



# Town of Barnstable

## Board of Health

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

### BOARD OF HEALTH MEETING MINUTES

**Tuesday, August 19, 2014 at 3:00 PM**  
**Town Hall, Hearing Room, 2<sup>ND</sup> Floor**  
**367 Main Street, Hyannis, MA**

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, August 19, 2014. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul J. Canniff, D.M.D and Junichi Sawayanagi. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

**I. Hearing - Food:**

Arthur Beatty, Sunnyside Restaurant – 282 Main Street, Hyannis – denied entry to Health Inspectors to premises of food establishment on July 8, 2014.

The Board accepted a postponement pertaining to “denied entry” until September meeting as Mr. Beatty’s attorney was not available.

**II. Hearing – Tanning:**

Lisa Carty, Sun Center 2000 Tanning Salon – 11 Enterprise Road, # 5, Hyannis, operator failed to maintain equipment properly.

Lisa Carty and Attorney Thomas Tang were present. Read into the record: 1) Show-cause letter dated 8/5/14, 2) inspection report 3) 8 letters in support of owner\* (\*see attachments).

1) Show-Cause Letter:

Lisa A. Carty  
Sun Center 2000  
11 Enterprise Road, #5  
Hyannis, MA 02601

August 5, 2014

Dear Ms. Carty:

You are scheduled to appear before the Board of Health for a show-cause hearing scheduled to be held on Tuesday, August 19, 2014, at or after 3:00 pm. The reason for this hearing is to show-cause why your tanning facility permit should not be suspended or revoked.

On or about Friday, July 25, 2014, apparently after replacing a bulb, you or one of your employees failed to properly install or replace a filter in accordance with manufacturer’s instructions for a tanning bed. This is a violation of provision 105 CMR 123.003 (C ), operators (1) (f)

manufacturer's procedures for the correct operation and maintenance of the tanning device. You failed to maintain the tanning device in accordance with the owner's manual and the correct operation of it. You operated the device without a proper filter pane.

You also violated provision 105 CMR 123.003 (2), Requirements of Tanning Devices (f). Defective or burned-out lamps or filters shall be replaced with a type intended for use in that tanning device which is specified on the product label or with lamps or filters that are "equivalent" under the U.S.F.D.A. regulations and policies applicable at the time of lamp manufacture. Specifically, a defective filter was not replaced with a proper operational filter for the tanning bed.

These actions resulted in burns to several or multiple persons who used the tanning bed.

You will have an opportunity to be heard, present witnesses, and documentary evidence during the hearing.

PER ORDER OF THE BOARD OF HEALTH

Wayne Miller, M.D.  
Chairman

Items 2) and 3) above are attached.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to issue a 7-day suspension of the establishment's tanning license which will be postponed/suspended for one year. If there are no other complaints of burns (from improper procedures) from today, August 19, 2014 – August 18, 2015, the 7-day suspension of license will be dropped. Otherwise, it will be instituted immediately upon another occurrence. The following conditions are required: (1) any time there is maintenance to be made beyond the changing of bulbs, filters and starters, a certified technician will be used. (2) Within the next 7 days, Sun Center 2000 will create a checklist for routine maintenance and submit this to the Health Division for review. The checklist will be used to ensure equipment returns to proper working order. As an additional assurance, two employee signatures will be required to sign-off on the routine maintenance checklist upon completion of repairs / maintenance before equipment is put back in service. (4) At the start of each day, this checklist will be used to review every machine and at this time, it will require only one signature unless maintenance is done. (Unanimously, voted in favor.)

### **III. Septic Variances:**

Peter Sullivan, Sullivan Engineering, representing John Fish, Trustee- 82 Sand Point, Osterville, Map/Parcel 073-016, 1.46 acre parcel, constructing an addition, relocating drive, relocate septic tank and change leaching field to H2O.

Peter Sullivan was present. Mr. Sullivan explained that at the time of the original installation, the Conservation Commission and the Board of Health had two different definitions of a coastal bank. Currently, the definition is the same. The

proposed plan would simply replace the leaching system with an H2O grade as the driveway will still be over it. There will not be any change in flow.

Mr. McKean said the staff has no objections.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board granted approval of the plan and agreed that the percolation test may be delayed until the time of installation of the septic system with the following condition: 1) leaching system will be H2O. (Unanimously, voted in favor.)

**IV. Septic Repair Deadline**

Cathy Finn representing Barbara A. Crosby Trust, owner– 52 Bridge Street, Osterville, Map/Parcel 116-004, failed septic system, property is vacant.

Cathleen Crosby Finn was present. She explained the septic was working fine while they were at the house. The house is closed up and is for sale. The inspection was done in preparation to sell the home and the report stated there was liquid within 6 inches below the invert.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted a one-year extension to the septic repair deadline to expire 08/31/2015 with the condition the water will be shut off or they will return to the Board for a revision (hot water heating system). (Unanimously, voted in favor.)

**V. Food – Variance:**

Richard Toas, Wicked Good Kettle Corn, requesting a food variance to allow popping of popcorn at farmers markets.

