

**Board of Health Meeting
April 10, 2003**

PRESENT: David Osler, M.D., Chairman
Arnold Duclersaint, Member
Jack Vondras, Director
Cesar Pungirum, Tobacco Control Program
Eileen Sullivan, Massachusetts Department of Public Health

The meeting was called to order 4:33 PM.

Dr. Osler made a motion to approve the minutes from the February 13, 2003 meeting. Mr. Duclersaint seconded the motion. Two to zero, vote unanimous. In regards to minutes from the March 19, 2003 meeting, the meeting was cancelled due to the majority of the Board not being present.

Board of Health Seats:

Ms. Cecelia Sosa-Patterson was recommended by Mayor Dorothy Kelly Gay, to serve as Board member. Ms. Patterson is a Ward 3 resident, and has background and knowledge in Substance Abuse & Case Management. She brings forth representation for the Latino speaking community. Ms. Patterson went before the Alderman Committee on April 9th for approval, and will go before the full Board of Alderman tonight for final approval. Mr. Vondras has briefed her on many issues presently before the Board.

Dr. Osler made a recommendation to send Mr. Norton a letter officially thanking him for all of his efforts and contributions while serving on the Board. He feels this would be a nice gesture as well as proper protocol. Everyone was in agreement that a letter should go out. Mr. Vondras will draft the letter, and Dr. Osler will sign it on behalf of the Board.

Dr. Osler asked in terms of being on the Board, is the Board out of compliance? Mr. Vondras stated "no", because all members run on a roll over term, and Dr. Osler and Mr. Duclersaint will be renewed.

Mr. Vondras stated that because of the budget situation, in order to be paid for the meetings the Board member must be present at the meeting that month.

Tufts University Asbestos Hearing Update:

The Tufts University Asbestos Hearing has been re-scheduled for Thursday, May 15, 2003, at 4:00 PM. The process to have all parties come to an agreement concerning the date for the hearing was a long and arduous procedure. Mr. Duclersaint asked Mr. Vondras for a briefing on the Tufts University business, and also asked who would be present for the proceedings. Mr. Vondras stated the following people other than himself and the Board will be present for the meeting, Ms. Estella Papassavas and her son, Mr. Vithal Deshpande (Environmentalist for the City of Somerville), Mr. Guy Selfridge (Chief Code Enforcement Officer, City of Somerville), Mr. Nicholas Magliano (Tufts University), and Mr. Robert Treat (Attorney for Tufts University).

Ex-Parte Communications:

Mr. Vondras presented a handout to the Board members from the City Solicitor's office concerning Ex-Parte Communications. This handout states communications with persons outside of the public realm regarding matters that they have pending before you, is improper. Also if ex-parte communications occur with applicants or other persons related to matters pending before you, please disclose those communications before your respective boards and commissions in an open forum.

Tobacco Update:

Mr. Pungirum handed out a sheet that listed restaurants/businesses that are applying for smoking variances. He pointed out that bars are exempt from the regulations. However he included them on the list with the restaurants for the Board's information. On the list handed out, the only establishment Mr. Pungirum had significant concerns with was Dali Restaurant. His concern with Dali Restaurant is that the only entrance currently in use in the establishment is too close to the establishment's bar, its designated smoking area. According to the regulations, smoking is prohibited in entranceways and lobbies or waiting areas. Mr. Pungirum went on to explain that he has spoken to the manager of Dali Restaurant and explained that one solution to the problem would be for the establishment to use the door located in the dining room area as its main entrance, so that patrons would not have to go through the smoking area as they enter the establishment. Mr. Pungirum stated that the manager was not interested in using the other door. He said that door is only used as an exit door. If the Board does not grant the variance then Dali Restaurant must go smoke-free. Mr. Pungirum informed the manager of Dali that he was going to describe the situation to the Board, and that there was a possibility the Board would deny his request for a smoking variance. The manager said to try anyway. He added that the establishment had been smoke free for a while after being notified by an enforcement officer about the same issue. He said he decided to apply because he received the application in the mail. The Board asked if the variance were denied, what could Dali Restaurant do to be granted a variance. Mr. Pungirum stated that the restaurant would have to have an entrance that allowed people to enter without going through a smoking area, but the owner had already disagreed with that option. Mr. Pungirum made a recommendation that the variance be denied. Dr. Osler asked if the variance were not granted, how long would Dali Restaurant have before they had to go smoke-free. Mr. Pungirum stated that it was up to the Board. Dr. Osler stated that Dali Restaurant should be given a one-month notice to prepare to be smoke-free.

Dr. Osler made a motion to accept Mr. Pungirum's recommendation to deny the smoking variance for Dali Restaurant. Mr. Duclersaint seconded the motion. Two to zero, vote unanimous.

Next, Mr. Pungirum requested the Board approve the Tobacco Consultants be made Agents of the Board. Mr. Pungirum stated that the consultant's contracts were recently approved by the City to be vendors. Mr. Pungirum has interviewed and has worked with 2 out of the 3 people. The consultant's names are Frank Connelly, Joseph Perna and Elliot Brown. If they are approved as Agents of the Board, their authorization and contract will cease when they leave. The City of Cambridge follows a similar process. Ms. Sullivan requested that they be designated to be Tobacco Control Agents with authority to enforce tobacco-related regulations only, and not be given full authority to enforce other Board of Health regulations.

Dr. Osler made a motion for the Consultants be made Agents of the Board for strictly tobacco enforcement only. Mr. Duclersaint seconded the motion. Two to Zero, vote unanimous.

Mr. Pungirum stated that the implementation of Clean Air Works is going well in Boston. Boston in this process has been able to educate the public, and is waiting to see or hear of any civil disobedience due to the accomplishment of Clean Air Works. Somerville and Cambridge plan on implementing it together. Cambridge City Council's Ordinance Committee is holding another working meeting on May 14, 2003 at 4:30. Everett Board of Health has re-scheduled to meet on April 22, 2003 to pick a date for its Clean Air Works hearing. Saugus, Framingham and Watertown will implement their Clean Air Works regulations together on May 5, 2003.

The Board discussed the scheduling of a public hearing to hear comments on the proposed Clean Air Works regulations. Mr. Duclersaint made a motion to schedule the hearing on May 22, 2003 at 4:30PM. Dr. Osler seconded the motion. Two to Zero, vote unanimous.

Budget Exercise:

Per the Mayor's request each department throughout the city was asked to perform a budget exercise called a work-plan. This work-plan entailed looking at all areas of expenditures in individual departments, each department was asked to make recommendations in reductions. The Health Department is considered essential services, and most positions are state mandated positions. The Health Department is looking at numerous ways to cut money as well as looking at revenue driving sources. Mr. Duclersaint asked that the Board be apprised of the budget situation. Mr. Vondras agreed.

Schedule next meeting:

Next month two Board of Health meetings will be held to accommodate two separate issues, Tufts University asbestos hearing, as well as a public hearing for Clean Air Works. The meeting to accommodate Tufts University is scheduled for Thursday, May 15, 2003 at 4:00pm, located at the City Hall Annex, 50 Evergreen Ave. (downstairs conference room). The meeting to accommodate the Clean Air Works public hearing is scheduled for Thursday, May 22, 2003, at 4:30pm. This meeting is tentatively set to take place at the Council on Aging, located on Holland Street.

Meeting was adjourned at 5:35 P.M.

Respectfully submitted,

Elizabeth Roche
Administrative Assistant