that was piled up which I thought somebody was complaining about.

**Ethier:** Well, Mister Viverios went out and did a subsequent investigation and he said that I should bring it up before the Board and I will explain to you why he is not here. But he said keep it at the Board because there is still issues here.

**Gleason:** Well, it would seem to me if you ordered in April and had it cleaned up, it should have never gotten to this point again.

(?) Well, ....

**T. Gleason:** When were these pictures taken?

**Ethier:** I am not sure because I am just covering for John because .....

**Irish:** Like with the dishwasher removed and ...

(?) Yes. All that stuff that was piled up for the junk people.

**Ethier:** I don't know because I am at a disadvantage because John's not here. Let me see. Found existing on the premises. Conditions deemed to endanger. Did he discuss that with you at your last meeting.

(?) I wasn't there at the time he showed up.

**Ethier:** Is there any other issues with the house?

(?) No.

**Ethier:** If I was to go out there tomorrow, would I find any garbage or rubbish in the garage or on the yard?

(?) We don't have a garage.

**Ethier:** Or on the ground, in front of the building, around the building?

(?) Just household trash that is out for the trash man.

**Ethier:** And is that on the street or is it up near the house?

(?) It's near the house right now. We put it out for the trash people.

**Ethier:** Is there a lot of .... Is it fair to say that more than half the building?

(?)

**Ethier:** Okay. I will tell you that....I apologize to the Board. John Viverios was told a couple weeks ago that they are still waiting for the loan. So, he couldn't be here. He couldn't work after the 15<sup>th</sup> of December. I will go out tomorrow and check this property out. Suzanne, would you make a note of that. And if it is cleaned up then....

(?) Can I see the pictures so that I can ....

**T. Gleason:** I am not sure when these pictures were taken. Okay. If you would like to look at them, you are certainly welcome to.

**Ethier:** That's 12<sup>th</sup> Street in Onset, right?

**T. Gleason:** No. No.

**Irish:** 197 Hathaway Street.

**Ethier:** I received a call about Hathaway. I will go out and check it out tomorrow Mr. Chairman.

**Irish:** So, even if that is not there, there is nothing that looks like that.

(?) Most of this stuff is gone.

**T. Gleason:** Okay. We just need to verify that.

(?) These were taken and I ended up having cancer and that is why the stuff ended up the way it was.

**Ethier:** I will swing up tomorrow and just check on it and if that is the case, we will just drop it.

(?) Thank you.

**T. Gleason:** Thank you.

**Irish:** Thanks for coming in.

**T. Gleason:** Next on the agenda:

**4:35p.m. 10 Wareham Lake Shore Drive – Collins Engineering –  
Variance to Local & State Regulations – Upgrade.**

#### **Variances Granted with Condition of Deed Restriction**

**Collins:** I am George Collins from Collins Civil Engineering. (?) some local waivers on local regulations and State, we will request for septic repair at 10 Wareham Lake Shores Drive. The property line is outlined in yellow. We are requesting two local waivers. One from the Board of Health requirement of 150 feet from a wetland. We only have 70 feet from the soil absorption system to the pond. I would like to point out

that we have approximately an 8 foot water table separation because this slopes up so quickly. The code requires 5 foot separation. We have 8.

(Side 1 Ends)

(Side 2)

The State code is 50 feet to the soil absorption system. So, we actually meet the State code but we don't meet the local regulations. The other local waiver we are looking for is this is a three bedroom house and we would like to do a design just for three bedrooms. As you can see it is a very tight where we are putting the septic system.

**T. Gleason:**

So, it's a deed restriction?

**Collins:**

Yes. That is not a problem. We are also requesting a Variance from the set back between the foundation wall and the leaching facility. The requirement is 20 feet. We are requesting a reduction down to 11 feet. We are proposing an impervious barrier that extends below the basement slab elevation. The other is we are requesting (?) which will allow one test pit.

**Ethier:**

Yes, sir. It's not in a zone Two?

**Collins:**

It is.

**Ethier:**

It is in a Zone Two. Where is the existing system?

