

**TOWN OF ASHLAND, MASSACHUSETTS
BOARD OF HEALTH
OPERATING POLICIES AND PROCEDURES**



EFFECTIVE DATE: August 28, 2018

I. PURPOSE

The Board of Health of the Town of Ashland, recognizing the need to codify the traditional and accepted working relationships among members of the Board, between the Board and the Health Agent, and between the Board, Town Manager, and other Town boards, committees, officials, and citizens, as well as the need to consider Town policies and procedures, have undertaken to create these operating procedures for the Board of Health. Acceptance of the policies and procedures embodied herein shall supersede all previous policies and procedures accepted by past Boards of Health. Unless otherwise noted, the term "Board" shall refer to the Ashland Board of Health. The term "MGLA" shall refer to the Massachusetts General Laws, as amended.

II. NATURE OF POLICIES AND PROCEDURES

These policies and procedures shall address those topics that cannot be dealt with elsewhere. Its content shall be considered supplemental and subordinate to language embodied in Federal statutes, State statute, Town Charter and Town By-law. Subjects that are more appropriately addressed in applicable statute, Charter and By-law or regulation, shall not be included in this format, except in reference. The individual policies and procedures embodied herein are severable. If any of them are held to be unconstitutional or invalid, the remaining policies and procedures shall not be affected thereby.

III. PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES

A policy may be initiated by a member of the Board, or the Health Agent, by requesting that the Chairman provide for discussion of the proposed policy in the agenda of a regular meeting of the Board. The individual initiating the discussion shall provide the Chairman with a written draft of the proposed policy for distribution to the Board. The

Board may schedule any hearing or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary, and shall notify of the discussion any Town boards, committees, or employees who may be affected by the policy.

Unless otherwise voted by the Board, the Board shall not vote on a policy at the same meeting at which it is first introduced. A vote by three of the board's five members shall be required for the adoption of a new or amended Board policy. A new or revised policy adopted by the Board shall take effect immediately, and shall be carried out until it is rescinded or amended.

The Health Agent shall be responsible for the maintenance of all policies and procedures, for updating the Policy Manual with new and amended policies, and for ensuring that copies of the Board's Policies and Procedures are distributed to newly elected Board members. Copies of the Policy Manual shall be made available to the public at the Office of the Health Agent and at the Office of the Town Clerk.

IV. AUTHORITY AND ROLE OF THE BOARD OF HEALTH

The Board of Health is an elected board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, and from the Charter and by-laws of the Town of Ashland. When a vacancy occurs on the Board, the remaining members of the Board of Health must give written notice of the vacancy to the Board of Selectmen within one (1) month of the vacancy. The Selectmen, with the remaining members, must then give seven (7) days' notice and fill the vacancy by roll call vote. If the remaining members of the Board of Health fail to give the Selectmen notice of the vacancy, the Selectmen shall fill the vacancy with a person who is a registered voter of the Town and who will perform the duties of the office until the next election.

The Board of Health is the local enforcement agent of the Massachusetts Environmental Code. Its other duties and responsibilities are required by state statutes and regulations to perform many important and crucial duties relative to the protection of public health, the control of disease, the promotion of sanitary living conditions, and the protection of the environment from damage and pollution.

The Board will refrain from involvement in day-to-day operations. Before any Board member approaches a department head or a member of a department or committee on any matter that relates to any aspect of the operation of the department or committee, he or she shall first obtain permission from the Board, the Health Agent, or the Town Manager. Concerns or questions regarding the operation of departments, and suggestions for improvements should be addressed to the Health Agent at meetings of the Board. The Town Manager/Human Resource Officer may be called upon to settle disputes that cannot be resolved by the Health Agent.

No actions representing the Board shall be taken by a member or members of the Board without the prior consent of a majority of the Board. No Board Member shall be appointed as the Health Agent. This shall be modified in the event of an emergency should immediate action be required, in which case the Chairman, Vice Chairman, or

any Board member shall call an emergency session of the Board prior to the emergency action.

