



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING MINUTES Tuesday, August 18, 2015 at 3:00 PM Town Hall, Hearing Room, 2<sup>ND</sup> Floor 367 Main Street, Hyannis, MA

#### **I. Show Cause Hearing: Food Code Violations:**

Bhom Banta, International Inn Bar and Grill - 662 Main Street, Hyannis recurrence of food violations (both critical and non-critical) during inspections on August 26, 2014, February 12, 2015 and July 16, 2015.

The hearing addressed concerns of the recurrence of critical and non-critical violations, including recurring food holding temperature violations, lack of trained personnel with certification in food safety, inaccurate thermometers, improper refrigeration temperatures, wiping cloths not kept in sanitizer solution, and recurring violations in regards to the lack of testing and keeping logs for the low temperature dishwasher at your food establishment.

Testimony was heard from Health Inspector Donna Miorandi, R.S. regarding inspections conducted on August 26, 2014, February 12, 2015, July 16, 2015, August 3, 2015, August 5, 2015 and August 12, 2015. Mr. Thomas McKean, C.H.O. also testified that this food establishment was inspected 16 times during the past 2.5 years. This establishment failed inspections six times during that time period.

The owner, Mr. Banta, testified that all of the violations were corrected and a new manager was recently hired to oversee the food operations. He also testified that the manager is doing her best to keep the food operation in compliance.

Upon a motion duly made and seconded, the Board of Health ordered a 30+ day closure (effective immediately, August 19, 2015) with a minimum of a 7-day closure to be served if the following requirements are met: 1) International Inn is required to hire a consultant and present an approved long-term action plan (including Servsafe trained staff, daily work-shift duty rosters, 2) establishment of who will be required to review everything prior to opening each day, and 3) they must have corrective and preventative actions for each critical violation which they present to the Health Department. After 7 days if the action plan is complete and approved by the Health Department, they may call to request an inspection to be reopened. (Unanimously, voted in favor.)

**II. Hearing – Underground Storage Tanks (30 years+):**

Old Storage Tanks to be removed.

A. John & Jeanne Remmers, owners – 97 Outpost Lane, Centerville

Mr. and Mrs. Remmers were present and sought to obtain an extension.

Upon a motion duly made and seconded, the Remmers were granted an extension on their deadline to have the underground storage tank removed of 180 days. (Unanimously, voted in favor.)

B. Brian & Susan Morrison, owners – 55 Scudder Bay Circle, Centerville

No one was present.

Upon a motion duly made and seconded, the Board voted to continue this item to the September 8, 2015 meeting unless the owners provide the Health Division with a certified signed-off removal permit from the Fire Department prior to that date. (Unanimously, voted in favor.)

C. David Dumont, Trustees Greenwood S.R.T. – 30 Elm Avenue, Hyannis

No one present.

Dean Melanson, Deputy Chief-Hyannis Fire Dept, said he was aware that this address, formerly 1 Elm, was formerly the Police Station. There were two tanks- one was removed, one filled in. Dean will have a copy of signed permit of removal sent to the Health Division. (Item resolved.)

D. James and Deborah O'Glishen, owners – 143 Chase Street, Hyannis.

(Item resolved prior to meeting.)

E. Dawn Dennen, owner – 473 Pine Street, Centerville

No one present.

Upon a motion duly made and seconded, the Board voted to continue this item to the September 8, 2015 Board meeting. (Unanimously, voted in favor.)

F. Jeanne Walsh-Fisher – 108 Greenwood Avenue, Hyannis

Jeanne Walsh-Fisher spoke with the loan program and learned the loan program is not available to those who chose to switch to gas from oil. The program is apparently only available for people who have underground tanks and who continue to use oil but in above ground tanks. She is still working on obtaining financing.

Upon a motion duly made and seconded, the Board voted to grant a deadline extension of 180 days to remove the underground storage tank. (Unanimously, voted in favor.)

