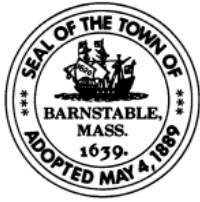


Town of Barnstable

Board of Health

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John T. Norman, Chair
Donald A. Guadagnoli, M.D.
F.P. (Thomas) Lee, P.E.
Daniel Luczkow M.D., Alternate

BOARD OF HEALTH MEETING MINUTES - Revised

DATE: Tuesday, November 24, 2020 3:00 PM

ZOOM MEETING 9829 6438 391

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, November 24, 2020. The meeting was conducted through Zoom to avoid social distances closer than 6 feet as stipulated due to Covid 19 epidemic. The meeting was called to order at 3:00 pm by John Norman, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., Thomas Lee, Daniel Luczkow, M.D., Alternate. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present. Zoom Meeting - Meeting ID: 9926-3800-163.

I. Variance – Septic:

Darren Meyer, Meyer & Sons, representing Betty Robinson, owner – 1074 Old Stage Road, Centerville, Map/Parcel 173-024, 1.22 acre parcel, two setback variances to wetland request.

Darren Meyer presented the plan for the repair of a failed cesspool.

The Board noted that it is a narrow lot and the plan meets the maximum feasible criteria.

Upon a motion duly made by Dr. Guadagnoli, seconded by Thomas Lee, the Board voted to approve the variances on plan dated October 5, 2020. Roll Call: Dr. Guadagnoli-Yes, Thomas Lee-Yes, John Norman-Yes. (Unanimously, voted in favor.)

II. Bedroom Determination (Continued from September 22, 2020)

David Solomont, owner – 55 Briarwood Avenue, Hyannis, Map/Parcel 289-086, returning after researching options of installing a de-nitrification system or removing a bedroom.

Applicant is asking for an extension until he receives a proposal from Barnstable Clean Water Coalition.

Mr. McKean said the staff recommends a 90-day extension at this time.

Upon a motion duly made by Dr. Guadagnoli, seconded by Thomas Lee, the Board voted to grant a 90 day extension until the meeting on February 23, 2021. Roll Call: Dr. Guadagnoli-Yes, Thomas Lee-Yes, John Norman-Yes. (Unanimously, voted in favor.)

III. Variance – Food:

Connie and Gilberto Medeiros, new owners of Tropical Smoothie Café – 489 Bearses's Way, Hyannis, on town sewer, same menu, requesting a grease trap variance.

Connie and Gilberto Medeiros were present and explained the business is moving from one family member to another with the same operation and procedures.

Mr. McKean read in today's email from Griffin Beaudoin, Town Engineer, "given the original rationale for the variance was a site restriction (stated elevation concerns), and that the grease recovery device (GRD) remains operational, the menu substantially unchanged, paper plates still in use and that the business is not planning to change (just change in ownership)." he is comfortable with the variance being maintained with the same conditions.

Mr. Beaudoin also noted that engineering did not have enough information to further vet the stated elevation concerns as part of this review. A change in ownership and/or a substantial change in business model would warrant further review of this variance, specifically further vetting of the stated elevation concerns.

Upon a motion duly made by Dr. Guadagnoli, seconded by Thomas Lee, the Board voted to approve the grease trap variance with the following conditions: the automatic grease removal unit (AGRU) shall remain operational and properly maintained (cleaned) on a regular basis in accordance with the MA Plumbing Code, 2) the menu is restricted to the three page flyer/menu submitted on 11/6/2020, listing multiple types of tacos, flatbreads, wraps, sandwiches, salads, bacon and smoothies, 3) only paper plates and plastic utensils shall be utilized, 4) this variance is not transferable to another owner or lessee of this establishment, and 5) the variance decision letter shall be posted on a wall adjacent to the food service permit in an easily accessible location for viewing by a health inspector during inspections. Roll Call: Dr. Guadagnoli-Yes, Thomas Lee-Yes, John Norman-Yes. (Unanimously, voted in favor.)

IV. Update:

Ursula Borrer, owner – 171 Able Way, Marstons Mills, Map/Parcel 046-113, outdoor storage violation.

Mr. McKean gave status of the situation and referenced that pictures of the yard were taken this week and showed considerable progress, although not completely resolved. He would have the health inspector continue to check on the property on a weekly basis and issue fines weekly, if applicable.

V. Policy/Regulations:

Proposal to extend policy on Lifeguard Deregulation policy set to expire on January 1, 2021.

The Board supported an extension through year 2021 for this policy to help assist the businesses due to the prevailing circumstances.

Upon a motion duly made by Dr. Guadagnoli, seconded by Thomas Lee, the Board voted to approve an extension to the Lifeguard Deregulation policy pertaining to semi-public pool establishments with 90 or less units, to expire on January 1, 2022. Roll Call: Dr. Guadagnoli-Yes, Thomas Lee-Yes, John Norman-Yes. (Unanimously, voted in favor.)

VI. Minutes:

October 27, 2020 minutes.

Upon a motion duly made by Dr. Guadagnoli, seconded by Thomas Lee, the Board voted to approve the October 27, 2020 minutes. Roll Call: Dr. Guadagnoli-Yes, Thomas Lee-Yes, John Norman-Yes. (Unanimously, voted in favor.)

VII. Chairman's Report.

Report on meeting with Mark Ells on wastewater management.

John Norman said Mark Ells did not have any specific items right at this moment but by their next meeting, he expects to have some adjustments for the Board to consider.

VIII. Additional Items – Old / New Business:

Thomas Lee mentioned an article he had seen, "Cape Cod and Islands Water Protection Fund Approves New Rules". It mentioned Mark Ells was the representative for the Town. John Norman asked that Ms. Crocker forward the article to Mark and ask him to have Dan Santos include information on it in his next presentation.

Meeting Adjourned 3:18pm

Upon a motion duly made by Dr. Guadagnoli, seconded by Thomas Lee, the Board voted to adjourn. Roll Call: Dr. Guadagnoli-Yes, Thomas Lee-Yes, John Norman-Yes. (Unanimously, voted in favor.)

Remote Participation Instructions

In accordance with the Governor's Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the November 24th public meeting of the Board of Health shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <https://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time public comment can be addressed to the Board of Health utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting

<https://zoom.us/j/98296438391>

Meeting ID: 9829 6438 391

1-888-475-4499 US Toll-free

Meeting ID: 9829 6438 391

3. Applicants, their representatives and individuals required or entitled to appear before the Board of Health may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to sharon.crocker@town.barnstable.ma.us, so that they may be displayed for remote public access viewing. Public comment is also welcome by emailing: sharon.crocker@town.barnstable.ma.us