

# **KINGSTON BOARD OF HEALTH MEETING MINUTES**

**January 25, 2010**

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

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

**Shane McGlone – 40 Old Mill Rd. – Variance #10-01**

Shane explained to the Board the reason he is requesting a variance.

Motion: Dan Sapir to approve the variance 10-01 as presented

Second: Bill Kavol

Vote 5-0-0, unanimous

**Attorney Sullivan – 16 Foster Lane, Complaint, smoke from stove in garage**

Also present Roxanne Craig and Charles Craig III, Attorney Sullivan stated that Mr. Craig installed a new stove last year. The Building Inspector, Paul Armstrong told Attorney Sullivan that the stove does not violate any building requirements in town. The complaint is from the house that is next door and sits up on a hill, smoke blowing and the smell of smoke in the home when the wind is blowing in the direction of the house. Dan Sapir stated that this involves the secretary and he would like the Health Agent to take over the minutes. Linda Randall stated that being a neighbor, I hated to say anything but it has really gotten out of control and I have had to leave my house at least 5 or 6 times at night because I could not breath. For the past 2 years I have spoken to Mr. Craig about it and it never got any better. The smell of smoke in my house would be so bad I could not sleep sometimes I would have to cover my face with a blanket. The stove is constantly going, it doesn't affect me everyday, it does affect me when it is overcast or the wind is blowing the right way. A week ago Sunday, Mr. Craig put an extended pipe on the chimney with a cap on the pipe. All week it was fine and then on Friday night and Saturday the smoke was terrible, I left my house. People have come into my house and said what is wrong? I have tried everything I can, I have spoke with Mr. Craig numerous times. It is a horrible way to live, when I go home, I never know if I can stay or if I have to leave for the night. I don't think anyone sitting here would want to live under those conditions, I have had to put with it for quite awhile and I've tried to be nice about it, but

I just can't stand it anymore, it is

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not fair to me. I pay big taxes in Town to live in my Quonset Hut, and I can't even stay there. It is very annoying and it has affected my breathing, my nose burns, my throat burns, my eyes burn, my heart races when the smoke comes in, it is really bad. Attorney, Sullivan said I think given the circumstances and becoming aware of the complaints, Mr. Craig contacted me and we tried to work out a positive solution with this, that being said, the stove has been operating in that garage for many, many years. Linda Randall stated, for many years, I have lived there all my life and I have never, never ever had a problem with Mr. & Mrs. Ruffini, there was never any stove going in that garage. This all started 2 years ago around April 2008. Attorney Sullivan said to the best of his knowledge, Mr. Craig is only burning clean wood; if coal would alleviate the problem Mr. Craig is willing to burn coal. Jack Breen asked the Health Agent if Building Inspector, Paul Armstrong had stated to her that this stove is related to the other stove or is it totally different, Henny said this is different. Dan Sapir asked what were the weather conditions this past weekend? Linda said it was not overcast, but if there is an east wind it will blow at the house. Linda stated that Mr. Craig's mother and father have a stove at their house right next to the garage and the smoke never bothers me. The Attorney said we are trying to raise the stack up higher and get it up and over the house. Attorney said I don't think this is a case where some environmental laws would apply, it is not an industry and no real testing where it is causing air pollution in a technical sense, we recognize the discomfort it is causing here and we are trying to remedy the situation. Jack Breen asked if any other neighbors were notified of tonight's meeting? No, because no other homes are close enough to be affected. Linda said she is only about 20 or 25 feet, or less from the garage. Dan Sapir said this is a garage you are doing a business out of Mr. Craig said yes. Jack Breen asked what do you do in the garage? Chuck said he sharpens knives, his business is Kingston Knives. The Attorney said he has tools in there that sharpen like blades for Zanbonies and tools of that nature. Jack Breen said there is no painting, Chuck said no. Dan said, I am just trying to access it and I don't get the feeling that you two have anything in the past that is causing any feud, I'm not doubting that your concerns are real and the affect that it may have on those days is real. I don't know what the unit cost, if it was a heavy investment and if there is another source of heat to be used. Chuck said, I can't afford it right now. Chuck said he has the same furnace in his cellar heating his house. Chuck said he had a couple of masons come out and they said I can't go much higher, it is just a free standing chimney and it would become too unstable. Linda said it doesn't emit a chemical smell every time but the stove is going like crazy every night. Jack Breen said he is a little confused, does the stove work at night to heat the place, are you sharpening at night? Chuck said no, but the machine is computerized with different fluids in it, sharpening machine. Chuck wants to know why is she getting so much smell in her house? I have a chimney right at my bedroom window and I don't get any smell. Linda said, I just had my house all redone the past year, the skirt is all new there are no openings in my house, it has a metal roof. Dan Sapir said, I can't imagine why these complaints, and please correct me if I'm wrong, I know you feel agitated by it, you think she is over reacting, but we have to treat it as real. And I also don't want you to think that because Linda is secretary to the board, that she is going to get privileged treatment as a result of that. I as one member of the board, I accept the fact that what she is saying here

is correct, I don't think she would be here creating anything like this. I can understand people living in close proximity, that

