

**BOARD OF SELECTMEN  
MEETING MINUTES – APRIL 12, 2010**

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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  
William Pantazis

\*Pledge of Allegiance

**APPROVAL OF MINUTES – MARCH 22, 2010 REGULAR MEETING**

Selectman Rand moved the Board vote to approve the Minutes of the March 22, 2010 Regular Meeting as presented; Selectman Rutan seconded the motion; all members voted in favor.

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

To consider an application as submitted by Marc Turo d/b/a Bistro Limoncello to alter the premises to include outdoor seating for their All Alcoholic Restaurant Beverages License for premises located at 290 West Main Street.

Mark Turo of Bistro Limoncello was present with his counsel Attorney Marshall Gould. Mr. Turo requested outdoor seating for 10 patrons. The Building Inspector, Fire Chief and Police Chief have reviewed the application and recommend its approval.

Chairman Bakstran suggested that, in the future, he meet with staff prior to any advertisements appearing in the newspaper. She added she had spoken to his neighbor (La La Java) and they were quite amicable about his restaurant.

Following several comments from members of the Board, Chairman Bakstran invited comments from the audience. There were none. The public hearing was closed.

Selectman Rutan moved the Board vote to approve the application to alter the premises to include outside seating as submitted by Marc Turo d/b/a Bistro Limoncello for the All Alcoholic Beverages Restaurant License at 290 West Main Street with the conditions set forth by the Police Chief, Fire Chief and Building Inspector; Selectman Amberson seconded the motion; all members voted in favor.

**7:05 p.m. - MARK LEAHY, POLICE CHIEF**

Certificate of Appreciation to Northborough resident in recognition of her citizenship.

Chief Leahy presented Elizabeth Comeau, a student at the Melican Middle School, with a certificate of appreciation in recognition of her honesty in returning a lost wallet containing money and gift cards.

**7:15 p.m. - VIRGINIA SIMMS GEORGE, COMMUNITY AFFAIRS COMMITTEE**

Presentation on Town Clean-up Day.

Virginia Simms George and Barbara Vogel of the Northborough Woman's Club announced that the 25th Annual Town Clean-up Day will be held on Saturday, April 24th from 8a.m. – 12 Noon at the Melican Middle School. Volunteers are invited to attend a free cookout at Ellsworth-McAfee Park after the clean-up. Ms. George added that Stop & Shop is sponsoring the event.

**7:20 p.m. - PUBLIC HEARING**

To consider the suspension or revocation of the All Alcoholic Beverages Restaurant License held by KLRR Foods, Inc. d/b/a Celtic Tavern at 45 Belmont Street and the imposition of any other penalty, disciplinary action or condition.

Attorney John Sousa was present with Louis DeMichele of KLRR Foods, Inc. Chairman Bakstran provided some background information on this matter. Attorney Sousa summarized a letter that was previously submitted to the Board explaining the events leading up to the change in manager and its subsequent failure to seek approval for same.

Attorney Sousa apologized for the poor judgment on behalf of the corporation and requested that the Board consider a probationary period of time.

Chairman Bakstran confirmed that Selectman Pantazis was recusing himself from this hearing and the hearing to follow.

Selectman Amberson moved the Board vote to find that the manager of the Celtic Tavern was changed without the proper approval by the Board of Selectmen under M.G.L. chapter 138, section 26; Selectman Rutan seconded the motion; all members voted in favor, with Selectman Pantazis abstaining.

Selectman Rutan suggested a three-day suspension, and that they report back to the Board within 30-60 days with a business plan. Selectman Rand agreed that a three-day suspension was appropriate, but did not feel that it was necessary that they report back to the Board considering that a new manager will be in place. Selectman Amberson agreed with Selectman Rand.

Attorney Sousa confirmed that KLRR Foods, Inc. will accept a three-day suspension and waive any appeal to the ABCC in exchange for the ability to choose the actual days of the suspension.

Following some discussion, Chairman Bakstran clarified that KLRR Foods, Inc. shall submit a written report no later than May 17, 2010. The report shall include the status of the day-to-day operations, including a current business plan, confirmation of the manager of record and confirmation of the owner of the license. It was agreed that if the report is not received by May 17, 2010, KLRR Foods, Inc. would be expected to appear at the May

24th Board Meeting with an explanation.

Chairman Bakstran invited comments from the audience. There were none. Chairman Bakstran closed the public hearing.

Selectman Amberson moved the Board vote to impose a three-consecutive day suspension for violation of M.G.L. Chapter 138, Section 26; and to submit a report to the Board of Selectmen by May 17, 2010 outlining the current business plan; and further that KLRR Foods, Inc. agrees to the three-day suspension and waives any right to appeal to the ABCC; Selectman Rutan seconded; all members voted in favor with Selectman Pantazis abstaining.

