

Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644
FAX: 508-790-6304

Paul J. Canniff, D.M.D.
Junichi Sawayanagi
Donald A. Guadagnoli, M.D.
Alternate: Cecile Sullivan, RN, MSN

BOARD OF HEALTH MEETING MINUTES Tuesday, August 22, 2017 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2nd Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, August 22, 2017. The meeting was called to order at 3:00 pm by Chairman Paul Canniff, D.M.D. Also in attendance were Board Members Junichi Sawayanagi and Donald A. Guadagnoli, M.D. Alternate Member Cecile M. Sullivan, RN, MSN was unable to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing – Show Cause

Velma Francis and Scott Alemen, Hyannis Harbor Hotel, 213 Ocean Street, Hyannis, due to serious State Sanitary Code violations in the operation of the outdoor pool.

Mr. McKean read his report into the minutes:

HYANNIS HARBOR HOTEL - SWIMMING POOL COMPLAINT/ INSPECTION RESULTS

During the first week of August, we received complaints through Facebook, forwarded to us by Lynne Poyant, Community Services Director. An unannounced inspection occurred on August 9, 2017 as follows:

- On August 9, 2017. The pool had no chlorine (zero). The Health Inspector closed the pool. Chlorine was then added to the pool water and passed inspection later that same day. The Health Inspector allowed the outdoor swimming pool to be re-opened later that day.
- On August 9 2017, the pH was too high in the indoor hot-tub. The inspector closed the hot-tub. Later that day, the hot-tub was re-opened due to the corrected pH level.
- Also on August 9, 2017, the outdoor swimming pool water was not being tested for alkalinity. As indicated above, the inspector closed the pool. Alkalinity was later tested and the inspector allowed the pool to be opened that same day.
- Only nineteen bathers are approved as a condition of their variance to not have a lifeguard; they are required to have a qualified swimmer. 40 swimmers were observed in the outdoor swimming pool with a "qualified swimmer" who was not swim tested by the Hotel. So, in the meantime before the hearing, they were given the option of either hiring two qualified swimmers or a fully certified lifeguard .

Scott Alemen, Director of Operations for the company (in charge of nine locations) was present. Scott has been managing this property for 20 years. He stated it was his

understanding that they may have 19 people in the pool itself (in addition to the area surrounding the pool). Dr. Canniff acknowledged the Board is in agreement that they may have 19 people in the pool itself.

After the violations were corrected, and as a temporary situation until this Board meeting, Mr. McKean had allowed Mr. Alemeny to increase the number of people in the pool up to 38, provided they have two qualified swimmers on duty at the same time. To continue this, the Board must vote on it.

In response to the question of why pool was not closed when it had no chlorine. Scott was not at the location on that particular day but explained their procedure whenever there is a reading for chlorine at zero, they have been simply adding the chlorine at that time, and the following reading for that day will show that. (they test four times a day – 7am, 12pm, afternoon, and evening.)

Upon a motion duly made and seconded, the Board voted to 1) issue a Warning, 2) allow Hyannis Harbor House to have up to 38 people in the pool through the season provided they have two qualified swimmers on duty at the same time, and 3) in the future when the chlorine is reading zero, the person in charge will remove the swimmers from the pool, add chlorine and make sure the chlorine testing reads between 1-3 before having the swimmers return to the water. (This is expected to occur quickly upon adding the chlorine.) (Unanimously, voted in favor.)

II. Septic:

- A. Dan Ojala, Down Cape Engineering, representing Connie Peterson, Trustee – 29 Packet Landing Way, West Barnstable, Map/Parcel 179-015, 35,010 square feet parcel, private well, no construction, requesting two variances.

Dan Ojala said no test holes had been done at this time to see whether the Board was happy with the plans. The groundwater flows to the east and northeast, away from the well.

Dr. Canniff would like to see the septic system put in a different location.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Guadagnoli, the Board voted to grant the variances with the following condition: 1) a four-bedroom deed restriction must be recorded at the Barnstable County Registry of Deeds, and 2) an official copy must be submitted to the Public Health Division. (Vote: two in favor, and Dr. Canniff voted not in favor.)

- B. Michael Pimentel, JC Engineering, representing Dorothy and Nancy Pettibone, owners – 51 Stonehedge Drive, Barnstable, Map/Parcel 317-058, 20,494 square feet lot, multiple variances requested.

Upon a motion duly made and seconded, the Board voted to grant the variances with the following conditions: 1) a four-bedroom deed restriction is recorded at the

Barnstable County Registry of Deeds, and 2) an official copy is submitted to the Public Health Division. (Unanimously, voted in favor.)

- C. Dan Ojala, Down Cape Engineering, representing Craig Vancura, owner – 40 Nye’s Point Way, Centerville, Map/Parcel 233-013, 0.23 acre parcel, proposed tight tank, no construction work proposed, multiple variances requested.

