

MINUTES OF THE BOARD OF HEALTH MEETING

July 27, 1999

ROOM 221, MEMORIAL BUILDING

FRAMINGHAM, MASS

The Board of Health meeting held on July 27, 1999 was called to order by Adam Sisitsky.

Board Members Present: Adam Sisitsky, Chairman
Thomas L. Treadwell, M.D., Secretary
James A. Gordon

Staff Present: Robert T. Cooper, Public Health Administrator
Loretta L. DeLucia, Administrative Assistant
Claire M. Errico, Administrative Assistant
Michelle Zeamer, Tobacco Control Director

Other Attendees: Michael Kinnarney, Marianne Neal, Jack Neshe, Judy Coots, Amanda Schrock, Irwin Andler, and John M. Kahn

ACCEPTANCE OF MINUTES -

The minutes of the June 15th meeting were accepted unanimously.

WELCOME NEW BOARD MEMBER -- JAMES A. GORDON

Adam Sisitsky welcomed James A. Gordon to the Board stating Mr. Gordon is a long time resident of Framingham and has made many contributions to the community. The Board is thankful to have him.

JUDITH COOTS , MASSAGE THERAPIST

Robert Cooper stated that Judith Coots was licensed in Framingham 2 years ago, but let her license lapse. She has completed an application and has all supporting documents. Adam Sisitsky reminded Ms. Coots that the license would be site specific to 42 Lincoln St., and Ms. Coots concurred. James Gordon made a motion to accept , Dr. Treadwell seconded the motion. The motion to approve the massage permit was passed unanimously.

MIKE KINNARNEY, ANIMAL PERMIT

Mr. Kinnarney filled out the necessary application to keep 3 goats at 91 Leland Street and submitted it with necessary letters from all abutters. There were no objections, and no issues were raised. James Gordon made a motion to grant the permit. Dr. Treadwell seconded the motion. The motion to grant an animal permit for 3 goats was passed unanimously.

ST. TARCISIUS CHURCH BINGO

Ms. Marianne Neal, Parish Secretary of St. Tarcisius Church, requested an extension of the No Smoking in Public Places law which went into effect in Framingham on July 1, 1999. Adam Sisitsky explained that the regulation would provide for a variance if one could demonstrate manifest injustice. Ms. Neal

was asked to state her case. Ms. Neal stated that the funds from bingo support schools and they had competition 1 mile down the road in Natick. Each town is only allowed to run one bingo per night. As most of the clientele smoked, Ms. Neal felt the parish needed more time to prepare the clientele for the change. James Gordon asked how many people played bingo. Ms. Neal replied 60-70. She made it clear that they would comply by the second Thurs. in September. It was mentioned that a variance was granted to Marian High School last month. James Gordon asked if any of the clientele preferred a non-smoking environment? Ms. Neal responded that a very small percent preferred non-smoking. Adam Sisitsky stated that he believed Ms. Neal proved manifest injustice. James Gordon made a motion to grant a variance through Thursday, September 2, 1999. Dr. Treadwell seconded the motion. The Board voted, unanimously, to grant an exemption to St. Tarcisius through September 2, 1999. After September 2, the bingo program must be smoke-free.

CONGREGATION BETH SHALOM BINGO

The Bingo Committee of Congregation Beth Shalom requested an extension of the new town regulations relative to smoking in public places. Irwin Andler, accountant, stated that they too needed time to educate their clientele and would be able to complete this task by the second Tuesday in September. James Gordon made a motion to grant a variance to Congregation Beth Shalom through September 7th, 1999. Dr. Treadwell seconded the motion. The Board voted, unanimously, to grant the variance stating that September 7th would be the last bingo to allow smoking. Beyond that they were to be smoke free.

