

1. Agenda

Documents:

[2022.08.23\\_BOH\\_AGENDA.PDF](#)  
[2022.08.23\\_BOH\\_AGENDA\\_-\\_REVISED.PDF](#)

2. Meeting Materials

Documents:

[2022.08.23\\_BOARD\\_OF\\_HEALTH\\_DRAFT\\_MINUTES.PDF](#)  
[2022.08.23\\_BOARD\\_OF\\_HEALTH-REQUEST\\_FOR\\_MINUTES-RESPONSE.PDF](#)

**Town of Southborough, MA  
Meeting of the Board of Health**

**Tuesday, August 23, 2022 at 9:30 AM  
Virtual Meeting Room**

**Agenda**

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, this meeting will be conducted via remote participation. No in person attendance by members of the public will be permitted.

This meeting may be watched or residents may participate in the meeting remotely with the meeting link at: <https://www.southboroughtown.com/remotemeetings>

**Business Item (Board may vote):**

1. Public Comment
2. Approval of 7/12/22 and 8/2/22 Meeting Minutes
3. Progress of Sound Barrier at Ken's Warehouse
4. Discussion of Placeholder for Special Fall Town Meeting
5. DPH Staff Assessment Study
6. Tobacco Regulations Update
7. Progress of Fitzgerald's Market and Plan Moving Forward
8. Public Comment

Chelsea Malinowski, Dr. Safdar Medina, Nancy Sacco

**Town of Southborough, MA  
Meeting of the Board of Health**

**Tuesday, August 23, 2022 at 9:30 AM  
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**Agenda - Revised**

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4. Discussion of Placeholder for Special Fall Town Meeting
5. DPH Staff Assessment Study
6. Tobacco Regulations Update
7. Progress of Fitzgerald's Market and Plan Moving Forward
8. Housing Inspection – 59 Central Street
9. Noise Policy & Guidance
10. Public Comment

Chelsea Malinowski, Dr. Safdar Medina, Nancy Sacco



**Town of Southborough  
Board of Health**  
9 Cordaville Road, Lower Level  
Southborough, MA 01772-1662

Phone: (508) 481-3013

**Minutes of the Southborough Board of Health**

August 23, 2022 – Board of Health – Virtual – 9:30 AM

**Present:**

Board Members Chelsea Malinowski, Nancy Sacco, Dr. Safdar Medina; Public Health Director, Dr. Heather Alker; Public Health Nurse, Taylor West; Administrative Assistant, Barbara Spiri

Also in attendance: Owner of Fitzgerald’s Market, Vinod Patel

**Opening:**

The meeting of the Board of Health was called to order at 9:30 AM by Ms. Malinowski.

**Topic: Public Comment**

**Discussion:** Public comments were not brought before the Board.

**Topic: Approval of Minutes from the 7/12/22 and 8/2/22 Meetings**

**Discussion:** Ms. Malinowski made a motion to accept the minutes from the 7/12/22 and 8/2/22 meetings. Ms. Sacco seconded the motion and voted aye. Dr. Medina – aye and Ms. Malinowski – aye. All in favor.

**Topic: Ken’s Sound Barrier**

**Discussion:** Representatives were able to attend the meeting. The Board decided to revisit this topic in September.

**Topic: Staffing Study**

**Discussion:** The department of Public Health will be conducting a capacity survey for local public health departments. 280 towns will be participating in this survey.

**Topic: Placeholder for the Special Town Meeting Warrant**

**Discussion:** The Board discussed removing the placeholder, following what the State is doing, and adding it to the annual Town Meeting in the spring if needed.

**Action:** Ms. Malinowski made a motion to remove the placeholder. Ms. Sacco seconded the motion and voted aye. Dr. Medina – aye and Ms. Malinowski – aye. All in favor.

**Topic: Tobacco Regulations**



**Town of Southborough  
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Phone: (508) 481-3013

**Discussion:** Dr. Alker told the Board the draft of the regulations is ready for the September 19<sup>th</sup> meeting. Ms. Malinowski suggested the draft be posted on the website and added to the Facebook page.