**Collins:**

It's a straight shot from the house to a leaching pit.

**Ethier:**

The new system is further away. I would ask that the deed restriction be put on the property and put on the plan just so someone doesn't come in there and design or build on to the house. But other than that, the requirements have been met and under maximum feasible compliance, it's a good plan and an improvement. As Dr. Gleason said, it is even further away than the old system from the pond. And the fact that they have an 8 foot separation is also a good thing.

**C. Gleason:**

I so move to grant the Variances with the deed restriction concerning no more bedrooms but three.

**Irish:**

I (?) that the requests be granted with the conditions that the deed restriction be in place.

**Ethier:**

Thank you.

**Collins:**

Thank you very much.

**4:40p.m.**

**92 Edgewater Drive – G.A.F. Engineering – Variance to Local Regulations – Upgrade**

#### **Variances Granted**

**Grady:**

Brian Grady from GAF Engineering. This request for 92 Edgewater Drive is for a local regulation requiring that it be designed for an additional bedroom. This is an upgrade and the design is for the actual number of bedrooms. We meet the minimum property line set backs. So to enlarge the system for an additional bedroom would have been (?) property line set backs and foundation set backs and it would have exacerbated the situation.

**T. Gleason:**

So, you are asking for?

**Grady:**

That the system be designed for the actual number of bedrooms

and not the local requirement for an additional bedroom.

**T. Gleason:** For an extra bedroom.

**Grady:** Which the regulations read that it is really for new construction and not entirely applicable for upgrades.

**T. Gleason:** I see no problem with that. Bob?

**Ethier:** No. I was just wondering, is there a Certificate of Compliance for 92 Edgewater Drive? Is there two houses on the property?

**Irish:** That was Kevin Forgue. It had to come in front of the Board.

**Ethier:** Oh, that's right too. We wanted to get this in because of the closing or something and I said just do it and you can come before the Board after that, to make it legal. Okay. I just forgot. So.... What was it again that you are asking?

**Grady:** Just the one bedroom, the additional one bedroom for the design.

**Ethier:** I see no problems with that.

**T. Gleason:** As long as they don't try to put another bedroom in.

**Ethier:** It is not in a Zone Two and so we wouldn't want to ask for a deed restriction in the registry but could you put one on the plan, that it is restricted to the number of bedrooms that was designed on this plan?

**Grady:** We could add a note if you want, sure.

**Ethier:** Would the Board require that they put the extra bedroom or not to design for any extra bedrooms or this is a restricted plan.

**T. Gleason:** I would prefer that, I believe.

**Grady:** So, I have to put a note on the plan?

**T. Gleason:** Right. At least if it's in writing, there is no question about it. So, to we need to make a Motion to approve the ....

**Ethier:** Yes, that we approve the plan and grant the Variances at 92 Edgewater Drive as proposed by GAF.

**C. Gleason:** So moved and in favor.

**T. Gleason:** In favor. 2 – 0 - 0

**4:45p.m. 21 Over Jordan Road – G.A.F. Engineering – Variance to State & Local Regulations – Upgrade**

#### **Variances Granted**

**Grady:** Title V requires a soil absorption system to be 20 feet from (?). We are providing an 11 foot set back. Title V requires septic to be 10 feet from (cellar) walls. We are providing a 6 foot set back. At it's closest, 8 feet at another location. And we need some Variances from the local regulations. Again we are asking that the system be designed for the actual number of bedrooms, which is five and not for an additional bedroom and the set back for 150 feet to a water course. This being an upgrade, we are showing 80 feet to the approximate mean high water and 55 feet to the top of the coastal bank. This house is served by two cesspools, very small cesspools. They are in very serious failure.

**Ethier:** I have no comments. I think it's a great improvement and I would suggest that the Board make a Motion to accept this.

