

**BOARD OF SELECTMEN  
MEETING MINUTES - FEBRUARY 9, 2009**

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

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

\*Pledge of Allegiance

**APPROVAL OF MINUTES – JANUARY 26, 2009 REGULAR MEETING**

Selectman Bakstran moved the Board vote to accept the Minutes of the January 26, 2009 Regular Meeting; Selectman Amberson seconded the motion: Vote 4-0-1 (Selectman Rutan abstained due to her absence at the meeting).

**7:00 p.m. - PUBLIC HEARING**

To consider an application by Amy Kieler d/b/a Guiseppe's Grille and Tazza D'Oro Espresso Bar & Pastry Shop to alter the premises at 35 Solomon Pond Road where an All Alcoholic Beverages Restaurant License is in effect.

Amy Kieler and Kevin Kieler were present. Ms. Kieler reviewed the business plan for changing the existing function room into an espresso bar and pastry shop. The alcohol license will cover the bar and pastry shop, excluding the drive-thru window area, which shall be for employees only and separated from the restaurant area by a half wall.

The application was reviewed by Sergeant Brian Griffin, the Fire Chief and the Building Inspector. There are no concerns and all recommend approval.

Jeremy Levin, Trustee for Corey Way was present in the audience and stated for the record that he supports the proposal. Ms. Kieler also submitted for the file five letters of support from various abutters.

Several questions and comments were heard from members of the Board.

Selectman Amberson moved the Board vote to approve the application submitted by Amy Kieler d/b/a Guiseppe's Grille and Tazza D'Oro Espresso Bar & Pastry Shop to alter the premises at 35 Solomon Pond Road where an All Alcoholic Beverages Restaurant License is in effect with the condition that the licensed area will not include the drive-thru window area, which shall be for employees only and separated from the restaurant area by a half wall and that appropriate warning signs be posted pursuant to MGL, Chapter 138, Section 34D in all areas where alcohol will be served; Selectman Bakstran seconded the motion; all members voted in favor.

**7:10 p.m. - ATTORNEY MARSHALL GOULD**

Request for Town Meeting Warrant Article to petition the State Legislature for an additional All Alcoholic Package Store License for the area of East Coast Golf and The Shops 9 @ 20 (a/k/a The Loop).

Attorney Marshall Gould presented his request to the Board that they petition the State Legislature for one additional All Alcoholic Package Store License for either the area of East Coast Golf or The Shops 9 @ 20 (The Loop). Attorney Gould informed the Board that the property located directly across the street from the Loop project (the area of East Coast Golf) has, in the mind of the developers involved, become almost an extension of the Loop Development project. The warrant article as proposed by Attorney Gould is attached.

Following a question from Selectman Bakstran, Attorney Gould assured the Board that only one license for either of the two locations is being requested. Selectman Bakstran stated that although she is in support of bringing this article to a Town Meeting vote, she is not personally in favor of it. Because of this, she doesn't like the idea of it being a sponsored article by the Board of Selectmen. She expressed her concern for the other package stores in Town and continuing to add additional licenses outside of the Town's quota. Chairman Rand agreed.

Selectmen Rutan, Pantazis and Amberson spoke in favor of the article and to place it on the Town Meeting Warrant as a sponsored article of the Board of Selectmen. They stated that it was important to show their continued support of The Loop Project.

Mr. Coderre clarified for members of the Board that if and when the license is granted to the Town by the State Legislature, the Board is not obligated to grant it in the case that they feel that the application for this license is not the same or similar to what was presented here this evening. With that being said, Chairman Rand added that she does want the project to succeed and is more inclined to support this knowing that the Board is not obligated to grant it in the case of it being a big package store or something similar.

Selectman Pantazis moved the Board vote to place an Article on the Town Meeting Warrant to petition the State Legislature for one additional All Alcoholic Beverages Package Store License; Selectman Amberson seconded the motion: Vote 4-1-0 (Selectman Bakstran opposed).

