

November 10, 2011 Board of Health Meeting - Audio Recording Timestamp and BOH Minutes

MINUTE 6:39

V. PUBLIC HEARING

Semi public Swimming pool lifeguard policy

Sitting Roggeveen, MacNab (acting chair), Cooper, Weld, Visco

Recused None

Documentation Copy of the state regulations

Representing **MINUTE 6:55** Richard read copy of regulation into the record

Public **MINUTE 10:05**

John Tiffany, Nashaquisset resident – Nashaquisset is a co-op of 90 homes with a pool and two tennis courts. Staff includes full-time property manager and assistant, 9 seasonal landscapers; dedicated rental agency located in the old Farmhouse; 45 homes are rentals; 5 are year-round; balance seasonal residents. Pool is 20-by-60 feet, five feet at the deepest, no diving boards or slides that might be a safety problem; the pool is for exclusive use of homeowners and renters. It is fenced and two locked gates, to which only the residents have access to. Signage as required by regulations is permanent and prominent. Open from 9 a.m. to 7 p.m. from Memorial Day to Columbus Day. Property Manager is to receive a Pool Operator Certificate within a couple of weeks. In 20 years have had no safety situations. In talking with the insurance company, premiums will not change whether or not lifeguards are present. Concerned that presence of lifeguard will change the way adults watch over children. Cost for a lifeguard is \$45K a year. This looks like a solution looking for a problem.

MINUTE 19:50

Steve McClusky, 63 Somerset Road, former Aquatic Director of Nantucket Community Pool (NCP) – Signs saying “Swim at your own risk” are inadequate. Drowning is one of the top three causes of infant and child death in the country. Presence of a lifeguard ensures the safety of all swimmers. Also, the board might want to consider monitoring pools for water testing to guard against pathogens building up in these pools.

Public
continued

MINUTE 24:09

Jim Pignato, Aquatic Director NCP – Massachusetts state code doesn't require a lifeguard on duty. If I were to open a pool, I would always have a lifeguard. In my opinion based on 10 years of experience, these semi private pools should be checked upon by BOH; a CPO, certified pool operator, should be in place to ensure these chemical checks are being done properly. Enforcing lifeguards on duty would cause a number of these pools to shut down; but pools are not a money maker; a pool is definitely a luxury item. So having the Board of Health come in to check on a regular basis that everything is being done properly should probably suffice.

MINUTE 26:14

Ray – Clarification with regards to semi-public pools, they are not licensed at this point. If lifeguards were to be mandated for all pools on Nantucket, they would become a licensable entity. At which point, they would have to have a CPO on staff, they would have to have lifeguards and they would have to perform routine daily water quality checks; and we have a licensed CPO on the Health Department staff. When he inspects pools, the first thing he asks the people to do is to check the water to ensure the individual knows how to do it and that the chemicals are in the right proportion.

MINUTE 27:02

Tiffany – We would welcome inspections. To my knowledge, we test the Nashaquisset pool water at least three times a day. We will have a CPO within a matter of weeks.

MINUTE 27:40

Public comments closed 4:29 p.m.

BOARD DISCUSSION -SEE BELOW 27:50

Public comments reopened 4:32 p.m.

MINUTE 30:50

Patty Rottmeyer, Treasurer Naushop Homeowners Association – Not licensed, do have attendants, have on staff a CPO, and do water testing.

MINUTE 36:28

Patricia Barwley, Naushop Property Manager – Boston has opted for pool attendants for semi-public pools. Understood the regulations allows for pool attendant in lieu of a lifeguard without making a distinction. We do comply the regulations under the statute in regards CPO, water testing, safety equipment and all other regulations,

MINUTE 38:14

Ray – I am reviewing the regulations, 435.23 Lifeguards, and see no mention of an attendant. Many BOHs do not require lifeguards at pools, and the organization operating the pool, be it commercial or private, is providing an attendant. That attendant has no capabilities in lifesaving.

MINUTE 38:55

Public Comments closed 4:40 p.m.

Discussion

MINUTE 27:50

MacNab - If we approve this, all these pools will have to be licensed.

Roggeveen – Can we mandate the type of training of lifeguards?

Ray – Becoming a licensed pool, they will have to meet state mandates in regards to lifeguard training. The only way to mandate lifeguard training is to license the pool. Presently there are five existing semi-public pools: Naushop, Blackfin, Nashaquisset are three.

MINUTE 39:00

Weld – What is the definition of “Attendant”?

MINUTE 39:08

Ray – Not in the regulations.

