



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644
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Paul J. Canniff, D.M.D.
Junichi Sawayanagi
Donald A. Guadagnoli, M.D.

BOARD OF HEALTH MEETING MINUTES Tuesday, January 24, 2017 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2nd Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, January 24, 2017. The meeting was called to order at 3:12 pm by Chairman Paul Canniff, D.M.D. Also in attendance were Board Members Junichi Sawayanagi and Donald A. Guadagnoli, M.D. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Regulations / Policys: Lifeguard Rules at Swimming Pools:

The current trial period of having no lifeguards (for those who have 75 units or less) is expiring January 31, 2017.

The current trial period of no lifeguards for those who have 75 units or less has only been in effect for one year. Prior to that, it was available to those who have 50 units or less.

Dr. Canniff proposed a compromise and suggested the policy be rolled back to 50 units or less and the closure time for the pool be moved back to 9pm. This was not seconded.

Krsana Henry of Breakwater Resort asked for a review of the current choices for coverage at pools. The qualified swimmer rules and deregulation rules were discussed (Exhibit A).

Skip Simpson of Anchor In said the safest and most positive requirement the Board implemented was "no swimming alone" in a pool. Skip said of the six drowning on the Cape this past summer, all were people swimming alone or without a "buddy". Mr. Simpson believes the deregulation has been successful and supports its continuation.

Attorney Steven Paziutti said he represents three parties. His inquiry was whether a lifeguard is really necessary. Using a pool does require a measure of safety but the regulations do not put the responsibility on the parents. He stated that parents use the lifeguards as their babysitters. Attorney Paziutti believes the regulations should state the parents are responsible to watch the children. He stated Barnstable County is one of the highest regulated counties in the State - less regulations are needed, and trained lifeguards are difficult to find. Attorney Paziutti said he is in favor of continuing the deregulation.

Peter Martino of Heritage House Hotel and Chamber of Commerce said that he was hoping the deregulation would be offered to everyone with pools this year as last year it was increased to include locations with 75 units or less and was successful.

Wayne Kurker, Trader Ed's, expressed that it is very difficult to do business in the Town of Barnstable with all the regulations and costs. He does not know if there are any other towns in the State which require the lifeguards. He feels the Board of Health has transferred great liability onto the motels. He said it may have been unintentional but it makes the businesses an easy target if something were to happen in the pool and relieves the parents of the responsibility.

Attorney Steven Paziutti said that Mr. Kurker is correct; it does create more liability on the owners.

Allison McSorley, Holly Tree, said that the size of their pool is similar to some which fall under the 50 units or less and they do not have large numbers of people using the pool. She feels they should be considered for the deregulation as well.

Krsana Henry, Breakwater Resort, said that at times there's only four people in pool and at other times it may be up to ten (not large numbers in pool area at the same time). Ann also said they have a number of foreigners vacationing there and they definitely assume the attendants at the pool are their babysitters.

Steve Hurley, Hyannis Holiday Hotel (72 units) said he has taught CPR for 30 years and he has 36 cameras which also ensure the attendants at the pool are actually watching the pool and not on laptops, etc. He expressed that it is hard to get good attendants/lifeguards and if someone leaves during the season, there is a training period of 3-4 weeks involved.

Jill Guilden, Captain Gosnold Village, said the ability to get help is one of the issues and having the phone at the pool is very helpful. She would like to see a compromise.

Tom McKean offered the following information: there are 22 locations with 100 units or less (out of a total of 38 facilities). Of that, 20 locations have 75 units or less, and 15 of the locations have 50 units or less.

In summary, Krsana Henry, Breakwater Resort, said "everyone here is asking the Board to rule in favor of no attendants required as this places great liability onto the facility and forces them to hire people who really aren't trained to save lives.

Upon a motion duly made and seconded, the Board voted to keep the deregulation the same as the current year (it would apply to those with 75 units or less and the pool could stay open until 10pm). Two voted in favor, One abstained (Dr. Guadagnoli abstained).

Dr. Guadagnoli felt it would be reasonable to re- consider the regulation prior to the season.

Upon further discussion, Dr. Canniff withdrew his motion and vote.

Upon a motion duly made and seconded, the Board voted to re-open the lifeguard item. (Unanimously, voted in favor.)

