

# KINGSTON BOARD OF HEALTH MEETING MINUTES

May 11, 2009

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

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

## Departmental Bills Reviewed

## Correspondence Reviewed

## Health Agent's Report Reviewed

The Board discussed Health Agent's Report - Which included report on H1N1 (swine flu), Plymouth County Mosquito Control Project, and AED's. Joe Casna would like the Agent to write letters to all health clubs in town making them aware that they need to be in compliance with the law. Bill Watson said he doesn't think at this point in time we can demand it. According to e-mail in Health Agent's Report from Assistant Director of Community Sanitation Program Massachusetts Department of Public Health, jurisdiction does not fall within the Department of Public Health. According to Representative Tom Calter's office, the Attorney General has jurisdiction until this Chapter 420 can be amended to direct jurisdiction to an agency. Jack Breen said, demand what? Bill Watson said , that they comply with that law. Bill Watson said maybe we should send a letter to Tom Calter's office and ask him to let us know when they decide whose jurisdiction it is and if jurisdiction is given, to let us know. Bill said it does not fall under our jurisdiction to be able to demand that and he believes it will never be under our jurisdiction. Jack Breen said I would like to hear a good argument why we shouldn't volunteer that information as the Board of Health of Kingston. Jack said, how long will it take to go through the State House before someone has jurisdiction? Bill Watson said, I truly believe that it is not under our jurisdiction and would never be under our jurisdiction. Bill said because the Fire Department, and the Building Department give the CO's (Certificate of Occupancy) the Fire Department regularly inspects the fire alarm systems as well as the exit signs and emergency lighting this would give them one more thing to check while they were there.

Jack said I say we volunteer to pick up the ball, unless there is a good argument against it, all we are saying is we have a law here and the Board is not waiting for the legislation to catch up. Bill Watson said I think it would be a very strong appeal for anyone that wanted to fight it, and say it is not in the Board of Health's jurisdiction. Joe Casna said I think at this stage of the game, we have had a complaint that has been presented to us from a board member, I think we should send a letter out to all the local fitness centers making them aware and put the responsibility back on them where it belongs, they are the owner of the facility. Dan Sapir said, this first came to us by way of a complaint, I was expecting to see the gentleman here, is there any reason why he is not here tonight? Jack Breen said, yes because he doesn't want to do our job. Dan Sapir said I don't think we are asking him to do our job. Jack Breen said, I think you were asking him to come in and clarify the state law. Dan said no, Jack said he had a complaint that he brought before this Board several months ago. Dan said, I don't know that he has ever been before this board, maybe he made a phone call. Dan said, what I am saying is that I expected to see him, I don't like hearsay information, I don't like third party information, I like to hear it directly and I had the feeling that he would not be present tonight. Jack said he didn't want to come in. Dan said, I didn't think so. Jack said why didn't you think so? Dan said because I think he felt more comfortable working through you Jack, the other thing is he was a member of USA Fitness, and he stopped going because of this confrontation that was recorded and the last thing we were talking about was that he instead joined Anytime Fitness. I know Jack said that they have a direct line into the Kingston Fire Department, Dan said, Henny had spoken with the Fire Chief, and I also spoke with him and there is no such line. Jack said, excuse me but there is some connection, we are looking at jurisdiction. Dan said it becomes a bigger problem because unfortunately we have a company whose name is Anytime Fitness which means exactly that, 24 hours a day anytime, but in fact they are no more compliant than USA Fitness and probably less compliant. I think we should find out the definition of a health club and other places that might need a defibrillator. Dan said there was a law that was created and no way to back it up. We need to make it right and draft a regulation, adopt it with a fee attached and run it by Town Counsel and show it to any officials at State level. And let the major responsibility fall within the agencies, clubs whatever that are required to have it. In the next two weeks, list places that need defibrillators. Request Town Counsel from Town Administrator.

#### **Old /New Business**

Attorney Geary could not attend tonight's meeting because of a medical issue in his family.

7:40                      Motion: Bill Watson to adjourn  
                              Second: Dan Sapir  
                              Vote 5-0-0, unanimous

Adjourn,  
Respectfully submitted,

Linda G. Randall, Clerk  
*Linda G. Randall*  
Kingston Board of Health