

**BOARD OF SELECTMEN
MEETING MINUTES - MAY 21, 2007**

7:00 p.m. - Selectmen's Meeting Room, 63 Main Street, Northborough, MA

MEMBERS PRESENT: William Pantazis, Chairman
Leslie Rutan, Vice Chairman
Fran Bakstran, Clerk
Jeff Amberson
Dawn Rand

*Pledge of Allegiance

APPROVAL OF MINUTES – APRIL 9, 2007 REGULAR MEETING

Selectman Pantazis moved the Board vote to accept the Minutes of the April 9, 2007 Regular Meeting as submitted; Selectman Rutan seconded the motion; all members voted in favor.

APPROVAL OF MINUTES – APRIL 23, 2007 SPECIAL MEETING

Selectman Pantazis moved the Board vote to accept the Minutes of the April 23, 2007 Special Meeting as submitted; Selectman Rutan seconded the motion; all members voted in favor.

APPROVAL OF MINUTES – MAY 14, 2007 SPECIAL MEETING

Selectman Pantazis moved the Board vote to accept the Minutes of the May 14, 2007 Special Meeting as amended; Selectman Bakstran seconded the motion. Vote 3-0-2 (Selectmen Rutan and Amberson abstained).

7:00 p.m. - ELECTION OF OFFICERS

Chairman – William Pantazis

Nominations for Chairman were called by Town Clerk Andrew Dowd.

Selectman Bakstran moved the Board vote to nominate Selectman Pantazis to the position of Chairman; Selectman Rutan seconded the motion.

Selectman Amberson moved the Board vote to nominate Selectman Rand to the position of Chairman; Selectman Rand seconded the motion.

No other nominations were presented. Mr. Dowd closed the nominations for Chairman.

Following some discussion, the motion to nominate Selectman Pantazis to the position of Chairman passed with a majority of the members voting in favor (Selectmen Bakstran, Rutan and Pantazis).

Vice Chairman – Leslie Rutan

Nominations for Vice Chairman were called by Town Clerk Andrew Dowd.

Selectman Pantazis moved the Board vote to nominate Selectman Rutan to the position of Vice Chairman; Selectman Bakstran seconded the motion.

Selectman Amberson moved the Board vote to nominate Selectman Rand to the position of Vice Chairman; Selectman Rand seconded the motion.

No other nominations were presented. Mr. Dowd closed the nominations for Vice Chairman.

Following some discussion, the motion to nominate Selectman Rutan to the position of Vice Chairman passed with a majority of the members voting in favor (Selectmen Bakstran, Rutan and Pantazis).

Clerk – Fran Bakstran

Nominations for Clerk were called by Town Clerk Andrew Dowd.

Selectman Rand moved the Board vote to nominate Selectman Bakstran to the position of Clerk; Selectman Amberson seconded the motion.

No other nominations were presented. Mr. Dowd closed the nominations for Clerk.

The motion to nominate Selectman Bakstran to the position of Clerk passed unanimously.

7:10 p.m. - HEARING

To consider the applications for a Common Victualler License and an Entertainment License for La La Java – 290 West Main Street.

Scott Boyers was present along with his attorney Michael Edmunds. Mr. Boyers informed the Board of his plans to open a boutique-style coffee shop. The entertainment license will not cover live entertainment.

Selectman Bakstran moved the Board vote to approve the applications for a Common Victualler License and an Entertainment License for La La Java at 290 West Main Street; Selectman Amberson seconded the motion; all members voted in favor.

7:15 p.m. - PUBLIC HEARING

Complaint filed by Jason Lin concerning the vicious disposition caused by dog owned by Brant Viner of 85 West Street.

Dog Officer Claudia McGuire

Dog Officer Claudia McGuire was officially sworn in by Town Clerk Andrew Dowd.

Ms. McGuire summarized the events leading up to tonight's public hearing. A majority of the complaints received were about the Airedale "Phineas" breaking through an

PUBLIC HEARING – DOG COMPLAINT CONT. . .

electronic fence barrier and attacking and injuring other neighborhood dogs. See attached Summary of Complaints against the Viner Dog.

