



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

Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



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

BOARD OF HEALTH MEETING MINUTES Tuesday, January 13, 2009 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 January 13, 2009. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul Canniff, D.M.D. and Junichi Sawayanagi. Thomas McKean, Director of Public Health, and Sharon Crocker, Division Assistant, were also present.

I. Hearing – Housing:

Allen White, President, Health Care Management Associates and Merrill Blum, Executive Director, Veteran's Outreach Center, requested a hearing regarding a complaint from an occupant at 379 South Street, Hyannis (**continued from November**)

Alan White, Merrill Bloom, Nam-Vet Association and Sandra Perry, Barnstable Housing Authority work together for the transitional housing. HUD keeps a strict scrutiny over the program which began in 1994 and has been run very successfully. It began as a 10 room facility. At all times, the Town divisions were involved in the project.

Since inception, all were aware of the two rooms which were a bit undersize but had been accepted due to the need for housing. There is presently a trouble occupant who has begun complaints once they tried to evict him.

The program hopes they can continue with the variance of the size of the two rooms. The program is a temporary occupancy program for transitional living for one day to one to two years.

Mr. McKean said staff has not objections to continuing to keep the two existing size rooms (one is 60-67 square feet, the second one is 72 square feet).

Mr. Bloom said they do have a program option where seniority can apply to move to a different size room when available.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances of the two undersize rooms with the condition that it continue to be used for temporary occupancy. (Unanimously, voted in favor.)

II. Septic Variance (Cont.):

POSTPONED UNTIL FEB 2009 Michael Ford representing Michael and Gisa Belanger, owner – 100 Cross Street, Cotuit, Map/Parcel 033-032, 0.9 acre lot, four variances for repair (continued from Oct and Dec 2008)

III. Adoption of Article – State Sanitary Code, Chapter II

Proposed Regulation - State Sanitary Code, Chapter II (105 CMR 410.000 through 105 CMR 410.960 Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II)

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

IV. Septic Variances (New):

A. Daniel J. Ojala, Down Cape Engineering, representing Frank Tenaglia, owner - 5 Patricia Street, Hyannis, Map/Parcel 246-052, 9,849± sq. ft. three (3) variances from (a) SAS to foundation and catch basin and (b) setback, SAS to foundation.

Dave Flaherty, Down Cape Engineering, presented the plan and is requesting a one foot variance to ground water. They would like to avoid the mound above the ground. And it would be cost prohibited to build a wall around it and avoid traffic from hitting it.

The plan consolidates the four septic systems currently on the lot into one system.

The staff has no objections to the plan and believes the variance should be granted. One room on the plan is in question of being closed off. Rather than open the doorway to a six foot opening, the owner would like to keep as is so they can close the room and use the air conditioner in there for relief. They agreed to a three bedroom deed restriction.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve with the condition of a recorded three bedroom deed restriction. (Unanimously voted in favor.)

B. Randall Swetish (contractor) representing Joseph & Joyce Paradis, owners - 90 Cindy Lane, Barnstable, variance minimum setback distances (addition of a second bathroom.

Randall Swetish presented the plan. There will be a four foot crawl space.

The staff had no objections.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the plan with the condition of using 40 mil lining against the wall under existing house and line under the flooring of addition (bathroom) with 40 mil polyethylene lining. (Unanimously, voted in favor.)

V. IA Monitoring Plan Review :

- A. Stephen S. Dane, 195-D, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly Operation and Maintenance inspections.

*Yes, reduce to yearly.

- B. Normand Barclou, 195-C, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly Operation and Maintenance inspections.

Randy Cox represented him as he was not able to attend. The readings are lowering each time. However, the average (median is 42.)

He will need to continue doing quarterly under the average readings have dropped. Randy said that there are possibly three more tests that they are awaiting results on. He will be able to bring it back for review.

- C. Leonard H. Julius, 195-H, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly Operation and Maintenance inspections.

*Yes, reduce to yearly.

- D. Thomas Fehnel, 195-A, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly Operation and Maintenance inspections.

He is an out-of-town resident. Mr. Fehnel is only at the location for 4-6 weeks per year. There are two tests not reported at this time which should be available for the February meeting and it may be able to reduce to semi-annual.

*Continued to Feb 2009 meeting.

- E. Kimberly J. Straubing, 195-G, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and she will continue quarterly Operation and Maintenance inspections.

*Yes, reduce to yearly.

- F. Barbara A. Ryshavy, 195-F, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and she will continue quarterly Operation and Maintenance inspections.

*Yes, reduce to yearly.

