

MINUTES
STURBRIDGE BOARD OF HEALTH MEETING
Monday, June 21, 2010 7:00 pm

In Attendance: Linda Cocalis, Bob Audet; John Degnan. Alyssa Rusiecki, Health Agent; Ron Woolhouse, Accommodations/Food Inspector; and Lynne Girouard, Administrative Assistant.

MINUTES - June 7, 2010, reviewed and approved (3-0).

Discussion: Mr. Audet states that he will order the vaccine refrigerator and have it delivered to the Safety Complex. The Board concurs.

POOL UPDATE – Ms. Cocalis states that an alternative to the variance request process has been recommended by the State Department of Public Health (DPH), Community Sanitation Department and Alyssa has developed a memo of which the State approved, (see attached) which outlines a “step process” for drain installation by next year. The Board concurs. Mr. Audet states that he had also spoken to Mr. Hughes, Director of Community Sanitation, (DPH); additional discussion below.

HEARING/APPEARANCE – **Comfort Inn, Certified Pool Operator Mr. Anthony Fantaroni** appears to request a variance to the State Pool Code, 105 CMR 435.00. Request for variance for having a main drain and submits documentation prepared by Ideal Pools. Ms. Cocalis states that we have contacted the State and they never give a variance for main drains, so we have “step process” for installation of the drains by next year. The Board understands that Ideal Pools met the Building Code but this needs to meet the Health Code. Mr. Degnan states that the pool installation company should know the Health Code. Mr. Audet states that even if the turnover rate exceeds the State minimum, then a variance still won’t be granted by the State. The Health Agent states that independent of the drain issue, that there are other outstanding issues that must be corrected, such as 911 phones and required manual chemical testing four times a day. Mr. Fantaroni agrees that other items will be corrected but also said that since the discussion is about safety issues, that someone died because of a main drain. The Board members state that drains without covers posed a problem, but properly covered (Virginia Graham Baker Act-compliant) main drains should not be a safety risk. Ms. Cocalis states that every pool in Florida has a main drain. Mr. Fantaroni is given the memo which outlines the steps for an alternative to the variance request. Ms. Cocalis states that the Board of Health does understand and agrees that there should be a reference in the Building Code to the Health Code. Mr. Degnan states that ignorance of the law is no excuse. The Board suggests that Mr. Fantaroni follow the memo regarding the alternative to the variance request. Mr. Fantaroni states that he will follow the steps in the memo.

CORRESPONDENCE – Ms. Girouard goes over the correspondence and the budget. The Board discusses the end of year budget for the landfill/recycling center and the fencing will be ordered.

DISCUSSION – The Board members discuss the protocol for the pool variances. Ms. Cocalis states that the Board has tried to be proactive by giving the pool operators notice and the availability of a reprieve for this year by either applying for a variance or the accepting the terms of the alternative memo, which is an agreement to comply by next season. Mr. Degnan states that if a variance is disapproved by the State, then closure may be imminent. Mr. Audet states that if the applicants have proven a better turnover rate than the minimum state standards, then any potential disapproval by the State would be a little harsh. The Board agrees that if it were a Town regulation, then they could vary it, but the State Code represents minimum standards.

APPEARANCES – **Sturbridge Country Inn, Kevin McConnell and Patty Affanito** appear to request a variance to the State Pool Code, 105 CMR 435.00. Mr. McConnell states that he appreciates everything the Board has done on business's behalf because these are difficult financial times and the requirement for such a capital outlay would be detrimental if not impossible. Mr. Audet stated that this is why we called the meeting. Ms. Cocalis stated that she does feel that the Building Code is ambiguous and should reference the necessary health codes. Mr. Degan states that the pool installer should have known about the health codes. Mr. McConnell questions the difference between health and safety, because he feels his pool meets all of the safety concerns as outlined by Mr. Gervasi's (of Ideal Pools) letter. Ms. Cocalis states that not only do we have to be concerned with the safety issues, but that the water must meet health standards as well and this has to do with the circulation rate that is achieved through the use of a main drain. Mr. Audet states that the Board would be willing to entertain the variance, but he has been told by the State DPH representative that no variance would be given. Mr. McConnell states that he has no recourse with the contractor; he would like to stay open and still apply for a variance. Ms. Rusiecki noted that other requirements (fencing, 911 phone, chemical and bacterial testing) must be met and/or corrected and that if they did stay open without complying then there may be a liability. Ms. Cocalis states that everyone in Florida has a main drain. She also states that the contractor and the applicant address the shortcomings in the Building Code. The Agent gives Mr. McConnell the memo that outlines the alternative to the variance process.

