

Minutes
Town Government Study Committee
June 2, 2011
7:00 pm
Room 203 Town House, Kingston, MA

The meeting was called to order by the Vice Chairman at 7:00pm. A quorum was present.

Members present: Jean Landis Naumann, Wendell Chamberlain, Mary O'Donnell, Richard Dennehy, Bob Ward, Paul Tura, Ken Stevens

Members absent: Keith Elder

Others present: Joseph Casna, Henny Walters, William Watson, William Kavol, Krista Lawrence, David Fitzgerald, Peter Boncek, Linda Randall, Russell Meiggs, Mr. Craig,

MINUTES MAY 19, 2011:

The minutes of May 19th were discussed. Mr. Dennehy asked why the minutes do not reflect all questions asked and the names of those who ask the questions. Mrs. Hoeg explained that under Massachusetts regulations regarding the taking of minutes, the minutes only need to reflect the following: who is present, place, time and date of meeting, any actions/motions, and any votes. They do not need to be "word for word" documentation of a meeting.

On a motion by Mary O'Donnell, seconded by Wendell Chamberlain, the minutes of May 19, 2011 were approved as written. **Vote 5 yes, 1 no, and 2 abstentions**

BOARD OF HEALTH:

The Committee met with the Board of Health. Mr. Casna stated that they are a 5 member board with a Health Agent. The Board meets twice a month unless there is an emergency. The Board is elected and is charged with implementing programs and enacting policies that protect the public health in Kingston. It is the local arm of the Massachusetts Department of Public Health and the Massachusetts Department of Environmental Protection. They receive their authority by statute. Their duties are:

- Food establishment inspections (2x per year), review new food establishment plans, and investigate all food establishment complaints
- Weekly beach water quality testing
- Inspection of summer camps
- Inspection of public and semi public swimming pools
- Inspection of tanning salons
- Inspection of body art facilities
- Inspection of septic systems prior to issuance of Title V certificates
- Conduct percolation testing
- Review all septic system plans and issue Disposal System Construction Permits
- Perform housing inspections and investigate complaints
- Issue burial permits, approve and sign death certificates for funeral directors
- Issue Well Constructions Permits
- Review all Title V Inspection Reports submitted to the BOH
- Inspection of Health Clubs to ensure compliance with BOH regulation requiring AEDs
- Work with Plymouth County Mosquito Control Project to coordinate spraying and if necessary suspend all outdoor recreational activities
- Administer Septic Loan Program
- Issue KI tablets

Members of the TGSC asked questions of the Board. The questions will be marked in **bold print** with the answers in *italics*:

Bob Ward:

How did you rate coordination, communication and cooperation between town departments?

We rated them all 5's

Which activities are under the purview of the Health Agent and which are done by the BOH?

All of the duties are performed by the Health Agent and she reports to the BOH . On various issues the Board of Health hears all requests for variances.

Did you make a decision to join the regional tobacco coalition?

We had a presentation. We are still in the process. We are planning to join.

Wendell Chamberlain:

When a Triple E outbreak comes, what is the procedure?

We don't tell people where the mosquitoes are due to concerns with vandalism.

Do you allow raised system septic systems in new construction?

Yes. The BOH uses modeling as a guide for high water levels.

Do you use Town Engineers?

Engineers are provided by the builders. The health Agent conducts the percolation tests.

Richard Dennehy:

If the Town had a town engineer would that be helpful to you?

If the health agent has questions about plans she calls the DEP and they provide assistance at no charge

Mary O'Donnell:

Would you like it better if the applicant paid a fee to an in-house engineer?

We don't see a benefit to that. It could be a conflict of interest for a town engineer to approve plans for an applicant. Our health agent does that now and we see no need for an engineer.

Paul Tura:

What is your policy with the Sewer Department regarding placing new construction?

The BOH approves if an applicant comes with a letter from the Sewer department stating that they cannot hook up. We have worked with the Sewer department on all new connections.

Why is Kingston eager to participate in Tobacco sting programs?

It was pushed through because we saw kids smoking. We presently plan to have 5 checks per year on businesses that sell tobacco products.

Are you concerned that this could be considered entrapment?

We have had compliance checks for years.

Since the Town has been sewerred, how has it impacted your work load?

