

TOWN OF DEERFIELD  
BOARD OF SELECTMEN

October 11, 2006

MINUTES

1. Meeting Convenes at 7:30 p.m., Deerfield Municipal Offices.
2. Present: M. Gilmore (Chair), C. Shores Ness  
Absent: J.P. Paciorek, B. Kubiak
3. The Board of Selectmen, acting in their capacity as the Board of Health, formally opened the Public Hearing for the Proposed Smoking Ban in Private Clubs:
  - A. M. Gilmore noted that J.P. Paciorek recused himself on grounds that a conflict of interest might exist as his brother is a member of the Board of Directors of the Polish Americans Citizens Club (hereafter referred to as PACC). The Board invited attendees to speak as per order of the sign-up list. They reminded each speaker to state their name, affiliation, and to limit comments to 5 minutes or less.
    1. J. Purdy, an interested resident, requested that the Board institute the proposed ban. She referenced the recent precedent-setting court case that supported the Athol Board of Health's ban on smoking in private clubs.
    2. W. Lankarge, member of the PACC, noted that the smoking ban issue was recently voted down by the PACC Board of Directors. Several factors were taken into account as part of that decision, such as allowing smoking in a separate room versus outside, but that the measure was defeated. C.S. Ness inquired as to whether a means of enforcement was discussed. M. Gilmore reminded everyone that a smoking ban would not just affect the PACC, but all private clubs in Deerfield.
    3. L. Dufresne, an employee of PACC, spoke in support of the ban, stating that she felt it necessary for health reasons—for employees, patrons and guests.

4. R. Safirowicz, a member of PACC, supported the ban. He also reminded everyone that the proposal was narrowly defeated at the club.
5. D. Dewinter, a member of PACC, spoke against the ban, reminding attendees that the club should decide this issue, not the Town.
6. D. Rogers, an employee of PACC, stated that she was against the ban. The initial complaint was brought by one employee to the Board of Health, but that other employees disagreed and their opinions should carry as much weight.
7. R. Equi, a member of the PACC, clarified that one written complaint was sent to the Town. Seven letters against a ban were sent to the Board of Health, obviously a majority not in favor of this measure. He also noted that he was against banning smoking in the PACC.
8. T. Salle, a member of PACC, offered his opinion against a ban on smoking, but noted that when a function is held at the club, there is a policy of not allowing smoking in the function room.
9. R. Decker, a member of the PACC, disagreed with a ban and feels that the Town does not have the right to impose this sanction on the club—the Board of Directors should decide.
10. W. Dickinson, also a member of PACC, spoke against the ban and noted that he felt that one employee should not try to force a change of this type for the whole of the club. M. Gilmore reminded everyone that the issue was the ban itself, not anyone person involved in the process.
11. T. Benz, a member of the PACC, noted that he was against the proposed ban.
12. H. Kocot, a member of PACC, requested that the Board of Health put a smoking ban into effect as it would be healthier for all members of the club.
13. M. Wisniewski, a doctor and resident, questioned the Board on the constitutionality of instituting a smoking ban. He felt the Board

should consider everyone’s rights. M. Gilmore reminded attendees that the Code of Massachusetts Regulations (CMR) allows a broad range of power legislate health issues. C.S. Ness further noted that there is no constitutional right to smoke, this is simply a health issue.

14. E. Turner spoke in favor of the ban.

B. M. Gilmore then closed the public hearing, but reminded everyone that the written public comment period ended one week from this hearing at close of business. He invited anyone that could not attend to send in their opinion. The Board will vote on the issue at the next meeting, which is scheduled for October 18, 2006.

4. Meeting adjourned at 8:10 pm.

Respectfully submitted,

Kayce D. Warren  
Administrative Assistant

☐ Approved ☐ Not approved

Date: \_\_\_\_\_

Corrections: \_\_\_\_\_  
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