Richard Toas was present and explained his process in cooking the popcorn. It is cooked at 500-600 degrees, there is constant motion involved in the sifting, etc, and there is smoke which is created. The corn falls down into a big stainless steel bowl. The one batch is equivalent to six bags of popcorn and the popcorn is bagged within three minutes or less, depending on the humidity of the day. It is a very quick process as Mr. Toas must get the popcorn bagged quickly so it does not get humidity in it and get soggy. He also has a tent over the kettle and can lower it, if the Board feels it necessary.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted the variance to cook popcorn at farmers markets and temporary events with the condition that (1) a hand wash station is used, and (2) the batches will be bagged within three minutes. (Unanimously, voted in favor.)

**VI. Septic Installer:**

Jennifer Flood, Truro, MA

Mr. McKean said the applicant did exceptional on the exam and has good references.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted a septic inspector's license to Jennifer Flood. (Unanimously, voted in favor.)

**VII. Old / New Business:**

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

CONTINUED TO SEPTEMBER 9, 2014.

B. Update: Stable – Kathy Woodbury, 365 Sampsons Mill Road, Cotuit.

Mr. McKean said Ms. Woodbury has now paid-in-full all stable permit fees due and as of June 10, the property was clean and manure was properly handled. The staff recommends rescinding the order to remove all horses but to have quarterly inspections of the property to ensure the manure continues to be handled correctly.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to rescind the Cease and Desist Order to remove all horses. (Unanimously, voted in favor.)

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to implement quarterly inspections for the next year, beginning with September 2014. (Unanimously, voted in favor.)

Voted to Adjourn 4:30

Attachment to Board of Health Minutes on 8/19/14:

AFFIDAVIT: Eight letters of support for Sun Center 2000:

Letter #1:

I, Elizabeth Bearse of Yarmouthport, Massachusetts, MAKE OATH AND SAY THAT:

1. Elizabeth Bearse of Yarmouthport, MA, and am currently a customer of SunCenter 2000 Inc. and have been a customer previous to the change of hands in May of 2011 and have continued to be one since and still am.
2. Since the change of ownership there have been several updates to the existing machines, as well as 2 new machines being added to the salon. I have always purchased the package of 1 month unlimited which allows me to tan an unlimited number of times during a 30 day consecutive period of time. The staff has always been knowledgeable in the practices of safe tanning. Several times I have been prescribed medication and before tanning had always consulted a staff member to make sure tanning while on this medication was safe. On more than one occasion the staff and owners made me aware that tanning while taking the prescription I was inquiring about made it unsafe for me to tan and would not allow me to do so. Furthermore they would then put my membership on hold until such time that it was safe for me to tan so that I would not loose out on the money I had spent or feel the need to come back and tan prematurely.
3. In addition anytime a machine was outfitted with new bulbs they always made me aware of this information and adjusted my time accordingly so as to avoid any possibility of a burn. During my time as a client I upgrade to their facial beds on a regular basis including the facial bed in room 10. Every machine I have used has always been clean and I have never once had any issues. I have always felt and continue to feel the staff and owners always have my best interest and safety in mind.

SUBSCRIBED AND SWORN TO BEFORE ME, on the  
15<sup>th</sup> of August 2014

By Notary Public Brenda C. Anderson

Letter #2:

To Whom It May Concern,

My name is Don Dutton of East Falmouth, I am a long time client of Sun Center 2000. I have become increasingly impressed with the professionalism and cleanliness of this establishment. Since I have been a loyal customer I have never seen an out of order sign or a non working piece of equipment. After every use of the equipment the staff has cleaned, sanitized and checked for working order. The equipment is labeled sanitized with a plaque after each use.

The establishment has gone through many positive changes to better serve the community, by remodeling the salon, ordering new beds to replace older equipment and training of the staff.

I am a Cosmetology educator in Hyannis, my job as an educator is to teach my student sanitation and proper maintenance of tools. The staff at Sun Center has always gone above and beyond the call of duty.

I have recommended this establishment to my students. I will continue to support and recommend Sun Center 20000.

Thank You.

Don Dutton  
83 Old Barnstable Road  
East Falmouth, MA 02536  
(Phone)

Letter # 3

August 15, 2014

To whom it may concern:

I have been going to Sun Center 2000, on and off for 2 years. I work in the medical field and have had my own laser business for 14 years. I understand the complicity and delicacy of machinery that transports heat. I can honestly say, I have never experienced or saw any tanning bed at Sun Center 2000 that had a bulb out or any other malfunctioning piece of equipment. The staff goes above and beyond keeping the facility immaculate, that even though they supply paper towels in the tanning rooms, I almost feel guilty using one as there has never been anything ever in the waste baskets. Even in the restrooms, the waste baskets are always empty and clean. I also have noticed that even when there is no one waiting for a bed, as soon as you get out of the room, an employee gets right up and cleans & sanitizes the bed and vacuums the floor in the room.

I have 100% confidence in the professionalism and management of Sun Center 2000 and look forward to continuing being a customer.