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it creates an uncomfortable feeling. Irrespective of whether or not it meets zoning, or if it is legal, which it appears to be. As a Board, we cannot consider the fact that it is having a debilitating effect on someone's health and from that standpoint of view, is where the Board of Health has jurisdiction, irrespective of zoning issues. We have got to find a resolve, I know you said it seemed to help for a while. Linda said, since he put the pipe up on Sunday, all week it was fine, it even was stormy and it was fine, but on Friday night and Saturday it was bad again and the weather was not overcast. Attorney said, Give Mr. Craig an opportunity to at least try to remedy the situation and try coal on the days it is overcast and see if it has less impact on your home. Dan Sapir asked the secretary, do you have health issues? Linda said, yes she does and it just makes it worse. Linda asked if it has a catalytic converter, Chuck said it doesn't need one. Chuck said he has a \$100,000, grinder and cannot have it damp in the garage, it has to stay dry in the fall and the spring, he shuts it down in May. Jack Breen said it must meet all the codes. The Attorney said he has the paperwork on the stove, Joe Casna said it is ok whatever documentation for the stove would be on file at the Building Department, you must have submitted it when you got your permit to put the stove in. Joe Casna, I disagree with you, the proposal and your idea to give it a few weeks to see how things are going to go. It is not going to get any better and it is not going to change, he has maximized what he feels he is able to do under the current conditions, in stacking another section of ventilation pipe on top of an already extended stack. Changing burning of fuel in the middle of wind direction change, does not at all sound practical for anyone. You have made a substantial investment in this place for your business, sounds to me like you are partially home, but we have a nuisance situation with your neighbor. You didn't want that anymore then she did, I understand all of it. You need to do something to fix it. I will tell you what I personally think it has to be, you need to bring someone in that is familiar with these chimneys, who knows how to extend these chimneys, and knows how to secure them properly so they are not a hazard, and are not going to blow over and are not going to fall down. I don't know if there is power ventilation system involved for it but I know something has to happen something more than what's already happened. I think it is in your best interest to bring an expert in who can look at it and say okay, this is the problem this is how we can alleviate it, either by extending that chimney or by forcing that air to go out from that chimney and not go in the direction of Linda's home or anyone else's home. That is my suggestion, I think we should work on a permanent solution. Dan Sapir said. I agree. Attorney Sullivan, said I think he has taken the steps that he can right now. Joe said he has, but I think he needs to find another step. Joe said, I need to hear that he is willing to look into that, I need to hear that he is willing to take another step, take a course of action. We need cooperation in order to move this thing out of here. The Board would like Mr. Craig to come into the next Board Meeting on February 22, 2010. Joe Casna said, I think Mrs. Randall would be receptive to just about anything to alleviate this situation. Sir you are in a great position you have a cooperative person who is willing to work with you I'm just encouraging you to do so and to do it in a timely fashion, so we can put this matter behind us. Bill Watson said, if you talk to someone and they recommend that you put a 12 foot stove pipe on the masonry and guide it. Chuck said the higher you go up you need guide wires and you need to secure it

properly and dig a huge footing. Bill Watson said if someone said okay now you are above her roof line with 12 more feet of pipe. Chuck said, is that what you are looking for, for me to go above her roof line. Bill Watson said, we don't know, Joe Casna said you

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have to go to a sufficient height to alleviate this situation that is what we are looking for you to do. Chuck said, I guess my business is shut down. Joe Casna said we are not looking to do that. We are asking you to look into that. We will ask to reschedule a review date to ask what that progress might be. The Board will ask Mr. Craig to come back to a meeting on February 22, 2010, with a resolution.

**Health Agent's Report Reviewed**

Health Agent told the Board an H1N1 Flu Clinic was held at the Elementary School on December 16, 2009.

Attached to the Agent's Report is the Article and e-mail sent to Jay Tallerman, Town Counsel about AEDs. The Health Agent told Jay, first we want to have a public hearing and then go to Town Meeting. Dan Sapir said what if we take it to Town Meeting and they could refuse it? We had told Jay we wanted a By-Law, Dan said we could make it a regulation and that would not have to go to Town Meeting. Dan said Local Regulations can be more stringent than State Regulations. Dan said find out if there are any pitfalls or issues that the Board should be aware of prior to the holding of a Public Hearing and secondly would he be available to attend the Board's Public Hearing.

Correspondence for Tobacco Control Program. Sarah McColgan and Bob Collett will be at the Board's Meeting on Monday, February 8, 2010 at 7:00 pm., to discuss and develop a plan for compliance checks.

**Departmental Bills Reviewed**

**Review Minutes of November 9, 2009**

Motion: Bill Watson to accept minutes of November 9, 2010 as presented

Second: Bill Kavol

Vote 4-0-1, 1 present not voting Dan Sapir

**Review Minutes of December 14, 2009**

Motion: Dan Sapir

Second: Bill Watson

Vote 3-0-2, 2 present not voting Jack Breen, Bill Kavol

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Motion: Dan Sapir to go into Executive Session for potential litigation and adjourn  
not return to regular session

Second: Joe Casna

**7:55** Roll call, Bill Watson yes, Bill Kavol yes, Jack Breen yes, Dan Sapir yes and Joe Casna  
yes

Adjourn,

Respectfully submitted,  
Linda G. Randall, Clerk

*Linda G. Randall*

Kingston Board of Health