- G. Randy Cox, 195-B, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly Operation and Maintenance inspections.

He has another test that has not been recorded yet. He has six good tests. The Board approved to change to semi-annual then if both of the next two are good, he would be able to have it reviewed again to see if it can change to annual.

*Reduce to semi-annual.

H. David Walsh, 195-E, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly Operation and Maintenance inspections.

* Continued to Feb meeting for results on more tests.

I. Carolyn Keating, 195-I, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and she will continue quarterly Operation and Maintenance inspections.

*Yes, reduce to yearly.

The Board reviewed the above items (A-I):

If the owner has 8 tests and the median value falls within the acceptable range, then the owner can reduce monitoring to a yearly testing. Otherwise, the owner must continue to do the quarterly testing until they do have 8 tests.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted on the above items: A-I with the results that: D, F, G, H and I are changed to an annual testing; also, B will change to a semi-annual monitoring, C will remain the same at this point and will have an option to request a review again once there are 8 results with a median value. A and E will be continued to the February 2009 meeting to bring additional test results. (Unanimously, voted in favor of stated results.)

J. Ellen Merritt 27 High Street, West Barnstable, requesting reduction in number of testing dates required in one year for her system.

She will send us the test results for the 6 tests done at this time. She will then, reapply for review once she has 8 good tests.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a Continuance until she notices the Health Division that she has eight good tests on the monitoring. (Unanimously, voted in favor.)

K. Tom Gere, 88 Hilliards Hayway, West Barnstable, requesting discontinuance of monitoring of FAST system.

The Board reviewed the monitoring tests and were satisfied with the median value.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the reduction of testing to annual testing on the monitoring plan. (Unanimously, voted in favor.)

VI. Food Establishments:

- A. West Main Gas, 577 West Main Street, Hyannis, requesting expansion of items being sold at this establishment.

Khalid Naoum, owner, was present, and requested expanding food menu. The Board agreed.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the menu submitted today, 1/13/09. (Unanimously, voted in favor.)

- B. Hyannis Main Street Business Improvement District – Cynthia Cole requesting extension beyond the December 31, 2008 deadline for installation of touchless faucets in food establishments.

Cynthia Cole and David Columbo presented their views on postponing the implementation of the touchless faucet ruling.

Mr. McKean recommends allowing a five year span as the Food Safety had allowed to update temperatures, etc.

Mr. Sawayanagi stated he feels the food handlers are professionals and understand they must meet the standards of washing their hands and would not want to risk their business reputation on an illness. He feels the touchless faucet regulation should be revisited in its entirety and feels they would not be a necessary addition.

Dr. Miller asked Mr. Sawayanagi to consider presenting additional information at a future time prior to the deadline of 2/28/11.

Upon a motion, motion to extend for a two year period making it a 5 year plan to improve. The expiration will be 2/28/2011. (Unanimously, voted in favor.)

- C. Paul Dean, Osterville Fish Market, requesting discussion regarding the most recent grade for Osterville Fish Market.

Paul Dean asked to review the inspection as he has had three and more A's and the last inspection in October the only issue he had was a missing servsafe certificate which was an oversight as someone was replacing a worker in a pinch. Since then, the person has received the servsafe certificate.

VII. License: Disposal Works (Septic Installer):

A. David H. Fletcher, Plymouth, MA

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve David Fletcher as a septic installer. (Unanimously, voted in favor.)

B. Joseph M. Martins, Dennis, MA

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve Joseph Martins as a septic installer. (Unanimously, voted in favor.)

C. Adam Riker, Yarmouth, MA

Upon a motion duly made Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve Adam Riker as a septic installer on the condition that the references are good. (Unanimously, voted in favor.)

VIII. Old Business/New Business:

Harry Grong for The British Beer Company, 412 Main Street, Hyannis (continued from Oct. 2008 and Aug. 2008), with results of grease trap log.

The British Beer Company gave the results of the grease trap test.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the restaurant be pumped quarterly for the grease trap for the British Beer company and the power wash for the outside tables is approved. (Unanimously voted in favor.)

Vote for Officers:

Dr. Canniff nominated Dr. Miller as Chairman for the year. Mr. Sawayanagi seconded the motion. The Board voted to approve.

Dr. Canniff nominated Mr. Sawayanagi as Vice Chairman for the year. Dr. Miller seconded the motion. The Board voted to approve.

Notice announcement:

Leah Curtis notified the Board that there will be an education meeting with the Town Attorney covering the State Open Meeting Laws on February 12, 2009, beginning at 7pm in the Hearing Room for the Board members who would like to attend.

Voted to Adjourn. 4:50 pm.