**7:30 p.m. - MARK LEAHY, POLICE CHIEF**

Presentation on Agreement for Mutual Aid pertaining to the Central Massachusetts Law Enforcement Council.

Chief Leahy reviewed the Town's history of adopting various Regional Police Mutual Aid Agreements. He then reviewed the details of the Mutual Aid Agreement pertaining to the Central Massachusetts Law Enforcement Council. He stated that the goal is to have one standard mutual aid agreement to be adopted by all 71 communities in Central Massachusetts. To date, 33 communities have already signed on. The Agreement

**CHIEF LEAHY CONT. . .**

maximizes the sharing of personnel and equipment resources between the member communities without any loss of control over each department's own personnel.

Chief Leahy also added that the agreement poses no obligations. It expands the basic police authority for all on-duty police officers in police vehicles to all of the signatory communities, thereby eliminating jurisdictional issues. Each department pays for its own personnel with the provisions to share any federal or state reimbursement opportunities. The requesting department indemnifies all responding officers. Chief Leahy ended his presentation by stating that an agreement such as this is long overdue. Everyone will benefit by having the same understanding under the same working agreement.

Mr. Coderre added that the agreement is in the process of being reviewed by Town Counsel. Although he does not anticipate there being a problem with it, he did suggest that the agreement be approved subject to a final review and approval as to form by Town Counsel.

Selectman Bakstran moved the Board vote to approve the Agreement for Mutual Aid pertaining to the Central Massachusetts Law Enforcement Council as presented by Police Chief Mark Leahy, subject to a final review and approval as to form by Town Counsel; Selectman Amberson seconded the motion; all members voted in favor.

**7:45 p.m. - RICHARD RAND, ZBA CHAIRMAN**

Request for Town Meeting Warrant Article to increase the number of voting members on the Zoning Board of Appeals from three members to five members with two alternates.

Richard Rand was present on behalf of the Zoning Board of Appeals to request that the Board of Selectmen place an Article on the Town Meeting Warrant to increase the voting members of the Zoning Board of Appeals from a three member – two alternate member Board to a five member – two alternate member Board.

Mr. Rand advised the Board that the Zoning Board of Appeals began discussing this in October 2007 and voted in April 2008 to support the change to a five member Board. He noted that although the three member Board has not presented any problems for the Town, under Massachusetts General Law, a three member Board must have all members present in order to conduct business. Also, three members must vote unanimously to approve variances and special permits. The additional two members will provide a level of security for applicants, in that business may continue to be conducted and votes may occur even if a member is absent. Lastly, the absence of one member will not necessitate the continuance of a hearing to another month. This is invaluable given the time constraints and cost of moving through the development process.

Selectman Rutan moved the Board vote to place an Article on the Town Meeting Warrant to change the membership of the Zoning Board of Appeals from a three member- two alternate member Board to a five member- two alternate member Board as requested by

**RICHARD RAND CONT. . .**

the Zoning Board of Appeals; Selectman Amberson seconded the motion; all members voted in favor.

**REPORTS**William Pantazis

- Attended the public forum sponsored by the Northborough Democratic Town Committee at Romaine's.
- Noted that he received some follow-up information from Mr. Coderre regarding his earlier request to name a portion of Southwest Cutoff after Governor John Davis. He indicated that he would take the information under advisement while continuing to seek an appropriate forum to honor Governor John Davis. He noted his appreciation to Mr. Coderre and Town Staff for looking into this and will investigate further their suggestions.
- Announced that the Town will be grinding down the humps located on Route 20 eastbound near Dunkin Donuts. Thanked Mr. Coderre for his prompt response to this problem.

Fran Bakstran

- Attended the public forum sponsored by the Northborough Democratic Town Committee. Encouraged residents to become involved and contact their State Legislators.
- Agreed that it's important to acknowledge Governor John Davis in some way. Noted that to dedicate a memorial on a stretch of highway is more ceremonial and easier to do without interfering with public safety. She will work with Selectman Pantazis on looking into other locations and/or ideas.