Sincerely,  
Melanie Roderick

Letter # 4:

August 10, 2014

To Whom It May Concern,

I am writing on behalf of Lisa Carty whom I've known for over six years. I have been a customer in her salon since she took over the business. The salon is always impeccably clean and organized. My husband is also a customer and we have sent many people there. Lisa is very responsible and professional and runs her business in this manner. As business owners ourselves we respect how hard Lisa has worked to grow her business and maintain its great reputation.

On a personal note Lisa is one of my closest friends. Lisa holds a special place in my heart because she has accomplished so much on her own. She is a single Mom to a beautiful daughter that she supports entirely on her own. As a mom myself, I respect how hard Lisa works and also keeps up with all of her daughter's activities. Lisa is truly a great person, mother, friend and business owner. As a young successful female business owner on the Cape she is in the minority

If I can answer any questions feel free to contact me. I believe a positive outcome is in everyone's best interest. Lisa deserves to continue to grow her business and continue its great reputation.

Truly,  
Gretchen Arvanitopoulos  
(phone)

Letter # 5:

To whom it may concern,

I am writing this letter on behalf of the owners of Sun Center 2000. I have tanned at many salons over the years, and I have finally found a salon that meets my needs.

First, the staff is always friendly, they are always smiling, and take time to ask how my day is. This is important to me. I have gone into other salons where the staff is not friendly, or too busy to say hello. Needless to say I didn't go back.

Secondly, the facility is always clean. The beds are clean, the floors are clean, and the bathrooms are clean. The place sparkles. Again I have been to other salons where I have turned and walked out due to the look.

Lastly, I feel comfortable at Sun Center 2000. I have been tanning here for three or more years. I never have been burned, I never walk out unsatisfied. The staff is always willing to upgrade a bed, or suggest a lotion. Honestly I wouldn't go anywhere else. These women have become more than just a face. I consider them friends and I support them one hundred percent. They are honest, caring women. I know that they would never do anything to hurt anyone, or cause anyone discomfort.

We make a choice to tan. We all know the risks, just like with anything in life. Accidents happen, but people's lives shouldn't be destroyed because of it. These are good women, these are friends.

Thank you for your time.

Sincerely,  
Megan Zile

Letter # 6:

To Whom It May Concern,

My name is Anthony Dineen of Marstons Mills. I have recently started using Sun Center 2000. I have been to a few different tanning salons before and I have never been treated with such kindness and respect as I have from the girls at Sun Center 2000. Every time I go in there I am greeted with smiles and great attitudes.

The staff at Sun Center has been wonderful to deal with when it comes to my questions. Any question I have had about the booths they have been right there to answer for me.

The great part of going in there is how clean everything is. I always know when I walk into one of the rooms that it is clean and sanitary. Also after I am finished tanning someone always comes right in to clean up the room and make it ready for the next person.

I will continue to use Sun Center 2000 for years to come. Their cleanliness and knowledge of tanning is what keeps me coming back for more.

Thank you.

Anthony Dineen  
(phone)

Letter # 7:

Lauren Dupont  
14 Loch Rannoch Way  
Yarmouthport, MA 02675

Wednesday, August 6<sup>th</sup>, 2014

To Whom It May Concern;

I have been a customer of Sun Center 2000 since 2011 and no other tanning salon compares. Lisa and Stephanie Carty have been two of the most welcoming, caring and dedicated business owners I have ever had the pleasure of meeting.

During every visit to Sun Center 2000, the salon has been sparkling clean, cheerful, professional and I always leave 100% satisfied. The bulbs in the beds are always perfect, the timing is perfect (I never feel rushed) and there are always enough rooms so I never have to wait. They have always helped me out with my appointments, respected my privacy and treated me as their friend.

I will not attend another tanning salon for my needs, as Sun Center 2000 has set such a high bar in my expectations of a salon and I know I will not receive the same service anywhere else.

Thank you.

Lauren Dupont.



Letter # 8:

August 6, 2014

Tricia Choi  
47 Sea Marsh Rd  
Centerville, MA 02632

To whom it may concern:

I am writing this letter because Lisa Carty asked me to provide a character reference on her behalf. I met Lisa while our toddlers were attending a local dance class. I have known her for approximately 9 years, so I feel qualified to speak on her behalf in terms of character.

Throughout the time I have known Lisa, I have formed a very positive opinion of her. Lisa is kind, thoughtful, success oriented and a trustworthy person. She has always been extremely helpful to me, on many occasions, when I have reached out to her for assistance. For example, last May my car battery died and she did not hesitate when I asked for her help in retrieving my kids from school. Lisa was a very dedicated individual when I asked her to help me plan a Fall community event for our children's school. This event was a huge success and we were asked to organize it again this year. Lisa is also a caring mother and someone who strives to do her very best no matter what the situation/event is.

Not only do I like Lisa, I also respect her greatly. I felt honored to write this letter on her behalf and hope that the information I provided helps you understand what a wonderful individual Lisa is.

If I can be of further assistance please contact me at [Noodlemoos@gmail.com](mailto:Noodlemoos@gmail.com).

Regards,

Tricia Choi