

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES
October 14, 2014
DRAFT**

MEMBERS PRESENT: Dr. Barbara Poremba, Chair, Dr. Danielle Ledoux Dr. Shama Alam, Paul Kirby & Janet Greene

OTHERS PRESENT: Larry Ramdin Health Agent, Council Liaison Beth Gerard & Suzanne Doty, PH Nurse

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:00pm

2. Minutes of Last Meeting
(Sept 9th & 24th)

Dr. Ledoux motioned to accept the minutes with corrections P. Kirby 2nd J Greene abstained. Approved unanimously

3. Chairperson Announcements

The Chair welcomed new Board member Janet Greene to the Board.

On November 15th Board Members will be attending MAHB training; Dr. Ledoux, Dr. Alam, P. Kirby & J. Greene

4. Monthly Reports-Updates

A. B. Health Agent Report

The sharps awareness project started. Postcards are ordered and will be distributed to agencies that sell/prescribe sharps. 172 Salem residents and 17 Beverly residents attended the HHWD event.

Approved copy available at the BOH

B. Public Health Nurse's Report

Up Coming flu clinics; Nov 6th 3pm-6pm for city employees & Nov 15th 9am-12pm for the public

Four active TB cases in Salem. There is still PPD shortage. DPH will provide us with more info on Ebola during a conference call on Wednesday. The Board discussed their role in an outbreak emergency. They would not be involved on a clinical level. An emergency meeting would be required to quarantine on the local level.

Approved. copy available at the BOH

C. Administrative Report

Approved. copy available at the BOH

Dr. Alam motioned to accept the reports. J Greene 2nd Approved unanimously

D. City Council Liaison Updates

The council has not yet completed/approved the keeping of chickens ordinance.

Still no action taken by the city council regarding the Board's request to decrease size of board from 7 members. State law requires 3 members. This is the standard size in order to allow the board to move rapidly on emergency situations, such as would be necessary to issue a quarantine order. This means that per state

law, a quorum of 2 is all that would be necessary; currently, with a size of 7 members, 4 members is a quorum.

The YMCA is having a flu clinic from 9-12. Free for the insured, \$35 for the uninsured.

5. Items up for discussion

A. Regulation for Keeping of Backyard Chickens discussion

Dr. Poremba provided an overview of the issue. The ZBA decision determined the chickens are pets; pets, i.e. dogs and cats, are under the jurisdiction of the Animal Control Officer. The size and configuration of structures to contain pets is the jurisdiction of the Building Dept. The location of structures on a property is the jurisdiction of the Planning Board who is in the process of passing an ordinance on this. None of this falls under the jurisdiction of the Health Department, nor does the Health Department have staff to enforce another regulation of this size. Based on all of this, Dr. Poremba asked for a motion to dismiss the drafting of further regulations by the BOH. No member chose to make a motion. Therefore, since no member would make that motion,

Dr. Poremba motioned to take no further action on the draft regulation 5A, for backyard poultry keeping. 2nd P. Kirby.

Discussion consisted of the following:

- The Health Department has only received 2 complaints on chickens in the past 3-4 years.
- The Health Department can enforce a nuisance complaint as a public health concern to address any complaints about chickens.
- If the BOH does not have a regulation, they do not have any ability to address these complaints other than a broad nuisance regulation which carries with it a \$1000 fine per day.
- City Council has not taken up the Planning Board's recommendations for the ordinance yet.
- Is there a possibility of the Board being asked to consult on the health issues raised by those residents concerned about their own health due to the chickens being so close to their property?
- The Board can offer recommendations to the ordinance at public hearing with city council but the ordinance being drafted is to change the planning rules. It does not address the public health concerns.
- The Board of Health has it in their power to create their own regulations to address these concerns.
- The Board can also wait until the council has voted on an ordinance.
- The ordinance can only allow department enforcement if it written in the ordinance.
- The Board has 2 options: 1. Do nothing 2. Choose to look at the draft and amend it based on the comments received from the last meeting.
- The Health Department does not have enough staff do all that they need to do now. Another permit and enforcement would just add to the already large work load for the staff.

**Vote: Paul Kirby - Yes
Dr. Ledoux - No
Dr. Alam - No
Janet Greene - No**

Motion failed.

J. Greene motioned that the Board of Health refrain from issuing permit for keeping of hens. 2nd Dr. Ledoux.

Discussion

The Board believes that it is within the preview of Animal Control to permit chickens as pets. The Board is in agreement keeping of chickens does not pose a high health risk.

Larry will write a draft letter to city council addressing the motion. The Board will review this letter before it is sent to the council.

Approved unanimously.

P. Kirby motioned to continue the discussion of this topic after the City Council ordinance is voted on. Dr. Alam 2nd.

Approved unanimously.

**B. Communication and Open Meeting
Law Discussion**

November 8, 2014 at 10:00 am in Old Town Hall there will be an opening meeting to discuss the open meeting law and state ethics rules for city boards and the staff that support them.

The Board of Health is not bound by HIPPA according to the open meeting law but privacy concerns can be address in an executive session. And as long as the item is listed on the agenda the board can go into executive session if there are privacy concerns.

Communication to all members between meetings may be done by email to all but no opinions on the information may be expressed as this is considered deliberation. Questions may however be addressed to the Chairperson and/or Health Agent.

Members wishing to have something on the agenda may request this to the Health Agent or directly to the Chairperson who approves the agenda. Board members may respond to attendance confirmation request by reply to all.

6. New Business

7. MEETING ADJOURNED:

There being no other business the Chair adjourned the meeting at 9:50pm

Respectfully submitted,

Heather Lyons-Paul
Clerk of the Board

*Next regularly scheduled meeting is November 13, 2014 at 7pm
At City Hall Annex, 120 Washington Street, Room 311 Salem.*