Leslie Rutan, Clerk

- Spoke about her frustration with the number of signs being posted throughout Town on telephone polls, etc. Asked what the Town can do to enforce this issue. Mr. Coderre sympathized with her, but admitted that it's difficult to enforce. He suggested that when people see these type of signs, to take them down. He reminded the Board that sandwich signs are more easily enforced by the Building Inspector since they tend to belong to local businesses.
- Asked what the Health Agent does in the cases that involve a salmonella outbreak or something similar in order to assure that these foods are pulled from the shelves in our community. Mr. Coderre assured her that the Health Agent is very much on top of this. All information that she receives is distributed in a timely manner to all food establishments either selling or preparing foods.
- Noted that the Scholarship Committee has recently met and that applications will be distributed to the high school students. They are also discussing different methods of fund raising. Reminded residents that they can contribute to the Scholarship Fund through the check-off box on their real estate tax bill.

**REPORTS CONT. . .****Jeff Amberson, Vice Chairman**

- Agreed with Selectman Rutan and her frustration with the posting of various signs throughout Town.
- Attended the Winter Ball. Noted that it was well attended. Thanked Virginia Simms George and the Community Affairs Committee for coordinating this annual event.
- Attended the public forum sponsored by the Northborough Democratic Town Committee.
- Attended the annual Chocolate Spectacular. Thanked the Friends of the Senior Center for coordinating the event and Whitney Place for hosting it.
- Attended the Pancake Breakfast at Peaslee School. Noted that the proceeds go towards various activities at the school.
- Announced that the Library is due to re-open at the end of February. Noted that the book drops can be used at any time.
- Attended the Friendship Ball sponsored by the Best Buddies Program. Expressed his appreciation to the students for working together to allow those with disabilities to attend a prom like event.

**Dawn Rand, Chairman**

- No report.

**John Coderre, Town Administrator**

- Welcomed Kimberly Hood as the new Assistant Town Administrator.
- Provided an update on the effects of the proposed cuts in State Aid. See below for further information.

**UPDATE ON THE EFFECTS OF PROPOSED CUTS IN STATE AID**

Mr. Coderre provided an update on the effects of the proposed cuts in State Aid. He informed the Board that based on the current numbers, he anticipates a shortfall in FY10 State Aid of about \$300,000. He stated that local receipts including motor vehicle excise taxes and investment income are currently tracking about \$300,000 short of the FY09 budgeted amount.

Mr. Coderre warned the Board that the budgets for the town, schools and the regional high school will only be allowed a 2.3% increase for FY10. He noted that for the municipal side, this represents a \$350,000 increase. Health Insurance alone is expected to increase by \$450,000 in FY10. Department Heads have been asked to go back to their budgets and see where cuts can be made.

Mr. Coderre stressed that the only way that the Town will survive budgeting for FY10 and FY11 is to take a very strong approach on making plan design changes to how we handle our employee health insurance. The State is forcing communities to make these changes by threatening to cut future State Aid if changes are not implemented. This important issue of the escalating cost of health insurance is being reviewed for possible action.

**UPDATE CONT. . .**

In response to Chairman Rand's question as to when he expects to present budget numbers to the Board, Mr. Coderre stated that he will have additional information for the Board by their next regularly scheduled meeting.

**PUBLIC COMMENTS**

None.

**COMMON VICTUALLER LICENSE FOR SUBWAY INSIDE WALMART**

Selectman Bakstran moved the Board vote to approve the application from Kantilal Corporation d/b/a Subway inside WalMart at 200 Otis Street for a Common Victualler License; Selectman Rutan seconded the motion; all members voted in favor.

**APPROVAL TO DEFICIT SPEND THE FY09 SNOW & ICE BUDGET**

Selectman Pantazis moved the Board vote to approve deficit spending of the FY09 Snow & Ice Budget; Selectman Amberson seconded the motion; all members voted in favor.

**ADJOURNMENT**

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

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Diane M. Wackell  
Executive Assistant to the  
Board of Selectmen