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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
Junichi Sawayanagi
Paul Canniff, D.M.D.

BOARD OF HEALTH MEETING MINUTES Tuesday, March 9, 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 March 9, 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 Lindsay Parvin, Acting Administrative Assistant, were also present.

** Meeting opened 3:00 p.m.

Dr. Miller asked for a moment of silence for James Crocker, Sr., who died last week. He was a member of this Board for a number of years and was the father of Sharon Crocker from the Health Division staff and of Town Councilor James Crocker, and served the town in many other ways.

I. Variance – Septic (New Item):

Kieran Healy, BSC Group, representing Diane Ross, Trustee –0 Water Hole Lane, West Barnstable, Map/Parcel 130-008, 3.47 acre parcel, requesting extension on septic variances.

Keiran Healy, BSC Group, presented the request to reinstate the variances previously granted 2/14/07.

Mr. McKean stated the staff reviewed the plans and had no objections.

The Board stated the issues were each addressed in earlier meetings prior to the originally granted variances. This would not be an extension of the granted variances. It is coming back to the Board as a new application and will be voted as new.

Mr. Healy stated all the abutters listed on the GIS map were contacted. One abutter had an incorrect mailing address and has been informed by phone.

Upon a motion duly made by Junichi Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the reviewed plans dated March 4, 2010, with the following conditions: 1) A three-bedroom Deed Restriction shall be recorded at the Registry of Deeds, 2) A proper copy of the Deed will be submitted to the Public Health Division, 3) strict accordance to the engineer's reviewed

plans dated March 4, 2010, and 4) the footprint cannot be changed. (Unanimously, voted in favor.)

II. Variance – Food (New):

- A. Patricia Mersky, new owner, Osterville Village Café – 3 Wianno Avenue, Osterville, toilet facility variance – one restroom provided.

Patricia Mersky was present and explained she is the same person whom a variance was granted to in this location under the name of Osterville News Stand. Patricia said all remains the same – the menu, the seating of 10, the grease trap is still in operation.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve a toilet facility variance to allow one toilet facility in lieu of two, with seating for ten. (Unanimously, voted in favor.)

- B. Jan Gow representing Friends of Sturgis Library applying for a temporary food permit for 'Antiques Show and Sale' Event at Barnstable-West Barnstable Elementary School, Main Street, West Barnstable on August 20 + 21, 2010.

No one was present.

Mr. McKean said this is their first food event with the Antiques Show. It will be held indoors and will be using the cafeteria facility with a person who is servsafe certified.

Dr. Canniff discussed safe guards needed with temporary food events and mentioned an article in yesterday's Boston Globe where a church group in Medford cooked up food and distributed it in Boston to the needy. Upon the report that 10-12 people were violently sick, the health officials enforced a state law that says all charitable food programs must be inspected and licensed by their local health boards and the church group can not distribute food now. Dr. Canniff brought this up because there has been such an increase in the temporary food events. Mr. McKean said the health division does not have a budget for the weekend inspections but has been sending inspectors whenever there is more than three vendors at an event. For the three and less vendor events, paperwork is submitted and servsafe certificates are submitted. The ideal situation would be to have a budget allotted to this and to verify the location the food will be cooked at.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to Continue to the April 2010 meeting. (Unanimously, voted in favor.)

Second vote at the end of the meeting:

Jan Gow was present (had called explaining she had a flat tire).

She said all food is purchased at BJ's and Stop&Shop. A servsafe personnel from the cafeteria staff will be volunteering to serve the chowder and make the sandwiches and they will be ready at 11:00 am for an inspection.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve this as an annual temporary food event with the following condition: the servsafes are provided to the Health Division. (Unanimously, voted in favor.)

- C. 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.

No one was present. The staff had a few questions about the application.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to continue until April 13, 2010. (Unanimously, voted in favor.)

- D. Jean Samedy, new owner, Café Samedy – 569 Main Street, Hyannis, grease trap variance.

Mr. Jean Samedy was present and stated the location was formerly McGee's Ice Cream. He will be serving cold cuts and fish. He will be using a grease recovery device (GRD) and seating will be 2 to 3 tables inside with 2 seats each, along with 3 to 4 tables outside with 2 seats each for a total of 14 seats.

Mr. McKean said the staff recommends requiring disposable dishware and utensils with the approval of a grease recovery device (GRD).

