

KINGSTON BOARD OF HEALTH MEETING MINUTES JULY 13, 2009

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

Absent: Jack Breen, Bill Watson

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

Rick Grady, Engineer - 12 Brookings Dr. Variance #09-03

Mr. Grady explained to the Board the reason for the variance. It is a 2 family duplex. Joe Casna stated that you are building a system big enough to service the entire building if and when the other system fails. Mr. Grady said exactly. The Health Agent said she is recommending approval of the variance. Joe Casna said he would have to get a permit to do the other side if he wants to tie into the system. Dan asked if that could be written in? Health Agent asked Rick to send a letter indicating that, and if he comes in for another permit for #10 to connect, we will have the letter attached to the plans.

Motion: Dan Sapir to approve with the proviso that the condition be written in, relative to future repairs or extensions.

Second: Joe Casna

Vote 3-0-0, unanimous

Departmental Bills Reviewed

Correspondence Reviewed

7:08 **Attorney John Geary & wife Judy Geary - 161 Summer Street**

Dan Sapir will recuse himself from discussion. Joe Casna said we do not have a third Board Member, Bill Kavol said he should be here in a few minutes. John Geary asked who are we waiting for Joe Casna said Jack Breen.

7:22

Jack Breen arrived.

John Geary is before the Board to explain why he has not abandoned his septic system after he connected to municipal sewer on October 1, 2007. He stated that the economy is very bad and he does not have all his units rented out and right now he can't afford to be without that tenant (Sugar Plum Bakery) for 6 months, there is no way could I survive, we have our bills to pay. And yes he fought Cadet on Dunkin Donuts, I thought it was unfair competition, I did that because I have a bakery and no way can I be without that tenant. I will say this, that septic for all intensive purposes is closed down, it is shut off, and is cut off, we have a reversed plumb that now goes to the front I have no intentions, unless I have somebody come to me with an offer, to which I can refuse of using that. I would be more than happy if anyone can come out and inspect it and see where it is cut off. All I really want is the opportunity that if somebody comes to us in this business and says I would like the opportunity to put in a tea shop or a hairdresser. I would like the opportunity to say, I'll move to my house if I have to. To a certain extent the businesses that are attracted to that place, need more flow than the sewer. We have the septic if anyone wants to come over and inspect it, we are not using it. I would just like the opportunity to have that chance I don't turn my nose up at any offer anymore. Hopefully we can come to some sort of an agreement. Joe Casna said to determine your flow at the time they determined it was based on the occupancy of the building which was a real estate unit and your office. Geary said when he asked the sewer department they said this is a done deal, no discussion this is the way it is. Joe Casna said the septic system that is there now is a tank and 2 pits, how old is the septic system that is there now, Geary said 1987. Joe Casna said the Sewer Department cannot increase anyone's flow, there is no capacity. We have such little flow that we couldn't even have someone come in and sit down for a cup of coffee. Health Agent said that could have been because you were limited by the sewer department to the 330 gals. per day. Geary said to Health Agent, when I called and asked you about a hairdresser, I was told we didn't have the flow then. The Health Agent said that very well could have been the case that you were only allowed 330 gals per day. Geary said this is what I have been up against and this is why we have had to say no to people. Joe Casna said I don't understand, if the septic system is there and active and a hairdresser comes to you and says I need all this flow and you say the sewer department is only giving me 1/2 of that. Joe Casna said I think it was the Sewer Department that notified us on more than one occasion that the system has not been abandoned. Geary said they blamed it all on me because I refused to do it. Geary said I just feel you are taking away our options. just give us the same opportunity that other people have been allowed. Joe Casna said the only difference is in that case we already had an active situation on which to base the decision and in this particular case, we are leaving it open for future use that's all. Bill Kavol said get the facts and then we can move forward on this. Joe Casna said we also know that the building right now is being serviced by the sewer, Joe asked Henny if she has seen the disconnected septic, she stated no.

Joe Casna, said how about if we contact Joe Webby, we could have Webby go up and have a look at it and give us a letter. Joe said, have Webby go and familiarize himself with the situation, let us know what the flow rates would be that the system could provide and the fact that it's disconnected from the building. Joe Casna said Mr. Geary will get us some more information. Joe Casna said Joe Webby will tell you the correct criteria.

Health Agent's Report Reviewed

The Board discussed Health Agent's Report- Due to the most recent budget cuts the South Shore Boards of Health Collaborative Tobacco Control Program has been completely eliminated as of June 30, 2009.

Plymouth County Mosquito Control Program, to date there have been no positive findings for Eastern Equine Encephalitis or West Nile Virus in Massachusetts.

E-mail sent to Jill indicating Board of Health discussed her e-mail at its meeting held June 22, 2009. Asked her to advise if she heard anything more from MMA Lobbyist D.J. Wilson, Henny received no response. As directed by the Board at June 22nd, Meeting a letter was sent with forms for defibrillators to all establishments that fall under the expanded definition of a health club. Dan Sapir said he is not satisfied that we have not received a response from Town Administrator, he will volunteer to pen a letter with Henny to the Town Administrator. We need an attorney to clarify the definition of a health club. A second letter should go out to all the facilities that have not responded.

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

8:30

Adjourn,
Respectfully submitted,

Linda G. Randall, Clerk

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Kingston Board of Health