

**BOARD OF SELECTMEN
MEETING MINUTES – DECEMBER 21, 2009**

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

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

ABSENT: William Pantazis

*Pledge of Allegiance

APPROVAL OF MINUTES – DECEMBER 7, 2009 REGULAR MEETING

Selectman Rand moved the Board vote to approve the Minutes of the December 7, 2009 Regular Meeting as presented; Selectman Rutan seconded the motion; all members voted in favor.

7:00 p.m. - PUBLIC HEARING

To consider whether the application for Renewal of the All Alcoholic Beverages Restaurant License for ITS Enterprises, LLC d/b/a Tom's Eatin' & Drinkin' Place for premises located at 4 West Main Street should be granted or denied, whether the license should be cancelled, and whether any penalty or disciplinary action should be imposed.

Mr. Seely was present to request that his All Alcoholic Beverages Restaurant License be renewed for the 2010 calendar year, subject to any conditions that the Board deems necessary. He admitted that the business is currently closed and that he is working with prospective buyers for the restaurant. He requested an additional 30 days in order to continue negotiations. In the meantime, he agreed to communicate with the Town Administrator's Office as soon as he has something to report.

Fire Chief Durgin noted that the premises have been inspected and reviewed several of the items that need to be addressed. A re-inspection would be necessary prior to the business being reopened by either Mr. Seely or someone else.

Mr. Coderre suggested that Mr. Seely provide in writing his intentions for the business within 30 days and that the Board schedule Mr. Seely to appear at their January 25th Board Meeting.

Mr. Seely acknowledged and thanked the Town Administrator's Office for their efforts in providing him with every opportunity to keep and maintain his liquor license.

Selectman Amberson stated that he would rather continue the hearing and not take any action on the renewal of the license until Mr. Seely has formally presented his intentions to the Board. Mr. Coderre responded that based on the ABCC regulations and the advice of Town Counsel, the Board is required to take action one way or another on the renewal of the license prior to December 31st.

PUBLIC HEARING CONT. . .

Selectman Rand expressed her concern with making a decision to renew the license without first knowing what the business plan is going to be. Mr. Seely responded that if the Board were to grant him an additional 30 days, either he or someone else would be present at the Board's January 25th meeting to present a solid business plan. He apologized to the Board for the frustration that this has caused and added that he has no intention of continuing on with this request beyond the 30 days. A discussion amongst members of the Board ensued.

Mr. Coderre advised Mr. Seely and the Board that if the conditions set this evening are not met in the agreed upon timeframe, the next step would be to schedule a hearing on January 25th to revoke the license.

Attorney Patrick Moynihan was present on behalf of the landlord at 4 West Main Street. He stated for the record that the landlord would like to see that the All Alcoholic Beverages Restaurant License be maintained at this location whether it's with Mr. Seely or someone else.

Selectman Rutan stated that although she agrees with the concerns expressed earlier by Selectmen Amberson and Rand, she does not feel that it is in anybody's best interest if the Board took no action tonight and allowed the license to lapse.

Selectman Rand stated that she would be willing to make a motion to renew the license in order to move the process along, but added that if a solid business plan is not in place within the next 30 days, she would be in favor of revoking the license in January.

Selectman Rand moved the Board vote to approve the renewal applications for the All Alcoholic Beverages Restaurant License, Common Victualler License and Entertainment License for ITS Enterprises, LLC d/b/a Tom's Eatin' & Drinkin' Place for the 2010 Calendar Year with the following conditions:

- A written business plan must be submitted to the Board for their consideration within thirty calendar days.
- The applicant must attend the January 25th Board meeting to provide a status update on implementation of the business plan.
- A satisfactory inspection for compliance with fire safety, health and building code regulations must be performed by the Fire Chief, Building Inspector and Health Agent prior to the business being re-opened.

Vote: 4-0-1 (Selectman Amberson abstained preferring that the hearing be continued).

REPORTSJeff Amberson

- Noted that the Winter Ball will be held on January 30th at the White Cliff's.
- Noted that the Interview Committee met with several applicants prior to tonight's meeting. See below for appointments.

