



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, April 14, 2015 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Adopting – Fertilizer Certificate:

Request for Board of Health to adopt the Fertilizer Certificate Process outlined in 76-6B of Barnstable County's Fertilizer Nitrogen and Phosphorous Control Ordinance and establish an effective date.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted (1) to appoint the County as the certification agent and (2) the effective date will be the publication date in the Barnstable Patriot or May 1st 2015, whichever is earlier. (Unanimously, voted in favor.)

II. Hearing – Tobacco:

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

- A. Sav-On Gas, 326 (a.k.a. 300) West Main Street, Hyannis – First Offense, tobacco products sold to a minor.

No one was present.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue this to the May 12, 2015 meeting.

- B. Sav-On Gas, 590 Iyannough Road, Hyannis – First Offense, tobacco products sold to a minor.

No one was present.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue this to the May 12, 2015 meeting.

- C. Willow Package Store, 696 Yarmouth Road, Hyannis – First Offense, tobacco products sold to a minor.

Owner was present and said his nephew was left in charge for a short period of time and the inspection happened at that time. He apologized.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a warning letter for this first offense.

- D. Centerville Convenience Store, 619 Main Street, Unit# 2, Centerville – Second Offense, tobacco products sold to a minor.

Owner, Asa Bajar was present.

He explained that his employee left the store in the care of the employee's nephew who had no training for tobacco. The employee has been fired.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to issue a \$100 fine as this is the second offense. (Unanimously, voted in favor)

III. Septic Variance:

Thomas Roux representing Richard Kiotic, owner – 56 Alderbrook Road, West Barnstable, Map/Parcel 133-054, requesting septic variances.

Thomas Roux was present.

There was confusion over what the official request to the Board was. The Board requires a 150 feet radius to show neighboring wells, as well as multiple procedural items (i.e. list all code variances on the plan identifying state versus local, etc. Additional work will need to be completed before a Board review.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to continue this to May 12, 2015. (Unanimously, voted in favor.)

IV. I/A Monitoring Plan:

A. Winston Steadman, representing Oyster Harbors Club – 170 Grand Island Drive, Osterville, test results of I/A Monitoring results.

Winston Steadman discussed difficulty which the current system has with BOD count. The owners are good about pumping every year. The Board requested water flow numbers and the full testing to be done mid-June and mid-July. Mr. Steadman will return to the Board in the fall and the results will be discussed with George Heufelder, Barnstable County, and will see whether he has any suggestions.

RESOLVED B. James Teegan, owner - 195 Route 149, Unit# A, Marstons Mills, no I/A monitoring contract.

V. Informal Discussion – Sewer Connection (Cont.):

POSTPONED UNTIL May 12, 2015

Gilbert Wood, owner – 730 and 740 Bearses Way, Hyannis

VI. Food (Cont.):

- A. James Surprenant, Crisp Flatbread – 791 Main Street, Osterville, septic capacity, seating.

No one was present.

Upon a motion duly made and seconded, the Board voted to continue this to the May 12, 2015 meeting. (Unanimously, voted in favor.)

- B. Joann Lucas and Panagis Kappatos, owners, Egg & I Restaurant – 521 Main Street, Hyannis, follow-up of correction of procedure to recurring food violations (both critical and non-critical) during inspections on June 17, July 23, and August 28, 2014.

The Board was informed that the owner suffered a serious illness and has not been able to install the new floor yet. Once this is done, the Board instructed the owners to meet with Mr. McKean, Mr. Sawayanagi, and the new inspector for the restaurant to review the established protocol of operations. This must be done at least 7 days prior to opening. If satisfied, they will be allowed to open without returning to the Board.

VII. Food (New):

- A. Fancy's Market – 699 Main Street, Osterville, requesting to obtain a food permit with a failed septic system to be repaired within 60 days.

and

- B. Fancy's Market – 699 Main Street, Osterville, requesting to obtain a food permit with a restroom variance, second bathroom to be installed within six months.

