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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, November 10, 2009 at 4:00 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 November 10, 2009. The meeting was called to order at 4:00 pm by Chairman Wayne Miller, M.D. Also in attendance was Junichi Sawayanagi and Susan Rask, Alternate Board Member. Paul Canniff, D.M.D. sat in on the meeting. Thomas McKean, Director of Public Health, and Sharon Crocker, Division Assistant, were also present.

I. **Executive Session**

II. **Monitoring (Cont.):**

Peter McEntee, Engineering Works representing The 699 Main Street, LLC – Fancy's Market – 699 Main Street, Osterville, Map/Parcel 141-011, 0.17 acre parcel, discuss results of aerating.

Peter McEntee gave results to the Board. The level was a 68" which is at or about the invert level when running properly. The SAS was pumped by putting a hose down the pipe. Initial measurement was 68" and initial pressures were 30 (which is high) Over the next couple days it dropped dramatically to a very low pressure. Pump

Upon a motion duly made by Mr. Sawayanagi, seconded by Susan Rask, the Board voted to approve a reduction

III. **Hearing – Underground Storage Tanks (Cont):**

Peter Doyle and Dale Saad, Water Pollution Control Division, Town of Barnstable, owner– 382 Falmouth Road (a.k.a. 617 Bearse's Way), Hyannis, Map/Parcel 293-001.

Peter Doyle said last week, the DEP compliance was done and the tank did not pass the overflow and containment part. The Tank will be scheduled for replacing next year.

Peter said they are in the same predicament with the Chlorine Tank. It did not pass the DEP compliance and they also learned that the Chlorine does attack the fiberglass. The funds for this replacement will not be available for two years.

Upon a motion duly made by Susan Rask, seconded by Mr. Sawayanagi, the Board voted to approve a two year extension for the replacement for the Chlorine tank and one year extension for the Fuel Tank.
(Unanimously, voted in favor.)

IV. Hearing – Tobacco:

Tobacco violations as reported by Bob Collette of Barnstable County Tobacco Control.

- A. Sav-On Service Station, 590 Iyannough Road, Hyannis –Observed Violation of Smoke-Free Workplace Law.

Bob Collete stated the fact that one was seen smoking inside the business.

No one was present from Sav-On Service Station.

Upon a motion duly made by Susan Rask, seconded by Mr. Sawayanagi, the Board voted to approve a \$100 fine for the first offense. (Unanimously, voted in favor.)

- B. Barnstable Road Getty, 112 Barnstable Road, Hyannis – Observed Violation of Smoke-Free Workplace Law.

Picard Camarid of Barnstable Road Getty and the Board discussed the situation that customers tend to go right outside the garage bay doors and smoke drifts in or staff may be smoking outside and be approached with a question and walk too close to bay doors which are open often. Options were discussed and agreed the owner will use signage for smoking area and have a cigarette disposal container available in area.

Upon a motion duly made by Ms. Rask, seconded by Mr. Sawayanagi, the Board voted to issue a warning. (Unanimously, voted in favor.)

V. Hearing – Septic Failure:

- A. Lili Seely, owner– 33 Candlewick Lane, Hyannis, Map/Parcel 268-242, septic failure.

Lily Seely summarized that when she bought the house she had the garbage disposal taken out as it harms septic. Septic worked fine. She was out of time for 5 years and when processing refinancing, they incorrectly required her to do a septic inspection. At that time, the system appeared to fail. She questioned whether that was accurate because the refinance company then decided to waive their fees etc.

For the past four years, only three people have lived there. The inspection at the time of the refinance showed a failure. Now there is a new inspection in 2009 which again shows a failure. This failure is of the leaching chambers. The leaching had been connected to flow into the leach pit (which is what had originally failed.).

Upon a motion duly made by Susan Rask, seconded by Mr. Sawayanagi, the Board voted to request a septic replacement within a two year period , monitoring by the homeowner, notify the Health Dept within 24 hrs, and have the system pumped and then replace the system at this point within 60 Days. (Unanimously, voted in favor.)