Upon a motion duly made and seconded, the Board voted to grant the proposed tight tank with the following conditions: 1) the existing two-bedroom deed restriction at the Barnstable County Registry of Deeds must be further recorded to state that the property is for seasonal use (up to 6 months) only, and it must state that there is a tight tank on the property, and 2) the tight tank must be pumped a minimum of once a year. (Note: the current deed restriction contains the statement that if/when sewer is available to this property, the owners are to hook up to the sewer within 30 days.)

III. Food – Temporary:

Michael Conrod, representing Sagamore Beach BBQ, vendor for Cape Cod Beer Issac’s Run to be held outside at Cape Cod Beer, 1336 Phinney’s Lane, Barnstable, on August 23, 2017 from 5:30 – 8:00 pm. The items on the menu are pulled pork, coleslaw, beans, and potato salad.

Michael Conrod explained that he will be warming up food at his tent outside and will have a handwash station there. He will be bringing the food inside where it will be served and eaten. He also mentioned that Centerville Pie Company was planning to bring food.

The Board voted to grant the temporary permit for Sagamore Beach BBQ with the condition that he also have a handwash station inside at the serving area. (Unanimously, voted in favor.)

ADDITIONAL:

Also, the Board voted to approve the Centerville Pie Company at this event with the conditions that: 1) they understand they need to submit paperwork at the proper time in the future, and 2) Mr. McKean is informed and is satisfied with their procedures for this one event. (Unanimously, voted in favor.)

IV. Body Art:

Tyler Bolton, Buzzards Bay, requesting approval as a trainee with Alex Travassos, Black Pearl Tattoo Studio and Gallery, 509 Main Street, Hyannis.

Tyler Bolton and Alex Travassos were present. Tyler’s paperwork was complete and his references were good. He will be the only trainee at the establishment.

Upon a motion duly made and seconded, the Board voted to grant Tyler Bolton a body artist trainee permit (no body piercing) for a period of 18 months at which time he will return to the Board. (Unanimously, voted in favor.)

V. Food – Public versus Private Events:

Proposed written clarification of public events versus private events.

Upon a motion duly made and seconded, the Board voted to adopt the policy submitted (Exhibit #1 and Exhibit # 2). (Unanimously, voted in favor.)

VI. Minutes:

Minutes – May 23, June 27, and July 25, 2017

Upon a motion duly made and seconded, the Board voted to adopt the minutes submitted for July 25, 2017 Board meeting. (Unanimously, voted in favor.)

Motion to Adjourn at 4:55pm.



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601

Exhibit# 1

Office: 508-862-4644
FAX: 508-790-6304

Paul J. Canniff, D. M.D.
Junichi Sawayanagi
Donald A. Guadagnoli, M.D.

August 22, 2017

Public and Environmental Health Program Policies, Procedures, and Guidelines

Private Versus Public Events/ Temporary Food Events

No. 2017-01

When a Permit is Required

The Board of Health, working through its staff protects the general public by promoting safe food handling and smart menu choices for large groups, especially those with at risk populations (the elderly, the very young, or those with weakened immune systems). The Health Division staff raises awareness of food-borne illness by offering guidance and information that encourages safe food preparation that will minimize adverse health effects. This collaborative effort between the Board of Health, it's staff and the users of non-profit kitchens allows groups to sponsor events like fund raisers, soup kitchens and community suppers without endangering the public health.

Public Events and Fund Raisers

Any event where food is served to the "general public" requires a temporary permit from the local Board of Health. A public event is defined as "an event that is advertised with fliers, banners, newspaper articles, radio or TV announcements, or by other means, (regardless of whether or not a fee is charged); it is considered a public event and is subject to health code requirements of the regulatory authority. Churches, temples, school groups and other non-profit groups often use food sales as a way to raise funds for their organization. Several factors are evaluated to determine the food safety at these events such as:

- Proposed menu
- Condition of the facility where food is being prepared
- Equipment provided
- Food safety knowledge and handling¹

Event planners that propose a menu that include potentially hazardous foods (PHF's) such as eggs, meats, mayonnaise-based foods and other foods that require temperature control, pose the highest risks and therefore must meet more stringent guidelines to insure food safety. No foods for a public event or fundraiser should be made in a home kitchen (except baked goods such as cookies, brownies or cakes or exempt potluck).

Health Division staff can work with each "person-in-charge" of the event to assist in modifying menu choices or food preparation techniques that will reduce potential food hazards.

Catered Events

A "caterer" is a person who prepares food ready for serving (with the addition of reheating onsite if needed) intended for individual portion service, transports and serves it at another location, or who prepares and serves food at a food establishment, other than one for which he/she holds a permit, for service at a single meal (not a regularly recurring meal), party, or similar gathering.

Caterers must submit a copy of the proposed menu, identify the location of the event, indicate the number of guests to be served, provide a copy of the permit from the town in which they are licensed and provide proof of food safety training. If the food is prepared by a caterer, but service is done by another organization, then a temporary food permit must be obtained by the entity doing the food service.

