

KINGSTON BOARD OF HEALTH MEETING MINUTES MARCH 22, 2010

The Meeting of the Kingston Board of Health was called to order by: Chairman, Joe Casna, In attendance were: Jack Breen, Dan Sapir, Bill Watson and Health Agent, Henny Walters.

Absent: Bill Kavol

7:00 Meeting called to order by Chairman, Joe Casna

Departmental Bills Reviewed

Health Agent's Report Reviewed

AEDs A letter and forms were sent to the 3 Health Clubs in Town. The forms are to be returned by this Thursday, March 25, 2010. The Regulation was posted in the Legal Notice on March 19, 2010.

Review Minutes 2-22-10

Motion: Dan Sapir to accept minutes of 2-22-10

Second: Bill Watson

Vote 4-0-0, unanimous

Review Minutes 3-8-10

Motion: Bill Watson to accept minutes as amended

Second: Jack Breen

Vote 3-0-1, 1 present not voting, Dan Sapir

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Old Business

The Board discussed 16 Foster Lane, the top of the chimney and some of the cinder blocks fell down on March 14, 2010, during the weekend storm. After the storm was over Linda thought he would fix the chimney, but it is now 8 days later and the cinder blocks are still on his roof and he hasn't done a thing to fix it. It is smoking every day, the smoke is worse than ever. Bill Watson said he thinks the Board should send him a letter to cease and desist the use of the stove until permits are pulled for the proper repair of the chimney. It is getting worse and there is no stack there. Bill said at this point in time it doesn't seem like he cares about his neighbor or the Board's authority. The Health Agent said the problem is that the chimney is too low. Bill Watson stated that whatever is a public nuisance and a health hazard to a resident or several residents no matter what form it takes, it is our responsibility, if you lived next to a pig farm and the smell from that was causing a nuisance, we would have to regulate that also. Bill said I see this as a major issue one neighbor to another and if he can correct certain things to solve that problem, that is what he should be doing. And if he doesn't do anything, then it is our responsibility to protect the citizens whether it be one, two or three persons, it doesn't matter regardless of who they are. This is an indoor furnace because of the manufacturing of this particular unit it is designed to do a certain thing, it is designed to choke down the temperature changes, it is regulated like a heating system for a gas fire, oil fire, furnace system but in this particular case it is designed to choke the flame down so much that it smolders and when it smolders it is not a wood burning stove anymore, it is a furnace, maybe we can tie it into the same regulation. Dan Sapir said, first of all, I would rather go swinging in favor of an abutter. This is a public health nuisance and the owner is taking a cavalier approach. The other thing is I am not so certain if this is a legitimate home business because it is separate from the residence, I don't know if it is residential or not, there could be an issue that it is not an approved use so far as the zoning is concerned, that is where Paul Armstrong should be assisting us. The other thing is I know I have seen several copies of the same report that when this was installed and inspected where some documents are filled in, and some are not filled in, something is not right with the paperwork here. Some of the paper work that was handed to us later had stuff that was blank, and never written on the paper work earlier. It makes one think that it was inspected back when it was installed, but yet some of the earlier paperwork shows it was all blank. It appears that some of these things were put in after the fact. Jack Breen said I have not looked at this place, is this a separate building? The answer is yes. Joe Casna said, he had a permit to install the stove to the best of my knowledge. Joe Casna said, I think we should send the Building Inspector back down to 16 Foster Lane to inspect the chimney. Dan Sapir said, I think we should issue a cease and desist order. It is a health issue, 30 days have gone by and the situation has gotten worse because the pipe is down and the problem is continuing unabated. Therefore we want to eliminate the health problem and we should not let this continue. Joe Casna said, I think the Building Inspector should do an inspection. Dan Sapir said, we should shut down the problem first and then work it out with the Building Inspector. Joe Casna and Dan Sapir stated we have ample reason to go forward with this cease and desist letter. Bill Watson said I agree that a letter should go out and hand delivered to Paul Armstrong and Charles Craig and his Attorney. Joe said he will have to stop using the stove until he brings it into

compliance.

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Motion: Dan Sapir that Charles Craig and Counsel receive a cease & desist and to stop using the stove until such time he obtains the proper permits and repairs the chimney and reduces the smoke usage to the abutter. And hand deliver it and speak with the Building Inspector to help us enforce this immediately.

Second: Bill Watson
Vote 4-0-0, unanimous

Motion: Jack Breen to adjourn
Second: Dan Sapir
Vote 4-0-0, unanimous

7:36

Adjourn,

Respectfully submitted,
Linda G. Randall, Clerk

Linda G. Randall

Kingston Board of Health