

# Smoke-Free Air Act Lights Up Controversy Over Rules

By DEBORAH MADISON  
Specially Written for The Westfield Leader and The Times

AREA — Just as the New Jersey Department of Health and Senior Services (NJDHSS) had anticipated, there has been no discernable reduction in patronage at many local bars since the indoor smoking ban took effect on April 15, according to several local bar owners and managers. A week after the smoking ban went into effect throughout New Jersey, smokers and non-smokers alike were packed into local bars last weekend, enjoying their beer and pretzels, without the customary haze of smoke.

Jolly Trolley manager Chip Pakenham told *The Leader/Times* that he recognized many of the usual faces; customers who were smokers had come out to enjoy the atmosphere despite having to go outside to light up.

There was a wide-variety of opinions and attitudes about the new ban. Multiple smokers interviewed by *The Leader/Times* said that they actually like the new law.

The smoking ban, named the New Jersey Smoke-Free Air Act, prohibits smoking in all indoor establishments that have public access, including restaurants and bars, schools and school grounds, sports facilities including bowling alleys and race tracks, bingo parlors, malls, theaters, museums, libraries and all public-transit areas.

The ban exempts casino floors, cigar bars and lounges, tobacco retailers, private cars and homes. Cigar bars and tobacco retailers are defined as only those establishments that generate more than a certain percentage of their total income from the sale of tobacco products. Hotels and motels can permit smoking in up to 20 percent of their rooms. The law also permits bars or restaurants to construct a separate smoking room, as long as the ventilation and exhaust system does not permit any air exchange between the smoking and non-smoking sections to occur and as long as there is a closed door between the sections.

The guidelines include a proposal to ban smoking within 25 feet of an establishment's entrance, which would eliminate the possibility of an outdoor café area for many restaurants. Multiple bar managers and customers told *The Leader/Times* that this proposal was taking the ban too far. Those rules, however, are still being considered and may be revised or changed, according to Regional Health Director Robert Shear.

Mr. Shear said that the NJDHSS published a 77-page document outlining the proposed guidelines for implementing and enforcing the new law, which can be viewed at <http://www.nj.gov/health/ctcp/smokefree>.

The process is currently undergoing a 60-day public review period, during which time the public, including pro-smoking groups, may make comments or recommendations. The NJDHSS will then consider those comments and may revise or change the rules, before publishing its final guidelines sometime in June, Mr. Shear said.

The primary sponsors of the Smoke-Free Air Act were Senators John Adler and Tom Kean, Jr. Renee Trabert, legislative aide to Senator Kean, told *The Leader/Times* that their office was very pleased with the bill's passage and had already received many emails and phone calls in the way of positive responses.

She said that the public review period could potentially result in minor revisions to the act, but she did not expect any major changes. She added that local establishments can call their local health departments for clarification on the present guidelines.

Last Thursday night, there were several smokers enjoying drinks at the bar at the Stage House Inn in Scotch Plains. Stage House Inn owner Tom Britt said that attendance has been steady and he did not anticipate any drop-off. He said that the new law might actually work out better for his establishment because the Stage House Inn has a very large outdoor café and bar area in the back.

He said that he does not agree with the 25-foot front entrance ban and does not see how that can be enforced on people just walking by.

Joe Siddons, manager of the bar, said that it was really too soon to tell how the new smoking ban would affect revenues down the road but that he was not concerned about attendance dropping off.

"This is an adjustment period," Mr. Siddons said. "Smokers are still going to come out to drink and socialize."

And even though he smokes, Mr. Siddons said that he was pleased that the law will protect everyone from second-hand smoke because he and the other staff were exposed to too much of it.

Scotch Plains resident Lisa Schiller, a Stage House customer and a smoker, agreed. She said that she could appreciate the new law and doesn't mind going outside to smoke. Her husband, Tom Schiller, said that it might encourage some smokers to quit or to smoke less.

Stage House Inn's Sous-Chef Dan Cronin, a smoker, disagreed. He said it will make a difference in how long he stays at the bar drinking. He said that because of the law, he is more likely now to go over a friend's house to drink, because his beer "will not be as enjoyable without a smoke."

Chris Boyle, co-owner of the Northside Trattoria, has concerns about the government making regulations that infringe on people's rights. Although the Northside Trattoria has always had a no-smoking policy, Mr. Boyle said that he thinks the rules should be up to each individual bar owner.

"I don't like the government telling people what to do," he said. "I'm not a smoker and I don't advocate smoking, but it's hypocritical of the government to profit from the tax on cigarettes on the one hand, and then tell you where and when you can smoke," he said.

Westfield resident Brian Walter, a customer at the Northside Trattoria, said that the law may inspire him to quit smoking because he would not be willing to go outside to smoke in the winter. He also mentioned that it's going to take some establishments awhile to get that smoky smell out of their bars.

"Some places that used to allow smoking really have a foul odor," he commented.

Customers at the Jolly Trolley were already appreciating the smell of the soup, which they said was hardly noticeable before the ban.

Like most non-smokers interviewed, Trattoria customer Maureen Arena said that she and her friends loved the new ban and will likely visit more bars and spend more time there.

Many bar owners are waiting to see what the final guidelines will be before they invest in outdoor seating areas; however, some bars and restaurants have already set up an outdoor area for their smoking customers.

