



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, February 28, 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, February 28, 2017. 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, Donald A. Guadagnoli, M.D. and Alternate Member Cecile M. Sullivan, RN, MSN. 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) and has an extended expiration date of April 30, 2017 (continued from January 2017 meeting).

Mr. McKean, Health Director, said the staff suggested 1) using bedroom count instead of the number of units at a property for basis of deregulation of lifeguards, and possibly, 2) put a cap on the number of pools allowed in program.

Current deregulation program is available to properties with 75 units or less. Mr. McKean suggested returning it to 50 units or less.

Acting Fire Chief Dean Melanson said he has heard that lifeguards are required for public pools (versus semi-public pools), but has not seen that in writing. His understanding of a public pool is when the guests are staying at the hotel mainly to enjoy the pool(s). When a hotel offers the pool as a supplement to other activities (i.e., enjoying the Cape), then it is categorized as semi-public.

Acting Chief Melanson did not find pool safety to be relative to the number of beds/bedrooms at a location as some large hotels have small pools with low pool capacity. He also pointed out, it is very hard, as a fire personnel, to say it would be okay to have a pool without staff at it. Dean brought up that people are using technology and are not as focused on watching their family at the pool as in the past.

Patty Machado, Director of Leisure Activities for the Town, has been working for the Town for 45 years and hired 100+ lifeguards for the waterfront this past year. It is very difficult for Recreation to staff their needs. During the summer, the Town waterfronts had 7 major first aid situations and 23 life-threatening situations. In 17

rescues from the water, the victim was active and thus, needed an experienced lifeguard to handle the rescue. In her professional opinion, using “qualified swimmers” for coverage is putting the qualified swimmers in harm’s way if they were to go in and attempt a rescue.

Mrs. Machado said there is a national crisis going on with a shortage of trained lifeguards. She starts encouraging youths at very early ages. To make matters worse, the Red Cross moved its headquarters for training certified lifeguards out of Hyannis.

Dr. Canniff suggested the Board of Health apply pressure to the local Red Cross to reconsider.

Patty said at beaches, they have to get additional certification as a “waterfront” lifeguard which includes endurance tests. She said lifeguards only have 10 seconds to get a person out of the water to save them.

Attorney David Lawler, representing Hyannis Marina and Heritage House, said in a perfect world, it would be wonderful to have lifeguards at every pool but they are difficult to find. He pointed out that the Town has difficulty staffing at more desirable locations than motel owners have. Beach staff is out in the fresh air and sun.

David also pointed out that at beaches, there are a number of people swimming before and after the lifeguard coverage hours and has not heard any bad news. People make personal choices on safety every day. He pointed out the State does allow the Board of Health to make a ruling to eliminate the lifeguard coverage at pools.

Attorney Lawler said his clients will have the ring toss available and would be willing to require no one is allowed to swim alone. He believes this would be a smart requirement.

Peter Martino, as a spokesman for the Chamber of Commerce, asked to allow the same rules as a beach where people are allowed to swim after the lifeguards are off duty. He feels the Town is putting additional liability and insurance requirements on the hotels. The State statute does not require lifeguards; they put the responsibility onto the swimmers.

Cecile Sullivan asked, if the Board rules to eliminate lifeguards, would the customers be informed of no lifeguards as soon as they check in? The answer was “Yes, they would list it on their website, and would have signage clearly posted, and it would appear on their paperwork”. Mr. Martino said if a pool were busy with a function, etc., they would be using lifeguards or qualified swimmers at that time as they, too, are interested in safety.

Skip Simpson stressed that he believes the single most important safety rule is to use a ‘buddy’ system– no one swims alone. He also mentioned beaches are more

dangerous as open water beaches vary across the country with weather conditions and sea life, etc. He suggested this be required at beaches and pools. He also pointed out his pool is only nine feet wide (very small).

The Board voted to close the public discussion and take the comments under consideration. (Unanimously, voted in favor.)

II. Variance – Septic

A. Brian Yergatian, BSC Group, representing E. Jaxtimer, Trustee, JHJ Realty Trust, owner – ‘0’ Rue Michelle (a.k.a. #20), Barnstable, Map/Parcel 335-073, 1.24 acres. Previously approved, expired permit, variance from a marginal lot regulation requested.

Requested Postponed until March 28, 2017.

B. Thomas Roux representing Michael Dinapoli, owner – 542 Main Street, West Barnstable, Map/Parcel 133-010, 0.95 acre lot, requesting a setback variance.

Requested Postponed until March 28, 2017.

C. Daniel Ojala, Down Cape Engineering, representing Kevin and Marjorie Sullivan, owners – 620 Yarmouth Road, Hyannis, Map/Parcel 345-022, parcel is 6,099 square feet, failed septic, no increase in flow, requesting two setback variances.

Mr. Ojala summarized the three bedroom septic system plan which has two setback variances. He said there is no increase in flow and it is not required to show a reserve area.

Mr. McKean said the staff had no objections.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Guadagnoli, the Board voted to grant the two variances on the engineered plan dated January 30, 2017. (Unanimously, voted in favor.)

III. Hearing – Septic (Cont.):

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

Irene Zinov was present. She had the original plan done by Glen Harrington. Mrs. Zinov stated the back building has only one bedroom, not two (as stated on the plan, and as shown, it is on a separate system. There is a total of 15 bedrooms on the parcel. The Board determined the standard septic system on the plan would be permitted.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Sawayanagi, the Board voted to grant the three variances: 1) to install soil absorption system five feet below grade, 2) to allow use of the existing 2,500 gallon tank and 3) to install the soil absorption system ten feet away from a crawl space. These variances are granted with the following conditions: 1) the rear building will have no more than one bedroom, and no more than a total of 15 bedrooms on the property. (Unanimously, voted in favor.)

IV. Temporary Food Events:

- A. Muscular Dystrophy (MDA) sponsoring Chili Challenge with 15 teams at Resort & Conference Center, 35 Scudder Avenue, Hyannis on March 5, 2017.

Briana Littlefield representing Muscular Dystrophy was present and stated that she had four Servsafe certified (food safety handlers) along with personnel from the Resort and Conference Center and is working on obtaining more.

Upon a motion duly made and seconded, the Board voted to grant approval of the annual event with anticipation of full coverage for Servsafe personnel. (Unanimously, voted in favor.)

- B. Jitka Borowick of Hyannis Rotary sponsoring the Garden & Life Style Show at the Barnstable High School field on March 18 -19, 2017 with two mobile trucks.

Elizabeth Wurbain representing Hyannis Rotary was present and said the show was formerly known as Home & Garden Show. This year they are adding outdoor events including yoga, music and food. They will have two food trucks there.

Upon a motion duly made and seconded, the Board voted to grant approval for the annual event to include the outdoor mobile food trucks. (Unanimously, voted in favor.)

V. Old / New Business:

- A. Minutes.

Upon a motion duly made and seconded, the Board voted to adopt the minutes for December 20, 2016 and January 24, 2017. (Unanimously, voted in favor.)

Additional:

- A. Mr. McKean mentioned that the housing issue at 59 Kelley Road, Hyannis still has an issue and the tenants have not paid the water bill yet. This will be on the March meeting.
- B. Status on the Craigville Motel – Mr. McKean said they are 98% to completion. He is waiting to receive the ok from the Building Division.

The Board voted to adjourn – 4:55 pm.