

Ashland Board of Health Meeting Minutes
Ashland Town Hall, 101 Main Street, Ashland, MA
Selectmen's Meeting Room, 7:00 P.M.
October 25, 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 and Mary Mortensen

Others Present

Mark Oram, Health Agent / Director
Laura Clifford, Administrative Secretary
Stephen Morgan, resident
Mark Dassoni, resident

Call to Order

Mr. Fetherston called the meeting to order at 7:08 p.m. Mr. Fetherston announced that the agenda was subject to change, and is being broadcast live by WACA-TV, and noted the meeting is also being audio recorded.

Citizen's Participation

Mark Dassoni commented that he has been watching this Board and is concerned. Mr. Dassoni noted two Members are missing tonight and Board Mediation is on the agenda tonight. Mr. Dassoni asked how many more times they have to miss votes to not be on the Board itself.

Steve Morgan said he is concerned that his records request has still not been addressed; he has not received any documents and would like to know why. Mr. Fetherston responded that Town staff is working on it, it is not being ignored.

Acceptance of Minutes, September 20, 2016, October 13, 2016

Mr. Legassey made a motion to accept the minutes of September 20, 2016 with the amendments made to them as presented. Mrs. Mortensen seconded the motion. Mr. Fetherston said he thought an inaccurate statement was made in the minutes regarding a retreat. Mr. Oram noted a Member who is absent said he may have some changes to the minutes, but has not yet submitted them; Mr. Legassey said they can always be presented at a future meeting. The motion was approved 3-0.

Mr. Legassey made a motion to accept the minutes of October 13, 2016 as presented with grammatical corrections noted on page 3. Mrs. Mortensen seconded the motion. Discussion continued. The motion was approved 3-0.

Discussion of Open Meeting Law Complaint dated October 13, 2016 from Steve Morgan

Mr. Fetherston gave Mr. Morgan a copy of Town Counsel's draft response to his Open Meeting Law complaint. Mr. Fetherston read the response aloud. Mr. Morgan disagreed to portions of Town Counsel's response. Mr. Morgan said his issue was with Board Members communicating with a third party (mediator) outside of a public meeting to establish an agenda of topics, Mr. Morgan cited the case law and stated this is a

violation. Board Members disagreed, noting that they were not together, it was a two party communication, the Board did not make any decisions nor take any votes. Mr. Morgan said it is a technical legal question. Mr. Fetherston said he would follow up with Town Counsel tomorrow, and will follow up on the public records request as well.

Mediation Status

Mr. Fetherston noted that he had a conversation with Tal Lieber of Metrowest Mediation Services, and, as of yesterday, the five here have completed the intake, the two Members who are missing have not completed the intake. Mr. Fetherston said that Mr. Narayana did have the opportunity to meet with counsel, and the same information was reiterated, that his intake is his own intake, and the meeting is a public meeting; the two intakes were supposed to have been completed and they have not been. Mrs. Mortensen expressed frustration with wanting to see things get accomplished. Mr. Legassey said it makes no sense to go forward with mediation if everyone is not going to participate. Discussion continued. Mr. Fetherston said he has sensed an unwillingness to cooperate, and noted it has been many weeks since the intake process began. Mr. Fetherston said he does not see the upside of doing mediation if we're not all in. Mr. Legassey agreed. Mr. Fetherston noted the wasted taxpayer's dollars could have been better spent. Mrs. Mortensen inquired if this contract can be extended and be used in the future. Mr. Fetherston agreed, noting that mediation could be good for this Board, it was obvious to the community it was needed; having a functioning Board of Health is in the best interest of Ashland, and right now it's not.

Mrs. Mortensen made a motion that the Board will not go forward with mediation, but will keep open the contract for future services until June 30, 2017. Mr. Legassey seconded the motion. Mr. Fetherston thanked Mrs. Mortensen and Mr. Legassey for their willingness to participate, adding this hasn't been easy. Mr. Fetherston thanked the public and said going forward we must rise above because public health has to be the most important thing. The motion was approved 3-0.

Future Meeting Dates

Mr. Fetherston noted that Town Hall is open for early voting. Mr. Fetherston noted that this meeting room is not available on November 1st, we are not allowed to meet on election day (November 8th) and he is not available November 15th. Mr. Fetherston recommended meeting on December 6th. Members agreed. Mr. Oram said he may have someone requesting a variance for body art, but this is not certain. Discussion continued on availability if a special meeting is necessary. Mr. Fetherston suggested getting together, as they have in the past, prior to the holidays in December, business would not be discussed.

Mr. Fetherston said we need to get back to being policy makers, there is an Opiate crisis going on, and a Zika crisis going on, potential marijuana issues, vaping issues, pesticide and WiFi issues. Mr. Fetherston encouraged Board Members to come back with a policy to work on, and three goals. Mrs. Mortensen commented on the concussion project she is working on. Mr. Oram suggested regulation review for septic and well. Mr. Fetherston said he would like the recognition of Decisions at Every Turn and the Board of Health intern on the agenda for the December meeting.

Adjourn

Mr. Legassey made a motion to adjourn. Mrs. Mortensen seconded the motion. The motion was approved 3-0.

The meeting was adjourned at 7:49 p.m.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 10/25/2016 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Draft Meeting Minutes: September 20, 2016; October 13, 2016
2. Open Meeting Law Complaint – Draft response from Attorney Lisa Mead
3. Audio Recording of Meeting Available

DRAFT