

**Board of Health Meeting  
January 15, 2003**

**PRESENT:** David Osler, M.D., Chairman  
Donald Norton, Member  
Jack Vondras, Director  
Cesar Pungirum, Tobacco Control Program

The meeting was called to order 4:50 PM.

Dr. Osler tabled the acceptance of the December 12, 2002 minutes of the meeting.

***Tobacco Update:***

Mr. Pungirum stated to the Board that the Cambridge City Council's Ordinance Committee was holding another public hearing on Clean Air Works tonight, January 15, 2003. He would be attending the hearing after this Board meeting. He also explained that the Chelsea Board of Health was holding their public hearing on January 21, 2003 at 6:30 PM at the Chelsea Public Library and the Everett Board of Health scheduled theirs for March 12, 2003. Dr. Osler asked how many members were in the Everett Board of Health? Mr. Pungirum answered it was a three member Board.

Mr. Pungirum discussed the bar hop survey that was conducted in Somerville on December 12, 2002. Thirty-three out of forty establishments were checked to count the number of patrons and smokers. As of this date the Tobacco Control Program is still compiling the results. The project will be complete and a report will be presented to the Board by the next Board meeting.

At the previous Board meeting on December 12, 2002, representatives from five bars and restaurants attended to voice their concerns and opinions and had several questions regarding Clean Air Works for the Board. Unfortunately, because of the public hearing happening simultaneously in Cambridge tonight, the advocates who were planning on attending this meeting to answer questions could not attend. Mr. Pungirum stated that the majority of the questions have been answered and a package will be ready for the February Board meeting.

***Hearing Request:***

The Blue Sky Grill, located at 596-608 Somerville Avenue, Somerville, MA, submitted a request for two smoking variances. One variance was to allow smoking at the bar area during normal hours of operation. The other variance was to allow smoking at hours when the establishment operates more like a bar or nightclub. The kitchen closes at 9:30 PM, at which point the restaurant becomes a nightclub, 21 years of age and over. The establishment has 102 seats, with 12 or 13 seats at the bar for smoking during normal hours. The seats at the bar are six feet from the non-smoking area. Given the lay out of the restaurant, it meets the criteria for both variances. There was a slight error with the posting of a legal notice for this hearing. The Somerville Journal erroneously published the notice one week before the hearing and not two weeks as required by the regulation.

To avoid undue hardship to the Blue Sky Grill owner, who intends to open the establishment for the super bowl, Mr. Pungirum recommended that temporary variances be granted pending proper posting of the legal notice for a hearing on February 13, 2003, at which time the Board can make a final decision on the matter.

Mr. Norton made a motion to grant the temporary variances allowing smoking at the Blue Sky Grill until the Board meets again on February 13, 2003. Dr. Osler seconded the motion. Two to zero, vote unanimous, (Mr. Duclersaint was not present)

Mr. Pungirum stated that the Tobacco Control Program continues to receive a lot of letters in support of the Clean Air Works project. The last letter received was from Scott Cullen, a physician and resident of the City of Somerville.

And finally, as discussed at the November 14, 2002 meeting, the variance requests made by several establishments for the regulations affecting smoking in certain places were extended to March 1, 2003, because of the possibility of a public hearing. Mr. Pungirum asked if the Board would like to stay with the March 1<sup>st</sup> date or grant another extension. Dr. Osler suggested that the Board readdress the issue at the February Board meeting.

***Public Hearing: Fee Increases:***

The Somerville Board of Alderman has approved fee increases effective November 1, 2002. The four areas that are controlled by the Board of Health regulations are as follows:

<u>Regulation</u>	<u>Past Fee Amount</u>	<u>New Fee Amount</u>
Dumpster Contractor's Permit	\$100	\$200
Body Art Practitioner License	\$100	\$200
Body Art Establishment	\$200	\$300
Massage Practitioner License	\$50	\$100
Massage Establishment	\$200	\$300
Location of Tobacco	\$10	\$25

Mr. Norton made a motion to increase the fees as stated above and amend the regulations involved as recommended by the Somerville Board of Alderman. Dr. Osler seconded the motion. Two to zero, vote unanimous, (Mr. Duclersaint was not present)

At this point, Mr. Stephen Mackey from the Chamber of Commerce entered the room. Mr. Vondras explained that there was a public hearing at tonight's Board meeting and the questions proposed by the restaurants at the last meeting would be answered at the February Board meeting.

***Update on Budget from the Mayor:***

The Mayor has asked the Somerville Health Department to cut this year's budget by \$36,147.77. The Mayor also stated there would be no more over-time or out-of-grade without her approval and that there is a hiring freeze within the City. Mr. Vondras

explained that he approached the Mayor regarding the Public Health Nurse position, which has been vacant since April of 2002. The Mayor is allowing the Health Department to go forward with the hiring of this position because it is essential services.

Mr. Vondras explained when Mr. Selfridge filled the Chief Code Inspector position, the Health Department never filled his Sanitary position so the money from that line was cut. Mr. Vondras is also asking the Board to think about cutting Dr. David Link's salary by \$3,900.00. Dr. Osler asked how many hours Dr. Link works? Mr. Vondras answered roughly four hours a week. Dr. Osler then stated that Mr. Vondras should have a conversation with Dr. Link, explaining the situation regarding the budget cuts and to meet this cut the Health Department would like to decrease Dr. Link's salary. Mr. Vondras will meet with Dr. Link.

Mr. Vondras was happy to report that he made the budget cuts without lay-offs within his Department.

Mr. Vondras asked the Board if the monthly Board meetings could be held during the day. By doing this, the department could conserve on over-time, as the Administrative Assistant taking the minutes gets over-time. Mr. Norton did not have a problem with meeting during the daytime. Dr. Osler suggested waiting to have this discussion when Mr. Duclersaint was present as he is involved in this decision. Dr. Osler also stated that public hearings would have to be held in the evening.

Mr. Vondras discussed the Tobacco Control Program cuts. The Five City Collaborative is meeting to make recommendations on how this \$12,000.00 cut will be handled. They are converting a full-time position to a part-time position and they may lay off one more person. The Tobacco Control Program is better prepared to submit their budget to the State.

Meeting was adjourned at 5:20 PM.

***Next meeting is scheduled for Thursday, February 13, 2003 @ 4:30 PM.***

Respectfully submitted,

Donna Pickett  
Administrative Assistant