**7:40 p.m. - HEARING**

To consider the application to change the manager of the All Alcoholic Beverages Restaurant License held by KLRR Foods, Inc. d/b/a Celtic Tavern at 45 Belmont Street.

Michael Desrosiers was present and introduced himself as the proposed manager of KLRR Foods, Inc. He requested that the Board approve the application to change the manager of record from Kenneth Koury to himself.

The Board asked Mr. Desrosiers to confirm that he would be present on site a majority of the time and that he would not swap out his presence with one of his partners for a team approach. Mr. Desrosiers confirmed that he would be present on site a majority of the time.

Det. Sgt. Brian Griffin indicated that he has conducted a background investigation on Mr. Desrosiers and has no concerns with his reputation and character.

Selectman Rand moved the Board vote to approve the application as submitted by KLRR Foods, Inc. d/b/a Celtic Tavern to change the manager for the All Alcoholic Beverages Restaurant License at 45 Belmont Street from Kenneth Koury to Michael Desrosiers; Selectman Amberson seconded the motion; all members voted in favor with Selectman Pantazis abstaining.

**7:45 p.m. - ATTORNEY ROGER LELAND**

Offer to purchase town-owned land located at 70 Valentine Road.

Attorney Leland was present to represent the DiGregorios of 72 Valentine Road and the McKies of 68 Valentine Road. He explained the circumstances regarding this matter and stated that his clients have acknowledged their encroachment upon Town property at 70 Valentine Road. Attorney Leland discussed the proposals on behalf of his clients to purchase the town's property at a full and fair market value.

Selectman Rand moved the Board vote to accept the offer to purchase town-owned land at 70 Valentine Road as presented by Robert and Joyce DiGregorio of 72 Valentine Road for \$6,215.82; Selectman Amberson seconded the motion; all members voted in favor.

Selectman Pantazis moved the Board vote to accept the offer to purchase town-owned land at 70 Valentine Road as presented by Andrew and Susan McKie of 68 Valentine Road for \$6,219.20; Selectman Rutan seconded the motion; all members voted in favor.

Mr. Coderre added that since the property in question was acquired for conservation purposes, this change will also require special legislation approval.

**7:50 p.m. - JUNE HUBBARD-WARD, TREASURER/COLLECTOR**  
Approval/Execution of Bond Anticipation Notes.

Treasurer/Collector June Hubbard-Ward was present to request the Board's approval on Bond Anticipation Notes in the amount of \$10,025,362. The one-year BANs will be issued on April 30, 2010 and will mature on April 29, 2011. The purposes for the BANs include:

- \$5,500,000 for the Senior Center Building Project
- \$1,500,000 for the Colburn Street Remediation
- \$556,000 for the DPW Garage and Roof
- \$525,000 for the Fire Truck
- \$353,000 for the Lincoln Street Roof and various departmental authorizations
- \$565,000 Water Enterprise Wells and departmental equipment
- \$70,000 Sewer Departmental equipment

Ms. Hubbard-Ward informed the Board that Moody's Investors Service has assigned a MIG 1 rating, which is the highest rating available for temporary notes and designates "superior credit quality". She added that the Town has retained its very favorable Aa3 bond rating as well.

Following a few comments from Mr. Coderre, the Board acknowledged the hard work of Mr. Coderre, Ms. Hubbard-Ward and Town Accountant Jason Little for their hard work in order to obtain these ratings.

Selectman Pantazis moved the Board vote to approve and execute the Bond Anticipation Notes as presented by Treasurer/Collector June Hubbard-Ward; Selectman Amberson seconded the motion; all members voted in favor.

**7:55 p.m. - KATHY JOUBERT, TOWN PLANNER**  
**JOHN CAMPBELL, COMMUNITY PRESERVATION**  
**COMMITTEE CHAIR**  
Presentation on Town Meeting Warrant Articles.

Community Preservation Committee Chairman John Campbell reviewed the details of CPC Warrant Articles 30 through 36.

Members of the Board thanked the Community Preservation Committee for their hard work throughout the year and for preparing these recommendations for Town Meeting,

In the absence of Town Planner Kathy Joubert, Building Inspector Bill Farnsworth reviewed the details of zoning related Warrant Articles 28 and 29.

Chairman Bakstran confirmed that the Town Planner, the Planning Board and Mr. Farnsworth support Articles 28 and 29.

## **REPORTS**

### Dawn Rand, Vice Chairman

- No report.

### Leslie Rutan, Clerk

- Encouraged residents to attend the Annual Town Meeting.
- Congratulated the High School for their 3-night production of Guys and Dolls.
- Thanked the DPW Department and everyone else involved in helping residents and business owners with the recent flooding.
- Questioned Mr. Coderre on how conference rooms at the Library and Senior Center are being used after hours, including after hour expenses to operate them. She requested information about the level of usage for these rooms. Mr. Coderre responded that he will ask the Library Director to provide this information to the Board.
- Inquired about the Town having to spend the unfunded mandate of \$26,000 for the special election. Mr. Coderre indicated that we may receive \$22,000 from the State for this expense.

