

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

Present: David Osler, M.D., Chairman
Arnold Duclersaint, Member
Jack Vondras, Director
Cesar Pungirum, Tobacco Control Program

The meeting was called to order 4:40 PM.

Dr. Osler made a motion to approve the minutes from the June 12, 2003 meeting. Mr. Duclersaint seconded the motion. Vote two to zero.

Tobacco Issues:

At the previous meeting, the Board voted to pass the proposed "*Regulations Affecting Smoking in Certain Places*", but they would come back this month to review the amendment to include private clubs in the ban. Mr. Pungirum explained that, although the language had been reviewed by the attorney for the Massachusetts Association of Health Boards, the Legal Department of the City of Somerville, had requested more time to research the language of the amendment. Such research is routinely performed to look for potential legal issues and to determine the City's liability.

He then passed out a list of proposed changes that he made in the "*Regulations Affecting Smoking in Certain Places*". He stated that the proposed changes would not change the scope of the regulations, but they would just strengthen the language to make enforcement easier. There were six changes in the regulations. In summary:

1. Modified the definition of employer to include, "with or without compensation",
2. Modified the definition of workplace to include, "with or without compensation",
3. Changed the second part of the first paragraph of Section 3 (Prohibition) to read: "Therefore, smoking is prohibited in all public places and all workplaces",
4. Modified the nursing home and long-term care facilities exception to conform to Federal Regulations, which prohibit smoking in nursing home rooms,
5. Modified the first paragraph of Section 5 (Violations) – removed "The violator shall receive" and included "Any person who violates this regulation or knowingly permits another to violate this regulation shall be punished by the penalties set forth below, in the manner provided by MGL Chapter 40, Section 21D. Nothing in this section shall be construed to prohibit other means of enforcement." and
6. Included at the end of the regulation (Section 10) all the previous "Adopted", "Amended", and "Effective" dates the regulation was previously modified. (Attached is the list of the proposed changes.)

Dr. Osler asked if there were any questions regarding the proposed changes. He asked the Board if they wanted to vote individually on each change or collectively. The

question was raised if the Board should wait for Ms. Sosa-Patterson to vote on the change. They would give her a few more minutes to arrive.

Mr. Pungirum discussed the implementation process. He explained that the Cambridge Health Department called for a Commission in Cambridge to help with the execution of the regulations. Mr. Pungirum suggested that Somerville follow this lead. A committee should be formed to notify businesses of the new regulations, prepare them for site visits from the Tobacco Control Program, to pass out flyers, and to educate and answer questions regarding said regulations. The committee should meet once or twice to discuss the implementation process and should include a representative from the business community, the Health Department, the Police Department and the Licensing Commission. A Board of Health member should oversee the Committee. Packages will be distributed to restaurants including regulations, pamphlets, and promotional materials. The packages will depend on the budget. Mr. Vondras stated that he is unsure of the budget but the Tobacco Control Program was guaranteed money. He also mentioned that Ms. Sosa-Patterson was interested in overseeing the Committee.

Dr. Osler asked how the decision was going to be made on choosing a restaurant and bar owner from the business community to be on the committee. Mr. Vondras stated that the people chosen should be able to articulate the concerns raised by the business community, without being contentious. He then stated that the Good Times Emporium was interested in sitting on the committee. Dr. Osler suggested contacting Stephen Mackey for suggestions.

Dr. Osler made a motion to accept the list of proposed changes to the "*Regulations Affecting Smoking in Certain Places*". Mr. Duclersaint seconded the motion. Vote two to zero. (Ms. Sosa-Patterson was absent for the vote.) Mr. Pungirum gave Dr. Osler a copy of the regulations with the changes already made for them to sign. Dr. Osler and Mr. Duclersaint signed the regulations. Dr. Osler stated the signatures reflected the fact that Ms. Sosa-Patterson voted on the regulations but did not vote on the amendment. This will be revisited in September to have the signatures reflect those who voted on the regulation and those who voted on the amendments.

Old Business:

Mr. Vondras updated the Board on staffing. He explained that five positions in the Health Department were lost in the layoff process (three Hearing and Vision testers, one Head Clerk and a School Nurse position). The school nurse resigned as of June 30, 2003. There is a bumping process in the City, and the Head Clerk will be moving to the City Clerk's Office. Dr. Osler asked if there was a waiver from the State regarding the Hearing and Vision Testers. Mr. Vondras stated that Diana Seufert has prepared the documentation and sent it to the State.

Mr. Vondras stated the Administrative Assistant will start July 28, 2003. At the Board's suggestion, she is fluent in Portuguese and Spanish and was chosen by the City Auditor, the Personnel Department, the Mayor and the Health Department.

Diana Seufert moved back to the School Nurse Coordinator. The paperwork is in the process. The Public Health Nurse position will be posted again. Mr. Vondras explained the salary is still low and he argued that point with the Somerville Municipal Employee Association (S.M.E.A.). Dr. Osler asked why the S.M.E.A. wants to keep the salary low. Mr. Vondras explained they need to create new classifications for the position, which is not warranted. Mr. Duclersaint asked if the position could be taken out of the S.M.E.A. Mr. Vondras explained that it would be difficult to take the position out of the S.M.E.A. without justification and that very few positions are taken out of the S.M.E.A. That process would take months and the Health Department needs a nurse in the office to follow T.B. cases, distribute vaccines and to vaccinate the public. He explained in the last rounds of interviews they had a Somerville resident who was well qualified and maybe still interested in the position. Dr. Osler asked if they could eliminate the position and reconstruct it. Mr. Vondras stated it would have to go before the Board of Alderman to reconstruct and they would have a hard time coming up with dollars. Dr. Osler asked how far below is the Health Department in salary. Mr. Vondras surveyed several towns. A number of Cities have very low salaries. The average is \$53,000.

New Business:

Mr. Vondras explained that the Health Department made it to the 3^d Stage of the Robert Wood Johnson Proposal on Active Living by Design. There were 30 applicants going for 25 slots. He was taking a trip to Baltimore to present in front of a full Board. There is a positive message to selling this to other cities. Along with the Health Department, Ground Works for Somerville, Friends of the Community Pass and MAPS are collaborators.

Board of Health Needs Assessment:

Ms. Sosa-Patterson approached Jack at a previous meeting and asked what the next order of business was with the Board after the Tobacco Regulations pass. Mr. Vondras stated there were two proposals that were presented to him by the Board of Alderman.

Alderman Provost approached Genita Johnson, the previous Director of the Health Department, on regulations concerning keeping and breeding animals in the City of Somerville. This would involve kennel issues. He explained that the Health Department receives numerous complaints regarding dog odors and sanitation issues from the residents in East Somerville.

The second proposal was regarding Nail Salons in the City of Somerville. The Health Department has sample regulations from other cities. Mr. Duclersaint asked what kind of regulations would be put into effect. Mr. Vondras explained it would involve the training process of staff working at nail salons, sterilization of instruments and the overall cleanliness of the establishment. It would also deal with proper ventilation from the toxic fumes and HIV issues.

Dr. Osler stated the two proposals would be interesting to look at but suggested waiting for Ms. Sosa-Patterson to be present.

Mr. Vondras also stated that Ms. Sosa-Patterson was asking about the “Well-Being” report. She would like to have a presentation on the data concerning Ethnic groups. It could be made to a small audience to know what areas to look at.

Next Meeting:

The next Board of Health meeting will be held September 18, 2003 at 4:30 PM at the Somerville High School.

The meeting was adjourned at 5:40 PM.

Respectfully,

Donna Pickett
Administrative Assistant