Upon a motion duly made and seconded, the Board voted (1) to extend the expiration date of the above trial period to April 30, 2017, and (2) to continue this item to the February 28, 2017 Board meeting. (Unanimously, voted in favor.)

II. Motel License:

James Connors, Attorney, representing Craigville Motel – 8 Shootflying Hill Road, Centerville, motel license application.

Upon a motion duly made and seconded, the Board approved the applicant's motel license with the following conditions: 1) Full compliance with the terms of the settlement agreement dated 10/24/16, 2) Obtain a satisfactory final inspection with Fire, Building and Health, 3) Compliance with the recommendations of Structural Engineer John Bologna of Coastal Engineering in letters dated 12/20/16 and 1/11/17 which include monitoring to occur not less than every three months. Mr. Bologna, Coastal Engineering, will supply a letter to Town with the quarterly results, 4) Upon compliance of items 1-3 above, the motel shall be allowed to open to the public, and 5) The Town must receive a letter from franchisor Wyndham Hotel Group within 30 days (after the motel is allowed to open to the public) indicating they have inspected the property (for their purposes) and the franchisee is authorized to operate The Craigville Motel as a "Knights Inn" franchise of Wyndham Hotel Group. If a letter is not received in that time frame, the applicant shall cease operations immediately. (Unanimously, voted in favor.)

Attorney Connors noted that all the renovations have been made, the structural engineer is fine, and inspections can be done immediately. Coordination of the final inspections will be made as soon as possible.

III. Variance – Septic (Cont.):

Edward Pesce, P.E., Pesce Engineering, representing Wianno Knoll Condo Trust – 727 Main Street, Osterville, Map/Parcel 141-013, 83,579 square feet lot, requested, failed septic system, multiple variances requested.

Mr. Pesce provided a full overview evaluating the future space needed to replacement all seven septic systems once they have all failed. (Currently, only one has failed.) He determined that all seven will be able to fit within the property (**Exhibit B**).

Tony, Trustee, stated the cost of the septic replacement(s) are a huge strain and hardship for many as they are on fixed income.

Dr. Canniff stated that Innovative / Alternative (I/A) systems are generally better with advanced treatment. The Cape has problems with nitrogen in the estuaries. He said where

this is not in an estuary zone and, after giving it many hours of thought, he has come to the conclusion that this septic replacement does not require an I/A system.

Dr. Guadagnoli and Mr. Sawayanagi believe the project was reviewed thoroughly and are satisfied with a standard system.

Upon a motion duly made and seconded, the Board granted the variances on the septic plan dated November 10, 2016, 4th revision. An innovation alternative system will not be required. (Unanimously, voted in favor.)

IV. WITHDRAWN Food – New:

Stephen Wilson, Baxter Nye Engineering representing Domino's Pizza – 237 & 243 Falmouth Road, Hyannis, requesting a grease trap variance (continued from Dec 20, 2016).

V. Body Art Permit:

Ekaterina Morozova, Hyannis, trained in microblading.

The technique of microblading (for eyebrows) was discussed as well as the training received by the applicant .

Upon a motion duly made and seconded, the Board voted (1) to grant a variance from the Anatomy and Physiology course requirement, and (2) to grant a Body Art Establishment and Artist License to Ekaterina Morozova with the following condition: For the eyebrows only-with the microblading technique. (Unanimously, voted in favor.)

VI. Hearing – Septic (Cont.):

Dmitry and Irene Zinov, owners – 102 Iyannough Road, Hyannis, Map/Parcel 328-152-00A thru -00J, 1650 rule, failed septic system.

The owners will have the system inspected prior to the next meeting to verify the current state of the septic system. This item was continued to the February 28, 2017, meeting.

VII. Temporary Food Event:

Kelsey Ellis representing Seaside Le Mans Kickoff to be held on Thursday, February 2, 2017 at Barnstable Municipal Airport.

Upon a motion duly made and seconded, the Board granted the variance for a temporary food event for the following cold menu items: boursin & prosciutto phyllo cup, sirloin canape, oven dried tomato bruschetta crostini, lobster crostini, shrimp cocktail and antipasto skewers. (Unanimously, voted in favor.)

VIII. Discussion:

A. Regulation – “1650 rule” – consideration of word change from “may” to “shall”.

The Board withdrew the change of wording proposal.

B. Definition of “fast food” - consideration of definition of “fast food” for the purpose of estimating sewage flows at food establishments.

The Board discussed the various definitions given for fast food.

IX. Old / New Business:
Minutes.

The December 20, 2016 minutes were moved to the February 28, 2017 meeting.

Voted to adjourn meeting at 5:50pm

LIFEGUARD / LIFEGUARD MODIFICATION OPTIONS

EXHIBIT A

- 1) LIFEGUARD (see below)
- 2) QUALIFIED SWIMMER (see below)
- 3) LIFEGUARD DEREGULATION (see below)

1) LIFEGUARD OPTION

Please provide the following when submitting Pool Application (s).

I. CPO CERTIFICATE

II. LIFEGUARD CERTIFICATES – Current CPR and First Aid Certificates

III. WATER TEST RESULTS

2) QUALIFIED SWIMMER OPTION

To use this option you must follow Steps I through IV (below) AND the ‘Qualified Swimmer’ must be in constant attendance when pool is open.

GENERAL SWIM TEST REQUIREMENTS: The swimming test, administered by the operator of the pool, consists of: A) Swimming two lengths of pool, B.) Treading water 5 minutes, C.) Retrieving an object from bottom of pool

IV. SUBMIT BRIEF LETTER YEARLY to request variance for lifeguard modification if hiring ‘Qualified Swimmers’, instead of lifeguards – and attach to the letter the items enumerated A), B), and C) below.

A) **CPR CERTIFICATION:** The ‘Qualified Swimmer(s)’ shall be 16 years of age or older holding a current American Heart Association or American Red Cross CPR certificate with training in child, adult, and pediatric CPR.

B) **FIRST AID CERTIFICATES:**

‘Qualified Swimmer’ must demonstrate familiarity with lifesaving equipment, including rescue procedures and administering first aid.

SWIMWEAR: All ‘qualified swimmers’ while on duty shall wear an orange hat or visor with the words “POOL STAFF” in 15 millimeter (5/8 in) black colored lettering on the front of the hat.

POOL CAPACITY: The maximum capacity at the swimming pool site is restricted not to exceed 19 persons.

C.) **INSURANCE:** The Insurance policy of the pool must name the Town as co-insured/additionally insured in the amount of \$1,000,000

Description: “Town of Barnstable is additional insured under General Liability in respect to the swimming pool.”

Certificate Holder must be listed as: Town of Barnstable
367 Main Street
Hyannis, MA 02601

And **MAIL** to Health Department, 200 Main Street, Hyannis, MA 02601 OR **FAX** to 508-790-6304

V. CPO CERTIFICATE

VI. WATER TEST RESULTS

3) LIFEGUARD DEREGULATION OPTION

THIS APPLIES TO ESTABLISHMENTS WITH 75 OR LESS UNITS. IF CHOOSING THIS OPTION, PLEASE SEE SEPARATE SHEET.

Town of Barnstable
Regulatory Services Department
Public Health Division
200 Main Street, Hyannis MA 02601



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

Lifeguard Modification Deregulation

The Board of Health voted in favor of removing the lifeguard and qualified swimmer requirements for only those semi-public swimming pools associated with facilities containing 75 units or less until January 31, 2017, which meet the following criteria:

- Signage shall be posted which reads as follows:**

WARNING NO LIFEGUARD ON DUTY

- *Children under age 16 should not use swimming pool without a responsible adult in attendance.*
- *No alcohol allowed in the pool area.*
- *Maximum occupancy of pool is limited to 20 persons.*
- *Adults should not swim alone.*

- Access to pool area by key or key card. The swimming pool gate shall be locked at all times.**
- No diving boards, slides, or other such appliances in pool area.**
- Pool hours no later than 10:00 p.m.** *The pool may be open later if there is a lifeguard or qualified swimmer in attendance at pool site*
- No organized/scheduled children's activities (including birthday parties)** *without a lifeguard or qualified swimmer in attendance at pool site*
- No variances needed or granted in regards to protruding steps or stairs.**
- Staff member, with adult and child CPR certification, shall be on premises all times pool is open.**

This deregulation shall continue to be in effect until such time alternative guidelines or regulations are provided by the MDPH in this regard; but in no case shall this deregulation continue after January 31, 2017 without approval by the BOH.

I agree to comply with all of the requirements listed above:

Name of Facility

Address

Name (Signature)

Date

Name (Print)

Position Title (i.e. motel owner, certified pool operator)

