



Mayor Alex B. Morse
City of Holyoke

Elizabeth Rodriguez-Ross City Solicitor
Law Department

August 7, 2012

Massachusetts Department of Public Health
Mr. John Auerbach, Commissioner
250 Washington Street
Boston, MA 02108

Tapestry Health
Ms. Leslie Tarr Laurie, President
296 Nonotuck Street
Florence, MA 01062

Re: Holyoke Needle Exchange Program

Dear Mr. Auerbach and Ms. Laurie:

This letter is to inform you that the Needle Exchange Program in Holyoke must be suspended, effective immediately. The Board of Health vote approving the Department's implementation of the program on July 9, 2012 was taken at a meeting that failed to satisfy the notice requirements of the Open Meeting Law. As a result, the vote does not constitute the necessary local approval for the implementation of the program.

Holyoke City Council President Jourdain has alleged that the failure to specifically list the needle exchange program on the July 9, 2012 Board of Health agenda was a violation of the Open Meeting Law. Councilor Jourdain has also alleged that the Board failed to comply with the City's ordinance requiring that notice of all municipal meetings be provided to city councilors. After careful review of the law and facts, I agree that the notice requirements were not met. The Commissioners of the Board of Health must now take remedial action by rescinding the July 9, 2012 vote to approve the needle exchange program, and then properly posting notice of the needle exchange program on their agenda for discussion and another vote. The Board intends to take such action at their next meeting, to be held on August 14, 2012, and therefore the needle exchange program cannot be implemented until the necessary remedial action and a proper vote are taken.

Please feel free to contact me with any questions at (413) 322-5580. Thank you.



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Sincerely,

Elizabeth Rodriguez-Ross
City Solicitor

cc: Brian Fitzgerald, Director Board of Health
Commissioner Katherine M. Liptak
Commissioner Patricia A. Mertes
Commissioner Robert S. Mausel
Mayor Alex B. Morse
Holyoke City Councilors