



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

**RECEIVED**  
By K Battles at 11:52 am, Nov 21, 2022

Phone: (508) 481-3013

**Minutes of the Southborough Board of Health**

Meeting Minutes

September 19, 2022 – Board of Health – Hybrid Meeting – McAuliffe Meeting Room (Town House - 17 Common Street) & Virtual – 7:00 pm

**Present:**

Board Members Chelsea Malinowski, Dr. Safdar Medina; Public Health Director, Dr. Heather Alker; Public Health Nurse, Taylor West; Sanitary Inspector, Dennis Costello; Business Administrator, Barbara Spiri

Also in Attendance: Town Council, Elizabeth Lydon; Program Manager for the MetroWest Tobacco Control District, Olivia Dufour; Mass. Health Officers Association for the Tobacco Control Program Director, Sarah McColgan; Civil Engineer, Peter Bemis; Owner of 16 Meadow Lane, Bill Poutre; Civil Engineer

**Opening:** The meeting of the Board of Health was called to order at 7:00 pm by Ms. Malinowski.

**Public Hearing**

**Ms. Malinowski moved to open a Public Hearing at 7:03 pm to review the proposed tobacco regulations. Dr. Medina seconded the motion. All in favor.**

**Topic: Proposed Tobacco Regulations**

**Discussion:** Dr. Alker told the Board all Southborough establishments that sell tobacco products had been informed of this meeting. Dr. Alker received assistance from Ms. Dufour and Ms. Colligan in adding newer State regulations into the existing Tobacco Regulations for Southborough.

After reviewing the draft, the Select Board liaison to the Board of Health had a few suggestions. In section E8 *“A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person under the age of 21 **three times** within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with subsection 4 of the Violations section”*. The suggestion was to change it to *“**three or more times.**”*

S.1. *“It shall be the responsibility of the establishment, permit holder and/or his or her business violations of the sections of this regulation that incorporate MGL Ch. 270, Section 6 and 105 CMR 665, the following penalties apply:”* The change was to have a general comment under the violation section: *“It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation”*.



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Altered under S.1. to *“Pertinent to violations that incorporate MGL Ch. 270, section 6 and 105 CMR 665, the following penalties apply”*.

Ms. Lydon informed the Board the state penalties (criminal violations) are enforced by the police.

**Topic:** Public Comment

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

**The Board will vote on the regulations at the October 11<sup>th</sup> meeting. The regulations will be available on the Town’s website. A notice will be posted in the paper. Ms. Dufour will meet with establishment owners and discuss the new regulations.**

**At 7:11 pm, Dr. Medina moved to close the public hearing. Ms. Malinowski seconded the motion. All in favor.**

**Topic:** Variance Request for 16 Meadow Lane

**Discussion:** Mr. Bemis spoke about 16 Meadow Lane. It is a single parcel with a drain located on the property with a reservoir to the west. He has been unable to find a grant of easement for the drain to the town. A 100-foot setback barrier is needed for the drain so the wastewater will not affect the reservoir and there would only be a setback of 25 feet. He is requesting a variance to install a barrier be used (curtain wall/cut off barrier) to keep the reservoir safe. Letters from the Department of Public Works and Conservation were submitted stating they did not see a problem with the variance.

Mr. Costello stated it is a stand-alone lot and the owner is looking to build a four-bedroom house. He told the Board the applicant had to notify the abutters. The Board needs to consider: if a variance was not granted – would it remove all beneficial right from the property owner? Did the applicant demonstrate environmental protection equal to the 100-foot setback using a barrier? There are issues with the setback for the septic tank. Once one variance is granted – the others will fall in line. The lot in question has a history of disapproval by the Board of Health from the 1990s. It did not make the 400-foot setback distance from the reservoir. Board members are worried about risks. Mr. Costello said there is always a risk. Dr. Alker asked if the septic system can tie into the condo system. Mr. Bemis debated that option and said he didn’t know the drain was there.

Mr. Poutre spoke to the Board. The drain is closed at the top and it is an underground pipe. He spoke to abutters on both sides of the property. He is concerned about where would the street water would go if the pipe is removed.

The Board delayed the vote until they are able to walk the sight to have a better understanding of the situation.



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**Topic: Revolving Funds**

**Discussion:** Money from the revolving account was moved to fund Dr. Alker's time for working on the tobacco regulations.

At the end of the FY22 fiscal year, the total amount in the immunization account was \$300. Payments are delayed to covid reimbursements. Only a third of the flu reimbursement has been sent so far.

**Topic: Noise Policy**

**Discussion:** Ms. Malinowski spoke with Chief Newell about the grin on page 2. The police ask the Health Department to communicate with them with noise issues.

IT department added a complaint page to the website for complaints.

**Topic: Nurse Report**

**Discussion:** A flu clinic will be held on Wednesday, October 19<sup>th</sup>. Senior appointments will be in the morning and town employees in the afternoon. Ms. West will be at the school to vaccinate teachers the following day. She will also reach out to day care teachers.

A booster clinic for kids ages 9 to 12 is being planned at Algonquin. People will be asked to bring an unwrapped toy for Toys for Tots.

**Topic: Tentative Meeting Schedule**

**Tuesday, September 27, 2022 – Virtual – 7:30 am**

**Tuesday, October 11, 2022 – Hybrid – 9:30 am**

**Thursday, October 13, 2022 – Fall Town Meeting**

**Tuesday, November 15, 2022 – Hybrid – 9:30 am**

**Topic: Public Comment**

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

Ms. Malinowski made a motion to adjourn the meeting at 7:58 PM. Dr. Medina seconded the motion. Vote: Dr. Medina – aye and Ms. Malinowski – yes. All in favor.

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



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Documents:

Draft of Tobacco Regulations

Plan of 16 Meadow Lane

Noise Pollution Policy

Noise Pollution Guidance