### Jeff Amberson

- Reminded residents to attend Town Meeting.

### William Pantazis

- Noted the receipt of a letter from the Historical Commission indicating that Phase 2 of the Historical Residential Inventory Project has been completed and was very well executed.
- Thanked the Fire Department for helping residents with flooded basements.
- Reminded residents that Town Meeting was in two weeks and hoped to see a large crowd there.
- Thanked Mr. Coderre for his follow-up information concerning parking on South Street. Noted that a "no parking on the east side of Route 135" regulation was passed in 2001.

### Fran Bakstran, Chairman

- Attended a recent forum on solid waste. Noted that the Board will discuss this matter at a future Board Meeting.
- Announced that "Take-It-Or-Leave-It" Day will be held on May 8th at Renewal by Anderson. No electronics or computers will be allowed.

- Asked if the House Budget would be coming out this week?. Mr. Coderre has not heard anything as of yet, but assured the Board and the community that they should be very comfortable about the budget presented at Town Meeting.

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John Coderre, Town Administrator

- Noted that a copy of a letter sent to the State Legislators was distributed to the members of the Board regarding his request that they support Bill H.2509, which would give Health Insurance Plan Design control to Towns.
- Noted that the Town Meeting Warrant books are available at the Town Hall and the Library, as well as on the Town website.

## **PUBLIC COMMENTS**

None

### **APPROVAL OF BOND EXPENDITURE FOR SILAS DRIVE**

Town Engineer Fred Litchfield informed the Board that the Planning Board acquired the Assabet Farm Estates \$85,000 subdivision bond due to the developer defaulting on the completion of the roadway. The bond proceeds, which cannot be utilized without authorization by the Board of Selectmen, will allow the Town to complete the outstanding items.

Selectman Rutan moved the Board vote to approve expenditure without further appropriation of the \$85,500 revoked Planning Board bond to be used for the completion of Silas Drive and any other related expenses pursuant to Massachusetts General Laws, Chapter 41, Section 81U; Selectman Pantazis seconded the motion; all members voted in favor.

### **REQUEST OF THE GARDEN CLUB – ANNUAL PLANT SALE**

Selectman Pantazis moved the Board vote to approve the request of the Northborough Garden Club to hold their Annual Plant Sale on May 15, 2010 from 8 a.m. to 12 Noon at the corner of Main and Blake Streets; Selectman Amberson seconded the motion; all members voted in favor.

### **REAPPOINTMENTS TO BOARDS, COMMITTEE AND COMMISSIONS**

Selectman Amberson moved the Board vote to reappoint those individuals who appear on the “2010 Reappointment List” to the corresponding Boards, Committees and Commissions; Selectman Rutan seconded the motion; all members voted in favor.

### **PRESENTATION OF NEW BUDGET FORMAT**

The Town Administrator presented the new budget book to the Board. The newly improved book is based on the Government Finance Officers Association national best practices, which includes various criteria in the categories of policy document, financial plan and a communicative device presented in a user-friendly format.

Following Mr. Coderre's review of the details of the new budget book, he publicly thanked Assistant Town Administrator Kim Hood, Treasurer/Collector June Hubbard-Ward and Town Accountant Jason Little.

Members of the Board commended Mr. Coderre and his staff for this newly improved and easy-to-understand document.

### **ASSIGNMENT OF TOWN MEETING WARRANT ARTICLES**

Members of the Board agreed on which Warrant Articles each of them would present at the Annual Town Meeting.

Chairman Bakstran suggested that the Board vote on Articles 4, 22, 37 and 39 tonight.

Selectman Amberson moved the Board vote to recommend Article 4; Selectman Rutan seconded the motion; all members voted in favor.

Selectman Amberson moved the Board vote to recommend Article 22; Selectman Rutan seconded the motion; all members voted in favor.

Selectman Amberson moved the Board vote to recommend Article 37; Selectman Rutan seconded the motion; all members voted in favor.

Selectman Amberson moved the Board vote to recommend Article 39; Selectman Rutan seconded the motion; all members voted in favor.

### **APPROVAL/EXECUTION OF CEMETERY DEED A834**

Selectman Rutan moved the Board vote to approve and execute Cemetery Deed A834; Selectman Rand seconded the motion; all members voted in favor.

### **9:15 p.m. – EXECUTIVE SESSION**

Selectman Rand 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; Selectman Rutan seconded the motion; the roll call vote was taken as follows:

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

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

### **ADJOURNMENT**

Selectman moved the Board vote to adjourn; Selectman seconded the motion; all members voted in favor. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

M. J. Fredette, Executive Assistant