Also, Dr. Canniff will speak to the loan program and find out why it is not available to owners choosing gas. He will contact the owner if the program considers making changes.

G. Linda, Marie, Cara, Donna Whitcomb – 88 Greenwood Avenue, Hyannis

No one present.

Upon a motion duly made and seconded, the Board voted to continue this item to the September 8, 2015 meeting. (Unanimously, voted in favor.)

### **III. Hearing – Stable**

- A. Kathy Woodbury, horse stable operator, and Mrs. Richard Koppen, property owner – 365 Sampson Mill Road, Cotuit, for failure to remove waste from all the paddocks and surrounding areas.

No one present.

Upon a motion duly made and seconded, the Board voted to continue this item to the September 8, 2015 meeting for a Show-Cause Hearing. (Unanimously, voted in favor.)

- B. Christina Jenkins, horse stable operator – 30 Shaws Lane, West Barnstable, operating a stable without a stable permit.

No one present.

Upon a motion duly made and seconded, the Board voted to continue this item to the September 8, 2015 meeting. (Unanimously, voted in favor.)

- C. Kim Jaworowski, horse stable operator – 351 Poponesett Road, Cotuit, non-payment of stable permit.

Resolved prior to the meeting.

### **IV. Septic Variance – I/A Septic System:**

- A. Matthew Costa, Cape & Islands Engineering, representing Linda Warren, Trustee – 55 Hi-Ona-Hill Road, Centerville, Map/Parcel 207-092-001, 20,147 square foot parcel, four bedroom Innovative Alternative Fast Septic System.

Matthew Costa was present. Discussion focused around interpretation of MA DEP Approval Letter for General Use of Fast I/A system. The Mr. Costa will ask MA DEP to support his interpretation and to state it in writing. The Board believes the load

rate should be 880 “per acre” as it is 4 bedrooms on a ½ acre. Matthew does not believe this applies.

Upon a motion duly made and seconded, the Board voted to continue this item to the September 8, 2015 meeting. (Unanimously, voted in favor.)

**V. Title V Inspection:**

Steven Sheffel, owner – 61 Cedar Tree Neck Road, Marstons Mills, Map/Parcel 075-015, appeal of conditional pass.

The Board determined the septic inspection report should remain as a conditional pass. Alternatives for the leaching pit under the driveway were discussed.

Upon a motion duly made and seconded, the Board voted on granting the request to grade the inspection report as a pass (DENIED. Unanimously, voted to deny.)

**VI. Food (New):**

POSTPONED TO SEP2015 Lynda Allen, owner of Crystal Gardens Children Learning Center – 103-B Enterprise Road, Hyannis, MA, grease trap variance.

**VII. Food – Temporary Events:**

A. Terry Mullen, Castleberry Fairs, for Hyannis Late Summer Arts and Craft Festival (BID Sponsor) to be held on August 22 & 23 at the Village Green 367 Main Street, Hyannis, serving food.

Upon a motion duly made and seconded, the Board voted to grant a temporary food permit for the annual event on the Village Green. (Unanimously, voted in favor.)

B. Lisa Theoharidis, Bank of Cape Cod, will have food packages prepared by the caterer “Perfect Table, for “Big Day Friday” Event to be held on August 28, 2015 at three Bank of Cape Cod locations:

- 1) 232 Main St, Hyannis 12-2pm
- 2) 1582 Iyannough Rd, Barnstable 12-2pm
- 3) 57 West Bay Road, Osterville 12-2pm

Upon a motion duly made and seconded, the Board voted to grant a temporary food event at all three locations. (Unanimously, voted in favor.)

**VIII. Hearing – Show Cause :**

WITHDRAWN Jitendra (Tara) Patel, owner of Craigville Motel – 8 Shoot Flying Hill Road, Centerville, violations on July 22, 2015.

**IX. Old / New Business:**

A. Update – Schobel, 100 Nyes Neck Road East, Centerville - Item resolved.

Motion to Adjourn – 4:35 pm