The proposed guidelines state that local boards of health and local police departments will be the first line of enforcement for the new law. Local officials expect that business owners, managers and customers will be the ones policing the ban.

The guidelines also outline the fines that will be imposed — from \$250 up to \$1000 for subsequent offenses. If a patron does not cooperate with an owner's requests to stop lighting up, the establishment can call the local police to issue a summons. Customers can also call their local health department to report violations.

Mr. Shear said that until the guidelines are finalized, local boards of health and police departments will utilize this interim period as a chance to inform and educate the public and bar owners of the law's implementation requirements. His office will distribute flyers and talk with establishment owners on how to implement the law but will not impose fines until the guidelines are finalized. Bar owners are, however, required to post no-smoking signs at their entrances at this time.



SSSSSMOKIN'...A Jolly Trolley patron smokes outside of the bar & restaurant after the state's Smoke-Free Air Act went into effect on April 15.

## RVSA Discusses Privatization At Meeting

By KEREN SCHULTZ  
Specially Written for The Westfield Leader and The Times

RAHWAY...At its meeting last Thursday, the Rahway Valley Sewerage Authority (RVSA) discussed privatization.

In January, United Water, a subsidiary of Suez Water, presented to the RVSA board a proposal to take over operational control of authority. The RVSA currently serves more than 300,000 residents and 3,500 industrial and commercial customers in Westfield, Scotch Plains, Garwood, Mountainside, Springfield, Kenilworth, Roselle Park, Cranford, Clark, Rahway and Woodbridge.

The board said that it is in the process of conducting legal research regarding issues of privatization and contract operations of the authority's facilities and should have a presentation prepared for the board next month. In addition, the authority's financial consultant, NW Financial, is preparing a report regarding the financial issues associated with privatization to present next month.

"We're really in the process of going towards privatization," said Commissioner Attilio ("Sonny") Venturo, Scotch Plains representative. "We have never said this is the thing we want to do...We should be researching whether this really is something we want to do rather than being led along this path. I see this (agenda item) as a push and I resent that."

He said that the time spent on legal and financial research regarding privatization costs a large amount of money each month.

"We are crippling our towns with the financial responsibilities we're putting on them," he told the board.

Other commissioners agreed that they were not at all interested in privatization and that it seemed as though they were "jumping the gun."

About 10 RVSA employees attended the meeting to listen to the issue of privatization. "They're going to do what they want to do, anyway," a RVSA employee told *The Westfield Leader and The Scotch*

*Plains-Fanwood Times*, regarding the issue.

Westfield's representative, Commissioner Allen Chin, offered a motion to hire Michael Brinker, Jr. as the permanent RVSA executive director. Seven commissioners requested the motion be tabled.

The board announced that Rahway Commissioner John Ludington, 2nd, had submitted his resignation to the board. Rahway Mayor James Kennedy was appointed as the new Rahway representative to serve until the expiration of the term on February 1, 2007.

In his resignation letter to the board, Mr. Ludington stated that he "enjoyed (his) three-plus years on the authority and appreciates the experience and friendships (he'd) developed." The board did not comment further regarding reasons for Mr. Ludington's resignation.

Mayor Kennedy will replace Mr. Ludington on the RVSA's engineering, finance, public relations and security committees.



REMEMBERING MEGAN...Members of the Westfield Junior Women's Club present a \$1,000 check to the Westfield Recreation Department for a playground at Tamaques Park in memory of Megan Beck, a four-year member of the recreation summer playground staff who died in 2005. Seven thousand of the \$15,000 necessary to construct "Megan's Playground" has been raised to date. Pictured, left to right, are: Recreation Director Bruce Kauffman; Michelle DiFilippo, Junior Women's Club; Assistant Recreation Director Dolores MacKay and Erin Zito, Beth Hoerie and Kelly Harrington, all of the Junior Women's Club.

## Masonic Lodge to Hold Child ID Program

WESTFIELD — Atlas-Pythagoras Masonic Lodge will offer a Children's ID Program (CHIPS) on Saturday, May 6, from noon to 3:30 p.m. at the lodge, located at 1011 Central Avenue in Westfield.

Children will be fingerprinted, videotaped and photographed on a disk in cooperation with the Union County Sheriff's Department. Youngsters also will be weighed and measured, and special features such as birthmarks, scars or moles will be noted.

Additionally, a toothprint will be taken of each child, which will preserve a DNA sample of the young participants. This is being done under the guidelines of the Masonic Grand Lodge of New Jersey CHIPS format.

In respect to privacy, all tapes, pictures and cards will be given to the parents or guardians of the children, and the lodge will retain no records. Many families return each year to update their children's records.

In the event a child is ever lost or abducted, these tapes, when brought to police and the media, are considered valuable in helping to locate the child. There is no charge for this service, which the lodge has been providing to area families since 1991.

Light refreshments will be served and balloons will be available for all child participants. For further information, please call (908) 233-7349.

## Laurie Woog Opens Law Office In Town

WESTFIELD — Laurie Woog has announced the opening of her legal practice in Westfield focusing on immigration and nationality law.

A graduate of Harvard University and Northeastern University School of Law, Ms. Woog completed a federal judicial clerkship and was an adjunct faculty member the University of Wisconsin Law School.

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