

Ashland Board of Health Meeting Minutes
Ashland Town Hall, 101 Main Street, Ashland, MA
Selectmen's Meeting Room, 6:30 P.M.
June 27, 2016

Jon A. Fetherston, Chairman
Charles Legassey, Vice-Chairman
Judith Margulies, Clerk

Mary Mortensen, Member
Koduvayur Narayana, Member
Mark Oram, M.P.H., Agent/Director

Members Present

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

Participants

Mark Oram, Health Agent / Director
Laura Clifford, Administrative Secretary
John F. Blake, resident
Mark Dassoni, resident

Call to Order

Mr. Fetherston called the meeting to order at 6:30 p.m. and said that the meeting was being recorded live on WACA-TV and audio recorded.

Citizen's Participation

Mark Dassoni thanked the Board for their transparency and stated that people should trust the Board of Health, that businesses are in good hands.

Approval of Permits for the Calendar Year 2016

Mr. Fetherston addressed the discussion which occurred during the last Board of Health meeting regarding the validity of the permits. Mr. Oram stated that he was advised by Town Counsel that the Board should take a vote to validate the permits that have been issued for the current year. Mr. Narayana inquired as to former Board Member Ed Hart's signature being on the permits, and asked if the permits should be reissued since Mr. Hart is no longer a member of the Board. Mr. Oram said he has spoken with Ed Hart, who has approved the use of his signature. Mr. Fetherston stated that there are many times when former Member's signatures will be attached to documents. Mr. Narayana said he would not want to reissue permits without Mr. Hart's permission and feels he's overstepping his authority.

Mrs. Mortensen suggested that the Chairman of the Board could be the person to sign the permits. Mrs. Mortensen made a motion that permits require one signature, and this could be by the Chairman. Ms. Margulies questioned Town Counsel's suggestion of the Board post-approving the permits, and added that electronic signatures should not be used for routine processing. Mr. Fetherston said the approval of the permits is why we are here. Conversation continued regarding the permits.

Ms. Margulies inquired as to why some permits have no fee listed. Mr. Narayana stated that he saw incomplete applications; Ms. Margulies said that 40% of the applications were incomplete. Mr. Fetherston stated that if they don't have proof, they cannot make these accusations. Mr. Narayana said the New England Hindu Temple application was incomplete, Mr. Oram showed Mr. Narayana the completed application. Mr. Narayana said there was no anti-choking certification. Mr. Oram said anti-choking does not apply to the worship center. Mr. Narayana said there were two applications without signatures, Mr. Fetherston asked him to produce these applications.

Mrs. Mortensen made a motion to approve the permits as written with the electronic signatures. Mr. Legassey seconded the motion. Ms. Margulies suggested the motion be modified to include all of the names. Mrs. Mortensen amended her motion to say all permits issued by the Board of Health, therefore we will not need to list every name. Mr. Legassey seconded the motion. Mr. Narayana said he may need to recuse himself. The Board discussed having the Chair sign the permits on behalf of the Board. Ms. Margulies read a statement. Mr. Fetherston asked, and Ms. Margulies responded, that she was reading this statement as a Member of the Board of Health.

Mr. Fetherston asked for a roll call on the motion. The motion was approved 3-0-2 (Mr. Narayana abstained, Ms. Margulies abstained due to lack of information).

Ms. Margulies questioned Board Member Charlie Legassey's role in not recusing himself because of his connection to Metrowest Ministries. Mr. Fetherston made a motion to approve all the food permits for calendar year 2016 that do not involve Board Member Charlie Legassey. Mrs. Mortensen seconded the motion. Mr. Oram suggested this may be the time for Board Member Narayana to also exempt himself if he so chooses. Mr. Narayana recused himself due to his connection to the New England Hindu Temple. Mr. Fetherston made a motion to approve all the permits except the two that the Board Members have conflicts with. Mrs. Mortensen seconded the motion. Ms. Margulies stated that on the copies she received last week, those two permits did include the signatures of those members, who are now recusing themselves, and is concerned. The motion was approved 3-0-2 (Mr. Narayana abstained, Ms. Margulies abstained due to lack of information).

