

City of Somerville  
Board of Health Meeting  
April 20, 2006

Present: Brian Green, M.D., Chairman  
Babette Mello, Board Member  
Maria Luisa Parra, Board Member  
Noreen Burke, Health Director  
Kathy Henkle, Administrative Assistant  
Cesar Pungirum, Tobacco Control Director  
Amanda Nauyen, Variety Central Owner's Daughter  
Kim Phan, Variety Central, Owner

Dr Green called the meeting to order at 5:05 p.m.

**Accept Minutes:**

Upon review of the March 16, 2006 Board Minutes, Maria Luisa Parra made a motion to accept the minutes and seconded by Babette Mello.

Minutes Accepted: 2-0

**Body Art Apprenticeship Process Update:**

Ms. Burke gave an overview of the Application for Body Art Apprenticeship Process. Subject to Board agreement, this version will be used for public hearing; which is scheduled for May 25, 2006. Ms Burke mentioned that she would discuss with Mr. Vaughan, the apprenticeship tools available from Cambridge and Quincy, to determine which ones would work better for us. Mr. Vaughn encourages the incorporation of the consent to tattoo by apprentice form and the release and waiver of all claims forms. She will meet with Mr. Vaughan to review and finalize Board of Health protocol for consent to tattoo by apprentice. Ms. Mello noted that the number (3) should be inserted in Section F. Mr. Zube asked when he renews his license on May 31<sup>st</sup> will he be able to include the apprenticeship renewals too. Can they all become effective at the same time? Ms. Burke said that is a tight timeframe and will likely not be ready

**Central Variety Tobacco License Suspension Hearing:**

A suspension hearing was held and Central variety's owner, Kim Phan, and her daughter, Amanda, attended. Mr. Pungirum explained that Central variety has sold tobacco to minors three (3) times within the last two (2) years. He further explained that according to the current regulations a third violation is punishable by a fine of \$300 and a hearing to discuss suspension of the store's tobacco license for two (2) weeks. He added that Central Variety has already paid the \$300 fine. Mr. Pungirum gave a short history of Central Variety's violations. He emphasized the fact that the last time Central Variety sold tobacco to a minor during compliance checks, it resulted in the suspension of its tobacco license for one (1) month. He added that the store also sold tobacco while its tobacco

license was suspended, for which it was issued a fine of \$200. Finally, Mr. Pungirum stated the record shows the store owner knowingly and willingly made most of the sales to minors. Mr. Pungirum recommended that the BOH suspend the store's tobacco license for (2) weeks to begin soon. Amanda speaking for her mother said that she had nothing to say because her mom, Kim Phan, just keeps selling tobacco to minors. Amanda also mentioned that they would be selling the store by the end of the summer. Dr Green recommended and made a motion that, according to the current tobacco regulations, Central Variety's tobacco license is suspended for (2) weeks. Ms. Parra seconded the motion. The suspension period will begin 8:00am on Monday, April 24, 2006 and will end at 8:00am on Monday, May 8, 2006.

### **Youth Access Regulations Amendment Hearing:**

Dr. Green made a motion to accept the proposed amendment to the Youth Access Tobacco Regulations as currently revised; seconded by Ms Parra. Dr. Green went over the hearing structure provided by Mr. Pungirum. Dr Green asked Mr. Pungirum if he had checked the legality of the provision 9.6, by which retailers give consent to announced and unannounced inspections of all areas, including behind the counter, once they are issued tobacco licenses. Mr. Pungirum response was that he met with David Shapiro, the City's Asst. Solicitor, and the law student, Cynthia. They went through the regulations section by section and didn't have a problem with that provision. David Shapiro only had a question about provision 11.6, which allowed the Board to fine an establishment \$500 for selling tobacco without a permit. Mr. Shapiro had been under the impression that, according to section 21d (noncriminal disposition) of the state law, the Board could only issue a ticket up to \$300. Mr. Pungirum went on to say that the Board of Health has not adopted 21d as a process for issuing citations for sale of tobacco to minors. Instead, the Board uses an administrative process that does not need to rely on court system, except when a criminal complaint is filed for nonpayment. The authority that the Board has comes from Chapter 111, section 31 of the Mass General Laws, which allows the Board to impose a fine up to \$1000 just by sending a letter. Mr. Pungirum added that Mr. Shapiro contacted Cheryl Sbarra, senior attorney with the Mass. Association of Health Boards, who confirmed this information. Dr. Green made a motion to accept the changes to the Youth Access Regulations and Ms Parra seconded it. Ms Mello made a motion to recommend that the implementation of the new proposed Youth Access Regulations to be effective July 10, 2006 and Ms. Parra seconded it.

### **Director's Updates:**

#### *Emergency Preparedness*

Dr. Green and Ms. Parra took NIMS and ICS 700 & 100; Babette Mello said she would get it done. Ms. Burke will send revised Som Hospital schedule and get her info regarding taking it online from Liz Quaratiello our Public Health Nurse. A pandemic flu presentation was shown to the Board of Alderman at their last meeting

#### *Rodent Control*

The City has convened a Rodent Control Task force. A rodent control flyer has been created and will be made available to the public and will be put on the city's website. One issue at hand is that citizens put their trash out earlier than scheduled pick up day therefore the trash sits outside longer which will attract the rodents.

*Personnel*

There are four open positions within the Health Department. These include Emergency Preparedness Coordinator, Shape Up Somerville SCAP Director and, Tobacco Control Enforcement Officer. Ongoing hiring processes are in place.

*Asthma Surveillance*

Ms. Parra made an inquiry about Asthma Surveillance in the Somerville Schools. There are the beginnings of an Asthma tracking project led by Dr. Coffey and Ms. Henebury. They could be invited to a future meeting to talk about this.

*FY07 Budget*

The FY07 Budget is now in progress and will be level funded again. Ms. Burke will be asking for an Assistant Director in the Health Dept.'s Budget this year. We are also looking for a Jr. Clerk and additional Public Health nursing hours to the department also.

*Other*

Ms. Mello went to pick up her food order and she witnessed the dishwasher coughing, rubbing his nose with his hands and continuing to touch the silverware. A complaint was written up at the Health Dept. and given to Harry Vaughan to follow up.

Ms. Parra wanted to know what one could do if they see someone smoking in a school's playground. (Capuano School). Ms. Burke told Ms. Parra to email Cesar Pungirum on the clarifications of smoking in the playgrounds.

Ms. Burke talked about training on being prepared for Pandemic Flu, which is being run by the Local Public Health Institute of Massachusetts. She is encouraging Board Members, Health Dept staff, and others to go to this training.

The next Board meeting will be Thursday May 25, 2006 at 5pm

A motion was made by Dr. Green to adjourn the meeting @ 6:50 pm and seconded by Ms. Mello

Respectfully Submitted

Kathy Henkle  
Administrative Assistant  
Health Department