



**Town Of Medway  
Board of Health**  
155 Village Street  
Medway, Massachusetts 02053

**July 14, 2014  
Medway Board of Health  
155 Village Street  
Conference Room  
Medway, MA 02053**

**PRESENT:** Mike Heavey, Jordan Warnick, and Jack Mill

**ALSO PRESENT:** Stephanie Bacon-Health Agent

The Chairman opened the meeting at 6:30 pm.

**Public Hearing:**

The Chairman opened the Tobacco Regulations hearing at 6:30pm for the public hearing.

The Board entered into the record the following documents:

- DJ Wilson, Tobacco Control Director provided feedback from NESCA regarding single cigar pricing.
- Feedback from Gary Passomore, owner of Keystone Liquors dated July 12, 2014.
- Proposed Minimum Cigar Pack Size Restriction NESSARA dated July 14, 2014.
- MD, Lester Hartman presented a document entitled “Healthy Towns, Healthy Kids.”

There was discussion about the packaging and pricing of single cigars. The health agent received further clarification from DJ Wilson. The recommendation was provided to the board.

**Regulation Prohibiting Smoking in Workplaces and Public Places:**

The board reviewed the regulations prohibiting smoking in workplaces and in public places. The restrictions on page three were reviewed.

The use of e-cigarettes is prohibited wherever smoking is prohibited per M.G.L. 270 Section 22 and Section 4© of this regulation.

There was an inquiry about whether all documents were posted on the Town of Medway website. The Health Agent confirmed that the Tobacco Regulations were posted as required.

**Regulation of the Medway Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products:**

The discussion moved to the definition of minor. It was suggested to change language referring to a minor as a “person under the age of 21”.

It was recommended to strike from Section 3 the definition of minor completely. Also in the third bullet revise it to read ... “to persons under 21 years of age is prohibited.”

The board discussed when this regulation will become effective. The Health agent suggested two months.

The effective date will be 60 days from the date of approval, September 15, 2014.

The poll was taken and members were in agreement with 60 days.

Member Mill wanted it noted in the record that he will go along with the majority of the Board, but he is opposed to raising the purchase age to 21 years of age. He commented that if one can vote, and serve in the military, then one should be able to smoke.

**Approval of Regulations:**

**On a motion made by Mike Heavey and seconded by Jordan Warnick, the board voted unanimously to approve the Tobacco Regulations with the effective date of September 15, 2014 with noted revision.**

**Close Hearing:**

**On a motion made by Jack Mill and seconded by Jordan Warnick, the board voted unanimously to close the hearing for the Tobacco Regulations at 7:20 pm.**

**Meeting Minutes Acceptance:**

**June 9, 2014:**

**On a motion made by Mike Heavey and seconded by Jack Mill, the Board voted unanimously to accept the meeting minutes from June 9, 2014 with revisions.**

**Permits to Sign:****9 Liberty Road:**

The Board is in receipt of a Sewage System Plan, prepared by Colonial Engineering Inc. The system is all gravity. The electric line runs from right front corner of the property to the left front of the house. There will be a clean-out. There are no variances requested.

**On a motion made by Jack Mill and seconded by Jordan Warnick, the Board voted unanimously to sign the permit for 9 Liberty as presented.**

**184 Holliston Street:**

The Board is in receipt of a Septic Design Plan, prepared by Borderland Engineering, Inc. This plan is seeking several variances.

The applicant is requesting the following:

**Local Upgrade Requests:**

- 15.2 (1) reduction of vertical separation of the bottom of the sand underlying the soil absorption system from 4 ft. in soils with a recorded percolation rate of greater than two minutes per inch to 3 ft.
- 15. (7) increases the maximum depth of system components from 3 ft. to 5 ft.
- 15.2111(1) reduction of the min distance of soil absorption area to cellar wall from 20 ft. to 15'.
- 15.211(1) reduction of the min distance of system component to property line from 10' to 6'.
- 15.223(1) reduction of the minimum.

There was a question about why the test pits were not close to the field. There was also a question about whether the water line has possibly snapped as suggested by the submitted plans.

The Health Agent contacted the Engineer immediately and he indicated that the water line was almost hit. It was requested that we include a condition about the test pit and confirm the soils during the construction. It was also suggested that the tank be pumped out right before construction commences. This will all be noted on the as-built plan.

The Health Agent responded that she would be on site for the installation.

**On a motion made by Jordan Warnick and seconded by Jack Mill, the Board voted to approve the plan with the conditions being noted on the as-built.**

**Rules and Regulations for Head Injuries and Concussions:**

The Chairman opened the hearing at 7:30 pm and read the public hearing legal notice.