Private Events

A private event is an exclusive group, which could include family, friends, neighbors or committee members meeting over a shared meal. In this type of situation, a temporary food permit from the Board of Health is not required. Food prepared in a home kitchen is allowed only at a private event, such as a potluck supper.

Some events may ride the fine line between a public event and a private event, the Health Division is here to answer your questions and assist you with any additional information you may need to clarify whether a temporary permit is needed.

Please contact us by telephone at 508-862-4644.

Paul J. Canniff, D.M.D., Chairman
TOWN OF BARNSTABLE
BOARD OF HEALTH



Town of Barnstable Board of Health

200 Main Street, Hyannis MA 02601

Exhibit# 2

Office: 508-862-4644
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Paul J. Canniff, D. M.D.
Junichi Sawayanagi
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Public and Environmental Health Program Policies, Procedures, and Guidelines

Feb. 18, 2004
Revised August 30, 2017

Catering

No. 2013-001

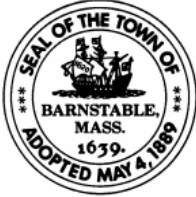
- (a) **Base of Operations** - Each caterer shall have as its base of operations a food establishment that shall comply with the provisions of 105 CMR 590.000, except that a facility holding a permit as a residential kitchen shall not serve as the base of operations for a caterer. This is per 105 CMR 590.009 (A)(1).
- (b) **Notification** - Each caterer shall notify the Public Health Division prior to serving any meal elsewhere than its own food service establishment and give written notice to the Public Health Division on the prescribed form* prior to serving a meal elsewhere than its own food service establishment; and
- (c) **Certification** - Each caterer shall provide the Public Health Division copies of food sanitation training certificates (e.g. ServSafe and Allergen Awareness Certification) of the assigned personnel serving meals at the particular event.
- (d) Caterers with the base of operations located outside of the Town of Barnstable shall provide the Public Health Division with a copy of its food establishment permit once each year prior to serving the first meal of the calendar year.

Definitions:

“Caterer” means any person who prepares food ready for serving (with the addition of reheating onsite if needed) intended for individual portion service, transports and serves it at another location, or who prepares and serves food at a food establishment, other than one for which he/she holds a permit, for service at a single meal (not a regularly recurring meal), party or similar gathering.

* Notification forms are available at the Town of Barnstable website and at the Public Health Division Office.

Paul J. Canniff, D.M.D.,
Chairman
BOARD OF HEALTH
TOWN OF BARNSTABLE



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**MAIL TO: TOWN OF BARNSTABLE
PUBLIC HEALTH DIVISION
200 Main Street
HYANNIS, MA 02601
FAX 508 790-6304**

Please include copies food sanitation training certificate (e.g. ServSafe) of the personnel serving meals at the event and, if the base of operations is in a city or town other than Barnstable, you must include a copy of a valid Food Establishment Permit from that City or Town

CATERER NOTIFICATION OF EVENT

DATE _____

CHECK THOSE THAT APPLY: Single Meal Birthday Party Wedding
Family Event Holiday Event Other Explain _____

NAME OF PERSON(S) REQUESTING PERMIT _____

LICENSED NAME OF LICENSED COMMISSARY _____

TELEPHONE # _____

HOME ADDRESS _____ VILLAGE _____

NAME OF ORGANIZATION _____ TELEPHONE _____

ADDRESS _____

FOOD TO BE SERVED (LIST EXACT FOODS) _____

NAMES OF TRAINED FOOD HANDLERS _____
(ATTACH COPIES OF CERTIFICATES)

ADDRESS WHERE TO BE SERVED _____

DATE TO BE SERVED _____ RAIN DATE _____

HOW WILL FOOD BE KEPT BELOW 41 DEGREES F _____

HOW WILL FOOD BE KEPT ABOVE 140 DEGREES F _____

HOW IS FOOD COVERED _____

HOW IS FOOD SERVED _____

TYPE OF HAND-WASHING FACILITY _____

(SIGNATURE OF APPLICANT)

FOR MAIL-IN NOTIFICATIONS

Please mail a completed notification form to the address below.

Also, please include a copy of your food sanitation training certificate(s).

In addition, if the base of operations is in a city or town other than Barnstable, you must include a copy of a valid food establishment permit from the Board of Health of that city or town.

Our mailing address is:

**Town of Barnstable
Public Health Division
200 Main Street
Hyannis, MA 02601**

FOR FAXED NOTIFICATIONS

Our fax number is **508-790-6304**. Please fax a completed notification form.

Also, please fax a copy of your current food sanitation training certificate(s).

In addition, if the base of operations is in a city or town other than Barnstable, you must include a copy of a valid food establishment permit from the Board of Health of that city or town.

For further assistance on any item above, call 508-862-4644

To get a catering notification form, click [here](#). **To be able to access this form, your computer must have Acrobat Reader. Most computers have Acrobat Reader, and it will usually activate itself automatically. If your computer does not have Acrobat Reader, you can download a copy of it by going to the Adobe website.**

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