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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
Junichi Sawayanagi
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BOARD OF HEALTH MEETING MINUTES Tuesday, April 13, 2010 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on April 13, 2010. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Junichi Sawayanagi and Paul J. Canniff, D.M.D. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Proposed Regulation:

Tight Tanks at Beauty Salons and Barber Shops.

Kathy Wheeler, Hair Salon owner, spoke of how the chemicals are much better than in the past and are not considered hazardous.

Cynthia Martin, Public Health staff, said she received a bit of research literature from the Bellingham, MA Board of Health dated May 11. Ms. Martin would like to do some more research and will also check with the State of NJ.

Dr. Miller felt the soils on the Cape are very different from many areas as ours are transient soils.

Kathy Wheeler spoke for the gathering of Hair Salon owners when she said the regulation will most likely drive everyone out of business. The Board said they would like to work with the hair salons to try and identify which chemicals may be a problem to the water and will see if the salons can substitute products so only safe ones are used. To her knowledge, S.M.U. (Southeastern MA University) was suppose to do studies on the chemicals but never heard that anything was ever done. The hair products no longer have ammonia in them.

Before the Board makes any decisions, Cynthia Martin, Hazardous Materials-Public Health Division, suggested she will put together a list of the toxicity of the chemicals.

Mr. Kavell, Dennis Board of Health Board member, was in attendance. He expressed an interest on how the Health Division might handle it. Dennis has not made any decisions in this area.

Gina, Gina's Salon, West Barnstable, asked the cost. The cost ranges around \$10,000 and a cost of \$250/mo to remove the hazardous chemicals. Gina asked to have someone research whether there is any equipment which might fit on or around the sink(s) to treat the chemicals in a similar form to the sewage treatment plant (i.e., aerating them, etc.).

The Board is unable to address the comment at this time until more is known. They will do more research before imposing a new regulation.

* Glen Harrington, Mashpee Director of Public Health, suggested we may want to speak with George H., Barnstable County Health Department, because in the Title V regulations it addresses the holding tanks for hair salons and our decision might affect us in future funding from State.

II. Variance – Septic (New Item):

POSTPONED A. Mike Aucoin representing Ernest and Marjorie Whitman, owner – 329 South Main Street, Centerville, Map/Parcel 207-082, 1.4 acre lot, five setback variances.

B. Eric Stevens representing Elizabeth Gould, owner – 267 Scudder Road, Osterville, Map/Parcel 139-013, 0.42 acre lot, a setback variance for septic tank to wetlands.

Glen Harrington presented the plans which had two variances – one variance was for crossing the water line (the water line will be sleeved at that point). The plans are for the three-bedroom property.

Mr. McKean suggested flipping the plan over and having the septic come out of the other side of water pipe. Mr. Harrington said there is a retaining wall and there is mature landscaping including a cedar tree which would result in much more destruction to the property. Dr. Canniff asked whether the plan has a monolithic tank. Glenn said that he does not generally suggest the monolithic tank to those will the possibility of expanding in the future.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the septic plan with the two variances. (The plan was approved. Mr. Sawayanagi and Dr. Miller voted to approve, and Dr. Canniff voted to deny (he objected to the system being installed prior to the meeting).

IV. Variance – Food (Cont.):

Claudia Robinson representing Community Action Committee (C.A.C.C.I.) applying for a temporary food permit for 'Sundae Fundae' Event in the parking lot of 115 Enterprise Road, Hyannis on June 13, 2010.

V. Variance – Food (New):

- A. Florence Lowell, Naked Oyster – 410 Main Street, Hyannis, Map/Parcel 327/262, grease trap variance.

Mr. Lowell and Florence Lowell presented their plans for a new location. Their location is no longer available and they are under a tight time line.

Mr. Lowell explained the two options for a grease tank being installed were very costly. One would be digging a trench in the back parking lot 250 feet long in the parking lot.

POSTPONED

- B. Richard Bibeault representing Mid-Cape Farmers Market, Hyannis, applying for a change of venue from Main Street, Hyannis to the Hyannis Youth and Community Center, Bassett Lane, Hyannis.

- C. Matt Bondlow representing Cape Cod Life Seaside Living Expo, applying for a temporary food permit at 141 Bassett Lane, Hyannis, on Saturday, May 1 and Sunday, May 2, 2010 with one vendor, The Naked Oyster.

Matt Bondlow stated the event is a new one. In the past, they had a Food & Wine Expo. The event will be both inside and outside. Inside will have retailers and marinas and outside will have boats on display, along with landscape exhibits and one restaurant vendor, Naked Oyster.

Mr. McKean requested a layout for the food area. Mrs. Lowell will be using a convection oven with an extension cord to finish the oyster wraps, the beef briquette will be packaged and finished on site, and the oyster shucking will be done as people walk in. Signs will be in place for raw food.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the annual temporary food event. (Unanimously, voted in favor.)

