

**Board of Health Meeting Minutes
September 18, 2003**

Present: David Osler, M.S., Chairman
Jack Vondras, Director
Cesar Pungirum, Tobacco Control Program
Cecilia Sosa-Patterson, Member

Meeting called to order at 4:40 p.m.

ACCEPT MINUTES:

Motion made to move to accept minutes. Seconded. Two verbal affirmative votes. 1 absent.

CLEAN AIR WORKS:

Since we last met on July 10, Mr. Pungirum has visited all restaurants and bars, and sent mailings to retail establishments in an effort to notify them of the smoking ban, and inform said establishments of their responsibilities regarding their compliance with the new anti-smoking regulations. During his second visit to establishments this past week, he dropped off materials for them to post. The "Come inside for a breath of fresh air!" campaign was shown to the Board. Funding for display posters and cards was provided by the Coalition for a Healthy Future (Tobacco-Free Mass). Also shown were "no-smoking" signs. The regulations do not require mandatory posting of "no-smoking" signs, so if a restaurant doesn't want to post a "no-smoking" sign it doesn't have to. Also included in the distributed package were "help to quit" posters and brochures, which provide information on quitting smoking. Cesar indicated that most businesses were happy to receive these materials.

Included in the package was an informational sheet entitled "Suggestions for a Smooth Implementation" which addresses concerns raised by owners and managers concerning losing business, unpaid tabs, crowds outside establishments that are smoking, and the conflicts that raises with the License Commission, among others.

One location caused problems for Cesar the both times he visited, Casey's Bar on lower Broadway. This establishment is simply uncooperative. Dr. Osler asked if the manager from Casey's testified previously. Jack Vondras indicated Casey's manager hadn't testified and that this establishment was a problem in other areas as well. Cesar said that when he first went into Casey's, the owner announced that he was the guy who was stopping them from smoking. Dr. Osler asked how Cesar dealt with the circumstance. Cesar said he listened to him, but proceeded with his anti-smoking message. Cesar mentioned that he would be back with materials to help them implement the process. When Cesar visited Casey's for the second time, he wasn't greeted with a public announcement, but the man threw all of the materials into the trash and proceeded to smoke a cigar and blow the smoke into Cesar's face. This was a highly confrontational situation. Cesar indicated that enforcement at this location might be problematic. Jack

warned Cesar never to go there alone. Cesar asked for a police escort the next time he visited Casey's. Jack Vondras said he would send an e-mail to George McLean, Chief of Police.

Cesar indicated that there are other places, for instance the Mt. Vernon, where patrons and managers are very upset. They tried to put him on the spot there as well and he spent over 40 minutes at that establishment. For the most part though, other establishments are ready for and know about the implementation and there are no foreseeable problems.

Dr. Osler asked if the committee had discussions with the people in Cambridge about these unfortunate circumstances he encountered, to which he indicated yes. Cesar had a problem at the French Club in Cambridge, where a member twice provoked him with the intent to start a confrontation. The French Club however, is membership based. Cambridge Police Commissioner Ronald Watson said that anytime we identify a location where our safety is an issue, Cambridge will provide a police escort. Cesar said he'd like to see the city of Somerville provide this service as well.

Cesar showed a sample of some of the print ads used in the promotional campaign. He showed last week's advertisement and Jack indicated that the same advertisement is in the Cambridge Chronicle. The article is also printed in Spanish and Portuguese. Advertisements will be posted after October 1st on the MBTA Red Line from Davis Square to Central Square. Jack mentioned that he and Harold Cox have an op. ed. piece in the Cambridge Chronicle today explaining that the two cities Cambridge and Somerville are officially implementing this initiative together. The article explains the health reasons for implementation.

Jack asked for a description of the committee's make-up. Members included: Cecilia Sosa-Patterson of the BOH, Jack Vondras, Harry Vaughn, and Mark Nolan of the Health Department, Jo-Anne Burke, Administrative Assistant for Licensing, Katie McDaid, the Police Officer assigned as liaison with Licensing Board so she represented both the Police Department and the Licensing Board. Two business representatives, Ray Zonghetti from Good Times and Carla DeLellis from Johnnie D's. Dr. Osler asked Carla's take on this ban. Prior to the meeting she was vocally against it. Attending the meeting she articulated her concerns without being difficult. Jack indicated that she's come around. Dr. Osler asked whether she was the woman present at the last Board Meeting. Cesar said no and explained that the woman present at last Board Meeting is the owner of Michael's Bar. She was upset with Cesar and Jack because at the last Board meeting she wanted to speak but the Board didn't recognize her. They explained the process in which the Board can choose to recognize her or not.