Margaret Harling – 85 West Street

Margaret Harling of 85 West Street was officially sworn in by Town Clerk Andrew Dowd. Ms. Harling informed the Board that she is also the owner of Phineas. She stated that she does not think that her dog is vicious, but was only trying to play with the other dogs. She added that there have been no further incidents since a partial wire fence has been erected.

Brant Viner – 85 West Street

Brant Viner of 85 West Street was officially sworn in by Town Clerk Andrew Dowd. Mr. Viner, also owner of Phineas disagreed with the charge that his dog maimed another dog. He stated that this is an overstatement and that the other dog did not receive significant damage. He requested that this charge be dropped. Mr. Viner did apologize and acknowledged that his dog should not be out on the street and that the neighbors should be allowed to pass by without fear of themselves or their dogs being attacked.

Mr. Viner informed the Board that over the past year, the restraint system has been escalated from an electronic fence and a shock collar to a 4' pasture fence along Cherry and West Streets. He believes that this is enough to restrain the dog. The neighbors to the left and right of him have not had any problems with his dog going onto their property. He agrees that Phineas is unruly, but does not agree that he is aggressive and dangerous. He has never attacked a person and has never done any serious damage to any dog. He acknowledged that this breed of dog will kill adult raccoons, woodchucks, rabbits and other small animals of that nature and that if his dog wanted to inflict any real damage it is clear that he has the capability to do so, adding that there have been no reported incidents of "serious" damage to another dog.

Mr. Viner stated that his entire property encompasses 17 acres, which would make it difficult to completely surround the field area. He also noted his concern that due to Ms. Harling's physical disabilities it would be unreasonable to expect her to move the dog to a penned-in area or to operate any type of gate without extreme difficulty.

Following Mr. Viner's testimony, members of the Board acknowledged that the dog must be controlled or contained. Options to control or contain the dog should be discussed further between the Dog Officer and the dog owners taking into consideration Ms. Harling's disability.

Jason Lin and Sandy Lin – 210 West Street

Jason Lin and Sandy Lin of 210 West Street were both officially sworn in by Town Clerk Andrew Dowd.

Jason Lin informed the Board that he lives at 210 West Street with his mother Sandy. He disagreed that the injury to his dog was not serious and spoke of the pain and suffering that his dog endured after both the first and second attacks. He wants Phineas to be

PUBLIC HEARING – DOG COMPLAINT CONT. . .

contained on the owners property, adding that his mother should not be afraid to walk along her street.

Sandy Lin strongly disagreed that Phineas wanted to play with her dog. She stated that in both incidents Phineas rushed at them to attack her dog. During the attacks she was screaming at the dog to let go and was afraid that if she tried to pull them apart, Phineas would bite her. Pictures were made available to members of the Board prior to tonight's public hearing showing the inflicted wounds on her dog.

Laurie Klein – 209 West Street

Laurie Klein of 209 West Street was sworn in by Town Clerk Andrew Dowd. Ms. Klein informed the Board that she is a veterinarian and lives across the street from the Lin's. She stated that the Airedale Breed is known to be a big dog with aggressive tendencies. She spoke to the magnitude of the injuries to the Lin's dog.

Ms. Klein suggested that the only reasonable thing to do is to find a containment system that takes into consideration Ms. Harling's disability, while at the same time guaranteeing that the dog cannot escape. She added that prior to tonight's hearing, she spoke with another neighbor whose dog had been attacked by Phineas, but who declined to report the incident and wished to remain anonymous.

Michael Casaceli – 55 West Street

Michael Casaceli of 55 West Street was sworn in by Town Clerk Andrew Dowd. Mr. Casaceli spoke in favor of the excitable, but not vicious character of "Phineas". He agreed that Phineas may have issues with the Lin's dog.

Mr. Casaceli stated that he is a contractor who has done previous work on the home of Mr. Viner and Ms. Harling. He suggested that the front and sides of the gate be completed to a certain point. If this doesn't work, he suggested installing an automatic gate at the driveway.

Dog Officer Claudia McGuire stated that she feels strongly that a fence built off of the house that will include a door is needed in order to guarantee proper containment of the dog. Further discussion ensued amongst Dog Officer Claudia McGuire, members of the Board and the owners of Phineas as to the best solution to contain Phineas, taking into consideration Ms. Harling's disability.

