



**Town of Wareham  
Board of Health**

**Meeting Minutes**

**January 19, 2011**

**Present:**

**Diane Allen, R. N., Chairman  
Dr. Charles S. Gleason, Member  
Dr. Thomas L. Gleason, Member  
Lisa Irish, Associate Member**

**Robert M. Ethier, Health Agent**

This is the Board of Health Meeting. My name is Diane Allen, Chairman of the Board. I'd like to open the meeting at 4:00P.M.

**4:00P.M. Onset Water Department, Smoking Regulations – Discussion**

**Waiver Allowed for Ninety Days with Conditions of Random Inspections.**

**Maxim:** Yes. My name is Mark Maxim. I am with the Onset Water Department. I am on the Water Commission and my reason for coming here today is to request a waiver for the \$100.00 fine that was imposed upon us. Action that we have taken subsequent to the last hearing that we had was to reinforce a ban at Onset Water Department on all property, all vehicles, anywhere on the District Property, anywhere near the wells. The employees have been directed of course not to smoke on the property but to leave the property at any time they need to. We have taken some pretty harsh measures with them. We have also agreed with Bob to go to the programs that were mandated. That will be in February, the 6<sup>th</sup> I believe. So, again, we are just asking that we .... (0040) \$100 may not seem like a lot but when it's public money, I think it's inherent that I at least come and ask.

**Allen:** I wasn't here at the last Board meeting. So, I'm going to ask my Board members if they have anything to discuss.

**T. Gleason:** I think one of the other conditions, if I remember correctly, was to have random checks. Assuming that's all right, assuming that you have checks over a period of time and I think we should determine what period of time. As long as those checks are clean, I have no problem with waiving the fine. I'm glad if you have instituted those changes and

will participate in the education program. I think that's wonderful. But if there's any further complaints or if we walk in and there's evidence of smoking, the bets are off.

**Maxim:** I absolutely agree. We take it very seriously. We wouldn't want you to think that we don't. Again, (0041), I'd be remiss if I didn't at least come in. Again, this is public money and we want to make sure that we are diligent and be responsible. I am confident that the (?) Superintendent that we will not have another occurrence and if in fact there was another occurrence, we have taken some pretty harsh disciplinary measures in case that does happen, including termination.

**Allen:** Okay. So, you said that the classes were being set up but you don't have any specific dates?

**Maxim:** We haven't gotten any dates yet. No.

**Ethier:** Suzanne, can you lend (?) for the chairman.

**Burke:** Yes. Bob Collette is contacting all of the (?) and he is setting up dates and meet with them to discuss the program.

**Maxim:** And we (?) discussed it personally with each of the employees, myself and they've all complied. We haven't had any problems with that. Again, tonight we are going in front of the Board. We have our meeting tonight and I noticed the possibility of an appeal. I don't support an appeal. I do not believe that my other two members on the Board support an appeal. So, I am going to try and make sure that that doesn't happen as well. I understand that there was a complaint and we want to follow it up and make sure we do the right thing.

**Allen:** Okay. Then I would like to make a Motion to my Board, to hold the fine for a period of 90 days and if within that time, if compliance is met with random inspections, that we will grant you your appeal, waive the fine. And if not, if we find any violations, then the fee will be determined at that time.

**Maxim:** Of course, I understand that.

**Allen:** Is my Board in agreement?

**T. Gleason:** I second.

**C. Gleason:** I agree fully.

#### **4:15P.M. Onset Village Market – Order to Appear.**

##### **Fined \$300.00**

**Patel:** My name is (Bob) Patel. I am the manager.

**Allen:** Mr. Ethier.

**Ethier:** We responded to Onset Village Market as a result of a verbal complaint. Someone called and said they bought a salad there and the salad dressing they bought for the salad was bad and tasted terrible and was outdated. So, we went out there, Dave and I and that date was January 14<sup>th</sup>. At that time we found a lot of dates changed on meats like Chioricco,

sausages and stuff from a Linguica company had the dates that were stamped in ink from the company itself and on the front there were labeled with a new date, which was subsequent to the date that was on there and out of date by quite a long time. Some of them were 10/31/10. Others were two weeks before that. Floors were clean, walls were clean. They still have not replaced the rugs near the milk aisle. There were 1 quart of milk, 3 yogurts, 28 cans of baby food, formula and (?) and baby cereal, infant cereal were out of date. Two boxes of baby cereal and two boxes of (?) baby formula. Plus four jars of baby food that were also out of date.

