

## **Board of Health Meeting September 12, 2002**

**PRESENT:** David Osler, M.D., Chairman  
Donald Norton, Member  
Arnold Duclersaint, Member  
Jack Vondras, Director  
Stephanie Almeida, Tobacco Code Enforcement Officer  
Stephen V. Mackey, Somerville Chamber of Commerce

The meeting was called to order 4:50 PM.

Mr. Norton made a motion to approve the July 18, 2002 minutes. Mr. Duclersaint seconded the motion. Three – zero, vote unanimous.

### **PAST BOARD OF HEALTH MINUTES:**

It was brought to the attention of the Board of Health that several notices were not posted at the City Clerk's Office. Dr. Osler stated there was no intent to deceive anyone by what took place. In an attempt to reconcile this, the Board will review the meetings that were not posted.

Board of Health Meeting held October 11, 200: Lily's Restaurant requested a variance to allow smoking in the bar area of the restaurant. The ownership of the restaurant has not changed, only the name. The Board approved the variance request at that meeting but are voting again to record the events. Mr. Norton made a motion to approve the variance request. Mr. Duclersaint seconded the motion. Vote approved three to zero.

Board of Health Meeting held February 14, 2002: No votes were taken.

Board of Health Meeting May 16, 2002: the Board agreed to go forward and explore Clean Air Works. Dr. Osler made a motion to continue discussion on the project. Mr. Duclersaint seconded the motion. Mr. Norton voted no. Vote two to one.

In the future, the notice for the Board of Health meetings will be hand delivered to the City Clerk's Office, stamped in and a copy is to be giving to the Health Department and posted down at the City Hall Annex. Also, all meetings will be posted on the City's web site.

### **HEARING – WINTER HILL MARKET:**

Stephanie Almeida, Tobacco Enforcement Officer for the Tobacco Control Program, explained the reason for the suspension of the Location of Tobacco License at the Winter Hill Market, located at 269 Broadway, Somerville. During June 18, 2002, on a routine inspection, a clerk at the store sold to a minor even after asking for an I.D. There have been four sales to minors at this location within the past two and a half years. Mr. Pankaj Ghai, who represented his brother, the owner of the store, stated the clerk was let go and

he is always reminding his staff about not selling to minors. Mr. Norton asked Mr. Ghai if he agreed that this did happen? That the clerk did sell to a minor? Mr. Ghai said yes. Mr. Norton made a motion to suspend the tobacco license at the Winter Hill Market, Mr. Duclersaint seconded the motion. Vote three – zero. If it happens again, the license will be suspended for three months. Mr. Vondras asked if Mr. Ghai would like a training session on location at the store with the staff. He stated he would and Stephanie Almedia will make the arrangements. The start of the suspension will be Monday, September 16, 2002 at 8:30 AM and will run to September 30, 2002 at 8:30 AM.

### **CLEAN AIR WORKS:**

Dr. Osler wanted to get the record straight. Up to this point there has been only been discussions about the smoking regulations. No Regulations have been implemented. Mr. Norton asked Mr. Vondras if Cambridge had their Public Hearing. Mr. Vondras stated that Cambridge had a hearing on July 31, 2002 and will be having a working meeting on September 25, 2002 with the City Council's Ordinance Committee. There was no vote at the public hearing. Boston Health Department's hearing will take place September 25, 2002. Our Public hearing would follow Cambridge and Boston. Mr. Norton asked how many cities of the twelve city collaborative are not going along with the proposal. Mr. Vondras stated as far as he is aware, Everett was discussing the issue. Revere implemented the first stage of the Smoking Regulations and the Board will revisit it in December. All others are in the process. Mr. Norton asked Mr. Vondras how come the regulations cannot come from the State Level. Mr. Vondras could not answer the question properly but would get the information for him. Mr. Norton stated that all twelve cities and towns should agree or not to agree. He does not want to see businesses in Somerville get hurt by this process.

Dr. Osler invited Stephen Mackey, the Chamber of Commerce to speak on the issue. Mr. Mackey brought a prepared testimony and handed it out to the Board (see attached). Some key points were: at the Cambridge Public Hearing out of 14 communities involved with this process, ten did not show up to testify. Chelsea Board very much in favor but stated not taking any formal action on the ban. Mr. Vondras spoke at the Cambridge hearing and expressed support of the proposal. Mr. Mackey continued to read his testimony and passed out the following handouts: "Introduction to Program Evaluation for Comprehensive Tobacco Control Programs" by the Center for Disease Control, "Local Public Health Governance Performance Assessment Instrument", Healthy People 2010, and Tobacco Sales/Economic Impact.