ADESA AUCTIONS

Jack Neshe, Assistant General Manager, requested a permanent exemption, in the Auction arena only, from the town regulation relative to smoking in public places. He stated that they have complied in the restaurant and main office areas. He further went on to explain that the auction area is set up with 100% fresh air makers which provide fresh air through 12 vents. The general public is not allowed in the area. The Auction runs every Friday from 9-5 depending on the number of vehicles going through. Only once a month there is a special single lane auction. Michelle Zeamer stated that if the Board considered such an exemption, it should be given a time limit, therefore, allowing the Board to rescind its decision if complaints started to occur. James Gordon questioned what was the hardship? Mr. Neshe stated that they tried to push out 2500-3000 cars per auction and if people could not smoke they may not come if they miss out on sales while outside smoking. Mr. Robert Cooper asked Mr. Neshe if he knew what percentage of the dealers smoked. Mr. Neshe was not sure. Mr. Cooper stated that the national average was only 25% and if we allowed the exemption we would be going with the minority. Dr. Treadwell stated that the regulations were to protect the employees who would not complain in fear of jeopardizing their jobs. The regulations were designed to cut out smoking. Dr. Treadwell further stated that The Board needed to look at variance requests over the next few months before granting any exemptions.

Adam Sisitsky asked if the Board had the power to grant and later revoke a variance. Mr. Cooper stated that the Board has the power to do both. James Gordon opposed granting a permanent variance until we did further studies. Perhaps at this time a temporary variance could be looked into. A lot of time and effort went into getting the no smoking regulation passed. Michelle Zeamer then asked if there were any solvents in the area. Mr. Neshe answered "no". Adam Sisitsky stated he was open for motions. James Gordon moved to reject. Dr. Treadwell seconded the motion. Mr. Neshe then requested a provisional exemption. Dr. Treadwell stated it was best to deny with an open mind, and that the Board needs 3-4 months to research other towns and other variance requests. Robert Cooper questioned a variance until September. Dr. Treadwell said "no". James Gordon spoke to Mr. Neshe and asked him to hope for a positive effect. Robert Cooper stated that the need cannot be so bad to smoke that one would miss out on a good purchase, feeling only a small percentage of the people will go outside. Dr. Treadwell stated that he did not feel manifest injustice was proven, but would be open to reviewing the situation again in 3-4 months.

Jack Neshe stated that the arena area was a large area and it was hard to enforce no smoking regulations. James Gordon again made a motion not to accept a request for a variance. Dr. Treadwell

seconded the motion. The Board voted unanimously to deny the request for a variance but would welcome an opportunity for a site visit. Michelle Zeamer explained that according to the regulations, he has to post signs and make a good faith effort to enforce the no smoking regulations.

RECYCLING COORDINATOR

Public Works requested us to adopt a regulation to require large apartment complexes provide for recycling. Public Works did not send a representative. Robert Cooper stated there was some grant money available for this purpose and perhaps the issue can be discussed at the next Board Meeting.

ACCEPTANCE OF MINUTES OF 6/15/99

Adam Sisitsky found no need for amendments. Dr. Treadwell accepted. Motion granted to accept minutes of June 15, 1999.

BOARD REORGANIZATION

Adam Sisitsky stated that it is customary to reorganize the Board after a new appointment. Dr. Treadwell moved to keep Adam Sisitsky as Chairman and he would remain Secretary. All voted in favor to maintain the current appointments for one more year.

REPORT FROM ROBERT COOPER

Mr. Cooper reported that signs have been ordered for Callahan Park issuing warnings regarding Lyme Disease and how to protect oneself. Dr. Treadwell spoke of a few cases that had shown up in Framingham. He thought the signs were an excellent idea. The most likely places to be exposed to Lyme disease were at Callahan Park, and the northwest quadrant of Framingham. Dr. Treadwell further stated that Lyme disease is not serious if treated appropriately, and although the vaccine is very effective, it is not cost effective.

Adam Sisitsky noted that Michelle Zeamer did a compliance check recently and was very pleased at the results which showed that only 3 stores of 70 sold tobacco to a minor. He thanked Michelle for all her efforts in this area.

Adam Sisitsky opened up a discussion for the next Board Meeting date. James Gordon asked if it was the same day and time each month. Robert Cooper stated that they try to have the meeting the third Tuesday of every month at 7:30 p.m.

The next meeting was scheduled for August 17th and the meeting adjourned at 8:45 p.m.

Adam Sisitsky, Chairman