

# **KINGSTON BOARD OF HEALTH MEETING MINUTES FEBRUARY 25, 2008**

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

**7:00** Meeting called to order by Chairman, Jack Breen

Jack Breen stated that he was just informed that Russell Meiggs will not be here tonight. Bill Watson asked why he is not going to be here tonight. Joe Casna said he is coming down with the flu. He said if this is just about protocol and if you feel it is necessary to come in for any reason, to notify him preferably in the form of a letter. Bill Watson said I've been told there are 2 sides to every story and I would like to hear his side in a public forum. Joe Casna said if after discussing the protocol, if the Board feels the need to have him come in, he will come in. Bill Watson said, in lieu of him not being here, we are going to discuss the protocol. Jack Breen said, lets postpone it until some of these other things are taken care of.

## **Departmental Bills Reviewed**

### **Health Agent's Report**

The Health Agent read her report to the Board Members. A public hearing for March 10, 2008 was placed in the Kingston Reporter's Legal Section on February 22, 2008 and will run again on February 29, 2008.

Regarding 37 Bay Farm Rd. The matter is not within the Board of Health's jurisdiction and should be directed back to the Sewer Department for enforcement of their By-Law. Also discussed was a Public Notice of Proposed Aerial Pesticide Applications during the 2008 season.

A letter from Jane Linhares, Old Colony Planning Council regarding the Loan Program was also discussed.

**Meeting Minutes**  
**February 25, 2008**  
**Page #2**

**Review Minutes February 11, 2008**

Motion: Dan Sapir to approve February 11, 2008, Meeting Minutes as presented  
Second: Joe Casna  
Vote 5-0-0, unanimous

**Review Executive Session Minutes February 11, 2008**

Motion: Dan Sapir to approve February 11, 2008, Executive Session Minutes as presented.  
Second: Joe Casna  
Vote 5-0-0, unanimous

**Old/New Business**

Jack Breen asked if anyone had any comments on the Public Hearing or the Policy? Hearing none we will move on. Dan Sapir asked what is with Mr. Meiggs? Jack Breen stated that thru Joe Casna Mr. Meiggs is not going to come in tonight. Russell Meiggs came into the office and told Henny that he had been to the court house looking at how to enforce violations. Henny told Russell there is a procedure that we follow. If you have any problems, you should let me know about it. Henny told him that he has to communicate with her and he said he doesn't have to. Henny said she sent Russell a letter in the past about this and put him on the agenda for Monday night's meeting. Dan Sapir stated that his job description clearly states under Wage & Personnel that he reports to the Health Agent, so whether Russ wants to or doesn't want to is beside the point. If he doesn't want to report to the Health Agent, then in my opinion, there is only one thing left to do; he cannot hold the position. First of all, we're an educational board, if there is a problem with a restaurant, retail store, septic system or anything, the first thing we have to do is to notify the people and try to achieve compliance through education.

Meeting Minutes  
February 25, 2008  
Page #3

This isn't the first time this has occurred where Russell doesn't want to extensively follow the line of authority. At the same time we have about a dozen or more restaurants that have not had their six month inspection. I think at this point, if Russ wants to come in to the next meeting to speak on his own behalf I would encourage him to do that, but if he doesn't want to do that then I think there ought to be some sort of a disciplinary measure such as a letter put in his file. Joe Casna asked Henny if she is a Department Head, Henny answered yes. Bill Watson said Russell reports to the Health Agent. Dan Sapir said the last line of the job description clearly states that the food inspector works directly under the authority of the Health Agent, end of story. Dan said, lets not ignore the elephant in the room, I am going to speak in very general terms, you don't want to go into some of the earlier complaints about Mr. Rossman or about any of the Chinese Restaurants, we don't want to go there, but we know about it, if you want to put things out on the table, put them out there. Jack Breen said I hear frustration and circumvention; we have had two situations within a couple of months where we are having a problem with the chain of command, I see it clearly. I don't know if Russell is purposely circumventing it or if he doesn't want to follow it for whatever reason, but he is not following the protocol. Jack also said Russell's job is to go out, do his inspections, and report to the Health Agent. If he has a problem, he should sit down and discuss it with the Health Agent. If Russell can't do that, maybe he is not the right man for the job. Jack Breen said, I see clearly that Russell is not following protocol, we have sent him one letter I believe we should send him a second letter. Give him one more chance of following protocol and if he doesn't, then we are going to have to do something as a Board. Joe Casna said I am not going to agree that he is not following protocol. Health Agent said she would like to say something about this past summer when Russell wanted to close Java. Jack Breen said I'm going to let you bring it up. The Health Agent said that Russell made remarks about Mr. Rossman the owner of Java. He also made remarks about the Chinese restaurants, at the time I told every single Board Member, they all knew about this issue. Dan said if has got a problem and wants to defend himself he could have come in because we are talking about job performance and that is fair game at a meeting. The Health Agent said if he comes in once a month and communicates with her, any problems that he has can be discussed at that time. Jack Breen would like to hold a special meeting next week and have Russell Meiggs come in to discuss this issue of protocol. We will send a letter to Mr. Meiggs signed by every member of this Board inviting him to attend this meeting. If Russell for whatever reason cannot make that meeting, I think we should still convene that meeting and continue the discussion.

Meeting Minutes  
February 25, 2008  
Page #4

Motion: Dan Sapir that the Board post a Special Meeting for 1 week from tonight at 7 o'clock p.m. extending a directive that Mr. Meiggs be here and that the Board would like to speak to him.

Second: Bill Kavol

Discussion: Jack Breen asked if Monday, March 3<sup>rd</sup>, at 7 o'clock is good for everybody? All members responded with a yes. All members in favor of Special Meeting and including the letter. Bill Kavol stated that he would like the Board to stick with the details. Dan Sapir said, by the same token if any of those things have any legs I think each of us has been apprised of some of the complaints. On a one to one, I think somebody ought to tell him to cease and desist.

Vote 5-0-0, unanimous

Chairman, Jack Breen stated that he will dictate a letter to be sent to Russell Meiggs, and to have the Board Members sign it. In your absence the Board upon meeting on the 25<sup>th</sup> to review protocol of the Food Inspector and the Health Agent and how it relates to the Board in general request you attend a Special Meeting on Monday, March 3<sup>rd</sup>, 7 o'clock. All members of the Board will be present, Dan Sapir stated that after the protocol he thinks it should say 'and concerns thereof' also meaning job performance. Jack Breen thinks that job performance really should be between Russ & Henny and if Henny has continued complaints about that the Board must weight in on it. Bill Watson said she just brought it to our attention again tonight. Jack Breen said lets be careful now. How do we know that Russ doesn't have those nine inspections. The Health Agent stated that he brought in reports today and they were not included. The Health Agent has a list with her of 12 inspections that are overdue and eight of them are food service .

Motion: Dan Sapir to adjourn

Second: Joe Casna

8:17

Vote 5-0-0, unanimous

Adjourn,

Respectfully submitted,  
Linda G. Randall, Clerk

*Linda G. Randall*  
Kingston Board of Health