

**CITY OF SALEM  
BOARD OF HEALTH  
MEETING MINUTES**

*May 19, 2015*

**MEMBERS PRESENT:** Dr. Shama Alam (Chair), Mark Danderson , Janet Greene, Paul Kirby & Dr. Danielle Ledoux

**OTHERS PRESENT:** Victoria Caldwell, Assistant City Solicitor, Suzanne Doty, Public Health Nurse, Council Liaison Beth Gerard, Heather Lyons-Paul Clerk of the Board & Larry Ramdin, Health Agent

**MEMBERS EXCUSED:**

**TOPIC**

**DISCUSSION/ACTION**

**1. Call to Order**

7:10pm

**2. Minutes of Last Meeting**

**P Kirby motioned to accept the minutes. J Greene 2nd All in favor. Motion passed.**

**P. Kirby motioned to accept March and April Executive Session (Purpose #1) Minutes and not release at this time per Massachusetts General Law, Chapter 4, section 7, 26. Greene 2<sup>nd</sup> All in favor. Motion passed.**

**3. Chairperson Announcements**

L. Ramdin Introduced Jeffrey Barosy, Sanitarian to the Board. Dr. Alam provided a reminder of meeting conduct.

**P. Kirby motioned to take the agenda out of order to hear item #5. J. Greene 2<sup>nd</sup> All in favor. Motioned passed.**

**4. Monthly Reports-Updates**

**A. Public Health Nurse's Report**

Copy available at the BOH office

**B. Health Agent's Report**

L. Ramdin – We received another grant that will focus on underage drinking. We are looking for grant to buy cameras to monitor the illegal dumping issue throughout the city.

Copy available at the BOH office

**C. Administrative Report**

Spending freeze ends July, 1 2015

Copy available at the BOH office

**Dr. Ledoux motioned to accept reports – M. Danderson 2<sup>nd</sup> All in favor. Motion passed.**

**D. City Council Liaison Updates**

Councilor Gerard has not heard anything about the home rule petition yet. Budgets coming up in Council June 1, 2015. L. Ramdin received the budget and there is no additional clerk FTE included. The Board of Health is first on the list for the budget hearings.

**5. Continuance of Nuisance complaint 69 Orchard Street**

Mr. Cordy presented a video and audio presentation to the Board. This is part of the DVD that Atty. C. Goodman's

Office supplied to the Board earlier this month. (DVD and a CD of the sound graph is available at the Board of Health office and is included as part of the record for this meeting.)  
Connie Hyne spoke on behalf of the Cordys.

Representing the Cordys, Atty. Goodman stated that based upon memo from City Solicitor's office, he can reasonably anticipate the Boards action as a result of the memo.

Atty. J. Kadich represented Michelle Conway of 69 Orchard Street. Atty. Kadich objected to the majority of the evidence presented by Mr. Cordy and stated that there is no significant evidence of any noise during the visits to the Cordy property by the Board of Health Inspectors. There is also no evidence of an independent study of the noise taken at his client's property line.

Dr. Alam closed the affected parties' comment section of this hearing.

The Board discussed the information before them and asked questions for clarification.

Written public testimonies were read into record (available in the Board of Health office).

Dr. Ledoux read Councilor Gerard's letter to the Board. J. Greene read email into record from Lisa Santamaria. Dr. Alam read into record email from Liz Bago.

Public comment section. Dr. Alam asked that public comment be limited to 3 minutes per person as. Public comment was received from:

Jim Adams

Pat of 17 Sutton Ave

Taylor Carlton of 13 Essex Street

Charles of 37 Memorial Drive

Lori of Salem Saves Animals

Arthur Sharp of 29 Orchard Street

Ann Sterling of 29 Orchard

Matt 33 Japonica Street

Councilor Turiel

Atty. Goodman

Dr. Alam closed the comment section of the meeting.

**J. Greene motioned that any waste or noise from the chickens owned by the Conway's does not rise to the level of a public health nuisance. P. Kirby 2<sup>nd</sup>**

Discussion

Dr. Ledoux – The chicken issue is not unique in Salem.

Thanked Victoria Caldwell for the memo from the solicitor's office that will be taken into account towards the Board decision tonight

J. Greene believes this is a slippery slope to ask the Board of Health to enforce each individuals needs. We should be using

public health standards for general health purposes

M. Danderson sympathized with the Cordys but does not believe this constitutes a public health issue

P. Kirby – The memo from the city solicitor helped him understand the issue of a public health issue vs an individual health issue. Mr. Kirby asked Larry Ramdin if he had found any noise issue at the property.

L. Ramdin – Did not ascertain that noise was an issue at the property so we did not take it to the DPH to conduct an independent study.

Dr. Alam – Is not convinced this is a public issue but an individual health issue.

P. Kirby asked to remove Janet Greene's motion and offered another motion. J. Greene withdrew her motion.

**P. Kirby motioned that the Board inform the Health Agent that as a matter of Board policy we wish to limit enforcement against public health nuisances to those cases where there is a risk to public health in general and not engage enforcement in cases where the risk is specific to an individual's health condition. As a result of this policy we would not conduct any enforcement on Ms. Conway.**

Discussion

J. Greene – The motion needs to be more specific to this situation. P. Kirby withdrew his motion.

**Dr. Ledoux motioned to not authorize the health agent to pursue enforcement action in this nuisance complaint at 69 Orchard Street as it does not rise to a level of a public health nuisance. 2<sup>nd</sup> P. Kirby All in favor. Motion passed.**

**P. Kirby motioned for a recess. J Greene 2<sup>nd</sup> All in favor. Motion passed.**

**Dr. Alam called meeting back into order at 8:45pm**

## **7. New Business / Scheduling of future agenda items**

M. Danderson attended the community roundtable at Spaulding on behalf of the Board of Health. A summary of the meeting was submitted to the record. There will be a public hearing meeting on May 28<sup>th</sup>.

Dr. Ledoux is starting her own practice. She will be leaving the Board due to this change. She thanked the Board for her time here, and will be contacting the Mayor's Office for notification and will remain on the Board for 4 months or until a replacement is appointed.

## **8. MEETING ADJOURNED:**

**P Kirby motioned to adjourn the meeting. M. Danderson 2<sup>nd</sup>**

**All in favor. Motion passed**

**9:05pm**

Respectfully submitted,

Heather Lyons-Paul  
Clerk of the Board

*Next regularly scheduled meeting is June 9, 2015 at 7pm  
At City Hall Annex, 120 Washington Street, Room 311 Salem.*