Mrs. Mortensen made a motion that, in the future, all Board of Health permits are signed solely by the Chair, who is elected by the Board of Health, and to make the representation of the Board. Mr. Legassey seconded the motion. Ms. Margulies said that she is not clear on the motion. Mrs. Mortensen said that it is difficult to get 5 members to come in to sign the permits. Mr. Legassey clarified that this motion would give authority to the Chair to sign the permits after the Board has taken a vote to approve permits, it is not taking away authority from the Board to meet and vote to approve permits. Mrs. Mortensen stated that was her understanding when she made her motion. Ms. Margulies questioned happens when the Chair is unavailable for an extended period of time, Mr. Fetherston said this is why we use electronic signatures, in the alternative, a Vice Chairman could sign. Mr. Narayana said then the motion should be updated to reflect this. Mr. Fetherston asked Mrs. Mortensen to amend her motion. Mrs. Mortensen said the permits would be signed by the Chairperson, and in their absence, the Vice Chair. Mr. Fetherston added "with a majority vote", Mrs. Mortensen agreed. Mrs. Mortensen clarified that she was including permits which were issued for 2016 and future permits. Mr. Narayana inquired if by "future" this means permits for any new restaurant that may come before the Board, Mr. Fetherston said "of course". The motion passed 4-0-1 (Ms. Margulies abstained, felt the motion was unclear).

Ms. Margulies asked to clarify if the permits issued will be coming down, Mr. Fetherston responded they would not. Ms. Margulies stated she does not want permits out there with her electronic signature without her approval. Mr. Fetherston said it is her fiduciary responsibility to know what is out there, adding that if she doesn't want her signature on permits going forward, that is a valid concern. Ms. Margulies stands by her read statement. Ms. Margulies officially requested that her electronic signature be removed from all places where it may have been used. Mr. Oram said they were issued and sent out. Mr. Oram said there was no intent to not vote on the permits, that there was a lot of turmoil at the time, this was done every year for the past 31 years, and will be done this way going forward.

Mr. Legassey made a motion to approve any permits issued to the Hindu Temple for 2016. Mrs. Mortensen seconded the motion. Mrs. Margulies stated she has not seen any of the items in the file and will need to recuse herself. The motion was approved 3-0-2 (Mr. Narayana recused himself and Ms. Margulies abstained).

Mrs. Mortensen made a motion to approve the permits for the Metrowest Ministries on Pleasant Street for the fiscal year 16-17. Mr. Fetherston seconded the motion. Ms. Margulies abstained because she has not seen the file and does not have adequate information. Discussion continued regarding the permit issued. Mr. Narayana said he would like to see the inspection process improve. Mr. Oram said that we are risk-based in Ashland, this is only a set-up kitchen, adding that churches and convenience stores do not receive the same number of inspections that a full service restaurant would get. Mr. Oram recommended the approval of this permit and an inspection will be done this year. The motion was approved 3-0-2 (Mr. Legassey recused himself and Ms. Margulies abstained).

Adjournment

Mr. Legassey made a motion to adjourn. Mrs. Mortensen seconded the motion. John Francis Blake asked to make a statement. Mr. Blake stated that he wants to let the Board know that he is starting a recall petition, at the moment on one member, Judith Margulies.

The Board decided the next meeting will be on July 7, 2016.

Mr. Narayana asked if allowing Mr. Blake to speak on something not on the agenda, and not during Citizen's Participation, is a violation of the Open Meeting Law. Mr. Fetherston responded that it was better than making an issue of it and not letting a resident speak. Mr. Narayana asked that this be checked with Town Counsel. Mr. Oram said that he would. The motion to adjourn was approved 5-0.

The meeting adjourned at 7:41 p.m.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 6/27/2016 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Copies of 2016 permits to be approved
2. Statement read by Member Judy Margulies (document not yet received)
3. Audio Recording of Meeting Available