



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING AGENDA

Tuesday, September 9, 2014 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, September 9, 2014. The meeting was called to order at 3:20 pm by Chairman Wayne Miller, M.D. Also in attendance was Board Member Junichi Sawayanagi. Board Member Paul J. Canniff, D.M.D. was unable to attend due to family emergency. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were present.

I. Food – Variance:

Segundo Camas, The Food Market International, Inc. – 163 Barnstable Road, Hyannis, toilet facility variance.

Mr. Segundo and Lucas Camas were present.

Mr. McKean said the staff had no issue with the requested variance for the retail store which had carpeting. This week, the flooring has been changed to laminate so a mop sink would be necessary to install. Mr. Sawayanagi made note that the mop sink would serve best if it were located inside the store itself, instead of the bathroom located outside the store.

Upon a motion duly made by Dr. Miller, seconded by Junichi Sawayanagi, the Board voted to grant the variance with the following conditions: 1) a mop sink will be installed in a location approved by the health inspector inside the store, and 2) the store will be responsible for maintenance and cleaning of the bathroom in the common area. (Unanimously, voted in favor.)

II. Show Cause Hearing – Septic:

Donald G. & Cheryl Romkey, for Estate of Donald Geoffrey Romkey, owners – 695 Race Lane, Marstons Mills, Map/Parcel 103-098, failed septic.

D. Geoffery Romkey was present. He explained the Board letter this month was the first letter he saw regarding the septic. He said the system had only overflowed on one occasion when the health inspector had received a complaint and that was over a year ago. He said a number of relatives had come and had over-used the system and he had it pumped immediately. It has not needed to be pumped since that time. He understands the system is old. Geoffery said that he and his sister have inherited the property and he is trying to buyout his sister. He is trying to make plans to replace the septic. Geoffery has spoken to B&B

Excavation and has spoken to the County. The County told him they will need a copy of something documenting that it has failed.

Upon a motion duly made by Dr. Miller, seconded by Junichi Sawayanagi, the Board voted to grant a deadline of repair extension of six months until March 2015. The Board will require the status of progress being made at the November 18, 2014 meeting. (Unanimously, voted in favor.)

III. Show Cause Hearing – Food:

POSTPONED UNTIL SEPTEMBER 17, 2014 Joann Lucas and Panagis Kappatos, owners, Egg & I Restaurant – 521 Main Street, Hyannis, recurrence of food violations (both critical and non-critical) during inspections on June 17, July 23, and August 28, 2014.

IV. Proposed Policy: Holding Tanks / Public Meeting:

Process for Seeking Approval; Notification of Abutters

There was discussion of the proposed policy. It was mentioned that Title V requires a tight tank to be 500% of the bedroom count (for a 5 bedroom house, the tight tank would need to be 2,500 gallons), with a minimum size of a 2,000 gallon tank for a one bedroom home). The smaller bedroom homes would not require pumping as frequently.

Dr. Miller suggested wording to be added under “item C” to inform people that the Board will make the determination of whether additional abutters are added to notification requirement.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to adopt the proposed policy with the additional wording under “item C” that the Board will determine whether additional abutters may need to be notified, depending on the discussion at the Board meeting. (Unanimously, voted in favor.)

V. Old / New Business:

A. Approval of the Minutes –May, June, July, and August 2014.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to accept the minutes for the May 13, 2014 meeting with one correction (page 3 item III, first sentence, Richard “Pimental”. (Unanimously, voted in favor.)

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to accept the minutes for the June 25, 2014 meeting with the adjustment on page 1, item I, second paragraph...”designed”. (Unanimously, voted in favor.)

July and August minutes will be continued.

B. Sun Center 2000 – Letter to MA Department of Public Health

The Board sent a letter back to the State in response to the MA DPH letter to the Board on the tanning salon. The Board responded that 1) the State’s sequence of events was not correct and the Board provided the correct sequence and names, and 2) the State’s regulation does not allow the local Boards to close a tanning establish immediately because the Boards are required to have a hearing on each

occurrence and treat as individual cases. If the State does prefer this, they will need to change the regulations.

The letter informed the MA DPH of the actions and protocols the Board has set in place:

- Only minor maintenance is to be performed by in-house staff. All other maintenance must be by a certified technician.
- Even easy maintenance items must be double-checked by a second employee.
- Every morning before opening business, the equipment inspection must be done.

Mr. McKean asked Dr. Miller if the Board was interested in eliminating the requirement discussed at prior meeting of requiring a certified technician to inspect the equipment annually.

Dr. Miller said this question should be referred to the State to ask whether a technician would be able to assess whether something is about to break on the equipment, or not (i.e., an auto mechanic is able to assess that a car's brake pads are severely worn down). If a technician is not able to assess a potential hazard, it would not be beneficial to require this with the other protocols in place.

C. Status - Tobacco Regulation Update.

The legal department is still working on the proposed tobacco regulation the State sent to the Board.

Mr. McKean said the State and County have been trying to push the fines to begin on the first violation. The Board and Mr. McKean prefer to issue a warning on the first occasion as the store owners show genuine concern to follow the regulations and with changes in new employees, occurrences may randomly occur. The Board believes Bob Collette, County Tobacco Enforcement, has been very successful in reduced the occurrences of violations with his unannounced inspections at establishments.

The Board identified some changes they want in the State's proposed policy. Under page 10..."use of tobacco products prohibited as defined here" would better be expressed as "any combustible substance that is used for inhalation" to encompass the "smoking" regulation. Under page 8, it refers to limiting the number of permits to the current issued and eventually eliminating all permits for it. The Board does not want to do this as the new definition will include more products under the regulation and more establishments will require the permits.

The State's proposed regulation restricted the minimum price of a smoking product. The Board was not in favor of this. They would require the original manufacturer's packaging must be used (so the products are not broken down into smaller sales.)

This discussion will continue once the Legal Division is finished.

Motion to Adjourn 4:10pm.