

**Health Commission ☐**  
**City of Stamford ☐**  
**DRAFT MINUTES ☐**  
**February 12, 2015 ☐**

Commissioners Attendance September 2014 - June 2015:

Present:

Dr. Barbara Decker (6-0)  
 Ms. Patricia Parry (4-2)  
 Dr. Bert Ballin (2-4) arrived at 9:12 a.m.

Absent:

Dr. Peggy Cobb (5-1)  
 Dr. Edward Schuster (3-3)

Guest Attendance: Ms. Anne Fountain, MPH, Director of Health and Social Services, Ms. Pam Scott, Recording Secretary, and Attorney Michael Toma, City of Stamford Corporation Counsel

Meeting called to order		Dr. Decker called the meeting to order at 9:14 a.m.
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**Presentation:**

<p>Attorney Michael Toma, Corporation Counsel</p> <ul style="list-style-type: none"> <li>• Commissioners attending meeting via telephone</li> <li>• Appeal Decisions</li> </ul>	<p>1) Attorney Toma explained the appeal process and procedures of the Health Commission.</p> <p>The hearing is held based on the Charter (C6-100-2(4), which states that the Health Commission shall hear appeals from orders of the Health Director.</p> <p>The Health Commission must follow procedures that protect the due process rights of both parties; giving each party the opportunity to present documentary evidence and verbal testimony, to cross-examine the witnesses of the other party, and to present argument through counsel.</p> <p>After each presentation, commission member may ask questions.</p> <p>Suggested language at start of hearing might be: this is an administrative hearing and not a court of law; the</p>	<p>Attorney Toma distributed copies of the appeal procedures and section of the Charter that explains the Duties and of the Health Commission and the Duties of the Health Director</p>
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	<p>formal rules of evidence do not apply; this means that all evidence may be introduced but it is up to the Commission to decide what weight to give the evidence; objections will be noted for the record.</p> <p>The Commission role is to listen to the evidence, consider the credibility of witnesses, make factual findings based on the evidence presented, and based on the commission findings; decide whether the weight of the evidence supports the order issued by the Health Director.</p> <p>The evidence (testimony and documents) constitutes the record.</p> <p>The Commission has the ability to limit the introduction of irrelevant or unduly repetitious evidence.</p> <p>Attorney for appellant/appellant goes first and has the burden of proof; he must prove by a preponderance of the evidence that the Health Director's orders were issued erroneously.</p> <p>At the end of the hearing, the chair should state that the record is closed, no additional evidence will be considered, unless additional evidence is pending..</p> <p>The Commission may begin deliberating after the close of the hearing, or it may deliberate at a later meeting.</p> <p>Pre-emption argument: only a court has the authority to declare an ordinance invalid; the Commission must assume the ordinance is valid because it does not have the authority to declare the ordinance invalid.</p>	
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2) Attorney Toma clarified the Commissioners question on attending meeting via telephone.

The general rules are the Health Commission is a public agency, the meetings are open to the public and the public has the right to attend these meetings.

That is why the meetings are in a room with the door open, the meetings are publicly noticed, there are advanced notice given to the public of the time, place, and an agenda of these meetings.

Freedom of Information Commission does allow people for Commissioners to participate by phone.

The meeting must be in a physical location (not a virtual meeting). Must have at least one commissioner at the meeting location.

The members that call in have to hear and be able to be heard.

There are potential limited factors:

- Having the technology to allow this to work.
- All members are having access to viewing of records. It is important that the Commission be able to view all documents presented at the meeting.
- Member should be present in order to vote.

Theoretically, they can call in. Be careful of appeals.

There are limitations to commission members being on the phone.

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	Can have more than one person on the phone as long as the commission is complying with the public meeting law.	The Health Commissioners thanked Attorney Toma for the information he provided to them.
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**Minutes:**

Minutes of January 8, 2015	Minutes from the January 8, 2015 meeting were reviewed.	Ms. Parry moved to approve January 8, 2015 minutes. Dr. Ballin seconded. Approved unanimously.
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**Director of Health Report:**

Anne Fountain, MPH	<p>Ms. Fountain updated the Health Commission on the following items:</p> <ul style="list-style-type: none"> <li>• Measles Outbreak throughout the country. There are 121 cases, in 17 states. There are many concerns. Our school nurses are checking all the students who are exempt or not compliant, just in case we have anyone that is affected.</li> </ul> <p>There are no cases in Connecticut at the time.</p> <p>Ms. Parry (when returned to room) questioned the Board of Education standards for vaccination; may parents get some but not all vaccinations or if they have to have all or ask state they have medical/religious reasons for not getting vaccinated?</p> <ul style="list-style-type: none"> <li>• Ebola – we are still monitoring travelers.</li> <li>• Revised Well Water Ordinance – the Board of Representative approved the revised ordinance. People can now test anytime; pre and post filtration.</li> </ul>	<p>Commissioner Parry not present for measles update.</p> <p>Ms. Fountain responded that she did not know the answer to that question but will investigate.</p>
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	<ul style="list-style-type: none"> <li>• Hands for Life Event – Planning for September 26<sup>th</sup>.</li> <li>• Budget Process – we have not received our hearing date yet. The Mayor has changed the way he is looking at the budget, which is programmatically. They are looking to put other costs in the budget like OPEB. They are also looking at grants and how much time Human Resource spends on grievances.</li> </ul> <p>Discussion followed regarding an additional position for the SNAP program.</p>	
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**Old Business:**

Stamford Hoarding Taskforce scheduled meeting for 2015		Ms. Scott distributed copies of the scheduled meetings.
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**Appeal:**

There were no appeals		
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**Adjournment:**

There being no further business before the regular session of the Health Commission, Dr. Decker moved to adjourn the meeting at 10:19 a.m., Ms. Parry seconded. The motion passed unanimously.
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Submitted by,  
*Pam Scott* ☐  
Pam Scott/pp  
Recording Secretary