**Patel:** One thing to make sure is that all the products are okay. We will hire another extra person to make sure that all the products should be updated, that he checks the dates twice a week and the person that stocks all the groceries and the meat will put the old product in front of the new product. Try to make sure this doesn't happen again.

**Ethier:** Here are two previous reports done by me and you can see that the manager didn't have Serve Safe training at that time but the milks, dips, pastries and cheeses were out of date and then again on 6/3/09, we went back again and took 3 carts of expired food with expired dates and the sell by dates were way out. The soy milks, the dips and the margarine and the dairy. So this is actually the third complaint and I know and I appreciate what the gentleman saying but every time I end up going there and filling carts with outdated food, we get the same response, that we are going to do something about this. And you are putting people's lives in danger and this formula might not make them sick but if it's a formula that is supposed to make them grow and make them stronger, it loses it's potency and that might not happen.

**Patel:** (?) He should only order only the product that we use. We definitely should get somebody that checks twice a week. That way it doesn't expire. Specially the meat and the kids food.

**Allen:** The last time you came before the Board, we did explain that it was important to rotate your stock. It doesn't seem as though it's happening. Take care of it as this is another offense. Does anyone on the Board have and questions or recommendations?

**C. Gleason:** The only recommendation that I would make is that Monday morning or any other day, go over your stock and make sure that they haven't gone by and just take them down. It has to be done otherwise we would have to close the store, which we would not like to do.

**Ethier:** Under the State Food & Drug Code, 1999. (reads code). This is the third violation. I think under the Department of Public Health Food & Drug Code and representatives from there, that a fine would be in order. So that it is remembered and followed from here on out.

**Allen:** Okay and the being a third offense, I make a recommendation that we have a fine of \$300.

**T. Gleason:** Is that standard for this level?

**Ethier:** It is for the third violation. The Board is allowed to set any fee schedule

that they want to under these recommendations or under this code. Only that in past cases, we have fined these people for first, second and third violations, a hundred each violation.

**T. Gleason:** Were you the owner of the store at the time of these previous violations?

**Patel:** No.

**T. Gleason:** But you were involved at that time, of the previous violations?

**Patel:** Yes.

**T. Gleason:** Then I have no problem with the fine.

**C. Gleason:** I agree.

**T. Gleason:** I move that we fine the Onset Village Market \$300 for violations with regard to expiration dates on products on their shelves.

**C. Gleason:** Second

**Allen:** Do you understand?

**Patel:** Yes. We will make sure this doesn't happen again.

**Allen:** Mr. Ethier, would you like to give the Health Agent's report please?

**Ethier:** The net zero nitrogen regulation meeting will be on January 28<sup>th</sup>, 2011.

The meetings are going fine. (Further discussion)

Title V Inspection Reports fees discussed. Wants to increase to \$75.

**Motion made and seconded.**

We have probably 60% of the businesses that do not get their permit renewed by December 31<sup>st</sup>. We wanted to implement a new policy that says if you have not renewed by December 31<sup>st</sup>, you will have to pay double the permit. We would start next year.

**Allen:** If you can get that paperwork together do we have to look it over? Do you want us to make a Motion on either one of these or wait until....

**Ethier:** You could and then we will do it again on the agenda and just say as a policy instead of a regulation, we agree with the Health Agent that these fees should be increased and that it should be a fee of double the permit, just for legal purposes.

**T. Gleason:** If we are going to do that, we might as well wait until it's on the agenda.

**C. Gleason:** So moved.

Chapter II Inspections – 5

Perc Tests – 2

Title V Inspections – 4

Garbage and Nuisance – 7

Food Service – 1 - we just did that.

Condemnations - 0

Emergency Response – Mr. Phillips on Sandwich Road.

**Allen:** Did you have to go there because of all they found?

**Ethier:** No, I get called out on fires and there was so much stuff in the house.

He was burning with wood. (Further Discussion)

**Irish:** What about the White Pines?

**Ethier:** The police chief is now in charge of the Task Force. They called and asked us if they had a permit, which they did not. They owe a lot of

**T. Gleason:**  
**Allen:**

money in back taxes. So, people were re-located. We will be meeting with the owner next week. (Further discussion.)  
I move that we adjourn the meeting. The time is 5:35P.M.  
I second.

Prepared by: J. Reed  
Date: January 22, 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