Mr. Lin stressed his feelings that a fence that isn't closed off is not proper containment.

Chairman Pantazis closed the public hearing.

PUBLIC HEARING – DOG COMPLAINT CONT. . .

Selectman Bakstran moved the Board vote to require Brant Viner to take the following actions to mitigate the nuisance caused by his dog as recommend by the Dog Officer:

- Installation of a chain link, sturdy livestock wire, or stockade type fencing, high enough to contain the Airedale “Phineas”, which should be constructed in such a manner as to include a door of the house and to completely surround a designated field area on the property. The dog should only be let outside through said door and must always be supervised when in this large area. As an alternative, the dog may be contained in a smaller 6’ high chain link dog pen with a secure roof and floor, which is erected closer to the house.
- If the Dog “Phineas” is taken off the Viner property or he is being moved to and from the pen or large fenced area, he must be securely restrained on a leash, and said leash must be controlled by an adult.

Selectman Rand seconded the motion; all members voted in favor.

This action will be followed up in writing to Mr. Viner notifying him of his right to appeal.

8:10 p.m. - PUBLIC HEARING

To consider the application by Lazio Italian Grille & Bar to alter the premises located at 318 Main Street where an All Alcoholic Beverages Restaurant License is in effect – to provide an outdoor patio with seating located at the front of the building.

Mr. Brenner recommended that the public hearing be opened in order to hear comments from the public and to then continue the public hearing to June 11, 2007 and to table the application in order to receive additional information from the applicant.

Chairman Pantazis opened the public hearing in order to hear comments from the public. Abutter Ravi Chilakamarri of 47 Hemlock Drive expressed his concerns with the use of the outdoor patio and being disturbed by loud talking and music, as well as the negative effect this will have on his property value.

Selectman Bakstran assured Mr. Chilakamarri that when the plan is being reviewed, the noise to the abutting property owners will be considered. Selectman Rutan agreed, stating that the noise levels and its impact on the neighbors will be taken into consideration when the Board makes their decision.

Mr. Brenner invited Mr. Chilakamarri to attend the continued public hearing on June 11th and informed him that if he cannot attend his comments made this evening will be taken into consideration.

Selectman Amberson moved the Board vote to continue the public hearing to June 11, 2007 and table the application by Lazio Italian Grille & Bar to alter the premises located at 318 Main Street, Suite 140, where an All Alcoholic Beverages Restaurant License is in

PUBLIC HEARING – LAZIO ITALIAN GRILLE & BAR CONT. . .

effect, to provide an outdoor patio located at the front of the building facing Main Street, of approximately 980 square feet for seating 35-40 patrons, with proposed hours of operation as follows:

- Monday – Thursday – 11 a.m. to 11 p.m.
- Friday – Saturday – 11 a.m. to 12 Midnight
- Sunday – 12 Noon to 10 p.m.

in order to receive additional information from the applicant; Selectman Rutan seconded the motion; all members voted in favor.

REPORTSFran Bakstran, Clerk

- Noted that the Historical Commission continues to work with a consultant on their historical preservation project. Requested that the Historical Commission be invited to attend the next Board Meeting on June 11th to present their Mission Statement.
- Attended the Peaslee School's Art Opening where the student's Community Mosaic Project is on display.
- Attended a recent Eagle Scout Court of Honor for Mark Searl and offered her congratulations to him.
- Encouraged residents to attend the Memorial Day Parade and Ceremony.
- Noted that the Interview Committee conducted an interview for the Council on Aging prior to tonight's meeting. See below for appointment.

Jeff Amberson

- Congratulated those individuals who were either elected or re-elected at the recent Town Election.
- Congratulated those individuals who worked so hard on the Senior Center and Library projects. They did a tremendous job on getting the message out there and on getting people to the polls.
- Reminded residents that Monday is Memorial Day and asked that they take a moment to honor those people who have served and died for our Country.

Leslie Rutan, Vice Chairman

- Thanked everyone who voted to bring her back to the Board of Selectmen.
- Congratulated Charles Gobron for being named Acting Superintendent until August, 2008.
- Noted that the Pops Night will be held at the Algonquin High School on May 31st. Recommended that all residents both young and old attend the event.
- Attended the Peaslee School Dedication of the Mosaics where some amazing work is on display. This is part of an enrichment program put together by the Peaslee School and PTO.
- Requested an update on the Allen Street Bridge Project. Mr. Brenner stated that he will obtain an update from the State and will report back to the Board at their next meeting.

