

ASHLAND CHARTER REVIEW COMMITTEE MINUTES

September 12th, 2016

Ashland Town Hall – Room A

Members present: Chairman Roberta Soolman (Roberta), KG Narayana (KG), Alexis Christopher (Alexis), Joe Magnani (Joe), Betsy Emberley (Betsy)

Members absent: Vice Chairman Ken Rush (Ken), Steve Greenberg (Steve)

Guest: Mark Oram, Health Agent and Director of Health Department

Resident: Judy Margulies (Judy)

Call to order: 9:03 a.m.

1. Welcome and Introductions: Roberta welcomed everyone and explained to Mark the purpose of the interview process and with whom we had previously met. She explained that Judy is recording because it's a public meeting. Joe expressed that this is why we take notes and his concern that some people use recordings for negative purposes. Mark then asked if he could record as well and everyone agreed. At 9:06 a.m., Mark left the room to get a recording device. At 9:10 a.m., Mark returned, we all announced ourselves for the recordings, and Roberta continued her explanation.

2. Discussion with Mark Oram: Mark thanked us, and informed us he has been with the town since 1983, including one major Charter change to the Board of Health (Section 3-5 calls for five members of three years each under Ch. 111 of MGL.).

He made a disclosure that he is also a city official for the city of Marlborough and is familiar with city Charters. To elaborate on his background, he let us know he has taken up to six courses in public administration and his degree is in public health. Then he offered some thoughts on his experience in relation to Charters, and recommended that, if there is a three member Board of Health, there should be three year terms, but if we remain with five members, two year terms would be best. He thinks the extra membership keeps you connected to the community and, if you're up for re-election, you're more engaged with the community. If you have three members, the structure of the membership would change too quickly.

Roberta brought up the recurring topic of appointed versus elected board members. Mark explained this was not a new issue in Massachusetts and cited some examples (Amesbury). He said that it impacts the balance of power as an issue from the federal level down to the local level. There are no qualifications required for elected members, but there could be for appointed members. Ultimately, the Board of Health should be using a science-based process.

The Charter Review Committee may want to review if it works or not. We will get to a regional system someday, but at this time there is no county or regional level government for public health. Discussion ensued regarding appointed versus elected or a combination of the two, and the qualifications that would be best for appointment members. Some municipalities require that at least one of the members has a medical background (e.g., an M.D.).

Roberta described that there has been a lack of clarity about the difference between the Health Agent and the Director of the Health Department. Mark cited MGL Chapter 111, explaining that the Health Agent can act on behalf of the Board of Health in their absence, but the director cannot. The director is for the human resource side (e.g., the personnel). Examples of routine things where the Health Agent would act on behalf of the Board of Health would be inspections and permits. Emergency issues can include hoarding, threats, and natural disasters. Emergency preparedness is also a public health issue.

KG pointed out the Charter gives the Town Manager the authority to appoint the Health Agent, and cited some examples where it's done differently in other towns. Mark explained his role is a hybrid and there was much discussion during a previous Charter review. The way it has been included in the current Charter is a compromise to consider many factors including human resources and liability. KG pointed out the potential conflict of interest for the Health Agent if there's a difference of opinion between the Board of Health and the Town Manager. Mark used the example of the Rail Transit District where the Board of Health had a concern about an issue that conflicted with town management. Mark brought in experts from the state to provide education regarding the science. Mark noted that he makes decisions regarding emergencies based on knowledge, professionalism, and science.

Roberta asked if there's anything in the Charter that would make his job easier. After some consideration of the process, Mark said the only thing would be to ensure he can use his professionalism without micromanagement and to ensure the resources needed are available. One thing he recommends is looking at regionalization, and he cited Barnstable as an example.

Roberta asked Mark if he's an ex officio member of the Board of Health. Mark said he'd have to check with town counsel; he knows he's an agent of the Board of Health. KG explained he's not a voting member, but makes recommendations.

Joe asked about whether we are in a state of emergency because of the drought, and should be posing more stringent water restrictions including well regulations. Discussion ensued.

Joe asked about a recommendation by the previous Charter Review Committee and brought to Town Meeting for a vote to make the Board of Health appointed positions. He asked Mark if that were to come up again, would it have a similar outcome. Mark did not want to speculate on what the community discussion might be, but he tends to sway more toward their being elected although a combination is a good solution.

Mark left the meeting at 10:10 a.m.

3. Approval of minutes: None to approve today.

4. Other business: Roberta updated us that Steve Morgan continues to send communication regarding the demand he made for the committee to disband, but that there is no further action required.

5. Next meeting: September 20th

Adjourn: Alexis moved, Joe seconded, and a motion to adjourn passed 5-0-0 at 10:13 am.

Respectfully submitted by
Betsy Emberley

Please note: these minutes are a representation of the action and discussion at the Charter Review Committee meeting and are not a verbatim transcript.