AGENT'S REPORT – The Agent reviewed the on-going work/projects including the following:

199 New Boston Rd. – Septic, under construction.

36-38 Goodrich Rd. – Septic, no permit obtained.

Food Safety Course – June 29, 2010

Tight Tank Non-compliance – The Agent provides a report which shows the tight tanks in town and the lack of reporting regarding required pump-outs. A letter will be written to all owners. All other business is routine.

H1N1/EMERGENCY PREPAREDNESS/COMMUNICABLE DISEASE CONTROL – No new items at this time. Final PHER billing must be in by July 31, 2010 according to the Regional Coordinator.

SUBMITTAL – **Yogi Bear Campground, River Rd. pool** with supporting documentation from their architect, TLB Architecture, Inc. of Chester CT. The Board discusses the variance request that was submitted this evening. 1). Request to define the suction unit at the flume pool as an unblockable drain, and 2). Request to not have a separate main drain in the pool below the flume as there is a gravity connection to the large pool which has a main drain. Mr. Degan makes a motion to accept the variances as submitted, see above, Mr. Audet seconds. The Board votes to approve the variances (3 – 0). The data shall be submitted to the State DPH for review.

CONCERNS OF THE BOARD – Ms. Cocalis stated that a FOIA (Freedom of Information Act) request, was made to the Board of Health by the Southbridge Board of Health Agent Jim Morin, for all of the Sturbridge Board of Health landfill/recycling center records regarding non-compliance issues from a number of years ago. All issues were resolved over four or five years ago. Because the Board of Health office is in the middle of a move to the new location, it was suggested that the records be obtained directly from DEP. It was stated that all issues are currently in compliance.

Vote Adjourn the Meeting at 9:30pm.

NEXT MEETING: Monday, July 21, 2010 6:30 pm - Note new time.

Respectfully submitted,

Alyssa Rusiecki
Public Health Agent

BOARD OF HEALTH



MEMORANDUM

To: Public and Semi-public Pool Operators
From: Sturbridge Board of Health
Date: June 21, 2010
Re: Upgrading to the Minimum Standards of 105 CMR 435.00 with respect to main (bottom) drains

We are in receipt of updated information from the Department of Public Health regarding the installation of the main drains in public and semi-public pools. While variance requests will still be accepted in accordance with the Code, a variance has not been approved within the State for operating a semi-public or public pool without main drains. The following procedure should be used for those pool operators who wish to request a timeline for main drain installation:

Each pool operator shall provide a written "plan of approach," including but not limited to:

1. an agreement to secure an engineer, who is experienced in pool design relating to main design and installation and the timeline in which the engineer will be secured for services; and
2. a Statement of Qualifications (SOQ) from the engineer that he/she has experience in pool main drain design engineering; a statement from the operator stating when the design will be completed for submittal to the Board of Health, (30 day review period required); and
3. a statement that an approved design will be followed, with funding obtained; and
4. a statement from the operator stating when the construction shall be completed.

Once all of the aforementioned requirements have been completed regarding the main drain, and all other deficiencies have been corrected, your pool will be allowed to open for the 2010 season.

In no case shall the Board of Health issue a permit to any pool not having a main drain and not meeting the rest of the minimum standards of 105 CMR 435.00 after January 1st, 2011.

If you have any questions, please feel free to call Alyssa Rusiecki at 508-347-2504. Thank you.