When the testimony was complete Dr. Osler asked if there was any questions or comments. He thanked Mr. Mackey for his well-researched and timely presentation. Dr. Osler stated to Mr. Mackey that the Somerville Board of Health did not pass any regulations and the Board always tried to be inclusive with the business community. The Board has every intent to continue that relationship. Dr. Osler's perception would be to involve the Chamber of Commerce on the issues of the October 10<sup>th</sup> hearing. He believes that a hearing should still be held to hear what the entire community has to say on the regulations. No action would be taken, just community input, an education forum. He would like the sense of what the community would like to see happen. Mr. Mackey

agreed that public hearings were always part of the process but mistakes were made in the public records. Is it fair to ask for a cooling off period and postpone the hearing until the Board of Health gives further notice to the Chamber and the community? Mr. Mackey also would like the Board of Health to work with the City Solicitors office to correct the minutes of May 16, 2002 and to correct the public record of July 31, 2002. Dr. Osler stated the corrections were made earlier in the meeting.

Mr. Norton made a motion to accept the following motion:

In accordance with the principles and standards referenced below the Somerville Board of Health and the Somerville Health Department: shall include the Somerville Chamber of Commerce and interested bar, restaurant, and workplace stakeholders throughout the planning and evaluation process relative to any local or regional regulations of business; shall postpone an October 10<sup>th</sup> public hearing until further notice by the Board of Health; and shall ask the Director of the Board of Health to review, along with the City Solicitor, Board of Health and Health Department actions on May 16, 2002 and July 31, 2002 to assure compliance with this policy and the Massachusetts General Law.

Mr. Duclersaint seconded the motion, vote three to zero. Dr. Osler thanked Mr. Mackey for the testimony.

**FUNDING UPDATE:**

Mr. Vondras stated that the Health Department received \$15,000 in funds from the Department of Medical Assistance for Access to Health Care. The Health Access Program was zero funded in August 2002. The School Health Enhanced Grant was not cut, but the Tobacco Program was cut by \$122,000 this year. The program absorbed the cut without laying any employees off. The Tobacco Office Assistant resigned and the program will not be filling that position. Other positions eliminated were one and a half Full Time Equivalent Enforcement Officers and 1 Full Time Equivalent City Coordinator Position.

**STAFFING:**

Mrs. Elizabeth Roche will be filling the Administrative Assistants position in the Health Department. She will be starting this Monday. She is a resident of Somerville and was the best applicant with extensive experience in financial systems. The Senior Code Enforcement position was given to Michelle Bowler, who was temporarily filling the position. The Chief Code Inspector and the Sanitary Inspector positions are waiting for Personnel to finish the process. The Hearing tester is being placed in the Somerville Journal and on the city's web site. The Public Health Nurse position is being upgraded to a manager position. The Health Department is looking at hiring a temp to fill this position. Several applicants will be interviewed next week. In the mean time, a contract has been in place with the Visiting Nurses Association for the follow-up services of communicable diseases.

Mr. Vondras would like to commend Marilyn Roche and Donna Pickett for performing so well over the summer running the office.

**WEST NILE VIRUS:**

Mr. Vondras briefly went over the protocol for reporting dead birds that are found in the City of Somerville. (Protocol attached.) The Administrative Staff at the Health Department fills out a form when a call is received in the office of a dead bird. The State wants all birds reported, but are only testing crows and blue jays. The staff then contacts the Animal Control Officer who picks up the bird and determines if it is suitable for testing. If it is suitable for testing, the staff contacts the State, receives a tracking number and one of the Health Inspectors takes the bird to the depository in Arlington. There has been quite a bit of bird activity in Somerville. The City is showing a 9% infection rate of birds and an article was placed in the Somerville Journal that two birds found in Somerville were tested positive to the West Nile Virus. (See attached chart.)

**WEB SITE:**

Mr. Vondras informed the Board that the Health Department has a web site. He also explained that the Mayor approved that the staff component would now be known as the Somerville Health Department and the Regulatory Board would be known as the Board of Health. He would like to separate the two on the web site. Dr. Osler suggested that biographies of the Board members be placed on the web site and a list of the dates of the Board meetings be placed on the site. The meetings are generally the second Thursday of each month at the City Hall Annex, Conference Room and come to order at 4:45 P.M., but whoever was interested in attending call and confirm the date. The Board members would e-mail Mr. Vondras a little bio to be posted on the site.

Meeting was adjourned at 6:15 P.M.

*Next Meeting October 10, 2002 @ 4:45 P.M.*

Respectfully submitted,

Donna Pickett  
Administrative Assistant

September 17, 2002

Margaret Drury  
Cambridge City Clerk  
Cambridge City Hall  
795 Massachusetts Ave.  
Cambridge, MA 02139

Dear Margaret,

As per our phone call on September 16, 2002, I am putting in writing my request regarding the official minutes from the July 31, 2002 Ordinance Committee of the Cambridge City Council. I am requesting a change in the recorded testimony from myself to read as the following: "On July 11<sup>th</sup>, the Somerville's Board of Health reviewed draft regulations restricting workplace smoking, which is scheduled for an October 10<sup>th</sup> hearing".

Thank you in advance, please contact me directly, with any questions at 617-625-6600 x4300.

Sincerely yours,

Jack Vondras  
Director  
Somerville Health Department

Cc: David Osler, MD, Chair, Somerville Board of Health  
Harold Cox, Commissioner, Cambridge Public Health Department  
Lisa Mead, City Solicitor, City of Somerville