**Topic:** **Fitzgerald's Market**

**Discussion:** According to Dr. Alker, the establishment is getting better. The dumpster was moved, the trash inside was emptied, and she did not see expired foods. The pest control company feels it's beneficial to check on the store two times each month. Repairs need to be made to the ceiling and floor. Mr. Patel has a contractor to do the work. Ms. Malinowski told him she would like the work completed by FY24.

**Action:** **Ms. Malinowski moved to reactivate the food permit for FY23 with 2 inspections, "checking", continue with pest inspections two times each month. Ms. Sacco seconded the motion and voted aye. Dr. Medina voted aye. Ms. Malinowski voted aye. All in favor.**

**Topic:** **Noise Policy**

**Discussion:** The department is working with I/T to have a noise complaint tab on the website. Dr. Alker showed the Board a draft of a noise policy to provide guidance. They feel changes need to be made and they will revisit the document at future meeting.

**Topic:** **Upcoming Meetings:  
Tuesday, September 13, 2022 @ 9:30 am – Virtual – Ken's Sound Barrier – if needed  
Monday, September 19, 2022 @ 7:00 pm – Hybrid  
Tuesday, October 11, 2022 @ 9:30 am - Hybrid**

**Topic:** **Public Comment**

**Discussion:** Public comments were not brought before the Board.

At 10:22 am Ms. Malinowski made a motion to adjourn the meeting. Ms. Sacco seconded the motion and voted aye. Dr. Medina - aye. Ms. Malinowski - aye. All in favor.

Respectively submitted by Barbara Spiri, Business Administrator and edited by Chelsea Malinowski.

**From:** [Barbara Spiri](#)  
**To:** [Kathleen Battles](#)  
**Subject:** RE: Request for Minutes-BOH 8/23/22  
**Date:** Thursday, September 29, 2022 3:28:52 PM

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The Board will vote on the August 23<sup>rd</sup> meeting minutes at the October 11<sup>th</sup> meeting.

Barbara

*Barbara Spiri*

Business Administrator  
Southborough Board of Health  
9 Cordaville Road  
Southborough, MA 01772  
508-481-3013  
[bspiri@southboroughma.com](mailto:bspiri@southboroughma.com)

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**From:** Kathleen Battles <[kbattles@southboroughma.com](mailto:kbattles@southboroughma.com)>  
**Sent:** Thursday, September 29, 2022 3:21 PM  
**To:** Barbara Spiri <[bspiri@southboroughma.com](mailto:bspiri@southboroughma.com)>  
**Subject:** Request for Minutes-BOH 8/23/22

Southborough Town Code § 9-25 requires that minutes of each public meeting and the documents used at the meeting be submitted to the Town Clerk within 45 days of the meeting and that the Town Clerk notify the board or committee chair when that reporting requirement is not met.

I'm writing to advise you that as of today, the Town Clerk's Office has not received the minutes and documents used at the **8/23/22** meeting of the **Board of Health**.

The Attorney General has determined that a document is considered to be "**used at a meeting**" when the document is:

- Physically present, and
- Identified by name, and
- Its contents are discussed at the meeting.

As a reminder, please submit the documents as individual files and ensure the name of **each separate file** matches how it is identified in the **Documents Used at This Meeting** section of the minutes.

**Please reply to this email with your response which will be posted on the town website until the minutes and documents are received.**

Please advise if you are unable to provide minutes for one of the following reasons:

1. The meeting was cancelled.
2. No meeting was held due to the lack of a quorum.

The meeting involved executive session(s) and the minutes for the executive session portion(s) cannot be released at this time. Note that minutes for the open session portion of a meeting must be released. Also, the board or committee must review any withheld executive session minutes regularly to ensure there is still a valid reason to withhold minutes from the public. We suggest you consult with Town Counsel on any

matters concerning the release of executive session minutes.

Thank you,

*Kate Battles*

*Town Clerk's Office*

*Administrative Assistant*

*[kbattles@southboroughma.com](mailto:kbattles@southboroughma.com)*

*508-485-0710 x3006*