

Ashland Board of Health Meeting Minutes

Ashland Town Hall, Meeting Room A

April 26, 2016 – 7:00 P.M.

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 (arrived at 7:45), Judith Margulies, KG Narayana and Jon Fetherston

Others Present

Mark Oram, Health Director, Laura Clifford, Administrative Secretary
Nancy Cleary, R.N., Interview-Public Health Nurse
Chuck Dabritz, Town of Ashland Plumbing Inspector
Bret Spinazzola, resident
Mark Dassoni, resident
Roberta Soolman, resident
Alexis Christopher, resident
Michael Herbert, Town Manager
Soundararajan Balasubramaniam, N.E. Hindu Temple
Rajah Vedamurthy, N.E. Hindu Temple

Call to Order

Mrs. Mortensen called the meeting to order at 7:00 P.M. and announced that the meeting was being audio recorded.

Citizen's Participation

Bret Spinazzola addressed the Board, questioning matters pertaining to a lawsuit filed against the Town. Mr. Fetherston suggested forming a sub-committee, adding that many times these things are just misunderstandings and that addressing it now is not the right time. Ms. Margulies asked Mr. Fetherston to review the videotape of the November meeting and asked why we cannot respond to Mr. Spinazzola's comments. Mr. Oram explained that this is an ongoing legal matter. Ms. Margulies stated that a noise complaint was made in August and the Board was not informed for four months. Mr. Oram acknowledged that he did receive a phone call from the Chairman in August concerning the location of a dumpster at 60 Pleasant Street in August, and that he went out that day to investigate with an update to the Chairman. The Board agreed to speak to Town Counsel regarding an executive session to address Mr. Spinazzola's concerns. Ms. Margulies would like the Board to discuss noise, as a general policy.

Nancy Cleary, Public Health Nurse, interview

Ms. Margulies distributed a letter she had sent to the Town Manager regarding the process of hiring a public health nurse. Ms. Margulies questioned various aspects of the process, the position and the applicant. Mr. Oram responded that the position had been posted through the Mass. Association of Public Health Nurses, as well as the community health meetings. Mr. Oram stated that after making an announcement at a community health meeting, he received a call from Ms. Cleary who expressed interest in the position.

Mr. Oram stated this interview is a two-step process and will require final approval from the Town Manager and the Human Resources Director. Mr. Oram noted that Ms. Cleary was a well-respected member of the Board of Health in Marlborough when she was employed there, where he is a City Councilor, adding there would be no favoritism, but acknowledged her good work. Mr. Herbert concurred that this would be a Town Manager appointment, which he would not do without the Board's approval.

Mr. Oram would like to see Ms. Cleary, if hired, jumpstart the department where it has recently been lacking with public health nursing. Mr. Fetherston said the Board has been lucky to have a nurse on the Board of Health over the years and that Mrs. Mortensen has stepped up many times, adding that the priority of this Board is public health and this is a people business.

Ms. Cleary stated that she loves nursing, and since retirement, has missed working in public health. Ms. Margulies inquired if Ms. Cleary is aware of the differences between Marlborough and Ashland, including the immigrant population and uninsured, adding that she believes Ashland is a different demographic.

Mrs. Mortensen asked Ms. Cleary if there is a specific area of interest she has considered; Ms. Cleary would like to offer vaccines for adults, including the shingles vaccine.

Mr. Fetherston made a motion that the Board recommends the hiring of Nancy Cleary as the public health nurse subject to the approval of the Town Manager. Mr. Legassey seconded the motion. Discussion ensued regarding M.G.L. Chapter 111, §30 and the Town Charter. The Board approved the motion 5-0.

7 Yankee Lane, Waiver Request

Charles Dabritz, Town Plumbing Inspector, explained that any time there's an issue with the plumbing code which requires a variance, the Board of Health gets petitioned. Mr. Dabritz stated that this is a pretty minor variance.

Mr. Dabritz explained the situation at 7 Yankee Lane, which, without a variance, would involve tearing up a finished basement and cabinetry. Mr. Dabritz stated that typically Mr. Oram would ask Mr. Dabritz if he finds the waiver acceptable, and he would recommend yes or no. In this case, Mr. Dabritz told Mr. Oram he found this waiver to be acceptable and recommended that it be approved.

Ms. Margulies distributed a letter she had sent to the Town Manager and an email communication with Mr. Oram. Ms. Margulies suggested that the State has this form in place for a reason and the Board should err on the side of caution. Mr. Fetherston stated that he would defer to the expert. Discussion continued. Mr.

Fetherston made a motion to approve the Inspector's waiver of a variance. Mr. Legassey seconded the motion. The motion was approved 3-1-1 (Ms. Margulies was opposed, Mr. Narayana abstained).

Health Director's Report

Decisions at Every Turn, Board of Health appointment to advisory staff

Mr. Oram explained that an email was received requesting an appointment of an individual from the Board of Health to the Coalition Steering Committee of Decisions at Every Turn. Mr. Narayana made a motion to recommend Ms. Margulies for the appointment. Ms. Margulies seconded the motion. Mr. Fetherston stated that as a founding member of Decisions at Every Turn, who assisted in acquiring the grant to keep it funded, feels it would be an honor to be appointed again. Ms. Margulies stated that she has been attending all the meetings and that Mr. Oram has been attending the meetings as well. Mrs. Mortensen believes that this additional appointment is aside from the position that Ms. Margulies currently holds; she suggested Ms. Margulies hold her current position and Mr. Fetherston could hold the other. Discussion continued. Motion failed 2-2-1 (Mr. Legassey abstained).