Leslie Rutan's Report Cont. . .

- Noted that the Northborough Ed Foundation will be holding its annual meeting at Proctor School on June 7th at 7pm. Noted some of the efforts that the Foundation is involved in.
- Announced that the Police Department Explorer Post #32 has recently been reactivated. Police Chief Leahy noted that the first meeting will be held on Tuesday, June 5th at 6:30 pm. Residents who are between the age of 14 and who have completed the 8th grade through age 20 can contact Officers Jeff Noel or Scott Maffioli if they are interested in attending the program.

Dawn Rand

- Questioned the status of repairs to some of the brickwork in the downtown area. Mr. Brenner stated that the DPW Department will make temporary repairs to some of the bricks prior to Memorial Day. The more substantial and permanent repairs will be done over the summer.
- Noted that questions are beginning to arise again regarding the trash disposal options. She recommended that the Board of Selectmen establish a citizen's group to work under its direction to study the options. She recommended that a discussion take place at the Board's next meeting to discuss whether or not the Board wants to do this and if so, what the make-up of the citizen's group should be.
- Noted that the Senior Center Building Committee will meet at the Town Hall on May 22nd at 11am.
- Noted a recent news article regarding the Town of Shrewsbury's Excise Tax having a deficit from what was projected. Mr. Brenner assured her that the Town of Northborough is in much better shape.

Barry M. Brenner, Town Administrator

- Noted the receipt of an invitation to members of the Board from the Acting School Superintendent to a Special Regional School Committee Meeting. At this meeting, a presentation will be made by the Regional School District to the Boards of Selectmen from the Towns of Northborough and Southborough regarding the different changes that are under consideration for Chapter 70 and for Regional Assessments at the State level. The consensus of the Board for the best meeting date is June 5th. Selectman Rand requested that an update be provided on the reimbursement issue as well.
- Noted the receipt of communication from MMA concerning pending Legislation that has been filed on behalf of Verizon regarding the licensing and franchising of cable television.
- In jest, thanked the resident who cast the vote to elect him to the Regional School Committee.

APPOINTMENT TO THE COUNCIL ON AGING

Selectman Bakstran moved the Board vote to appoint Richard Perron to the Council on Aging for a two-year term; Selectman Rand seconded the motion; all members voted in favor.

PENDING LEGISLATION RE: LICENSING AND FRANCHISING OF CABLE TELEVISION

Mr. Brenner noted under his report the receipt of communication from MMA concerning pending Legislation that has been filed on behalf of Verizon regarding the licensing and franchising of cable television.

Mr. Brenner informed the Board that the sample resolution urging the Legislature to reject the efforts by the telecommunication companies, including Verizon, to eliminate municipal control of cable franchising authority is consistent with the position that the Town has taken in the past on this issue. In response to a question from Selectman Rutan, Mr. Brenner assured the Board that there is no reason to not support this resolution.

Selectman Rand moved the Board vote to send a letter inviting Verizon into our community and to accept the sample resolution; Selectman Bakstran seconded the motion; all members voted in favor.

APPROVAL/EXECUTION OF CEMETERY DEEDS A736, A737 & A738

Selectman Bakstran moved the Board vote to approve and execute Cemetery Deeds A736, A737 & A738; Selectman Amberson seconded the motion; all members voted in favor.

8:40 p.m. – EXECUTIVE SESSION

Selectman Amberson moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 39, Subsection 23B, Subsection 3, Labor Negotiations; Selectman Rand seconded the motion; the roll call vote was taken as follows:

Bakstran	“aye”	Pantazis	“aye”
Amberson	“aye”	Rand	“aye”
Rutan	“aye”		

Chairman Pantazis announced that the Board would return from Executive Session only to adjourn.

9:25 p.m. – RETURN TO OPEN MEETING

ADJOURNMENT

Selectman Amberson moved the Board vote to adjourn; Selectman Rutan seconded the motion; all members voted in favor.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen