



**Town of West Boylston**  
140 Worcester Street, West Boylston, Massachusetts 01583

## **The Board of Health Meeting Minutes**

<b>Date / Time / Location of Meeting</b>	07-13-2022 / 6:15pm / Room 120, Town Offices
	Meeting available to view at <a href="https://www.westboylston-ma.gov/wbpa-public-access-tv">https://www.westboylston-ma.gov/wbpa-public-access-tv</a>
<b>Members Present</b>	Robert Barrell, John Sullivan, Tracy Gagnon, Christopher Whelan, Thomas Mullins
<b>Members Not Present</b>	
<b>Guests</b>	Julie VanArsdalen, CMRPHA Public Health Inspector; Steve Feeley
<b>Welcome – Call to Order</b>	Time: 6:15 pm by Chair Robert Barrell
<b>Approval of Previous Minutes</b>	June 08, 2022 meeting minutes, reviewed via email by members, were approved.
<b>06-08-2022 Minutes - Motion to Approve</b>	Mr. Whelan
<b>Motion Seconded</b>	Dr. Mullins
<b>Result</b>	Approved unanimously by 06-08-2022 meeting attendees

- **Open Meeting Law Complaints**

Mr. Barrell read the two complaints and explained the reasons for delay in addressing them; he invited Dr. Sullivan to respond due to the complaints being directed at him. Dr. Sullivan read from a written prepared response. (See attached documents).

Mr. Barrell then invited Board members to respond, and all members commented and discussed the purpose and intent of the Open Meeting Law, particularly in the context of the situations the complaints were based on. Dr. Sullivan stated that he does not believe he violated the Open Meeting Law. Ms. Gagnon noted that the complainant, a Select Board member, has a recent history of expressing opposition to Board of Health positions regarding COVID-19, to the extent of proposing a reduction in Board membership and expressing a desire to have Dr. Sullivan removed from the Board. She explained that the Select Board does not have oversight of the Board of Health.

Mr. Barrell summarized, acknowledging there was not an intentional violation of the Open Meeting Law, and there was no “intent to evade” the law nor did Board members “act in a serial manner”, clarifying the spirit of the Open Meeting Law regulations. He suggested the Board vote to make clear the Board’s view in these cited situations. He noted that he has to provide a written response to the complainant with a copy to the Attorney General.

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|--------------------------|---|
|                          | Dr. Sullivan made a motion that the position of the Board of Health be that John Sullivan did not violate the Open Meeting Law in emails on May 13 <sup>th</sup> and May 16 <sup>th</sup> , 2022.   |
| <b>Motion Originator</b> | Dr. Sullivan  |
| <b>Motion Seconded</b>   | Dr. Mullins   |
| <b>Result</b>            | Approved – four in favor, one abstention.<br>Note: Mr. Whelan abstained, explaining that he believed Dr. Sullivan's actions amounted to a violation of Open Meeting Law, but that he did not feel qualified to determine Dr. Sullivan's thought process and whether he acted out of the intention to evade the law. |
- **Anti-harassment and Code of Conduct**

Ms. Gagnon asked the Board to address the need for some language in the Town's policy guidelines that updates the existing anti-harassment language to be more universal, and to add comprehensive code of conduct and anti-discriminatory language. She stated she met with our previous Town Administrator, Nancy Lucier, prior to her retirement, regarding this concern that came to her attention in August 2021. Ms. Lucier provided her with some existing information which revealed that the existing anti-harassment language is dated and refers only to a specific group and that Select Board Policy A9 - Standards of Conduct applies only to internal interaction within the Select Board. There is no comprehensive code of conduct or anti-discriminatory language that applies to interactions at all Town meetings. She noted that other municipalities have such language and that information is available through the Massachusetts Interlocal Insurance Association (MIIA). She said she individually has inquired about this both through her meeting with the Town Administrator and at a subsequent Select Board meeting, and there has been no response and no action to address this. Mr. Barrell noted that the current Town Administrator is interim and likely will not act on this, so it would be best to address this with the incoming Town Administrator. Dr. Sullivan suggested that once the new Town Administrator is in place, we invite her to a meeting. Mr. Barrell asked if Ms. Gagnon wished to make a motion. Ms. Gagnon made a motion that the Board pursue measures to recommend the Town adopt updated anti-harassment, code of conduct, and anti-discriminatory policies to apply to all Town communications.

<b>Motion Originator</b>	Ms. Gagnon
<b>Motion Seconded</b>	Dr. Sullivan
<b>Result</b>	Approved – four in favor, one not in favor. Note: Mr. Whelan voted not in favor, expressing the opinion that such a motion is beyond the purview of the Board of Health and ought to be proposed at a Town Meeting.
  - **Guest statement**

Mr. Feeley addressed the Board, thanking them for being proactive around health issues to protect the community, and provided some personal experience with COVID-19.

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- **Board of Health Reorganization & Signature Authorization form.**

All Board members signed the Signature Authorization form.

Mr. Barrell started the Board Reorganization discussion by asking that another Board member take the Board Chair position as he has served in that capacity for over 20 years. Ms. Gagnon thanked Mr. Barrell for his many years of service. She suggested Dr. Sullivan, as the longest serving Board member after Mr. Barrell along with his qualifications as a healthcare provider. Dr. Sullivan indicated he is willing to serve in that role. Ms. Gagnon indicated she is willing to continue as Vice Board Chair. Other members present indicated agreement to these recommendations. Mr. Barrell noted there is indication of a Board Clerk position, however he does not recall anyone having served in that role and said he will look into it; Board members agreed to abstain from voting on this position until more information is available.

The Board agreed that the new Board Chair and Vice Chair positions will start August 1, 2022.

Ms. Gagnon made a motion nominating Dr. Sullivan for Board of Health Chair.

<b>Motion Originator</b>	Ms. Gagnon
<b>Motion Seconded</b>	Dr. Mullins
<b>Result</b>	Approved unanimously

Dr. Sullivan made a motion nominating Ms. Gagnon for Board of Health Vice Chair

<b>Motion Originator</b>	Dr. Sullivan
<b>Motion Seconded</b>	Dr. Mullins
<b>Result</b>	Approved unanimously

- **Public Health Coordination / IMA**

Mr. Barrell briefly reviewed the 2023 FY IMA (Intermunicipal Agreement) with Worcester for comprehensive Inspectional Services, which do not incorporate Title 5 services that are billed per diem.

Ms. VanArsdalen, Regional PH Coordinator, addressed the Board regarding several Public Health issues:

- A Public Health Nurse position with CMRPHA has been advertised. The Sutton Public Health Nurse serving West Boylston via contract has done a commendable job and is looking to eventually discontinue her contract with West Boylston. The intent is for nursing services to be added into the contract with CMRPHA at some point.
- Overview of inspector responsibilities under the Intermunicipal Agreement (IMA).
- She provided an overview, with many examples of what the inspectors do as part of the IMA, as well as descriptions of the Title 5 inspection requirements.

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- She requested the letter naming PHEP designee representatives for FY 2023 be sent to her– Ms. VanArsdalen agreed to continue as primary representative and Dr. Mullins agreed to be the second. She would like the CHIP (Children’s Health Insurance Program) team to attend an upcoming Board meeting to provide information on the Community Health Improvement Plan. The Board agreed that the September meeting would work. She also spoke about HMCC (Health and Medical Coordinating Coalition) as Health Grant Holder, which is part of the PHEP Coalition.

Ms. VanArsdalen provided an overview of inspections completed since the last meeting and upcoming Title 5 work.

She spoke about Karyn Clark leaving her position with Worcester as Director of Public Health to take the Assistant Town Administrator position in Millbury and how she worked to positively impact Public Health in Worcester and Coalition towns. There will be an interim PH Director until that position is filled. Mr. Barrell and Dr. Sullivan both spoke about their respect for her work as Public Health Director.

- **COVID-19 updates**

Ms. Lee acknowledged approximately at least 1300 COVID test kits were received from the state through Worcester DPH and requested guidance around distribution. She noted that the Select Board was notified and they responded that the distribution is up to the Board of Health. Mr. Barrell provided some recommendations and agreed to review the priorities and logistics with Ms. Lee at a later date. There was some discussion around the expiration date and distribution.

- **Tobacco Regulation update**

The Board, having reviewed the completed update (including minor corrections) via email, voted to accept as submitted, and signed the updated regulations, effective date to be one month from the date of notice publication in the local newspaper. Ms. Lee will follow up by publishing notice of the update in the Telegram, and mailing copies of the regulation and related info to all Tobacco Retailers in West Boylston, as well as relevant state agencies per guidance from Ms. Tangri.

<b>Motion Originator</b>	Ms. Gagnon
<b>Motion Seconded</b>	Dr. Mullins
<b>Result</b>	Approved unanimously

- **Office report**

Ms. Lee reported she has not received a recent CMRPHA newsletter update. She provided a brief update to last month’s office report citing new and ongoing projects. There was some discussion around specific Title 5 situations. She noted 129 permits issued to date, and noted a new body artist has applied for his permit at the Heritage Rose.

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**MOTION TO ADJOURN**

<b>Motion Originator</b>	<b>Ms. Gagnon</b>
<b>Motion Seconded</b>	<b>Dr. Sullivan</b>
<b>Result</b>	<b>Approved unanimously</b>
<b>Time of Adjournment</b>	<b>7:34 pm</b>

**Signatures**

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Robert J. Barrell, MPA, Chair

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John Sullivan, MD

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Tracy Gagnon, MEd, Vice Chair

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Christopher Whelan, MEd

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Thomas F. Mullins, MD

**Submitted by: Margaret Lee**  
**Date Submitted: 08-17-2022**

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