



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of December 1, 2016

Board Members Present:

Kalliope Egloff, Chair
Lucy Burton, Co-Chair
Brian Baumgaertel, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:01 PM.

APPOINTMENTS

7:15 PM – Third Tobacco Violation – 548 Falmouth Road – Alltown Mashpee Mobil.

Glen Harrington stated that Alltown Mobil sold tobacco to a minor for the third time in a 48-month period. The order letter was sent with a \$300 fine and notification for the suspension hearing. The fine was paid on November 14, 2016. The Board may issue up to a 30-day suspension for the third offense. Mashpee has not had a third offender for this regulation so there is no precedent. The Barn had three violations back in 2006 prior to the Board adopting the newer penalty schedule. A one-year probationary period was used at that time.

Glen Carroll, Regional Manager for the Global Montello Group, introduced himself to the Board.

Mr. Carroll commented that Global Montello Group is not denying that tobacco was sold to a minor. The employee that made the sale attended three tobacco training classes on October 11, 2016, and the certificates of completion were presented to the Board. This employee was able to override the birth date at the cash register.

The Board and Mr. Harrington discussed the suspension period and the three violations that occurred within a short amount of time.

Lucy Burton made a motion that the Board of Health suspend the Tobacco Sales Permit for Alltown Mashpee Mobil, 548 Falmouth Road, for a period of 30 days beginning on January 2, 2017. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

7:20 PM – Tobacco Violation – 19 Commercial Street – South Cape Wine & Spirits.

Barbara Rymsha, owner of South Cape Wine and Spirits, 19 Commercial Street, introduced herself to the Board.

Glen Harrington commented that this is the second tobacco offense for South Cape Wine and Spirits. The first offense was April 12, 2013. The fine of \$200 was paid on November 7, 2016, and the second offense also carries up to a 7-day suspension of the Tobacco Sales Permit. The previous two offenders had been given a 5-day suspension.

Ms. Rymsha remarked that she apologizes for the sale of tobacco to a minor. Ms. Rymsha has the employees request identification and check the birth date prior to the sale. The employee was not terminated because it would create a hardship. Ms. Rymsha informed all employees that if this happens again termination will occur.

The Board suggested that the employees receive frequent training, review the regulation regularly, and sign a statement each time the employees complete the course.

Lucy Burton made a motion that the Board of Health suspend the Tobacco Sales Permit for South Cape Wine and Spirits, 19 Commercial Street, for a period of 7 days beginning on January 2, 2017. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

7:25 PM – Nitrogen Aggregation Loading Plan Request – 32 Marway.

Matthew Costa of Cape and Islands Engineering had requested a continuance for 32 Marway until further notice.

7:30 PM – Forty-Six & 2 / Joseph and Vaughan Vittorini – Request for Body Art Facility Permit and Body Art Practitioner Permits.

Joseph Vittorini, owner of Forty-Six & 2, introduced himself to the Board.

Glen Harrington commented that the applicant, Joseph Vittorini, operated a body art facility on Nantucket and now wishes to open a facility in Mashpee. The location has been chosen, and the Title V flow was investigated which was found to be suitable for the body art facility. Water use comparison was used as there is no flow specific for body art facilities.

Three permits are being requested, a facility and two practitioners (Joseph & Vaughn Vittorini). A sketch has been provided, but no bathroom is shown. The sinks that are displayed are fine, and the work stations meet the minimum required space. The two practitioners also meet the requirements of training per the regulation.

Mr. Harrington asked the following questions of the applicant:

1. Will the operation do ear piercing?
Answer: No.
2. How will the equipment be sterilized? Steam autoclave or dry-heat sterilizer (manufacturer's specs?)
Answer: Only disposable, single-use items will be used. No sterilization required.
3. Who will do spore destruction testing?
Answer: No sterilization required.
4. Who will perform the infectious waste removal?
Answer: Steri-Cycle was mentioned, but Mr. Vittorini is still investigating it.

Kalliope Egloff suggested a list of infectious waste removal companies for Mr. Vittorini to research. She also recommended that Mr. Vittorini contact the Health Department on keeping proper documentation for waste disposal.

Mr. Vittorini provided a sketch of the area showing the two stations, a doorway into the sink area, and another doorway beyond the sink area into the bathroom. The ink is stored in 2 ounce bottles on a shelf between the two stations.