Upon a motion duly made and seconded, the Board voted to grant permission to the new owners for Fancy's Market to open with the stipulation that (1) the failed septic system will be repaired within 60 days and (2) a second bathroom will be installed within six months. (Unanimously, voted in favor.)

- C. Hyannis Anglers Club – 235 Ocean Street, (Upstairs and Downstairs) Hyannis. restroom facilities.

Atty. David Lawler and Tony, the trustee for the Hyannis Anglers Club, were present and informed the Board they will be adding a toilet to the Ladies room downstairs. The upstairs Ladies room has two toilets currently. Both of the Men's Rooms (up and down) have a toilet and a urinal. That gives a count of four toilets on each floor.

Mr. McKean suggested the staff have the availability to use upstairs or downstairs. Tony stated this would be possible as there is a door in the kitchen which allows them to access the other floor.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue to the May 12, 2015. (Unanimously, voted in favor.)

VIII. Swimming Pool – Variance

Dan Bellman, K. Hyannis Hospitality d/b/a Fairfield Inn and Suites– 867 Route 132, Hyannis, pool variance on four feet clearance for ADA lift.

Upon a motion duly made and seconded, the Board granted the variance with the following conditions: 1) a minimum of three feet exist behind the lift (8 feet exist) and 2) the area is striped/squared off with paint to draw awareness to the lift. (Unanimously, voted in favor.)

IX. Old / New Business:

A. Variance Guide – Body Artist Permit Variance from Code Requirement to take a College Accredited Course in Anatomy and Physiology.

Upon a motion duly made and seconded, the Board voted to adopt the Body Artist Variance Guide with the following two additions: 1) page 1, C-1. The trainee will tattoo only customers selected by owner who agree to have a tattoo from a trainee, and 2) page 2, D-2-c. The trainee should perform a minimum of one tattoo/week for a minimum of one year; or, a minimum of 50 tattoos during a one-year period. (Unanimously, voted in favor.) (See attached Exhibit A.)

B. Approval of the Minutes: March 10, 2015

Upon a motion duly made and seconded, the Board voted to adopt the minutes of the March 10, 2015 Board meeting. (Unanimously, voted in favor.)

C. Article – Few Changes in Pool Rules.

Upon a motion duly made and seconded, the Board voted to continue this to the May 12, 2015 meeting to allow more time for discussion. (Unanimously, voted in favor.)

D. Article – Septic pump-outs overly prescribed

Upon a motion duly made and seconded, the Board voted to continue this to the May 12, 2015 meeting to allow more time for discussion. (Unanimously, voted in favor.)

E. Discussion regarding screening of dumpster – Enforcement of Town Ordinance.

The discussion centered around which division should be handling such an ordinance. The Board does not feel it belongs under the Health Division, possibly move into Zoning. They will discuss with the Town Attorney how to go about

changing this. A clear guideline of what is needed for dumpsters exists and would be passed along.

X. Show-Cause Hearing: Motel

Craigville Motel, 8 Shootflying Hill Road, Centerville – multiple violations and/or recurring violations of the State Sanitary Code and MA Fire Code.

FINDINGS:

Most crucial finding is Finding #1.

- 1) Use of this facility has been not as a motel (transient) as defined by State Code (which requires <30 day stays).
- 2) Use for the majority of units of this facility have been as defined as R2 or dwelling use.
- 3) The majority of units that are being used for this do not qualify because of limitations in space size (size of unit).
- 4) As dwelling units, they need to provide adequate floor space. They need to provide cooking facilities. They need to provide adequate sanitary facilities and clearly these are not built or set up for those.
- 5) Over the past three years on every inspection that's incurred, there have been multiple violations of the sanitary code, the building code, and the fire code.

The Board noted that there hasn't been a single health or fire inspection where there weren't multiple violations found. A number of people staying there are homeless or transients and are using it as their home which is not allowed in the zoning. There has also been a large number of calls to the police.

DENIED RENEWAL OF LICENSE.

