

KINGSTON BOARD OF HEALTH MEETING MINUTES APRIL 12, 2010

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.

7:07 Meeting called to order by Chairman, Joe Casna

Departmental Bills Reviewed

Jake Pylant – Anytime Fitness

To discuss the new regulation for AEDs the Board of Health adopted , which will affect his business. The Regulation states that all Health Clubs, during all hours of operation must maintain at least one employee or authorized volunteer who is qualified to use an AED. Mr. Pylant stated this will greatly affect his business, his business is opened 24 hours a day, and staffed from 9 a.m. to 7 p.m. Monday thru Friday, Saturdays 10- 2, Sundays there is no staff on duty. There are panic buttons on the wall and panic necklaces you can wear. This is a 24 hr. Anytime Fitness Club, Mr. Pylant stated that the Board of Health has gone beyond the State Regulations. He has been open for a year and a half and now a new regulation has been adopted, he wondered why he wouldn't be grandfathered in. Town Counsel, Lynnea Thody was also present at the meeting, she stated that this is going to be a high hurdle to overcome this regulation. Mr. Pylant asked if he could ask for a continuance to be better prepared. He saved for 10 years and put a ton of money into this business and now he may have to close the doors. Town Counsel stated, as a Board, you have the authority to grant waivers. Dan Sapir said that we have no authority to limit their hours, but in order to maintain compliance, he is not going to be closing in the next couple weeks, he is going to remain open, while the Board is pursuing its options for closure. We can't just go and shut him down, we have to go through the courts to do it. Town Counsel said the Board would write an enforcement certified letter. Mr. Pylant would have to go before the Selectmen and ask for a temporary restraining order.

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Motion: Joe Casna to delay action for 2 week period of time to work for a solution to give applicant time.

Second: Jack Breen

Discussion: Mr. Pylant said he has a 5 year agreement with the franchise and would have to discuss the matter with them.

Vote 2-0-3, Bill Watson, Jack Breen, Dan Sapir

Motion: Dan Sapir enforcement together with Town Counsel to begin action to comply with regulation and allowed to stay open during process.

Second: Jack Breen

Discussion: Mr. Pylant what is the next step? Joe Casna said you will receive a letter from the Board. The Board would make a request to Town Administrator to use Town Counsel, Mr. Pylant asked, who pays for your legal part for the Board? Dan Sapir said the Town of Kingston. Mr. Pylant asked is the Town of Kingston willing to put up this kind of money to fight this problem? of Mr. Pylant said he doesn't have this kind of money to fight this. I am not locking my doors and shutting down a business that I established a year and a half ago under the laws that were in place at that time. Now a new law has been passed, I think I should be grandfathered in.

Vote 4-0-1, 1 abstain Joe Casna

Town Counsel, Lynnea Thody said she would draft a letter and speak with Town Administrator, Jill Myers. The Selectmen are meeting tomorrow night.

Health Agent's Report Reviewed

The Board discussed Plymouth County Mosquito Control Program. Beach testing which will begin Memorial Day weekend and weekly testing continue through Labor Day.

Attorney Sullivan & Charles Craig – 16 Foster Lane

Attorney Sullivan stated that the chimney fell down during a storm. Mr. Craig has not fixed it yet. Attorney Sullivan said the stove is off for the summer. The Attorney said he understood there was heavy smoke the night Mr. Craig's truck caught on fire Linda said I never said there was heavy smoke that night there was no smoke. Bill Watson said that he went up to Linda's house the night after the last meeting. The smoke was very bad in the yard, when I returned home there was still smoke inside my van. Linda's house was completely engulfed in smoke, it was a very humid night. Mr. Craig will be getting the chimney fixed.

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Review Minutes of March 22, 2010

Motion: Bill Watson to approve Minutes of March 22, 2010
Second: Dan Sapir
Vote 4-0-1, 1 Present not voting Bill Kavol

Old/New Business

Jack Breen said he spoke to Mary McDonough 249 Pembroke Street, she had been in the office several times for information on her septic system. We gave her all the information we had on file. Bring copies of AED state regulation and our regulation to next meeting.

Motion: Jack Breen to adjourn
Second: Bill Watson
Vote 5-0-0, unanimous

8:15

Adjourn,

Respectfully submitted,
Linda G. Randall, Clerk

Linda G. Randall

Kingston Board of Health