Also:

Dr. Miller feels we must apply inspections to all temporary food events, if we do it for one. The Board of Health may need to apply to the Town Council to approve a fee, if necessary, to support the cost of the inspection (i.e., \$150 each time.) This will be taken into consideration.

VI. Hearing:

- A. Motel owner, George “Skip” Simpson, Anchor-in, One South Street, Hyannis – variance request of qualified swimmers and lifeguard requirements at pools.

Skip Simpson said there is no one-stop fits all answer for the lifeguards.

He feels they have a very good track record of 25 years, they do not serve alcohol, they request a waiver to the lifeguard / qualified swimmer regulation for an annual review.

If the pool is not occupied, they would have the pool locked. If someone requested to swim, they must be with another person.

Their pool size is 18 feet x 36 feet, depth of 3 feet to 8 feet. Currently, the qualified swimmer regulation allows only 19 people in it. Mr. Simpson requests that the Board look at each location individually. His pool is 640 s.f. and the state says that 20 s.f. swimming area needed for each person, thus, approx. 30 people would be allowed in pool per state even though Mr. Simpson would not be interested in having that many in the pool.

Dr. Miller's proposed:

Waive requirement when the pool is under a certain size and certain occupancy. He is not sure whether the waiver needs to specify only applies to a certain depth. Signage needed – some he would like even beyond state signage requirements. Phone is required by State. Water Safety/CPR person in area is required (and it should specify just how far away the person can be). Must have locked access. He would not consider it for places that have wave pools, slides, etc.

Dr. Miller suggested to have the Board of Health work on it and come back to him. Mr. Sawayanagi suggested to look at each location individually. This location has not had any issues for over 25 years.

Skip's signage suggest "children under 16 shall not swim alone without a responsible adult. Also, adults shall not swim alone.

VII. Subdivision:

Dan Ojala, Down Cape Engineering, representing Susan Maki, Trustee, Maki Family Trust –'0' Oak Street (off Oak Street), Barnstable, Preliminary Plan Subdivision# 819 in Historical District, Map 215, Parcel 014-001, 3 lots on 6.94 acres, within the Resource Protection Overlay District.

No one present.

Contact Dan Ojala and ask him to come to the next Board meeting so the Board may give their full recommendations.

VIII. Body Art Variance:

Mark Corliss, Split Milk Tattoo – two artists applying for variances on requirements.

Mark has been working with Ruth Jones, a nurse in Quincy, who teaches a skin course for tattoo artists. Dr. Miller wants to review with Ms. Jones's syllabus for the course and the stringency of the pass / fail grading.

Mark Corliss recommends that on top of taking the skin course, the Board should require that the artist then must work under someone who has had a certain amount of experience.

Contact: Nurse Ruth Jones, Quincy 617-376-1286

IX. Old/New Business:

A. Temporary Outdoor Food Vending Requirements Policy – Weekly Events.

Proposes to charge a surcharge of \$100 to be added to the cost of a temporary food permit.

This is to cover the cost of the inspectors time, a 4 hour minimum call out fee.

Under B, Sinks and Gloves: change word from “should not...” to “will not be approved for sale...”

Note: the paragraph speaks of two different handwash situations. We can approve a handwash station vs handwash sink, usually. So we can leave it up to the discretion of the health division.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the revised policy. (Unanimously, voted in favor.)

B. Proposed Fee for Bathing Beaches - \$ 150.

Karen Malkus said that if we waive the fee for this year, the County will do all that is required.

We already do the water quality testing. If we have the County get more involved, we will need to decide where to divide the responsibilities.

To summarize what is new: currently, we test 14 semi-private as well as regular. Recreational beaches will need to put up signs, along with Association Beaches, etc., it'll have to say the operational dates and that they are a “registered beach”, and the testing results. There is a lot of signage required at the beach sites. Karen Malkus suggested the possibility that we combine some signs.

There is mainly more paperwork involved. The testing is basically the same.

X. DCPC Regulation:

Jo Anne Miller Buntich, Town of Barnstable, to discuss DCPC regulations to be implemented.

Jo Anne Miller Buntich presented the proposed regulation.

Dr. Miller said the only thing he sees that pertains to the health division is that if there are any raised septic systems, then they will require plantings (in the Long Beach area of Centerville).

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to accept the portion of the DCPC regulation pertaining to the Health Division. (Unanimously, voted in favor.)

Public Announcement was made:

- 1) On MAY 1st 9am – 1pm MEDICATION DROP OFF will be held at the BARNSTABLE POLICE STATION.
- 2) The Health Division will hold a FLU CLINIC APRIL 28, 2:30 – 4:30pm/

XI: Addition New Business:

Dr. Canniff brought up the subject from the end of the last meeting – pertaining to increased sewer possibilities at the Airport. Most of the buildings which are not on sewer at this time are the buildings on the Yarmouth side of the Airport. The buildings themselves probably are on our Town property. (Part of runway is in Yarmouth). If the buildings are in Barnstable, we'll have to extend sewer at Radisson.