

**Board of Health Meeting  
November 14, 2002**

**PRESENT:** David Osler, M.D., Chairman  
Donald Norton, Member  
Arnold Duclersaint, Member  
Jack Vondras, Director  
Cesar Pungirum, Tobacco Control Program  
Michelle Cremmins, Tobacco Control Program  
Cheryl Sbarra, Massachusetts Association of Health Boards  
Eileen Sullivan, Massachusetts Department of Public Health

The meeting was called to order 4:50 PM.

Dr. Osler made a motion to approve the minutes from the October 10, 2002 meeting. Mr. Norton seconded the motion. Three to zero, vote unanimous.

Dr. Osler made an inquiry concerning last month's meeting minutes that in order for people to be listed on meeting minutes, they must sign in. Mr. Vondras agreed.

***Robert's Rules of Order:***

Mr. Vondras stated that the City Solicitor, Lisa Mead, requested the Board of Health review a booklet she sent on how to conduct meetings, because of past meeting retractions. Mr. Vondras passed out copies of booklets on procedures and Public Health regulations to all Board members. This booklet was broken down into 6 key areas: 1. Introduction to Robert's Rules of Order, 2. General Character and Code of Ordinances Provisions Relative to the Board of Health, 3. General Statutory Provisions Relative to the Board of Health, 4. Open Meeting Law Guidelines Published by the Attorney General, 5. Open Meeting Law Guidelines on Use of E-mail, 6. Release of Executive Session Minutes.

Dr. Osler stated that the booklet is an extremely helpful tool, and made reference to the Robert Roles of Order. Mr. Vondras stated that the Board should thoroughly read through the Robert's Rules of Order section, and make practice to train new members of the Board with the proper procedures and protocol of meeting regulations.

Mr. Norton made a motion to adopt Robert's Rules of Orders. Mr. Duclersaint seconded the motion. Three to zero, vote unanimous.

***Update on Tobacco Control Program:***

Mr. Pungirum gave an update concerning Clean Air Works. He stated that the Boston Public Hearing was held and they extended the time to receive written comments until December 1, 2002. The vote for Boston is to take place December 11, 2002. Cambridge still plans to have a Public Hearing but still has no set date. Chelsea's Public Hearing is set for January 21, 2003, and Everett is still investigating. Beverly passed Clean Air Works on September 10, 2002, and Saugus voted to adopt Clean Air Works on September 9, 2002. Peabody also voted to accept Clean Air Works to be affective August 19, 2003. Mr. Norton requested a written list of all of the cities and towns that have passed Clean Air Works. Mr. Pungirum will get the list together.

Ms. Cremins of the Somerville Tobacco Control Program conducted an experiment called the Bar Hop Survey, along with representatives from the Everett Board of Health. This experiment consisted of the three of them entering local "stand alone" bars, and counting the total number of patrons, and the actual number of smokers. At any given time it was a 14.6% smoking rate, which is a very small percentage of smokers. Ms. Sbarra stated that a similar experiment was conducted recently in Boston because there were concerns of the number of people that would be left standing outside smoking. This study showed that the rate in Boston was only 7%, much smaller than anticipated. Mr. Norton asked why was this relevant. Ms. Sbarra stated that so few people are actually smoking, leaving fewer people affected by the smoking ban.

Mr. Pungirum stated that the Tobacco Control Program is in receipt of 105 letters in support of the smoking ban, and of a Public Hearing. He also brought to the attention of the Board that the variance request for regulations affecting smoking in certain places will expire the beginning of the upcoming year, and with the possibility of a Public Hearing, he requested an extension on the date. Ms. Sbarra suggested to amend the regulation or extend the ordinance, and questioned if Mr. Pungirum could get to every establishment by January. Mr. Norton asked for a decision concerning the extension date. Dr. Osler suggested the other Board members choose a date. Mr. Norton made a motion to extend variance request deadline on a temporary basis from January 1, 2003 to March 1, 2003. He also stated he's not in a rush to vote until he sees how other cities have voted, and is aware that Mr. Pungirum does not have manpower to get to every establishment by January 1, 2003. Mr. Duclersaint seconded the motion. Three to zero, vote unanimous.

Ms. Sullivan from the Department of Public Health introduced herself and gave a brief synopsis of her background. She came to the Board of Health to discuss Tobacco Control Program budget cuts. The Tobacco Control Program suffered major budget cuts at a State level in July. The total funds cut from the program was 88%. In her overview Ms. Sullivan conveyed that because of such dramatic cuts, her responsibilities have shifted. State staff was cut from 30 to 10, and Ms. Sullivan now manages all contracts for Somerville and Cambridge. Prior to the budget cuts, Somerville included a tobacco treatment program at the Cambridge Health Alliance, and 3 youth programs at community based agencies. The latest cut in the budget (approximately two weeks ago) decreased the overall budget by an additional 7%. Somerville received higher amounts of funding because of the higher population and higher poverty level for the 5 cities it serves, but even with the funds received it is not enough to maintain a comprehensive program. Several other communities were cut, that were not regulated. Somerville primarily targets the Portuguese speaking community because they have the highest smoking rate in the City of Somerville. Ms. Sullivan stated the original budget was \$375,000.00. After the cuts, the budget stands at \$200,892.00. The main objective is to keep the program up and running until enough funds are built up to re-establish the programs that were affected. Mr. Vondras stated that all enforcement would be continued by contractual services. Presently the Tobacco Control Program consists of two full-time and one part-time employee.