- B. Michael Santos, owner – 26 Bishops Terrace, Hyannis, Map/Parcel 251-215, septic failure.

Michael Santos, owner, summarized. The owners had not disclosed the septic inspection at the time of the closing. He received notice two months ago from the Health Division and this was the first he had heard of it. The house was abandoned in Jan 2008 and water was not shut off and the pipes burst and Mr. Santos believes this caused the failure.

Mr. McKean reviewed the files and found there is an earlier report in 2004 showed the level was getting higher.

Upon a motion duly made by Junichi Sawayanagi, seconded by Susan Rask, the Board voted to Continue until DEC 8, 2009 meeting and Mr. Santos will have an inspection report done prior to that for the Board to evaluate. (Unanimously, voted in favor.)

- C. Rosanie Joseph and Severe Philogene, owners – 33 Stetson Street, Hyannis, Map/Parcel 306-055, septic failure.

Rosanie Joseph and Severe Philogene, owners, said there are seven people living there. She had the septic worked on (cost \$2,000). After one year, water was coming up again and BlueWater inspected it for her and informed her it is in failure and needs \$20,000 new system. However, the sewer is scheduled to arrive in two years.

There is an apartment in the main house and one person lives in apartment and six people live in the main part of house.

BlueWater will work with Barnstable County Health (Sue Rask and Kendall Ayers) to find a minimal repair plan.

Upon a motion duly made by Ms. Rask, seconded by Mr. Sawayanagi, the Board voted to Continue to the December 8 meeting for final approval. (Unanimously, voted in favor.)

VI. Septic Variance:

Adam Hostetter representing John and Shama Fulham, owners – 76 Nelson Lane, Hyannis, Map/Parcel 125-072, existing 1,000 gallon tank (undersized per Title V), proposal to add additional bathroom with sewer injector pump.

No one was present. Mr. McKean had asked Mr. Hostetter to speak to the DEP prior to meeting to clarify new/old construction limitation.

Upon a motion duly made by Ms. Rask, seconded by Mr. Sawayanagi, the Board voted to approve the system. DENIED – Unanimously. (person may resubmit in the future.)

VII. Old Business/New Business:

A. Regulation Revision - Septic Repair Deadlines for potential sewer hook-ups.

1. Sue Rask and Dr. Miller suggests sending letters out to the homeowners (124 homeowners/condo owners) and Installers and Engineers to contact the Health Division if they have a client who lives in the Stewart Creek Sewer Hookup Area.

Suggested letter would be:

Your house is within the area for hookup. If within that time, if you experience a septic failure or problem, Please contact the Public Health Division prior to spending money on repairs. (suggest postcards, and printed labels.)

2. A revision of the Regulation listing Deadlines for Failed Septic Repairs suggested be done to adjust the areas of upcoming sewer connections. The Town will approve of an extension of the repair time.

B. Change in Board of Health meeting time.

The Board announced the meeting times for the Board will change in December 2009 and forward to 3pm.

C. Flu Clinic(s)

Announced upcoming flu clinics and requested citizens to direct questions to the Public Health Division at 508-862-4644, and not call the Church as they do not have the staff to receive the abundance of calls for our clinic.

Dr. Miller said he and John Klimm discussed and would like to ask for voluntary donation of \$3 for H1N1 and ask if people are willing to donate more than \$3 for the Seasonal flu clinic.

Almost every town hires the VNA to do their flu clinic and the VNA bills the Medicare and makes money. We are the only town that Sue Rask is aware of who does their own clinic. Sue said she may have heard somewhere that the State would stop giving vaccine to the Town(s) which do not bill Medicare. Mr. McKean suggested meeting with the Town Attorney and Mr. Geiler to discuss further.

Motion to Adjourn. 5:40 pm.