

WELLESLEY BOARD of HEALTH

Statement in Opposition to the Special Act Question

In the Annual Town Election on March 15, 2016, voters will be asked to adopt the Special Act proposed by the Selectmen, which would significantly change the form of Wellesley Town Government. In effect, the Special Act would transfer the management, supervision, and hiring authorities of elected boards to a single, hired Town Manager.

The Board of Health urges a NO vote on Question 1 – the Special Act.

Currently, most town operating departments are overseen and managed by an elected Wellesley board comprised of knowledgeable, interested, and committed citizen leaders. These citizen boards also have final authority to appoint their department heads.

The Special Act undermines the ability of the Board of Health to carry out its responsibilities and powers mandated under Massachusetts General Laws and Town Regulations by stripping the Board of its direct management and supervision of the Health Department staff, to whom the Board can delegate certain functions as the Board's "health agents." Since only the duly elected Board of Health has the jurisdictional authority as granted by the Commonwealth to enforce public health laws, the proposed town government plan leaves the Board with no health agent employees, and the Health Department employees with no jurisdictional authority.

Boards of Health responsibilities include: inspecting and enforcing laws regarding food ([think Chipotle Boston Norovirus Outbreak](#)), water ([think Flint, Michigan water crisis](#)), camps, housing, and other environmental conditions; and preventing the incidence and spread of communicable diseases ([think Zika virus outbreaks](#)) by requiring screening and vaccinations, restaurant, camp, pools and food safety inspections as well as isolations and quarantines.

These types of health emergencies can and have happened here in Wellesley, but the Wellesley Board of Health in conjunction with its Health Department health agents have always had an immediate response. For example, on [March 28, 2009 Babson College in Wellesley was closed](#) and its residents self-quarantined to the campus by order of the Wellesley Board of Health the very same day of hearing of the illnesses, thereby preventing the spread of Norovirus to hundreds of more students, faculty and staff and potentially to thousands of town and state residents who would have visited the campus for a variety of large group events planned for the weekend. Other cities and towns have not had local Boards of Health watching over the community so vigilantly. In fact, the idea to use the Flint River's toxic water originated with the town's emergency manager Ed Kurtz. Furthermore, the "... city council vote to return the city to Detroit's safe water supply was overruled by an unelected emergency manager appointed by the governor" (Time, 2/1/2016, p. 34). The Flint water crisis has now been taken out of the hands of town managers and into the hands of public health officials within the U.S. Department of Health and Human Services (HHS) which has been designated the lead federal agency responsible for coordinating federal government response and recovery efforts for this water crisis.

The Board of Health is also charged with assessing the health care needs of Wellesley residents and then developing and implementing action plans to promote the health of all residents. Mental health services are one example of a Health Department priority.

While the Board of Health has joined with other Town elected boards in opposition to the Special Act, the Board of Health issues should be of particular concern to the citizens:

The question for the voters is: who do you want to be held accountable for:

- promoting and protecting your health,
- ensuring the safety of the water and food you consume,
- preventing and controlling communicable diseases, including newly emerging infectious diseases, and
- assessing the community's health care needs and working toward meeting those needs, in collaboration with other town and community health agencies?your elected board of health, in concert with its appointed agent, the Health Director, or an appointed town manager, who has neither the public health expertise nor the explicit mandate to protect the public health, and would appoint the Health Director, and manage and supervise the Health Department.

THERE ARE AT LEAST 8 REASONS WHY VOTERS SHOULD VOTE "NO" at the Town Elections ON MARCH 15.

1. The elected Board of Health, not a town manager with competing administrative and bureaucratic pressures and who is not subject to Open Meeting Laws, is better suited to advocate for the health and well-being of Wellesley residents.
2. If a Town Manager appoints the Health Director, thus abrogating the authority of the Board of Health, the Town will be in conflict with Massachusetts General Laws.
3. In several neighboring towns with an elected board of health and a town manager, the charter of those towns, unlike the proposed Wellesley Special Act, prohibit the town manager from interfering with the powers vested in the board of health.
4. The Wellesley Board of Health would not be able to meet its responsibilities and exercise its authorities properly, without possible political interference or conflict of interest if there is a town manager between the Board and its Health Director.
5. As the Special Act proposes, a town manager would "appoint" the Health Director and would "manage and supervise" the Wellesley Health Department. Several recent documented cases in neighboring towns have demonstrated the inevitable clashes between elected Boards of Health and town manager because of a lack of clarity of the roles in management and supervision and because of differences in priorities.
6. A knowledgeable and experienced Board of Health, rather than a town manager, should be the entity responsible for overseeing and supporting the specialized, science-based and legally-based public health functions of the Health Department. A hired town manager with no

public health knowledge, skills or aptitude should NOT be managing and supervising the Health Department.

7. A professional Health Director, answerable to both an elected Board and a hired town manager will lead to conflicts of interests and political considerations, hindering the Board's abilities to meet its responsibilities. Only public health considerations, not perceived administrative efficiency, must guide the Health Director. The imposition of a town manager between the Board and its agent, the Health Director, must NOT occur.

8. The Board of Health actually supports the position of a town chief operating officer, ONLY if that person does not solely control the Health Department, but rather focuses on providing strong support services, including planning, financing, personnel administration, and information technology services. Further, the Board of Health and the Health Department do not require the imposition of an all-powerful town manger to continue collaborating with many other agencies. There are reasonable, preferred alternatives to creating a town chief operating officer without diminishing Wellesley democratic form of town government.