MINUTE 39:30

Cooper - Would like to think about it first and discuss it more. Could we vote on it next hearing?

MINUTE 39:55

Ray – You could continue the hearing. You have two options, you have the option to mandate lifeguards at all semi-public pools, or, according to the Department of Public Health, the authority to mandate lifeguards be present at all currently licensed semi-public pools which are all hotels and motels. This would exclude lifeguard placement at all homeowners or condominium pools.

MINUTE 40:28

Roggeveen & Visco & Cooper – Would like to wait.

MINUTE 40:49

MacNab – Will officially continue this hearing until the 2nd Thursday in December.
Continued until December 8 meeting.

Action

Vote

N/A

December 08, 2011 Board of Health Meeting - Audio Recording Timestamp and BOH Minutes

MINUTE 12:13

IV. CONTINUATION OF HEARING – DETERMINATION OF MANDATORY LIFEGUARDS FOR SEMI-PUBLIC POOLS

Sitting	Roggeveen, MacNab, Cooper, Weld, Visco
Recused	None
Documentation	Health Department recommendation.
Presentation	MINUTE 12:40 Richard Ray – Enumerate hotels and motels that are semi-public pools and private home-owners with pools. The private home-owners associations do not offer transient rental units. They are by and large permanent homeowners who utilize the pool on premises. Virtually every town on the cape and vineyard do not require lifeguards at semi-public pools. They do require appropriate signage. Read recommendation into the record. All public and semi-public pools will require licensure. The Health Department will inspect them prior to summer utilization. MINUTE 15:15 Richard Ray – In essence I am asking the board to approve mandated lifeguards for all pools associated with hotels and motels and not for housing developments and condominium units.
Public	MINUTE 16:50 Steven Welch, property manager – explain safety efforts. MINUTE 19:30 Janis Carreiro resident – explain safety efforts. MINUTE 20:45 Stephen Butler, Building Commissioner – Certificates of inspection will be issued; pools can't operate without one.
Discussion	MINUTE 22:45 Question – additional training such as CPR. Ray – Not mandated through the code. Question – Should that be made a qualifier? MINUTE 23:25 Ray – The question is would that person be poolside at all times? It is an option for the Board.
Action	MINUTE 23:53 Motion to Approve recommendation.
Vote	Unanimously

November 19, 2015 Board of Health Meeting - Audio Recording Timestamp and BOH Minutes

MINUTE 21:00

IV. PUBLIC HEARINGS

2. 105 CMR 435 – Discussion regarding lifeguard requirement at all public and semi-public

Sitting Cooper (acting chair), Weld, Visco, Atherton
Recused MacNab
Documentation Letter dated 11/19/2015 from Hotel managers; chart of Massachusetts towns requiring lifeguards at public and semi-public pools.

Discussion

MINUTE 21:20

Santamaria – The BOH has the power to require or not require lifeguards at public and semi-public pools; presently it is required that lifeguards be present. The situation is that proprietors feel they are “being held hostage” by their certification. A suggestion is to require a person full time who is trained in CPR, basic life-support, and First Aid.

Public hearing open at 4:25 p.m.

pools.

MINUTE 22:15

Scott Thomas, Nantucket Inn Manager – He is in favor of the relief. Asks why this burden is being put on hotels when there is no such burden on public beaches and private pools. He think they are better guardians of their resources when in such short supply.

MINUTE 24:15

Tanya Jones, White Elephant Village Director – Explained problems with finding a certified lifeguard and the problems that caused.

MINUTE 25:00

Jamie Holmes, Nantucket Hotel General Manager – Agrees with what’s been said. Operators with pools not here today are in complete agreement. Provided a list of Departments of Health of a number of towns showing what they are asking for is across the board. Each pool is basically private because they are available only to guests and members.

MINUTE 27:25

Cooper – Asked if guests are allowed to have friends use the pool.

Holmes – Yes.

MINUTE 28:00

Karen Keelan, Beachside Hotel Co-manager – Agrees with her counterparts. Reviewed situations she had getting certified LGs to cover the pool.

MINUTE 29:28

Santamaria – the request is to have a pool monitor trained in CPR and first aid; the only difference would be the swimming techniques. This person would be at the pool when it is open.

MINUTE 30:12

Weld – Reminds everyone from a medical point of view the highest number of organ donors come from 1 motorcycles & 2 drowning. We should set the highest standards.

Closed public hearing 4:33 p.m.

Action

MINUTE 31:45

Motion to Require a permanent attendant at the pool with proper certification at all times.

(made by: Visco) (seconded by: Atherton)

Vote

Carried 4-0