In Cambridge the ban is mandated by ordinance, and specific departments must be part of it. Cambridge Departments and representatives include the License Commission, the Inspectional Services Department, the Police Department, the Deputy City Manager, Councilor E. Denise Simmons, the Public Works Department, and the Health Department. In Cambridge all departments are on the same page regarding implementation and enforcement. Somerville should streamline its processes.

Cambridge offered to provide free exterior ashtrays to businesses that wanted to have at least one ashtray outside. Some business may opt for more than one ashtray. The implementation in Cambridge is much more bureaucratic, but it's going smoothly. In fact, the implementation seems to be going well in both cities. Cesar is visiting Cambridge establishments for a second time and distributing packages and the process is going smoothly.

The list of outlets where information will be forthcoming includes: Somerville Journal, Cambridge Chronicle, TAB, Boston Metro, and the Bay State Banner.

SCAT will run ads in between programming. Cecilia volunteered her live show and Jack is considering participation. Cesar mentioned doing something with the Community Action Agency of Somerville (CAAS). They have youth who can pass out flyers and create visibility. Dr. Osler asked Cecilia about the community response.

Cesar mentioned that in Cambridge, public clubs are included and that private clubs were included at the last minute. Private clubs are upset because they were afforded no opportunity to express concerns in the beginning of the process.

Chelsea became smoke free as of 9/8/03, which Cesar indicated was an example of a lower scale process that went well. There was a September 8th flyer, visibility, and he visited all restaurants and bars that previously allowed smoking. All were in compliance with "no smoking" signs up. Nobody smoking, and he wasn't yelled at. He had a pleasant experience working in Chelsea.

Cesar mentioned they will start to spot check restaurants and bars in Cambridge and Somerville in an effort to enforce the ban. A part-time enforcement officer will be hired soon. The advertisement was placed on the 25th of August and they will accept resumes until October 2. A contract is being approved by the city to enhance the program with consultants.

Dr. Osler stressed that the private clubs issue in Somerville shouldn't be lost sight of, to which Jack indicated that the Mayor wants any changes in the environment, i.e. more patronage in private clubs, or an increase in requests for private clubs, to be examined very quickly. Private businesses in both Cambridge and Somerville are worried about their patronage going to private clubs in Somerville. Dr. Osler mentioned that we should deal with the private club issue as soon as possible. Jack mentioned a need to do clean-up work with private clubs, and at performing public relations with them as well. Jack mentioned that Cesar did an amazing job with very little staff, and that he's very pleased with Cesar's performance. Three cities going smoke-free is a lot of work. Dr. Osler complimented Cesar as well.

Cecilia's view on the process was that originally having two businesses participating from the beginning helped streamline the process. These businesses provided feedback that the committee wouldn't have otherwise heard, and they provided other businesses

with information. A question lingers regarding who is responsible for violations, the owner or the manager. In addition, there is concern regarding difficult patrons who refuse to stop smoking. Owners and managers are concerned about appearing before the License Commission and possible loss of licenses.

Enforcement remains an issue. The Police in Somerville have indicated they will not respond to tobacco calls as they have other emergency calls to attend to. Jack indicated that if a situation escalates the police would respond.

Cecilia mentioned the dual role departments play in Cambridge. They are in planning process and serve as enforcers as well, whereas in Somerville, the Board of Health is the enforcer. Another gray area surrounds police reports and whether or not the Board of Health will receive copies of reports and follow them up. The process requires clarification in Somerville.

Dr. Osler asked if there was a resolution. Cecilia indicated in the negative and mentioned this was something that needs to be worked on. They plan on addressing Fire Department regulations as well, including the issue of patrons congregating outside of establishments. Good Times is a large enough establishment and so they may not face the difficulties a smaller establishment might face. Unfortunately, the License Commission makes it the establishment's responsibility if patrons congregate outside of its door(s). For a place like Good Times, this is not such a big deal because of the number of people in line going in and out. But for the smaller establishment this is a big deal.