A copy of the draft regulations were provided for the members and audience.

The following were in attendance.

- Mark Diebus
- Richard Laidlaw
- Tom Emero
- Jeffrey Selby
- Paul Martin
- Mark Zambrowki
- Rob Pearl
- Dot Pearl
- Glenn Trindade

The following documents were entered into the record:

- A comment from Mike Pietila dated July 2, 2014.

Richard Laidlaw (baseball coach) assists with the youth baseball program is concerned about the umpires having to comply with these regulations. Some of the umpires are kids and we do not want liability placed on the umpires. This regulation would hinder the ability to have umpires.

Mark Diebus (soccer coach) has a similar concern, the referees for soccer can also be kids. A good majority of the referees come from various locations outside of Medway. The referees cannot be responsible or liable for type of regulation.

This should be the coach, athletic trainer and parent.

One resident wanted to know if there were numbers provided which indicate how many have had a head injury.

The Health Agent responded that she has received figures from the schools and the report indicates which sport or activity caused the injury.

There is not accurate information about how many children sustained head injury from weekend recreational teams.

Resident Richard Laid referenced Section G page 6 suggesting adding the language (any liability and delete the word additional). He further commented that the youth baseball organization has no reported incidences. His concern is that the volunteers are not professionals and the regulations indicate that they are

now liable and could be sued. He has no issue with the language about players needing a note from the doctor prior to returning to the field.

Member Warnick responded that one cannot waive gross negligence.

One resident referenced Section B page 5 references if an athlete is suspected to have suffered a concussion.... The resident wanted to know who is responsible for making a suspected determination (parent, coach, referee etc.) The High School has a trainer on site, but the youth sporting events do not. It was further suggested by the resident that the first step the Board of Health take is to educate the coaches based on rules and regulations. The second step could then include the enforcement. This resident questions who would be responsible for enforcing the regulations. It was recommended that this section be revisited at a later time.

The big concern expressed by the audience is for the liability for volunteers.

The Health Agent responded that the intent of the rules and regulations are meant to keep the children safe. The language of this came from surrounding towns such as Holliston, and Ashland. This has been passed in the other towns.

Mr. Trindade commented that there are those kids who play two sports on the same day, and that child may have been injured at one game and then go to play another game with a different team. This is a real concern since the coach may not know that the player was injured at another game.

Member Warnick suggested that members of the youth sports provide comments and assist with revising the document.

The soccer coached informed the Board of Health that they already take this course and their forms are sent into Massachusetts Youth Soccer Organization.

One of the residents asked when they expect to put this in place.

The response was 21 days prior to the start of the session. This needs to be when permits are pulled.

The audience agreed that the fact sheet on head injuries is a good document which all should be educated about. The fact sheet could be part of the registration websites for the various sporting teams. There could be a sign-off that they have read the sheet.

It was suggested that information regarding head injuries and concussions be placed on the town website with a link.

There is a distinction between town owned fields not controlled by the school system and school-owned fields.

The Chairman recommended tabling the discussion until for another night, so that the any input from the audience can be reviewed. It was suggested that any comments be emailed to the Health Agent.

The items which need further clarification are the following:

- Liability
- Enforcement

**On a motion made by Jack Mill and seconded by Jordan Warnick, the Board voted to continue the hearing for a date to be determined.**

**Permits:**

- Food Permit: 300<sup>th</sup> Medway Celebration (Marl Diebus) July 19, 2014.
- Food Permit: Sweet Treats, 49 Holliston Street.
- Catering Permit: Patti Cakes and Oies, 12 Liberty Rd.
- Permit to keep Animals: 4 goats, 15 guinea hens, 157 Lovering St.
- Disposal Works Installers Permit: Cenedella, 62 Duval Rd.
- Tanning Facility Permit –Wicked Tans, 67 Main St.
- Farmers Market Permit: Buzz 10 Honey, 6 Shaw St.
- Mobile Food Permit: Grandy’s Ice Cream, 312Village St.
- Farmer’s Market Permit: Farmount Fruit Farm, 885 Lincoln St.
- Disposal Works Installers Permit: AJF Enterprises, 101 Blackstone St.

**Future Meetings:**

The next meeting scheduled is Monday, July 28, 2014 at 6:30 pm at the Medway Library.

**Adjourn:**

**On a motion made by Jack Mill, and seconded by Jordan Warnick, the Board of Health voted unanimously to adjourn the meeting at 8:30 pm.**

Respectfully Submitted,

Amy Sutherland  
Meeting Recorder