- 1). ORDER TO VACATE UNITS BY END OF JUNE (in consideration of school year for children)
- 2) CAN NOT BRING ANYONE ELSE IN.
- 3) SIGNAGE (minimum size 18x24) "MOTEL CLOSED BY ORDER OF BOARD OF HEALTH DATE: 4/14/2015" to be located on wall directly across from office.
- 4) MOTEL SIGN MUST STATE..."NO VACANCY".
- 5) In order to reapply for license in future, must come before the Board of Health.

Exhibit A
(two pages)

4/14/15

BODY ARTIST PERMIT VARIANCE GUIDE

**CRITERIA FOR OBTAINING A VARIANCE FROM CODE
REQUIREMENT TO TAKE A COLLEGE ACCREDITED COURSE IN
ANATOMY AND PHYSIOLOGY FOR TATTOOING ONLY**

- I. Only one variance may be granted for each fully licensed, full-time tattoo artist at one time.
- II. If applicant has no tattoo experience, he/she should be trained for 18 months.
 - A. Trainee shall acquire the following before applying to the Board of Health for a variance from the Anatomy and Physiology Course:
 1. Start series of Hepatitis B shots. (Three shots are required to be completed within a six (6) month period.)
 2. CPR Class (to be done in person)
 3. Blood-borne Pathogens course (can be taken on-line)
 4. Tattoo Artist Skin Course (Quincy BOH)
 - B. For the first six (6) months of training, the trainee shall:
 1. Draw, color and shade tattoo stencils. Learn how to make stencils.
 2. Practice lettering.
 3. Observe other licensed artists in the following manner:
 - a. Set up of machines, needles and inks.
 - b. Break down of machines, needles and inks.
 - c. Proper techniques of needle depth and speed for shading, coloring and outlining a tattoo.
 - d. Proper disposal of contaminated gloves, needles, tubes, inks and work surfaces.
 - e. Proper training for the prevention of cross-contamination of all the above.
 - f. Proper instruction of aftercare of tattoo with client.

During this time, trainee shall observe and ask questions. After six (6) months, the trainee's skills shall be reviewed by the owner.

If the owner feels confident, then the trainee will begin the tattoo process.

- C. For the first three (3) months of the tattoo process:
 1. The trainee will tattoo only customers selected by owner who agree to have a tattoo from a trainee.
 2. These customers will be told, in advance, that they are being tattooed by a trainee and will sign a waiver.
 3. No tattoo shall be done without a licensed artist observing.

D. After the first three (3) months of tattooing (item C above):

1. The trainee will, again, be reviewed.
2. If tattoo work is acceptable, the trainee shall be allowed to tattoo regular clientele provided:
 - a) The clientele knows up front that they are being tattooed by a trainee.
 - b) All tattoos done by a trainee are to be checked by owner/licensed artist.
 - c) The trainee should perform a minimum of one tattoo/week for a minimum of one year; or a minimum of 50 tattoos during a one-year period.
 - d) A licensed body artist shall be on premises at all times the trainee is tattooing.

III. Criteria for Reduction in Training Period:

If applicant has tattoo experience, he/she may be trained for a shorter period of time but with a minimum of one year. The time frame will depend upon the artist's skill level and tattoo portfolio*

*The Board of Health may request to see a tattoo done physically in front of a Board of Health member, or someone they have appointed, to ensure that the portfolio presented by the trainee actually belongs to said trainee (and they haven't simply printed one out from the internet, etc.) The tattoo should reflect the artist's skill level.

1. A minimum of one year should be standard for an experienced but unlicensed tattoo artist. The tattoo shop owner must check artist's understanding of:
 - a) cross-contamination,
 - b) blood borne pathogens, and
 - c) related tattoo skills.
 - d) A licensed body artist shall be on premises at all times trainee is tattooing.
2. A tattoo experienced applicant may start at the 3-month or the 6-month training level depending on skill level.
 - a) the trainee should perform a minimum of one tattoo/week for a minimum of one year.

IV. Cosmetic Tattoos:

It is understood that an applicant for cosmetic tattoos may not have the opportunity to complete one cosmetic (fixing scars, etc.,) tattoo a week as the demand appears less at this time. The Board will review each cosmetic tattoo trainee applicant individually.