The work load has increased. We now also have to issue death certificates which used to be done by the Town Clerk.

What are your office hours?

We are open from 8:30-4:30 Monday through Friday. We are closed for lunch from 12:30-1:30.

Could the Board be reduced from 5 members to 3?

We like 5 members. The more the merrier!

Ken Stevens:

What utilization do you make of the Town's information technology?

We use Town computers and can communicate with other offices within the town. Our training is adequate.

Is your rating of 5 on our questions unanimous?

Yes!

Fran Hoeg:

Are your resources adequate?

Our overall budget is \$124,000. It is adequate. Our supplies have been cut, but we can do our job.

Do you inspect nail salons?

No. It is not our responsibility.

Do you support regionalization of Boards of health?

No. That focuses on smaller communities. We do not think it is a good idea. We want to keep the BOH within our own community.

Wendell Chamberlain:

Have you been involved in any litigation?

We have never been to court. There are some pending cases, but nothing has gone to court at this time.

Jean Landis Naumann:

What are your thoughts on streamlining the process for private citizens who have to go before many boards for permits?

It is not that chaotic. There is a sign off for each Board. Any plan from us is stamped and then sent on to Conservation.

What are your thoughts on elected vs. appointed for your committee?

We prefer to be elected by the Town as opposed to being appointed by 5 members of a BOS.

Fran Hoeg:

Do you think elected officials should serve on two elected boards?

It is the public's prerogative. People have that right.

Wendell Chamberlain:

What are your thoughts on Town Meeting?

We like Open Town Meeting but are concerned with quorum issues.

Richard Dennehy:

How much interaction do you have with the Town Administrator?

None. We submit monthly reports. We would like to see monthly meetings with department heads.

The DOR recommended that the Town Administrator do all of the hiring and firing. What are your thoughts on that?

Our statutory responsibility gives us that authority. We are not in favor of the DOR recommendation

Paul Tura:

How long is the agent's position/contract?

Forever. We have the statutory authority to hire and fire.

Fran Hoeg:

Do you have goals and objectives for your employees?

Not at this time.

At this point in the discussion, Mr. Fitzgerald asked to be recognized. Ms. Landis Naumann informed him that questions of a technical nature would not be allowed at this time, and should be discussed at a BOH meeting. Mr. Fitzgerald wanted to ask about the procedures for water testing. Ms. Landis Naumann stated that his question was technical in nature and would not be allowed. Mr. Fitzgerald protested her decision. He stated that the public should have more of a chance to speak before the Committee. He also stated that health insurance should be eliminated for all elected officials.

Another member of the public, Krista Lawrence, asked if any member of the BOH is a medical person. The BOH answered yes. She also asked if inspections of salons are scheduled. BOH answered no, they just pop in.

At this point the BOH left the meeting.

Further discussion took place and consisted of the following:

- TGSC would like the BOH to submit the qualifications for the Health Agents position and whether the present agent meets all of those qualifications
- Fran Hoeg suggested that Boards should require goals and objectives for salaried/fulltime employees

Mary O'Donnell made a motion, seconded by Bob Ward for discussion only that the Health Agent should report to the Town Administrator and the BOH should be dissolved. Discussion took place on the motion:

- Jurisdiction of a health agent only goes so far
- Can there be a combined Sewer. Health Board?
- BOH has statutory authority. Without a BOH the BOS becomes the BOH

- Not an effective or efficient motion

The motion was withdrawn.

Discussion took place on insurance for elected officials.

Ken Stevens stated that those who work less than 20 hours per week do not need to be offered insurance.

Mr. Stevens made a motion, seconded by Paul Tura that the TGSC recommend elimination of all health benefits for elected or appointed employees who work less than 20 hours per week with no grandfathering.

Bob Ward suggested that we direct the Chair to ask the Town Administrator who is presently offered health insurance and under what circumstances. What is the design of our plan? What is the split?

On a motion by Mary O'Donnell, seconded by Paul Tura, the Committee voted unanimously to table Mr. Steven's motion until we receive more information.

Mr. Dennehy will investigate whether a BOH needs to be elected or can it be appointed.

On a motion by Paul Tura, seconded by Mary O'Donnell the Committee voted to adjourn at 9:15 pm
The vote was unanimous.