

Board of Health
Meeting Minutes
May 1, 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 7:08 P.M.)

Others Present:

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

Call to Order

Mr. Etskovitz called the meeting to order at 7:03 P.M. and announced that the meeting was being recorded by local cable access television (WACA-TV).

Mr. Daniele announced that May is ALS Awareness Month. Mr. Daniele noted that the ALS Association of Massachusetts is a great resource for any questions or if someone needs support; it is a cause which he is quite involved. Mr. Daniele mentioned that April was Autism Awareness Month; adding that even at the month's end, awareness and acceptance need to continue.

Mr. Etskovitz announced that Mr. Narayana found on the Framingham Board of Health website that a free choke save training course is being offered; Mr. Etskovitz added that the Heimlich Maneuver almost always works and hopes people will not be afraid to use it.

Citizen's Participation

Mark Dassoni stated that the metal building at the former Cadillac Paint site has been removed; a utility pole has been installed at Howe Street on one side; and No Parking signs have been placed at the RTD access road. Mr. Dassoni read a portion of the Town Charter and expressed an opinion regarding Board Members. Ms. Margulies called a point of order. Mr. Etskovitz made a motion to take a recess. Mr. Fetherston seconded the motion. The motion was approved 4-0-1 (J. Margulies did not vote).

The Board took a five minute recess at 7:13 PM.

Mr. Etskovitz called the meeting back to order at 7:18 PM.

Mr. Dassoni continued to discuss the Town Charter and the recall process. Ms. Margulies called a point of order. Mr. Fetherston made a motion to recess. Mr. Daniele seconded the motion. The motion was approved 4-0-1 (J. Margulies did not vote).

The Board took a brief recess at 7:21 PM.

Mr. Etskovitz called the meeting back to order at 7:24 PM and asked Mr. Dassoni to keep his comments non-controversial.

Mr. Dassoni continued to discuss the Town Charter and stated his opinion that the Code of Conduct should be stronger. Mr. Dassoni said he believes his email account may have been compromised.

Stephen Morgan commented that Agenda Item #6 was unclear, and expressed his opinion regarding the possible change to the Town Charter. Mr. Morgan stated that he has filed an Open Meeting Law (OML) complaint regarding the minutes from the April 3rd meeting because he believes the discussions held during the recess should have been included in the minutes; he also filed a Complaint regarding other missing minutes and said this should be an easy fix.

Ms. Margulies noted that she filed a second OML complaint today regarding the April 3rd meeting and what she believes to be personal statements directed towards her which should have been held in Executive Session. Mr. Fetherston stated he was not aware of another OML complaint having been filed and the Board should not discuss it or could risk another complaint being filed.

Town Counsel Response to Open Meeting Law Complaint received from Judith Margulies, April 17, 2018

Ms. Margulies noted that there are 307 pages in her revised complaint and does not see that everyone has a copy of the additional pages. Mr. Narayana suggested that since the Members do not have the documents, the matter be tabled to the next meeting. Mr. Etskovitz noted he did receive the email with the documents today, but did not have a chance to read it. The Board discussed the timeframe and whether or not to table or move forward. Mr. Etskovitz stated his opinion that the documents do not appear to be relevant to the complaint nor have they been reviewed by Counsel. Mr. Narayana responded that we do not know if they are relevant and suggested the Board seek an extension to the next meeting. Ms. Margulies discussed her opinion that she believes the additional documents are relevant. Mr. Fetherston noted the Board does not have evidence that the documents have been received/stamped in by the Town Clerk and therefore would not be part of the original complaint. Ms. Margulies stated that the revision to the complaint was sent to the Town Clerk electronically. Mr. Etskovitz stated that Town Counsel's response is dated April 23rd and if the documents were received after that, then they are not part of this complaint. Ms. Margulies said she would not be opposed to the Board delaying the response for 14 days. Mr. Daniele made a motion to accept the attorney's response to the original complaint as it was filed on April 17th as it appears in our package. Mr. Fetherston seconded the motion. Mr. Narayana said he is reluctant to do that; that the Board will still need to address the second complaint. Discussion continued. The motion was approved 4-1 (Margulies opposed).

Mr. Etskovitz read the response provided by Town Counsel, Katherine Feodoroff. Mr. Narayana made a motion to add the words "Exhibit B" after the words "first response". Mr. Etskovitz seconded the motion. The motion was approved 4-1 (Margulies opposed).

Review Status of Updated Food Permit Application

Mr. Daniele reported that he and Mr. Narayana touched base with the IT Director, Paul Carpenter; they discussed having the ability to have access to the online permit application on the spot. They agreed to have a meeting with Paul Carpenter after the Town election.

Follow up from Public Forum/Discussion on Marijuana Ban Ballot Question – Article 16

Mr. Etskovitz reported that he, Mr. Fetherston and Mr. Narayana attended this public forum. Mr. Fetherston noted it was an interesting conversation, and thought both sides did a good job. Mr. Daniele noted it is important to listen. Ms. Margulies noted the forum at the library was very respectful to all. Mr. Fetherston noted that as Board of Health Members, we do not know that everything is buttoned up, that no public health official has received final jurisdictional regulations with less than two months to go. Ms. Margulies spoke about an excellent conversation on addiction she attended in Framingham; it was very informative. Ms. Margulies said she would share Framingham's draft regulations. Mr. Fetherston made a motion that we request Mark Oram to get a legal opinion on two issues: What are the legal steps for

potentially changing the age of adult use cannabis in the Town; and, Who is the penalty giver and what are the consequences of an under 21 year old who buys edibles? Mr. Fetherston inquired, who enforces the penalty and what is the penalty? The Town will vote on this tomorrow and we don't have the answer. Mr. Etskovitz seconded the motion. The motion was approved 5-0. Mr. Oram sent an email to Cheryl Sbarra, MAHB Attorney. Ms. Margulies discussed visiting a hemp store, and what appeared to be an illegal sales transaction involving marijuana.

Mark Dassoni inquired as to the next steps following an Opt in/out vote. Mr. Oram noted this will need to go to a ballot; the Board discussed the potential zoning and spot zoning. Ms. Margulies discussed the current laws regarding cultivating and possessing marijuana, as well as commercialization.

Discuss potential changes to the Ashland Home Rule Charter – re: Elected Town Officers

The Board discussed their personal opinions regarding the Board of Health changing to an elected Board. The consensus among the majority of Members was that the change to the Town Charter would take away the democracy and rights of the voters.

Tobacco Sales Permit Request – George Youssef, Ashland Auto Service

Mr. Oram explained that, after the forfeit of a tobacco license, there remains one additional tobacco sales permit. Mr. Oram read the regulations and noted that George Youssef of Ashland Auto Service was the first person in line and the only one who has expressed interest in the license. Mr. Oram said he feels there should be a public notice. Mr. Daniele said if Mr. Youssef is the only one who has requested it, and there is no process how to choose, and if regulations state it is first come-first served, then he would get it. Mr. Oram said he would consult with the Town Manager's office and find out how the Board of Selectmen post availability of an alcohol license. Mr. Fetherston would like Mr. Youssef to come to the next meeting to review our policies and procedures; he then made a motion to post a public notice that this is available and invite him to the next meeting. Mr. Etskovitz seconded the motion. The motion was approved 5-0. The Board discussed the next meeting date to be May 22nd. Mr. Oram noted that the new Permit Holder will need to be at least 500 feet away from any school building.

Windsor Dr./Sheffield Dr./Byron Dr./Tudor Dr. Neighborhood – Oil Investigation – MassDEP

The Board discussed the email chain with DEP personnel. Mr. Oram said that monitor wells will be installed above the catch basins and other appropriate locations to determine the source, treat, and find out who is the responsible party. Mr. Oram stated this occurs seasonally; he will update the Board as information is received.

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

The Board of Health Office has not yet received the paperwork from the Department of Agricultural Resources.