Mr. Fetherston made a motion to nominate himself for the appointment. Mrs. Mortensen seconded the motion. Motion failed 2-1-2 (Mr. Narayana opposed; Mr. Legassey and Ms. Margulies abstained). Ms. Margulies suggested the Board meet prior to the May Decisions at Every Turn meeting.

New England Hindu Temple and Super Pao - Inspections

Mr. Oram explained that he had received a complaint via email from an individual suggesting possible health code violations occurring at the Hindu Temple, this email was forwarded to Board Members. Mr. Narayana stated that he had filed a Conflict of Interest Disclosure Notice and would not be participating in this discussion.

Mr. Oram informed the Board that there is a large addition being built at the Temple, and this can sometimes cause infestation, for this reason the Temple closed their kitchen from January - March. Mr. Oram stated that at today's inspection, he saw no signs of infestation and made some recommendations to the Temple's representatives, who were in attendance. Mr. Oram said the Temple has met all the compliance recommendations, but still needs a food warmer.

Mr. Oram stated that he had also inspected the Super Pao restaurant, which he had learned had changed equipment and was selling pizza without informing the Health Department. After an inspection and re-inspection of Super Pao, and paying a change in use fee, they were then allowed to sell pizza.

Mr. Narayana would like the food permit applications to be reviewed to ensure they all have appropriate signatures and information. Mr. Narayana also asked Mr. Oram to look into having ability for the applications to be completed online.

Warrant Articles for Spring Town Meeting: Food and tobacco revolving account renewals

Mr. Oram explained that the tobacco and food revolving fund articles have been on Town Meeting for the past 3 years, and will be asking for the same basic budgetary limits, adding that the language of the warrant article goes through the Town Counsel each year.

Mr. Narayana questioned the title: Health Agent / Director, and asked questions regarding the wording of the warrant article. Ms. Margulies stated she doesn't feel she has had the opportunity to address budget discussions. Mrs. Mortensen mentioned that a budget report is provided at each meeting. Mr. Oram said there have been discussions regarding the FY17 budget during several meetings. Mr. Oram asked Board Members to contact him prior to the meeting if they have questions, adding that if he knew in advance he could be better prepared to review any matters presented to him.

Mr. Oram answered further questions from Mr. Narayana regarding the budget. Mr. Fetherston acknowledged Mr. Oram's 30 years of history in the Town adding that Mr. Oram will take the advice of Board Members but can do what he wants and is accountable to the Board. Mr. Oram said the budget is analyzed on a yearly basis.

Mr. Narayana asked Mr. Oram to provide him with a chart showing how the food/tobacco accounts have changed over the years. Board Members discussed how the revolving accounts work. Mr. Oram reviewed the year-to-date budget. Ms. Margulies stated that she has received non-formal complaints regarding concerns of the tobacco and food revolving funds programs and would like discuss at a future meeting. Mr. Narayana questioned why the Board didn't vote on this warrant article. Mr. Fetherston said this is a moot point, the warrant article is closed.

Future Meetings

The Board scheduled May 10th and May 24th for the next meeting dates.

Adjournment

Mr. Narayana made a motion to adjourn. Mr. Legassey seconded the motion. Mr. Fetherston spoke to the Board stating his concern with the disrespect that has been shown in recent meetings, as well as slander of people's integrity and character. Mr. Fetherston stated that as elected Members of the Board of Health, Members swore to uphold an Oath of Office, Mr. Fetherston read the oath. Mr. Fetherston asked that Members put their personal agendas aside, and stop attacking people's credibility because having an agenda is not healthy for the community or our Health Agent, whose integrity is beyond reproach. Ms. Margulies denied having an agenda.

Mr. Fetherston said it is not in the best interest of the people of Ashland for the Board of Health to continue to operate this way, and does not want to see the character of the Health Agent demeaned without facts. Mr. Fetherston stated that part of the Oath is to ensure that anything brought to the newspaper is accurate and it is an embarrassment to the Town to read comments in the newspaper about Mr. Oram or Mrs. Mortensen that are not factual. Ms. Margulies responded that one cannot control what goes in the newspaper. The Board voted 5-0 to adjourn. The meeting adjourned at 9:33 P.M.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 4/26/2016 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Nancy Cleary, Interview of Public Health Nurse
 - a. Nancy Cleary, Resume
 - b. Public Health Nurse – Job Description
 - c. Disclosure of Appearance of Conflict of Interest – Mark Oram (4/26/2016)
 - d. Letter to Michael Herbert, Town Manager, from Judith Margulies (April 25, 2016)
2. 7 Yankee Lane, Plumbing Waiver Request
 - a. Plumbing Board Variance Application approved by Plumbing Inspector
 - b. Letter to Michael Herbert, Town Manager, from Judith Margulies (April 25, 2016)
 - c. Email communications – Judith Margulies / Mark Oram (April 25/26, 2016)
3. Decision at Every Turn: Board of Health Appointment to the Steering Committee
 - a. Email / Request from Decisions at Every Turn to the Board of Health (March 17, 2016)
4. FY16 and FY17 Budget Updates
 - a. Year-to-date Budget
 - b. Warrant Articles
5. Other
 - a. Town of Ashland Oath of Office
 - b. Rotarian’s Four-Way Test
 - c. Newspaper articles pertaining to Board Member (March 6, 2016, April 21, 2016,)
6. Audio Recording of Meeting available