We should provide suggestions to Cesar to pass to owners in an attempt to prevent situations like this from happening. Smaller places right now feel a need to hire someone to be at the door to prevent people from congregating. Does the Fire Department step in here or is it the BOH that reassures establishments that we want to work with them? The License Commission seems to be playing an entirely different role.

Dr. Osler asked if these issues would be resolved prior to October 1. Negative, as the committee isn't meeting prior to implementation. Dr. Osler asked what a temporary resolution would be to which Cesar responded that he would ask the License Commission about their procedures. Apparently all establishments are supposed to have a License Commission regulation book on hand, and they may call the License Commission for a copy of any regulations they require. There is no conflict between the Board of Health and the License regulations, but there is an indirect repercussion if businesses allow people to congregate outside. Jack mentioned drug activity is the reasoning for not allowing people to congregate outside. Unfortunately, if an establishment doesn't call the police, they appear unfavorable in the eyes of the License Commission. As it is better to be proactive than reactive, it is best that establishments deal with the License Commission procedures and put the License Commission on notice, and calling police is the first step.

Cesar indicated his desire to have License Commission contact owners to clear up gray areas and address these concerns so we don't have problems. This would give us time to address the issue.

Cecilia mentioned visibility and lack of funding. She suggested contacting community groups to provide visibility, for example the Latino Youth Program, a group that meets three times per week in the afternoons, could pass out flyers in the community. There also should be groups at MAPS as well. The Haitian Coalition has youth groups as well.

Cecilia proposed multi-language versions of the "smoke free" flyer. The top would be the same, but the bottom would indicate in different languages that the establishment was smoke free in conjunction with Tobacco and the BOH. The Board received the idea favorably.

OLD BUSINESS:

Jack indicated that the Enhanced School Health grant for this year is \$99,762.20, a decrease over last year, but enough to fund the School Nurse position without utilizing Alliance dollars. The grant also pays for Health Master and substitute nurses in schools.

The Tobacco Control Grant for the 5 Cities, funded last Fiscal Year at \$189,000 came in at \$132,000 for this year. We decreased administration staff from ¼ time to 5 hours per week. We increased our enforcement of Clean Air Works.

NEW BUSINESS:

The BOH also received dollars from Lead to do case findings. This adds time to Denise's position and she'll perform case findings work for Lead. Denise's position is maintained.

The Robert Wood Johnson grant was awarded to the City of Somerville. Grant provides ½ time for planning component extending community path from Cedar to Lechmere Station in Cambridge, the last two miles. Also provides for a 1/2 time person to develop walk to school, policy zoning, walking and pedestrian friendly plans, as well as providing funding for Massachusetts Alliance of Portuguese Speakers (MAPS), wellness programs to continually promote exercise wellness for the Portuguese community and signage. The city of Somerville is the grantee of the grant.

On staffing, we are now fully staffed. Linda Dubuque replaced Beth Roche. The Public Health Nurse, Liz Quaratiello is a Somerville resident and was formerly a substitute nurse with Diana Seufert. Liz is familiar with Somerville and she's very good. This is the first time we are fully staffed. We also offered the SCAP Director Position to Vicente Sanabria. He worked with Lawrence and developed the original partnership in Lawrence 10 years ago. He came highly recommended by Mira Rodrigues Howard. The Mayor has signed off on his hire as long as he's available for night and weekend meetings. So for the first time ever (under Jack's tenure) we are fully staffed.

We have seven (7) other grants pending, small amounts \$5,000 to \$20,000 including the United Way for Womens' Commission, which is now under the Health Department umbrella.

Dr. Osler suggested we make a list of issues and e-mail Jack who will in turn e-mail all Board members for discussion at the next meeting.

Cecilia asked about our departmental title now that we have Human Services and other departments under our department. Topic can be added to next meeting's Agenda. Dr. Osler suggested we add strategic goals for the department to the Agenda as well. Jack and Cecilia will meet and draft something for the next meeting.

There will be a need for an executive session at the next meeting.

DATE OF NEXT MEETING:

The next Board of Health meeting will be held **October 9, 2003** at 4:30 p.m. at the Somerville High School, located at 81 Highland Avenue, Somerville, MA.

The meeting was adjourned at 5:50 p.m.

Respectfully,

Linda Dubuque
Administrative Assistant