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve a grease trap variance with the following conditions: 1) menu shall not have any substantial changes from the menu presented, 2) only disposable dishware and utensils shall be used, 3) a maximum of 14 seats will be permitted, 4) a grease recovery device (GRD) will be used, and 5) a regular cleaning log will be maintained listing quantity of grease removed. (Unanimously, voted in favor.)

- E. David Columbo, Black Cat Tavern – 165 Ocean Street, Hyannis, new owner, grease trap variance for additional seating from 133 to 186, same menu as prior owner.

Attorney Dan Creed and David Columbo were present.

Mr. Columbo is purchasing the assets for the Black Cat and is proposing to obtain the same number of seats issued to Mr. Ream on 7/9/1993 during an variance application for 40 seats outside. Mr. Ream was granted it with the condition to install a GRD assist the 2,000 gallon grease tank (seats 146 in + 40 out) for a total of 186 seats.

The Board reviewed and said nothing in letter tells how many seats were approved. Upon looking at the historical permits, the seating had been inconsistent and never reached the level of 186. (At one point, the applicant had written on the application 186, but a permit did not appear to be issued for that amount).

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the grease trap variance to increase seating to 186 in lieu of the maximum seating of 133 for the size of the grease trap with the following conditions: 1) a grease recovery device (GRD) as a Big Dipper or its equivalent will be used, 2) the grease will be emptied daily as needed from the GRD, 3) a second bathroom for the employees will be installed on the premises for a total of four bathrooms at the site, and 4) this variance does not pass on to a new owner automatically. (Unanimously, voted in favor.)

III. License: Disposal Works (Septic Installer):

Michael Santos, Falmouth Road, Cotuit, MA

Michael Santos was present.

Dr. Miller said the Board has to rely on the installer to do things according to regulations. Due to an experience in the past, Dr. Miller was looking for some reassurance.

Mr. Santos said “we had an incident in the past and I feel it was resolved.” Michael has had a State Building License and worked in our town for 15 years and had never had any incidents with the Building Inspectors or Commissioner, and only had one incident when he had “his back against the wall and had to do what he felt was right at the time”. He was asked to make one change by the Health Inspector and he did so. After some discussion, Dr. Miller suggested that the Board approve his application with the condition that they review performance after he has installed ten systems.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following condition: after Mr. Santos has installed ten septic systems in the town, the Board will review the situation and performance. (Unanimously, voted in favor.)

IV. Discussion:

Requested by motel owner, George “Skip” Simpson, Anchor-in, One South Street, Hyannis – discussion of qualified swimmers and lifeguard requirements at pools.

Skip Simpson was present. He and the Board discussed his desire to reduce the requirement for lifeguard and/or qualified swimmers for his small pool.

A detailed review will continue as any change would be setting a precedent for other pools.

V. 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.

The Planning Board last night postponed their review of the plan because it will be changing. The Board of Health is interested in seeing a topography of the plan (this is not required until the final plan). They will wait until the plans are revised.

VI. Old/New Business:

A. Proposed Bedroom Count Policy – Request to be updated.

B. Proposed Revision of Tight Tanks for Beauty Shops/Barber Shops connected to Onsite Sewage Disposal Systems.

Mr. McKean asked for a vote to delete the old policy. The Board asked for a list of the number of businesses this will affect. They will notify businesses to invite to the meeting to obtain testimony from the Beauty Shops/Barber Shops.

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

The Board will consider possibly a new regulation to enforce the Title V requirements for these businesses, but noted that many of the chemicals which are feared problems have not been proved problems. To be continued at a future meeting.

C. Proposed Warewashing Sink Policy.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to approve a warewashing sink policy covers businesses where no dishwasher is onsite. In these businesses, only disposable utensils are to be used and a three compartment sink is required. (Unanimously, voted in favor.)

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

Need a different category for inconsecutive events and must identify the parameters of the fees. No cumulative fee shall exceed the fee for annual or seasonal food establishment.

Application, guidance and other forms need to be approved.

E. New Business

Dr. Canniff mentioned there was an article in the newspaper regarding the airport hanger and connecting the whole airport on the town sewer system and looking at the hazardous materials situation. The town's DPW would have to extend the sewer line in that direction. This will be put on the next agenda.

Motion to adjourn.