

Board of Health
Meeting Minutes
April 17, 2018 – 7:00 P.M.
Ashland Town Hall, 101 Main Street, Ashland, MA
Board of Selectmen Meeting Room

Ronald Etskovitz, Chairman
Jon A. Fetherston, Vice Chairman
Mark Oram, Agent/Director

Koduvayur Narayana, Clerk
Chris Daniele, Member
Judith Margulies, Member

Members Present:

Ronald Etskovitz, Jon Fetherston, Koduvayur Narayana, Chris Daniele and Judith Margulies (arrived at 8:17 P.M.)

Others Present:

Mark Oram, Health Agent/Director
Laura Clifford, Administrative Secretary
Elliot Brown, Tobacco Compliance Officer
Melissa Brown, Assistant Tobacco Compliance Officer
Mark Dassoni, Resident
Stephen Morgan, Resident
Attorney Andrew Upton, for Speedway
Ray Marley, Speedway
Rebecca Niespodziana, Speedway
Abdur Yousafzai, Speedway
Roxanne Gavlick, Speedway

Call to Order

Mr. Etskovitz called the meeting to order at 7:05 P.M. and announced that the meeting was being recorded by local cable access television (WACA-TV).

Citizen's Participation

Mark Dassoni said that he has been reading the Warrant Articles and inquired as to the change in the Board of Health Department budget. Mr. Oram explained that the slight increase is due to the expected increase in landfill costs as well as \$2,000 for on-call coverage when he is on vacation or any extended time off. The Board discussed the process of submitting budget requests and recommendations to management and FinCom.

Speedway; Sale of nicotine delivery item to a minor

Mr. Oram explained that Elliot Brown, together with the assistance of his daughter Melissa and an unnamed teenager, performed the compliance checks in all 18 of the tobacco vending establishments in Town. Speedway failed the compliance check and sold Juule to the minor, it was their third offense in a three year period and therefore are required to pay a \$300 fine and are subject to a suspension of their tobacco license for up to 60 days.

Mr. Brown explained the procedure of how State tobacco compliance checks are conducted. The minor-compliance officer does not carry an ID into the store and is trained to give their age and actual birthdate if asked, as was in this case. The representatives from Speedway introduced themselves. Andrew Upton, counsel for Speedway, gave an alternate version of the circumstances of the sale and said that the compliance officer misrepresented her age to the clerk. The Board stated that no identification was given therefore no sale should have occurred. The Board suggested Speedway not have an override option in their carding system. Mr. Daniele stated that it is unfair to characterize the undercover teenager as being dishonest and asked that this be stricken; Attorney Upton said it is not clear cut and disagreed.

Ray Marley, Regional Manager, stated that he understands it is a privilege to hold a license and wants to be a responsible retailer in the Community.

Mr. Fetherston read Section P. Violations of the tobacco regulations; Mr. Fetherston stated that he is concerned that no suggestions were made as to how to improve so this does not occur again. Mr. Fetherston made a motion that we impose the \$300 fine and suspend Speedway's license for 60 consecutive business days and there should be further training. Mr. Daniele understands there is a loss of revenue, but this also has an impact to the Town and it is more important this be regulated properly for the safety and well-being of our residents. Mr. Daniele seconded the motion. Mr. Etskovitz agreed and called for the vote. The motion passed 4-0.

Mr. Narayana made a motion that the suspension period would run from April 23 – June 21, 2018, if this is the 60th day. Mr. Fetherston seconded the motion. The motion was approved 4-0.

Mr. Fetherston made a motion that the week of June 18th we plan a training with the Speedway staff. Mr. Etskovitz seconded the motion. The motion was approved 4-0.

(Speedway Representatives left the meeting – 8:13 PM)

TJ's Food & Spirits, Update on status of Tobacco Permit / Sale to Minor

Mr. Oram noted that TJ's Food & Spirits has paid their fine and relinquished their tobacco permit, and will no longer be selling tobacco products.

Mr. Brown and Ms. Brown left the meeting; Mr. Oram thanked them for their attendance at the meeting and for their services. (8:17 P.M.)

(Member Judith Margulies arrived at 8:17 P.M.)

Town Counsel Response to Open Meeting Law Complaint received from Stephen Morgan, April 9, 2018

Stephen Morgan stated to the Board that he had watched the Board of Health's April 3rd meeting and believes that the Board had continued discussing topics during a recess thereby committing an Open Meeting Law violation. Mr. Morgan stated he does not believe, based on the response provided by Town Counsel, that responsibility will be taken. Mr. Fetherston acknowledged expressing a personal opinion to a colleague, an individual Member of the Board, during the break, but does not see that as an Open Meeting Law violation. Mr. Morgan stated his goal is to see improvement.

Ms. Margulies read a prepared statement which cited bullying and harassment as public health issues and stated she was verbally abused and that no one stopped it. Mr. Etskovitz inquired as to whether she takes any part of the responsibility.

Mr. Etskovitz made a motion to accept Town Counsel's response as our response. Mr. Daniele seconded the motion. Mr. Narayana is not completely satisfied with the response and defers to the remainder of the Board to decide, and he will abstain. Ms. Margulies disagreed with many of Town Counsel's statements throughout the Response, and objected to the statement regarding Ms. Margulies' willingness to speak to Counsel.

Mr. Fetherston stated that he was not bullying and believes it is disrespectful to the Chair to say he allowed bullying, he believes he is the one who was attacked. Mr. Etskovitz called for a vote. The motion was approved 3-1-1 (Margulies opposed, Narayana abstained).

(Judith Margulies left the meeting at 9:03 P.M.)