**T. Gleason:** Comments, Lisa?  
**Irish:** No.  
**T. Gleason:** Sherm?  
**C. Gleason:** I move that we approve the plan of 21 Over Jordan Road.  
**Irish:** Does there need to be a deed restriction on this one? No?  
**Ethier:** I don't believe so. It is not in a Zone Two. We don't need a deed restriction on this one.  
**T. Gleason:** All in favor?  
Unanimous ayes.

**4:50p.m. 281 Cromesett Road – G.A.F. Engineering – Variance to State & Local Regulations - Upgrade**

**Variances Granted**

**Grady:** The Variances we are requesting are very similar to the ones we just read. We are proposing the setbacks be 20 feet, 8 feet from slab foundation, which will be the proposed addition. We also need the additional bedroom requirement waived. We are designing for the actual bedroom, which is four. And we need Variances from the 150 foot setback requirement. We have 103 feet just off the coastal bank and 112 foot setback to the mean high water. So, we meet the 100 foot zoning setback but we don't meet your 150 foot requirement. We are proposing (?), which I would have 3 inch inverts. So they are very shallow and that will give us increased separation to the ground water.

**C. Gleason:** This is the cul d sac where you turn around. Here's the house and the pool.

**Ethier:** The soil condition, Brian are?

**Grady:** Well, I am showing a number of testings. It is good sand condition. We will exceed 4 foot elevation.

**Ethier:** I would suggest it is a good design. No issues. Doctor Gleason you want to make your Motion that we will accept and grant the Variances on 281 Cromesett Road?

**C. Gleason:** So moved.

**T. Gleason:** All in favor.

Unanimously approved.

**(Discussion of Estuary Report)**

**T. Gleason:** Health Agent's report, Robert.

**Ethier:** Okay. Our Health Fair 2011, we checked that out and that's coming in May. I hope all the Board members will be able to make it. I cleared it with the Town Administrator because there are some new laws with regard to taking gifts. Town Counsel said it was okay. There is Incident Command System training in Alabama. It's very elite training.  
Chapter II there is 3  
Perk Test - 6

Title V Inspections - 7  
Garbage & Nuisance – 5  
Food Service – 1

That was Wendy's with a problem with a backup in their grease trap.  
Condemnations - 0

Emergency Response – 1 – Court house. Blocked drain. Used EMS,  
Hazmat.

Sandy Keese is a problem. She called me today and said, we are not putting a deed restriction on it. My lawyers are, you are going to hear from my lawyers. She is threatening to go to Town Officials and drag me through the coals because I questioned her on this plan. The DEP told me to tell her that you can not go over 1,000 gallons a day. So you design for less and Brett even said that because she is such a stickler about it and we have had so many problems, I am going to have ... I am going to call Boston. Boston said, you need to get a deed restriction. We are not trying to make it hard on this guy. I have to review the plan and I found that the plans didn't jive, neither did the DEP. Now, she is refusing to do it and we are taking you to court and my lawyers are going to do this. You do what you have to. I have been threatened before. I know what I am doing is right. She is saying that your Board said that I need a deed restriction. I said, absolutely not. The DEP said you need a deed restriction, not me. I asked them for an opinion.

The other thing just to bring it up before the Board. John Viverios, we had a little breakfast a couple weeks ago, the 15<sup>th</sup> of December. We have been having problems in the CETA program. They are always fighting up there. I asked if we could extend that program. She told me, no, when one of the employees was on leave. Then when she left, they said that we could. I went to CETA and they said sure. Well, she came down that day and said to John, you're all done. They didn't even give him a check for the last week he worked. I had a meeting with the CETA board and they have okayed it again and within two weeks he should be back to work. It was dirty pool. It just wasn't very good.

(Further discussion of the Sandy Keese issue.)

Meeting adjourned at 6:18P.M.

(End Recording.)



Prepared by: J. Reed

Date: January 14, 2011

Signed and dated: \_\_\_\_\_

Diane E. Allen, R. N., Chairman *Diane E. Allen*

Charles S. Gleason, M.D., Member \_\_\_\_\_

Thomas L. Gleason, M.D., Member \_\_\_\_\_

Lisa T. Irish, Assoc. Member \_\_\_\_\_

