

KINGSTON BOARD OF HEALTH

MEETING MINUTES

JULY 12, 2010

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

Absent: Jack Breen, Bill Watson

Dan Sapir said, before we begin, the fact is, as of July 1, 2010, the posting of the agenda did not get posted until the morning of July 2nd. Dan said the Town Clerk wrote a note on the agenda that it was not posted properly within the 48 hours, and we should not have a meeting. The Health Agent stated that Linda was the only recording secretary that did not receive the packet from the Town Clerk explaining the proper procedures for the posting. Dan stated that, be that as it may, the issue that has to be determined by the 3 of us, are we going to proceed and have a meeting? Joe Casna said he would vote yes, I will put that in a form of a motion.

Motion: Joe Casna said we should go forward with the meeting, there was a discrepancy when the Board of Health received the information, and there are still outstanding issues with the Commonwealths Regulations that even Town Counsel is confused by the regulations. It would be an imposition not to hold the meeting. I think the Board should proceed with the meeting.

Second: Bill Kavol
Vote 3-0-0, unanimous

7:10 Meeting called to order by Chairman, Bill Kavol

Rick Grady – 59 Stoney Point Rd. Variances #10-06, A, B

Rick explained to the Board the reason for the variance request. The Health Agent recommended that the Board approve the variances.

Motion: Dan Sapir to approve all 3 variances # 10-06 A,B
Second: Bill Kavol
Vote 3-0-0, unanimous

Bob Collett- Director of Cape Cod Regional Tobacco Control Program

The Health Agent told the Board that the Finance Committee has agreed to funding for this program in FY11. It will either be a line item in the budget or a transfer from the Reserve Fund when needed. Elaine Fiore said that we can go ahead and conduct stings in FY11.

Motion: Dan Sapir for the Kingston Board of Health to engage the services of Bob Collett for purposes to maintain our Tobacco Control Program.

Second: Joe Casna

Discussion: Mr. Collett will need a list of retailers in Kingston

Vote 3-0-0, unanimous

Departmental Bills Reviewed

Health Agent's Report

At the Board of Health's meeting of June 28, 2010 it was ordered that a "memo to each 5 health clubs, scheduled hours of operation, verify they have an AED on the premises and set forth scheduled hours and if anything changes, let the Board of Health know. Once again would you please establish your hours of availability for the public and who is certified to use AEDs at certain hours." All five clubs have complied with filling out attached forms.

Dan Sapir stated that at the last meeting he was not in attendance. He said he couldn't believe that you guys are saying Anytime Fitness is in compliance. Joe Casna said that is not true, the argument was we have no clear evidence to prove that they are not in compliance. Dan said they have not been in compliance since this regulation went into effect, we all know that. Dan said, Joe even your statement to the Kingston Reporter was a total sellout that you agree with the regulation. Joe Casna said I've been there recently with the Health Agent doing an inspection. Joe said what I have observed is that the owner has sufficient safe guards in place to warrant a variance to this particular regulation. Joe said I cannot in good conscience support an action to drive the man out of business. Dan said he is not compliant, Joe said we just issued a variance to a septic system we are capable of issuing a variance. Dan said, I want to make something clear for the minutes that Mr. Casna tries to relate a variance that we give on a septic system, to a variance on a regulation that we put in effect because of a loss of life. Joe Casna said I find a similarity in the process, that is correct. Dan said oh boy that is a disgraceful thing to be thinking and saying. Despite your dogmatic approach you do feel guilty that's about the only good thing I can say about it is that you do feel guilty and you ought to. I agree to let this float until 2 weeks from now and I am going to push that we either poop or get off the pot on this issue.

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Joe Casna said that there is a letter here tonight telling us that if you do get your own counsel and a pro bono arrangement, we would still be covered under the arrangements. Dan said the reason you have that much paperwork is because after Jack Breen brought up that fear factor, I went to the Town Administrator and told her that I, as an individual member of the Board of Health I want an opinion on that very issue and I want it in writing. Joe Casna said I don't find a problem with the answer and I don't find a problem with you asking the question. Joe said, Dan I think the regulation is a good one, I think it calls attention to a safety situation, I think it should be used in that light, I do not believe that it needs to be enforced to the letter to the detriment of this particular business. This particular business has a number of safe guards that go way beyond the normal course as the way these places are run. Dan said the other thing I want to bring out is I was looking for the corporate web site of Anytime Fitness. One of the things they talked about is tanning booths which cannot be used when no one is in attendance. The Health Agent read through the regulations and it stated that they cannot operate tanning booths when no one is in attendance.

The Health Agent also spoke with Town Counsel and asked if a letter went out to 16 Foster Lane, Jay Talerman said he will send one out in the morning.

Review June 28, 2010 Meeting Minutes

Motion: Joe Casna to accept minutes as presented
Second: Bill Kavol
Vote 3-0-0, unanimous

Review June 28, 2010 Executive Session Meeting Minutes

Motion: Joe Casna to accept minutes as presented
Second: Dan Sapir
Vote 3-0-0, unanimous

Will hold June 14, 2010 Executive Session Minutes for next meeting.

Motion: Joe Casna to adjourn
Second: Bill Kavol
Vote 3-0-0, unanimous

7:45

Adjourn,

Respectfully submitted,
Linda G. Randall, Clerk

Linda G. Randall

Kingston Board of Health