Leslie Rutan, Clerk

- Attended a recent Eagle Scout Court of Honor for Ethan Winter. Congratulated Ethan and his family for this achievement.
- Thanked everyone who gave to the Toys for Tots program. Thanked Rob Theve for coordinating the drive.
- Attended the recent Holiday concert at the High School.

Dawn Rand, Vice Chairman

- No report.

Fran Bakstran, Chairman

- Noted that the Solid Waste Advisory and the Recycling Committee met last week and will meet again this coming week.

John Coderre, Town Administrator

- Provided an update on the Senior Center, which is just weeks away from opening.
- Announced the upcoming H1N1 Flu Clinics sponsored by the Health Department.
- Requested the Board's support of his Community Preservation Funding request for repairs to the Town Offices Building.

Selectman Rutan moved the Board vote to send a letter to the Community Preservation Committee in support of the Town Administrator's Community Preservation Funding request for improvements to the Town Offices Building roof, entryway canopies and entryway steps/railings; Selectman Amberson seconded the motion; all members voted in favor.

APPOINTMENT TO THE YOUTH COMMISSION

Selectman Amberson moved the Board vote to appoint Gretchen Bean to the Youth Commission for a partial three-year term; Selectman Rand seconded the motion; all members voted in favor.

APPOINTMENT TO THE COMMUNITY AFFAIRS COMMITTEE

Selectman Amberson moved the Board vote to appoint Linda Levitt to the Community Affairs Committee for a partial three-year term; Selectman Rand seconded the motion; all members voted in favor.

APPOINTMENT TO THE COMMUNITY PRESERVATION COMMITTEE

Selectman Amberson moved the Board vote to appoint Peter Martin to the Community Preservation Committee for a partial one-year term; Selectman Rand seconded the motion; all members voted in favor.

PUBLIC COMMENTS

None

UPDATE ON TAX CLASSIFICATION HEARING SCHEDULE

Mr. Coderre informed the Board that the Governor signed the Senate Bill relative to the scheduling deadline for mailing quarterly tax bills. He recommended the option to send out 3rd quarter actual bills by January 30, 2010, rather than sending preliminary 3rd quarter tax bills.

Selectman Amberson moved the Board vote to accept Chapter 183 of the Acts of 2009 to extend the time for mailing the actual tax bills for fiscal year 2010 until January 30, 2010; Selectman Rutan seconded the motion; all members voted in favor.

APPOINTMENTS TO THE NAMING SUBCOMMITTEE

At the request of the Regional School Committee, the Board sought volunteers to serve on the Naming Subcommittee. Applications were accepted through December 14th. Adele Beatty and Beryl Krouse have expressed interest in serving.

Selectman Amberson moved the Board vote to nominate Selectman Rutan to serve as the Board's representative to the Regional School Committee Naming Subcommittee for a term of 18 months; Selectman Rand seconded the motion. Vote 4-0-1 (Selectman Rutan abstained).

Selectman Amberson moved the Board vote to appoint Adele Beatty and Beryl Krouse to the Regional School Committee Naming Subcommittee, each for a term of 18 months; Selectman Rand seconded the motion; all members voted in favor.

PROCLAMATION – GOVERNOR JOHN DAVIS DAY

Selectman Amberson moved the Board vote to proclaim January 13, 2010 as Governor John Davis Day in recognition of the 223rd anniversary of his birth here in Northborough; Selectman Rutan seconded the motion; all members voted in favor.

APPROVAL/EXECUTION OF CEMETERY DEED A827

Selectman Amberson moved the Board vote to approve and execute Cemetery Deed A827; Selectman Rand seconded the motion; all members voted in favor.

TRANSFER OF CEMETERY DEED A705

Selectman Rand moved the Board vote to approve and execute the transfer of Cemetery Deed A705; Selectman Amberson seconded the motion; all members voted in favor.

7:50 p.m. – EXECUTIVE SESSION

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

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

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

ADJOURNMENT

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

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen