



# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644  
FAX: 508-790-6304

Paul J. Canniff, D.M.D.  
Junichi Sawayanagi  
Donald A. Guadagnoli, M.D.

### BOARD OF HEALTH MEETING MINUTES Tuesday, October 25, 2016 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2<sup>nd</sup> Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, October 25, 2016. The meeting was called to order at 3:00 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.

(meeting began with Craigville Motel and returned to the top of agenda).

#### **I. Variance – Septic:**

Michael Pimentel representing Frances and Karen Macisaac, owners – 34 Bone Hill Road, Barnstable, Map/Parcel 336-061, 10,452 square feet parcel, requesting two variances for failed septic system.

Mike Pimental presented the proposed plan and submitted the certified green cards.

Mr. McKean discussed the 2 bedroom design and there is also a den in the basement. Mr. Pimentel is already planning to have a 2 bedroom deed restriction. Staff did not have any issues with the plan.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Sawayanagi, the Board voted to approve the proposed plan with the following conditions: 1) record a two bedroom deed restriction at the Barnstable County Registry of Deeds, and 2) provide an official copy of deed restriction to the Health Division. (Unanimously, voted in favor.)

#### **II. Re-Consideration Septic Decision.**

A. 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 requested this continued to the November 22, 2016 meeting.

- B. Glen Harrington, R.S., representing Dmitry and Irene Zinov, owners – 102 Lyannough Road, Hyannis, Map/Parcel 328-152-00A thru -00J, requesting a re-consideration of Board decision of July 12, 2016 which applied the 1650 rule.

There was a request by Mr. Harrington to remove it from the agenda at this time.

**III. Food – Temporary Event:**

Joseph Berlandi representing the Barnstable Village Association, sponsors of the Barnstable Village Halloween Parade Event scheduled for Saturday, October 29 with a rain date of October 30. The event will be held at the County Courthouse parking lot. The food items will be hot dogs, hamburgers and soda.

Joseph Berlandi, Esq, and Susan Feingold, Barnstable Restaurant and Tavern were present. They are expecting over 500 children in the parade. First there is a stroll to do trick or treating. Then, outside in the court complex parking area will be have food between 4:15 – 5:00 pm., and will be using a propane grill.

Upon a motion duly made and seconded, the Board voted to approve the temporary food event. (Unanimously, voted in favor.)

**IV. Discussion:**

P.J. Richardson, Acting Manager, Allyson Taylor, CPO, and Richard Ferrari, CPO, Christina Ezerski and Denise Graham-Reardon, supervisors, YMCA pools, regarding proper protocol for self-closure of pool and daily testing of pool.

PJ Richardson explained to the Board that they learned there was a backup in the family locker rooms and the floor drains were blocked up. Ready Rooter found that it was due to diapers and wipes being flushed down toilets and they cleared the lines all the way out to the 2<sup>nd</sup> and 3<sup>rd</sup> outlets of the septic system.

Mr. McKean stated someone on site needs to quickly close the pool when something like this occurs. This cannot wait until the Health Department hears of it and requires the pool closed.

Mr. Richardson acknowledged that it was their error in not realizing soon enough that it was affecting the pool as well. He explained that he is discussing hiring Ready Rooter to do regular maintenance checks on the lines of the septic and they will have promptly close pools as needed in the future.

The pools are inspected twice per year and additional times if complaints are received.

PJ Richardson said new protocols were established and they have clarified the rules and responsibilities of who shall be responsible for each task. He and another

senior manager are reviewing the logs and testing twice a day at this time, and once the new procedures are in place for a period, they will review the staff's work at least twice a week.

**V. Craigville Motel:**

Possible approval of litigation settlement agreement.

Town Attorney Ruth Weil stated that there is a settlement agreement which has been signed by the applicant and addresses the issuance of the motel license and Attorney Weil asked the Board to recommend the settlement agreement to the Town Manager. In the agreement, it states the license will be held in escrow, even though issued, because there are a number of violations to be fixed. There are four reports (Appendix A) listing the violations: the West Barnstable Fire Department report, the Building Commissioner's reports dated October 19, 2016 and September 13, 2016, and the Board of Health's report dated October 11, 2016. The Wyndham Hotel chain will allow the franchise process to move forward provided the license is issued - even if held in escrow.

The Fire Department has already seen the agreement.

Attorney Connors, representing Craigville Motel, explained the workings of this franchise. The Wyndham Chain (umbrella company) and Knight's Inn (label) is recognized as a 'seal of approval' and is used as a marketing tool. The owners remain the same. As a franchise, the motel must keep up Wyndham's standards. They will have certain requirements for standardization to be met within the initial six months. There will be an inspection at the two year point and annually, thereafter.

The license would be held in escrow until the November 22, 2016 meeting at which time, a determination of whether all the violations have been corrected or whether another meeting is needed.

Dr. Guadagnoli suggested the motel be limited to one final meeting if all corrections have not been made by the November 22<sup>nd</sup> meeting as the Board has been dealing with them for years.

Attorney Connors reminded the Board, the applicant has invested hundreds of thousands of dollars to bring it into compliance to date and the Building Department has asked to have a structural engineer check the property. Attorney Connors suggested moving the next meeting to January 24, 2017.

Dr. Canniff moved that:

(Part 1) the Board approve the settlement agreement of Barnstable Superior Court Action 1572CZ-0024) and that the Board recommend approval thereof to the Town Manager, and further move that the Board approve a motel license for the petitioner's property at 8 Shootflying Hill Road, Centerville, doing business as the Craigville Motel.

Dr. Canniff further moved that:

(Part II) the motel license be held by the Board of Health staff until (a) all punch list items (described in Exhibit A) in the settlement agreement have been corrected and that no additional discrepancies are noted at the property; and (b) there have been full compliance with the settlement agreement regarding the Knight's Inn franchise.

Mr. Sawayanagi seconded the motion. (The Board voted unanimously in favor.)

**VI. Request for Appeal of Cease and Desist Order – Food.**

Adrian and Heather Vickers, owners of The BBQ Sandwich Mobile Truck/Trailer, requests an appeal to the order to cease and desist preparation of food and serving/selling food to the public within the Town of Barnstable.

Attorney Joe Berlandi spoke for Adrian and Heather Vickers. They wanted the Board to know they apologize and they did not intentionally violate the regulation. Now that they understand the regulation, they will comply and will not violate it again.

Upon a motion duly made and seconded, the Board voted to lift the cease and desist order of September 13 2016 so they may obtain temporary permits in the future. (Unanimously, voted in favor.)

**VII. Correspondence Received:**

Town Council submitted report from Envirotech Laboratories dated September 22, 2016 supplied to them by Mr. Patrick Page at the October 6<sup>th</sup> Town Council meeting.

Board members received this in their package.

**VIII. Old / New Business:**

A. Minutes – September 27, 2016.

Minutes will be continued to November 22<sup>nd</sup> meeting.

B. Update on 726 South Main Street, a.k.a. 18 Bay Lane, Centerville, new house construction proposed.

Thomas McKean discussed the history of the property at 726 South Main Street (a.k.a. 18 Bay Lane, Centerville) and the Board viewed the current proposed plan and the septic components locations. The Board acknowledged they are ok with the locations and once the inspectors have reviewed the proposed plan, a septic permit may be issued.

Motion to Adjourn – 4:30 pm