A Board member wishing an in-depth inquiry into the Board's policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by the Board by consensus or Board vote. Requests by Board members for written legal opinions must be channeled through the Chairman and forwarded to the Town Manager, and such requests shall be forwarded to Town Counsel, pending approval by the Town Manager.

V. ROLE OF THE TOWN HEALTH AGENT

MGLA Chapter 111, Section 30. Boards of health may appoint agents or directors of public health to act for them in cases of emergency or if they cannot conveniently assemble, and any such agent or director shall have all the authority which the board appointing him had; but he shall in each case within two days report his action to the Board for its approval, and shall be directly responsible to it and under its direction and control. An agent or director of public health appointed to make sanitary inspections may make complaint of violations of any law, ordinance or by-law relative to the public health.

VI. DUTIES, RESPONSIBILITIES, AND OBLIGATIONS OF BOARD MEMBERS

A member of the Board, in relation to his/her responsibility to the community, shall:

- recognize that his/her primary role is to protect the health and safety of the community, with responsibility for administration with a favorable Board vote delegated to the Health Agent;
- recognize that he/she is a member of a team, and shall abide by all Board decisions once they are made;
- be well informed concerning the duties of a Board member on both state and local levels;
- remember that he/she represents the entire community at all times;
- accept the office of Board of Health member as a means of unselfish public service, not to benefit personally or professionally from his/her Board activities;
- in all appointments, avoid political patronage by judging all candidates on merit, experience and qualifications only; and
- abide by the provisions established by the Commonwealth in MGLA Ch. 268A as they apply to municipal officials.

As a member of the Board, a Board of Health member shall:

- endeavor to establish sound, clearly defined policies which will direct and support the administration for the benefit of the people of the Town;
- recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration;
- give the Health Agent full responsibility for discharging his/her decisions and solutions.
- not make statements or promises of how he/she will vote on matters that will come before the Board until he/she has had an opportunity to hear the pros and cons of the issue at a Board meeting;
- make decisions only after all facts on a question have been presented or discussed;
- uphold the intent of executive session and respect the privileged communication that exists therein; and
- treat with respect the rights of all members of the Board despite differences of opinion.

VII. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

Officers of the Board (Chairman, Vice Chairman, and Clerk) shall be elected annually at the first meeting following the Town election. The election of officers is by majority vote. If a vacancy occurs among any of the officers of the Board, the Board shall elect successor at its next regular meeting. Nominations of officers shall require both a nomination and a second. The Board may at any time by majority vote remove the Chairman or any of the officers. The Chairman may not serve in that capacity for more than one year in a given term, unless the Board unanimously votes to have the Chair serve a consecutive term. In the event that the Chairman is not re-elected, the Vice Chairman shall serve as Chairman Pro Tem until the new officers of the Board are elected. In the absence of both Chairman and Vice Chairman, the Clerk shall act as Chairman Pro Tem.

VIII. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD

The Chairman shall:

- preside at all meetings of the Board at which he/she is present. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
- sign official documents that require the signature of the Chairman, following a vote of the Board;

- call special meetings of the Board in accordance with the Open Meeting Law;
- prepare meeting agendas with the Health Agent;
- represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chairman;
- serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman;
- make liaison assignments, as appropriate, and assign overview responsibilities for projects and tasks to Board members unless otherwise determined by the Board;
- arrange for the orientation of new members, unless otherwise noted: and,
- ensure that the Board maintains a legal and open level of communication.

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon.

The Vice Chairman shall act in the place of the Chairman during his/her absence at Board meetings. Should the Chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

The Clerk shall sign all official documents requiring the signature of the Clerk, with the authorization of the Board, and shall be responsible for recording minutes of any portion of meetings held in executive session for which the Health Agent and an administrative secretary are not present

IX. MEETINGS OF THE BOARD

Regular Board meetings are usually held on the first and third Tuesday of each month. The Health Agent or his or her designee is responsible for the posting of all Board meetings in compliance with Open Meeting Law. Regular Board meetings shall begin at 7:00 PM and end no later than 11:00 PM. A meeting called for at any time other than the regular meeting time shall be known as a "special meeting". The same rules as those established for regular meetings shall apply, unless an unforeseen emergency requires a special meeting to be scheduled. Special meetings shall be called by the Chairman, in consultation with the Health Agent, and with the informal consent of a majority of Board members.

X. MEETING PROCEDURES

Board meetings shall be conducted in accordance with generally accepted rules of parliamentary procedure, similar to Robert's Rules, and in accordance with the Open Meeting Law. It is the practice that application of said procedure may be on a relatively informal basis.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second, and vote. Split votes will be identified by name in the meeting minutes.

The Health Agent is expected to be in attendance at all meetings of the Board whenever it is feasible. The Health Agent shall keep the Board informed and make recommendations in all matters that fall within the jurisdiction of the Health Agent. The Health Agent shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under the Health Agent's jurisdiction.

XI. BOARD MEETINGS: EXECUTIVE SESSIONS

Where practicable, executive sessions shall be scheduled at the end of the open meeting of the Board. Only items clearly allowed under the Open Meeting Law shall be included in executive session. Prior to calling for a motion to adjourn into executive session, the Chairman shall state the reasons for which an executive session is sought. The Chairman shall also state whether or not the Board will reconvene in open session. A majority of the members present and voting must vote to enter executive session by roll call vote.

XII. AGENDA PROCEDURES

The Health Agent bears primary responsibility for coordinating and planning the Agenda for regular meetings of the Board. The Health Agent, in consultation with the Chairman, shall approve the agenda, and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for items to be considered for the agenda, they must be submitted to the Health Agent by 12:00 p.m. on the Wednesday of the week preceding the meeting. Items added to the agenda after this time will be considered out of necessity or due to being routine in nature. Agenda items shall be as required.

- Call to order
- Citizen participation
- Acceptance of meeting minutes
- Scheduled Appointments
- Hearings
- Other action items
- Issues and Discussion Items

Old/New Business and Information
Report of the Health Agent
Reports of individual members of the Board
Adjournment

Each agenda item shall state the action anticipated of the Board, as appropriate.

Members of the Board, staff, the Health Agent, or others who prepare background materials for the meeting should have such material available for Board members by Thursday evening. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting, which were not included in the Board's meeting packet, any Board member may request that the relevant item be tabled to allow Board members time for careful study of the material.

The agenda shall be available to the public and the press at the Board of Health Office and posted on the Town of Ashland website per State Open Meeting Law requirements. Copies of the minutes of previous meetings will be posted on the Town of Ashland website, and all important correspondence, reports and other pertinent background materials shall be held in the Board of Health Office for collection by Board members.

XIII. MEETING MINUTES

The Health Agent shall ensure that appropriate records of open meetings are recorded. A complete, accurate and durable record of open meetings shall be kept in accordance with the rules and regulations as stated in The Commonwealth of Massachusetts Municipal Records Retention Manual. The Health Agent shall ensure that minutes are drafted and made available to Board members in a timely manner, not to exceed twenty-one (21) days from the meeting date. Minutes circulated to members of the Board on or before the agenda is set for the subsequent meeting shall be considered at that meeting. Changes in the text of minutes shall be reviewed and agreed upon by a majority of voting Board members. The Health Agent shall periodically review and present for the Board's vote the minutes of meetings held in Executive Session which may be released to the public. The Board shall release minutes of Executive Session at the earliest opportunity without compromising the nature of the matter discussed therein. Minutes shall contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Approved minutes shall be recorded in a Minutes Book which shall be bound when filled to capacity. Minutes of Board meetings held in Executive Session shall be kept separately and recorded in accordance with the procedures dictated above. Minutes (other than those of meetings in Executive Session which the Board has not voted to release) shall be open for public inspection in accordance with Open Meeting laws.

XIV. Advisory Committees

The Board may from time to time appoint standing or advisory committees to aid on matters under the Board's jurisdiction. The use of such committees may provide greater expertise and more widespread citizen participation in the operation of the Board's duties. The Board will give each advisory committee a written charge, which shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Board. Each committee must report in writing at least annually to the Board. The Board of Health Office shall be sent copies of all committee agendas and Minutes. The Board will discharge committees upon completion of their work. In addition, each Committee shall be provided with information on parliamentary procedures and the conduct of meetings under the Open Meeting Law. The charges and membership of advisory committees shall be reviewed at least annually to assess the necessity and desirability of continuing the committee.

XV. RELATIONS WITH OTHER TOWN BOARDS AND COMMITTEES

The Board is aware that coordination and cooperation is needed among the Town's major boards, committees, and commissions not only in the day-to-day operations of government, but also to set town-wide goals and priorities; identify and anticipate major problems, working together toward their resolution; and develop a process for dealing with state and federal government when necessary.

The Health Agent is responsible for inter-board communications in day-to-day operations of the Board of Health. The Health Agent shall develop a process for the exchange of information and the provision of advice and recommendations among the boards, committees, and commissions with common interest.

XVI. RELATIONS WITH CITIZENS

In recognizing that it both represents and is accountable to the residents of the Town, it is the policy of the Board to make every effort to strengthen communications with citizens. The Board will act to increase citizen participation, encourage citizen input into government decisions, and to keep residents informed of all actions contemplated or taken by the Board which will affect them.

To this end, the Board will take the following steps:

- In addition to Citizen Participation, a resident or group of residents may request a meeting with the Board by contacting the Board of Health, stating precisely the reason for the appearance and the Board action desired and by naming a spokesman for the group. As circumstances permit, such a meeting will be incorporated into the agenda of the next regularly scheduled Board meeting. Participants shall be allowed to make a reasonable presentation through the spokesman and to express opinions, and to ask

for pertinent information. Residents making such presentations are encouraged to prepare written materials for the Board's review.

- The Health Agent will ensure that persons who will be directly affected by proposed Board discussion or action will be notified of the date and time of the meeting at which the matter will be discussed or acted upon by the Board.
- If the Board is considering matters of citizens concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman.
- The Health Agent and Chairman will ensure that all citizen questions and complaints are answered promptly. Matters requiring the attention of the full Board shall be included in the agenda of the next regular Board meeting.

XVII. HEARINGS BEFORE THE BOARD

Hearings before the Board shall be conducted in accordance with the following procedures. Modifications may be necessary to comply with statutory requirements applicable to particular matters.

- The Health Agent will ensure that hearings requiring notification are advertised in accordance with applicable codes.
- Hearings will be held in open session unless otherwise voted by the Board in compliance with Open Meeting Law.
- At the time advertised for the hearing, the Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. All questions shall be addressed to the Chair.
- The order of presentation will be: presentation by the proponent; receipt of recommendations from any Town board or officer; questions from Board members; and statements by opponents and members of the public.
- Video and/or audio records of hearings of important issues of concern to the community may be recorded if possible and appropriate as determined by consensus or majority vote of the Board.
- At the conclusion of the hearing, the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

XVIII. LICENSING AND PERMITS

All licensing and permits shall be completed in accordance with all applicable regulations.

This Second Edition of the Board of Health Policies and Procedures Manual shall take effect: August 28, 2018.

Board of Health Members:



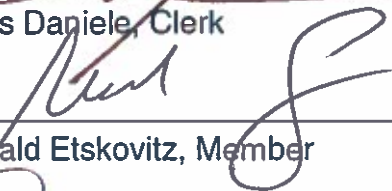
Jon A. Fetherston, Chairman




Diane Mortensen, Vice Chairman



Chris Daniele, Clerk



Ronald Etskovitz, Member



Koduvayur Narayana, Member