Review Status of Updated Food Permit Application

Mr. Oram updated the Board to let them know that DPH advised him that the State Food Codes do not address the application, this is under local control. Mr. Oram noted that he has requested permission to have the application reviewed by Town Counsel, and at this time, has not heard back from management. The Board discussed how this will be made digital, and how to access it. Mr. Fetherston discussed having MAPC look at the application as an avenue to explore grant opportunities.

Mr. Fetherston made a motion that KG and Chris continue to work on the Food Permit Application with the assistance of I.T. Mr. Etskovitz seconded the motion. The motion was approved 4-0.

Mr. Fetherston made a motion that the Board allow him to discuss the application with MAPC and explore potential grant opportunities. Mr. Etskovitz seconded the motion. The motion was approved 4-0.

Nomination of Animal Inspector, Brianna Gladu. (Pending paperwork from MDAR)

Mr. Oram noted we have not yet received the appropriate form from Mass. Department of Agricultural Resources.

Discuss potential collaborative meeting regarding Adult Use Cannabis

Mr. Etskovitz noted that he had spoken with Michael Herbert who agreed it was a good idea to meet as a forum with the Board of Selectmen; Rob Scherer thought so also; Mr. Fetherston noted the Board of Selectmen is meeting on the 26th, Mr. Fetherston suggested we could hand out FAQ's at the meeting. The Board discussed various issues surrounding Adult Use Cannabis.

Health Agent / Director's Report

Budget Updates, FY18 and FY19

Mr. Oram noted the present budget is over budget, as it relates to contracted services due to the additional landfill costs as discussed earlier. Mr. Fetherston noted that Donations / Gifts to the Board are required to be accepted by the Board (i.e.: the Mary Mortensen Public Health Award Plaque, Frame and Flowers). The Board agreed to place this on the next agenda.

Opioid Panel Review at Charles River Rotary Club, 4/9/2018

This event was sponsored by The Charles River Rotary Club, which Mr. Fetherston is a Member. Mr. Oram attended this event also. Mr. Fetherston explained that this was their third continuous meeting on the opioid crisis. The Keynote Speaker was Sheriff Koutoujian, and the CEO of Metrowest Health Foundation was there; the takeaway was that we need more beds, and need to change the stigma. Mr. Fetherston stated that the narcan initiative has become mainstream and we will be working with business community. Mr. Fetherston discussed the need to stand up to pharmacies, and have resources available.

Naloxone Grant, distribution status

Mr. Oram discussed the first dosage was distributed to a resident today; Mr. Oram noted there are important resources listed on the back of the packaging. Mr. Oram said that the information regarding the availability of Narcan at the Board of Health office was sent to Ashland Directions, WACA-tv and will be on the website.

Meeting Updates for Decisions at Every Turn, 4/10/2018

Mr. Oram discussed the Decisions at Every Turn meeting he attended, and noted that a high school student also attended. Juuling and vaping were discussed. Mr. Oram had suggested putting screen images/PSA's in the cafeteria during lunchtime, and mentioned the Marlborough All-Nighter, to keep kids busy the night of Senior Prom. Mr. Daniele discussed how people suffering from anxiety and depression can fall into self-medicating, when other prescriptions are not working. Mr. Daniele added, these stories are difficult and painful but, if shared, could help others. This is how to get the knowledge out there.

Marathon Sheltering update

Mr. Oram discussed the Boston Marathon and the terrible weather that affected many runners, the main issue was hypothermia.

Green Up Ashland, Saturday, May 5, 2018

Mr. Oram said Green Up Ashland is a great event; everyone meets at the Pavilion on Summer Street at 9:00 A.M. and they work until Noon. If anyone can do Sunday, and not Saturday, we can give out the yellow bags, we would just need to know where they cleaned and left the bags so we can let DPW know where to pick up the bags.

Temporary Food Events at Corner Spot and Farmer's Market

Mr. Oram explained that Big T's, Pangea and Streat Food Rx food trucks have all been inspected by the Food Inspector and will be at the Corner Spot and other Town events.

Consideration of Minutes, April 3, 2018

Mr. Narayana requested that the time of any recess or break be noted in the minutes. Mr. Narayana made a motion to accept the minutes as presented with the addition of the time of recesses. Mr. Daniele seconded the motion. The motion was approved 4-0.

Discuss, future meeting dates and agenda items

The Board discussed Trichome attending a future meeting. The Board discussed meeting on May 1, 2018; the Board discussed Town Meeting dates and election day. Mr. Etskovitz discussed CeCe Doucette attending a future meeting, the Board agreed to wait until the full Board is in place. Mr. Fetherston noted with a new Open Meeting Law complaint filed today, this will need to be on our next agenda.

Mr. Etskovitz said he is grateful to the Members here and hopes that the Board can continue to move forward in a nice way that the Town will be proud of. Mr. Oram thanked the Chair, Mr. Etskovitz, for holding the Board together.

Adjourn

Mr. Fetherston made a motion to adjourn. Mr. Narayana seconded the motion. The motion was approved 4-0. The meeting adjourned at 10:00 P.M.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 4/17/2018 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. April 17, 2018 Meeting Agenda
2. Tobacco Compliance Report from Elliot Brown, Tobacco Compliance Officer
3. Tobacco Sales Regulations – Section P – Regarding Violations
4. Open Meeting Law Complaint Form filed by Stephen Morgan
5. Town Counsel’s Response to Open Meeting Law Complaint
6. Prepared statement read by J. Margulies
7. FY18 Year-to-Date Budget
8. Chart, Health Department Budget, FY17-FY19
9. Draft Minutes, April 3, 2018