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By KB at 9:37 am, Jul 01, 2022

**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**

Meeting Minutes

May 16, 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: DPW Superintendent, Karen Galligan; Food Inspector/Consultant, Diane Legere; Resident, Dean Lamsa; Representing of Fitzgerald’s Store, Harry Patel; Resident, Debra DeMuria; Resident, Timothe Litt

**Opening:**

The meeting of the Board of Health was called to order at 9:32 AM by Ms. Malinowski.

**Topic: Public Comment**

**Discussion:** Mr. Litt asked to Board to educate the public on the need for a full-time staff and not go back to the way it was before the pandemic.  
Ms. DeMurio saw the industrial section was not included in the Noise by-law that was passed. She would like to know the Board’s plans. Ms. Malinowski said the topic will be discussed later but decided to address it now. She told her the short-term plan is to have Ms. West work on adding a noise complaint form on the website. The long-term plan is for the Southborough Board of Health to develop a policy.

**Topic: Approval of Meeting Minutes – 4/25/22**

**Discussion:** The Board did not feel any changes needed to be made.

**Action:** Ms. Malinowski made a motion to accept the edited version of the minutes as presented from the 4/25/22 meeting. Ms. Sacco seconded the motion. Ms. Sacco – aye, Dr. Medina – aye, Ms. Malinowski – aye.

**Topic: Approval of Executive Meeting Minutes – 4/12/22 & 4/25/22**

**Action:** Ms. Malinowski moved to approve the Executive meeting minutes and to release them at a later date. Ms. Sacco seconded the motion. Ms. Sacco – aye, Dr. Medina – aye, Ms. Malinowski – aye.

**Topic: Re-Organization of the Board**



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- Discussion:** Ms. Sacco prefers to stay as secretary because she will not be running once her term is up. Dr. Medina would like another year on the board to make sure he understands process before he chairs the board so would prefer Ms. Malinowski to continue to chair.
- Action:** **Ms. Malinowski entertained a motion to not change the Elected Board Officer positions: Ms. Malinowski – Chair; Dr. Medina– Vice Chair; Ms. Sacco – Clerk. Ms. Sacco seconded the motion. Ms. Sacco – aye, Dr. Medina – aye, Ms. Malinowski – aye.**
- Topic:** **Waiver for 2 Winter Street**
- Discussion:** Mr. Lamsa is looking to add a half bath to the first floor which would bring the wall closer to the septic tank. He is asking the Board to grant him a waiver for the distance between the wall and tank be 5 feet instead of the required 10 feet. Dennis Costello, Sanitary Inspector for the Southborough Board of Health, has reviewed the plan is fine with the waiver being granted.
- Action:** **Ms. Malinowski moved to grant the waiver for 2 Winter Street – allowing the setback at 5 feet instead of 10 feet. Ms. Sacco seconded the motion. Ms. Sacco – aye, Dr. Medina – aye, Ms. Malinowski – aye.**
- Topic:** **Status of Food Inspector**
- Discussion:** Diane Legere recently resigned as Food Inspector for the Boroughs. Kristen Black (Northborough) is currently looking to fill the position.
- Topic:** **Fitzgerald’s Market**
- Discussion:** Dr. Alker reported the store had violations in November (kitchen and deli). Ms. Legere and Dr. Alker inspected the establishment in April and found more violations. There was evidence of pests, the floor and ceiling needed repairs, etc. Because minimum requirements were met, Dr. Alker re-opened the store. Harry Patel (representing Fitzgerald’s Store) informed the Board the deli is permanently closed and the equipment will be removed. He’s going to tell the pest control company to be more aggressive, and remove the expired food the food company does not take. Board members stressed the importance of removing expired food falls upon the owner and staff.
- Action:** **Ms. Malinowski moved to not issue the food permit at this time and give the owner until 6/30/22 to complete repairs. The owner must provide the Board with a comprehensive plan for the removal of expired food, aggressive pest control, tile work, and decluttering. Ms. Sacco seconded the motion. Ms. Sacco – aye, Dr. Medina – aye, Ms. Malinowski – aye.**
- Topic:** **Residents Cooking and Selling Dinners from Homes**



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**Discussion:** Ms. Legere spoke to this issue. She stated food can be prepared and sold as long as they are not time & temperature-controlled foods and the final product does not require refrigeration. The preparation could be done in a shared kitchen (ex. a church kitchen that has been permitted). The Board plans on reaching out to Town Council on this matter and the fact that they do have a permit.

**Topic: Vegetation Spraying**

**Discussion:** As part of a 5-year plan, the Public Works Department will be spraying vegetation on sidewalks. Ms. Galligan stated the pesticide used is from a list which is approved by the Department of Agriculture. The spray is directly targeted towards guard rails and poison ivy. Ms. DeMuria suggested the process be presented to the public and allow them to weigh in on the topic. Ms. Galligan stressed everything is done through the Department of Agriculture and the public is informed through newspapers. Ms. Malinowski suggested to add it to the banner on the town's website and on social media. Dr. Medina asked the Health Department add information about poison ivy on the website.

**Topic: Tobacco Regulations**

**Discussion:** Dr. Alker is updating tobacco regulations. Olivia Dufour and Sarah McColligan (from the 14 Town Tobacco Control District) will review the document before it is brought to a public meeting.

**Topic: Mosquito Spraying**

**Discussion:** Dr. Alker told the Board Southborough is in high risk zone for mosquitoes. The Central Massachusetts Mosquito Project will soon begin spraying. Ms. Malinowski asked for the information to be posted on the Town's website.

**Topic: Meeting Schedule**  
**Tuesday, May 24, 2022 – Hybrid – 9:30 am**  
**Tuesday, May 31, 2022 – Hybrid – 9:30 am**  
**Tuesday, June 7, 2022 – Hybrid – 9:30 am**  
**Tuesday, July 12, 2022 – Virtual – 9:30 am**

**Topic: Public Comment**

**Discussion:** No public comment was brought before the Board.

**At 10:59 am, Ms. Malinowski moved for the Board to enter Executive Session per Mass General Law (Chapter 30A, Section 21 (a)(21)) – to conduct strategy sessions in preparation for a contract for the Sanitary Inspector and Health Director and not return to Open Session. Ms. Sacco seconded the motion. Ms. Sacco – aye, Dr. Medina – aye, Ms. Malinowski – aye.**



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Respectively submitted by Barbara Spiri, Administrative Assistant and edited by Chelsea Malinowski.

Documents:  
Waiver Request Letter