Mr. Harrington remarked that a washing machine is not allowed on site. Therefore, rags or cloths should be available for cleanup.

Brian Baumgaertel made a motion that the Board of Health approve the Bodywork Facility Permit for Forty-Six & 2 with the conditions that the permit shall not be issued until an inspection of the facility has been performed by a Board of Health agent and no washing machines allowed on-site. Lucy Burton seconded the motion. The motion was unanimously approved.

Brian Baumgaertel made a motion that the Board of Health approve the Bodywork Therapist permits for Joseph and Vaughn Vittorini with the condition that their blood-borne training be renewed prior to expiration in July. Lucy Burton seconded the motion. The motion was unanimously approved.

7:35 PM – Request for Hearing of November 9, 2016, Board of Health Decision Letter – Lakeside Estates.

Mr. Harrington commented that the Board of Health had continued discussion on Lakeside Estates at the last meeting to the December 15, 2016, meeting.

NEW BUSINESS

1. Sign Expense Warrants. The Board members signed the expense warrant.

2. Review/Approve BOH Public Session Minutes: November 3, 2016.

Brian Baumgaertel made a motion that the Board of Health approve the Public Session minutes of November 3, 2016. Kalliope Egloff seconded the motion. The motion was unanimously approved.

3. Animal Inspector Update: Veronica Warden.

Glen Harrington commented that the invoice for the Animal Inspector requires the Board's approval.

Lucy Burton made a motion that the Board of Health approve the invoice for Veronica Warden for Animal Inspector dated November 10, 2016. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

4. Local BOH and Title V Variance Request: 18 Half Hitch Lane.

Glen Harrington remarked that the owner of 18 Half Hitch Lane is stating that back in 2001 a 12" concrete slab was installed over his septic tank that is located in the driveway. He informed Mr. Harrington that as a contractor he has knowledge and experience with concrete. He explained the installation as having rebar, risers were provided for the tank, and an 18" overlap beyond the sides of the tank. Unfortunately, the slab was not designed by a professional engineer nor was a permit obtained for altering the septic system.

Jerome Monaghan, owner of 18 Half Hitch Lane, introduced himself to the Board of Health.

Mr. Monaghan commented that a septic inspection revealed the slab over the H-10 septic tank, which is located in the driveway. The slab, along with risers, was installed when an addition was added to the home. Mr. Monaghan provided sketches of the work to the Board. No permits were issued for the work of the slab.

Mr. Harrington commented that this has been allowed in the past. At first a couple of slabs were installed without engineering, then engineering was required. The engineer would design a 6" slab with a 12" overlap. Mr. Monaghan's is a 12" slab with an 18" overlap. Mr. Harrington would like to inspect the structural slab prior to the next scheduled Board of Health meeting.

Lucy Burton made a motion that the Board of Health continue the variance discussion for 18 Half Hitch Lane to the next Board of Health meeting scheduled on December 15, 2016. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

OLD BUSINESS

1. Sanitary Code Violation: Deer Crossing Condominium Unit U-137.

Glen Harrington stated that on November 10, 2016, the Assistant Health Agent inspected Unit U-137 at Deer Crossing Condominium and took several photographs. Mr. Harrington provided before and after pictures of the unit to the Board of Health. A dining room table was discovered that no one knew existed. Mr. Harrington recommended that the weekly visits continue.

2. Housing Compliance Update: 394 Cotuit Road.

Glen Harrington commented that on November 2, 2016, Veronica Warden, Assistant Health Agent, performed the last inspection at 394 Cotuit Road. The Board of Health stated on September 15, 2016, that if there was a clear pathway to the bulkhead, the washer and dryer, and the electrical panel then the violations would be in compliance.

Lucy Burton made a motion that the Board of Health dismiss the compliance issue against 394 Cotuit Road. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

3. Asbestos and Rodent Control Violations: Lakeside Estates.

Glen Harrington remarked that the asbestos and rodent control violations at Lakeside Estates have been continued to the December 15, 2016, Board of Health Meeting.

ADDITIONAL TOPICS

None.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, December 15, 2016, at 7:00 PM. As there was no further business, Lucy Burton made a motion to adjourn the Public Session Meeting of the Board of Health at 7:50 PM. Brian Baumgaertel seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments