

Ashland Board of Health Meeting Minutes

Ashland Town Hall,

Meeting Room B/C, 1:00 P.M.

April 13, 2016

Mary Mortensen, Chairman
Charles Legassey, Vice-Chairman
Judith Margulies, Clerk

Jon Fetherston, Member
Koduvayur Narayana, Member
Mark Oram, M.P.H., Agent/Director

Members Present

Mary Mortensen, Charles Legassey, Judith Margulies, KG Narayana and Jon Fetherston

Others Present

Mark Oram, Health Director, Laura Clifford, Administrative Secretary
Attorney Lisa Mead, Town Counsel
Mark Dassoni, Resident

Call to Order

Mrs. Mortensen called the meeting to order at 1:08 p.m. and announced that the meeting was being audio recorded.

Approval of November 10, 2015 Minutes

Mr. Oram informed the Board that he had spoken with Attorney Mead and was told that the issue brought up by Mr. Narayana should not prevent the minutes from being approved. Mr. Narayana stated there are other reasons as to why he did not vote to approve the minutes, such as the room location is missing from the document. Mr. Narayana said that the latest minutes of February 9th and February 23rd were also lacking information. Mr. Narayana suggested tabling this item so they can be thoroughly looked at. Attorney Mead responded that the form of the minutes, as presented, meet the requirements of the Open Meeting Law, adding that the detail is more than is required. Attorney Mead stated that it is up to the individual Boards to determine how they would like their minutes recorded. Mr. Legassey made a motion to accept the minutes of November 10, 2015 as presented. Ms. Mortensen seconded the motion. Ms. Margulies stated that she does not feel that the minutes adequately inform the public of what occurred at the meeting. Mrs. Mortensen said they are sufficient and should be approved as they exist. Mr. Fetherston added that he feels the Board of Health minutes are very thorough and to hold up approval is doing a disservice to the Town. Ms.

Margulies offered to rewrite the minutes, and said that she will continue to offer to create minutes as a contribution to the Town. Discussion continued. The motion failed with a vote of 2-2-1 (Mr. Fetherston abstained because he was not a Board Member or present at the November 10, 2015 meeting).

Signing of Revised Tobacco Regulations which were approved at Town Meeting

Mr. Narayana stated that he is not against the Regulations but is still not clear if the process was properly followed. Ms. Margulies agreed with Mr. Narayana, she expressed she was not clear if the fines were approved at Town Meeting. Mr. Fetherston stated that since the Attorney General has signed off on these Regulations, they must have met the standards. Attorney Mead agreed, adding that the question was whether it was posted on the Town Meeting Warrant, was it voted on and passed, and the answer is yes. The Tobacco Regulations were signed by three of the five Members, Mrs. Mortensen, Mr. Legassey and Mr. Fetherston.

Discussion with Town Counsel regarding the Open Meeting Law Complaint filed against the Board of Health

Attorney Mead discussed the seven (7) separate paragraphs outlined in the Open Meeting Law Complaint filed by Board Member Judith Margulies. Board Members were in receipt of Attorney Mead's draft response. Attorney Mead stated that in creating her response to the Complaint, she listened to the meeting in question, reviewed the minutes, met with Mrs. Mortensen and Mr. Oram, and reviewed the law. Attorney Mead noted the dates the minutes were distributed to the Board and noted that they were discussed; whether or not minutes are approved is within the control of the Board. Attorney Mead said that a list of documents presented at the meetings must be attached when the minutes are adopted, this needs to be done going forward. Attorney Mead stated that the draft minutes must be made available to the public, as well as the audio recording. Mr. Fetherston inquired if Ms. Margulies' recording is public or private; Attorney Mead responded that she would look into this. Attorney Mead stated there is no requirement of the Open Meeting Law that a meeting be audio or videotaped, that is up to the individual Board. Attorney Mead provides ethics and Open Meeting Law training; there will be a training session in May which the Board should attend. Attorney Mead said the Mass. Division of Open Government cannot order the Board to re-write minutes on cable television. Attorney Mead noted two minor corrections she would make to the response. Mr. Fetherston made a motion to accept Attorney Mead's response to the Open Meeting Law Complaint with the noted corrections. Mr. Legassey seconded the motion. The motion was approved 3-2 (Mr. Narayana and Ms. Margulies abstained).

Mr. Legassey made a motion to adjourn. Mr. Fetherston seconded the motion. The motion was approved 5-0.

The meeting adjourned at 1:52 P.M.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 4/13/2016 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Tobacco Regulations to be signed
2. November 10, 2015 draft minutes
3. Draft Response on the OML Complaint from Attorney Lisa Mead
4. Audio Recording available