The Board thanked Ms. Sullivan for the update.

Mr. Vondras passed out a letter from Stephen Mackey, President of the Somerville Chamber of Commerce. Mr. Mackey asked in writing for an open meeting for the sole purpose for the population targeted to be able to express or voice their opinions concerning the proposed smoking ban regulation. Mr. Norton requested that the community expressing itself might be a way of appeasing the business community. Dr. Osler stated that if there were to be a meeting with Mr. Mackey and the community, it would be held to very limited testimony possibly only 2-3 minutes per speaker. Mr. Duclersaint stated that Mr. Mackey was present at a previous meeting and the Board had then decided to slow the process down. This very subject has been on the table for 2-3 months. Mr. Norton expressed several times that he does not see a problem with having a meeting with the business community to get their view on Clean Air Works. The conversation for Clean Air Works has been one-sided, and he feels it would be good to the business community vent as to how they feel their businesses will be affected whether good or bad. Mr. Norton also stated that when the original smoking regulation was first passed they were promised that the 100% smoking ban would not go any further. The businesses were also under the impression they would not have any additional costs incurred if they separated the bar from the dinner area. Mr. Norton stated he is 100% for letting business representatives into the meeting. Mr. Norton stated he was under the wrong impression about the proposed regulation, and wasn't even clear on said subject matter until September.

Dr. Osler wanted to set the record straight. There were never any promises or deals made with the business community four years ago. Secondly, it does not only effect the business community it also affects the public health of the community. Dr. Osler stated that he is not opposed to listening and working with the business community. The Board needs to decide what is the best mechanism to reach and meet with the business community. Mr. Norton suggested taking a Board member to the restaurants, as they did in Everett to get statistics, to have answers to questions the business community would have. Mr. Norton stated that Somerville is a unique city, and the attraction to Somerville is the bars and restaurants and does not want to see the businesses hurt. He is in favor of having Mr. Mackey attend the next meeting to express what the businesses are feeling. Dr. Osler wondered how does a meeting not become a hearing when 100 people want to speak. An idea was proposed to hold the meeting in the Aldermanic Chambers. Mr. Norton disagreed with that idea and stated that the meeting should be held at the Annex as scheduled because meetings held in the Aldermanic Chambers take on a different manner. Mr. Pungirum suggested that the Tobacco Control Program could set forums for those who are affected by the proposed regulation, invite the business community and report back to the Board. Mr. Pungirum offered to meet with Mr. Mackey to help alleviate some basic questions as well as ease some confrontation at the meeting. Mr. Vondras countered that. Dr. Osler and Mr. Vondras agreed that the Board will meet with representatives of the business community, and are welcome to attend the next meeting December 12, 2002. Mr. Vondras will contact Mr. Mackey to respond and invite him to attend the next meeting.

Mr. Mackey will contact or invite number of interested businesses in order to have dialog.

***Staffing Update***

Mr. Vondras stated the Public Health Nurse position was approved by the Finance Committee, and goes before the full Board of Alderman for approval this date. This position was moved from Unit B to Unit A.

The Sanitary Inspector was hired, and his name is Mark Nolan. Mr. Nolan previously worked for the Department of Public Works, and will commence work for the Health Department November 18, 2002.

The Vision and Hearing positions have been filled and are also set to begin work November 18, 2002.

The proposed fee increase was passed out to the Board members. The City has requested that the Health Department increase fees. These increases were previously published in the Somerville Journal, and were effective November 1, 2002.

Flu Clinic schedules was also passed out to the Board members. Mr. Vondras explained there was a substantial decrease in flu vaccines. Strict guidelines were set by the State as follows: senior citizens (65 years and older), those with chronic lung or heart disease were first to be vaccinated. Diana Seufert, the School Nurse Leader, purchased vaccine to vaccinate municipality. The flu clinics are going well, but are low in attendance.

Mr. Vondras also discussed bio-terrorism on a Regional level. He explained that Region 4B of the State has 26 communities in it, running from the Somerville line to Hingham. The City of Boston is it's own region. The City of Somerville should coordinate with the City of Boston to create and understand a Regional approach regarding bio-terrorism. Training dollars will be needed and as the City goes forward the Board will need to sign off.

Meeting was adjourned at 6:00 P.M.

***Next meeting is scheduled for Thursday, December 12, 2002 @ 4:45 PM.***

Respectfully submitted,

Elizabeth Roche  
Administrative Assistant