BAA Grant Approval – Sharps Containers

Mr. Oram noted we received a grant from the Boston Athletic Association for \$2,500 for sharps containers, the supply is down and we will be purchasing taller containers this time. Hopefully we will have them by June. Mr. Dassoni inquired as to the plastic bottles that sometimes people use for disposing of needles. Mr. Oram responded that there are two kiosks to dispose of them, one is located at the Police Station, the other at the Community Center, adding that there is also a drug take back box at the Police Station. Mr. Daniele reminded all to always dispose of drugs responsibly. Mr. Fetherston thanked the Board of Selectmen for honoring the Board's grant request. Mr. Fetherston suggested sending thank you letters to the Selectmen and the Administration.

Acceptance of Gifts to the Board of Health from Jon Fetherston (Plaque, Frame and Flowers - \$325)

Mr. Narayana made a motion that we accept the gift of the plaque, frame and flowers, valued at \$325. Mr. Etskovitz seconded the motion. The motion was approved 5-0. Mr. Etskovitz thanked Mr. Fetherston for doing this and said it was a beautiful ceremony.

Health Agent /Director’s Report, Budget update

Mr. Oram noted the budget is in good order, the additional funds for mitigation were unexpected, and management is aware of this. Mr. Narayana mentioned that additional funds have been included in the revolving food fund.

Mr. Oram noted that Green Up Ashland Day is on Saturday, beginning at 9:00 AM at the Summer Street Pavilion. Mr. Oram stated that this is a team effort; he thanked the Police, DPW and the Green UP Committee-Janet, Jeanne and Karen and said it is a great Town event.

Consideration of Meeting Minutes, April 17, 2018

Ms. Margulies distributed a document to Board Members containing a statement of what she would like to be substituted in place of “Ms. Margulies read a prepared statement” as stated in the minutes. Ms. Margulies stated that what she read was not a prepared statement, they were her notes. She also asked that her response comment to Mr. Etskovitz be included in the minutes. Mr. Etskovitz said he would be willing to amend the minutes but not with the wording from the document she provided. Mr. Daniele suggested changing the statement to state that she “appeared” to read from a prepared statement. Ms. Margulies stated that she does not believe these minutes capture the essence of what she said. Mr. Etskovitz explained that the minutes only need to capture the essence of a conversation, not what is said verbatim. Mr. Fetherston stated that the last sentence included in her document is disrespectful to many people in this Town. Mr. Narayana made a motion to recess for five minutes. Mr. Etskovitz seconded the motion. The motion was approved 4-0-1 (J. Margulies did not vote). The Board recessed at 9:30 PM.

(Ms. Margulies left the meeting during the recess - 9:31 PM.)

Mr. Etskovitz called the meeting back to order at 9:34 PM.

Mr. Etskovitz made a motion to approve the minutes as currently written. Mr. Fetherston seconded the motion. The motion was approved 4-0.

Discuss, future meeting dates and agenda items

Mr. Etskovitz discussed reorganizing the Board at the next meeting, after the election. Mr. Daniele stated that we are fortunate to live in a country where we have the privilege to vote. We must respect our right to democracy and exercise our right to vote; it is one of the most important things you can do as a citizen of Ashland and the United States of America.

The Board agreed to next meet on May 22nd. The Board discussed whether there is a second OML Complaint filed by Judith Margulies or if she was referring to the amended complaint with the additional documents filed. The Board determined it is a new complaint and discussed the need to have this on the next agenda.

Mr. Dassoni said the next Board will be a cohesive unit with the newly elected and re-elected Members.

Adjourn

Mr. Daniele made a motion to adjourn. Mr. Narayana seconded the motion. The motion was approved 4-0. The meeting adjourned at 9:43 PM.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 5/1/2018 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. May 1, 2018 Meeting Agenda
2. Letter / Request to Board re: Tobacco Permit from George Youssaf
3. OML Complaint filed by J. Margulies
4. Response to OML Complaint – Attorney K. Feodoroff
5. Cannabis Control Commissions FAQ's
6. Updated Draft Food Permit Application
7. Proposed Town Charter Changes, Pages 20-36
8. Document provided by J. Margulies re: suggested change to 4/17/2018 Minutes
9. Draft Minutes, April 17, 2018