

**BOARD OF SELECTMEN
MEETING MINUTES – AUGUST 16, 2010**

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 – JULY 19, 2010 REGULAR MEETING

Selectman Bakstran moved the Board vote to approve the Minutes of the July 19, 2010 Regular Meeting as presented; Selectman Amberson seconded the motion; all members voted in favor.

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

To consider the application for a One-Day License for Wine & Malt Beverages pursuant to M.G.L. Chapter 138, Section 14 as submitted by Saint Bernadette's Church for premises located at 266 Main Street.

Josie Fox was present to request a One-Day Special License for the St. Bernadette's Annual Fall Festival. The event will take place on September 17th & 18th.

The Fire Chief, Police Chief and Building Inspector have reviewed the application and recommend that it be approved.

Selectman Rutan moved the Board vote to approve the license application as submitted by Saint Bernadette's Church at 266 Main Street for a Special One-Day License for the sale of Wine & Malt Beverages for their Annual Fall Festival on Friday, September 17, 2010 (5 p.m. to 10 p.m.) and Saturday, September 18, 2010 (10 a.m. to 10 p.m.) and to waive the license fee; Selectman Pantazis seconded the motion; all members voted in favor.

7:03 p.m. - **HEARING**

To consider a request from JJ's Sports Bar & Grill to extend the hours of operation for the All Alcoholic Beverages Restaurant License for premises located at 380 Southwest Cutoff.

Peter Sarro was present to request that the closing hours for his All Alcoholic Beverages Restaurant License be changed to a 2:00 am closing time seven days per week. He emphasized that he does not want to be open until 2:00 am on a regular basis, but would

HEARING CONT...

like the opportunity for the extended hours several times a year, especially for Thanksgiving Eve, New Year's Eve and specific sporting events. Mr. Sarro stated that although he had agreed to take over the previous owner's existing hours of operation, he feels that over the past year he has proven to the Town that he is a responsible, hands-on business owner. Mr. Sarro added that all other licensees in Town, except one, have a 2:00 am closing time.

Members of the Board acknowledged that Mr. Sarro has made a vast improvement in the overall operations of his establishment since taking over the business a year ago. Despite this, there is still concern with the number of problems that could arise at this location with a 2:00 am closing time.

Following some discussion, the Board agreed that it was reasonable to extend the closing time to 1:00 am seven days per week. Mr. Sarro stated that if several months go by without any problems as a result of the new 1:00 am closing time, he would like the opportunity to come back before the Board to again request a 2:00 am closing time.

Selectman Amberson moved the Board vote to approve the request to change the hours of operation for the All Alcoholic Beverages Restaurant License as submitted by Peter Sarro, JJ's Sports Bar and Grill for premises located at 380 Southwest Cutoff, with the condition that the matter be brought back before the Board if there are any problems as a result of the later closing time. The hours of operation will be Monday through Saturday 8:00 am- 1:00 am and Sunday 12:00 pm - 1:00 am; Selectman Bakstran seconded the motion; all members voted in favor.

7:15 p.m. - PUBLIC HEARING

To consider an application from Genzyme Corporation for the on-site storage of flammable liquids and gases, combustible liquids and one(1) exterior 3,900 gallon above-ground storage of diesel on premises located at 11 Forbes Road, Assessor's Map 15, Parcel 16.

Representatives from Genzyme were present. Genzyme is one of the leading biotechnology companies dedicated to making a major positive impact on the lives of people with serious disease. The company is in the process of creating an operations center at 11 Forbes Road in an existing 210,000 sq. ft. warehouse facility that will create 150 new jobs. Following a brief presentation, the Board welcomed Genzyme to Northborough.

Selectman Amberson moved the Board vote to approve the license application as submitted by Genzyme Corporation for the on-site storage of flammable liquids and gases, combustible liquids and one(1) exterior 3,900 gallon above-ground storage of diesel for premises located at 11 Forbes Road, Assessor's Map 15, Parcel 16; along with the conditions as recommended by the Fire Chief in his memo dated July 27, 2010; Selectman Rutan seconded the motion; all members voted in favor.

7:30 p.m. - **PUBLIC HEARING**

To consider the application for the transfer/issuance of stock, as well as new Stockholders, Officers, Directors and change of manager for the All Alcoholic Beverages Restaurant License for Chet's Diner, Inc. for premises located at 191 Main Street.

Selectman Pantazis recused himself from this portion of the meeting citing a family relationship. He added that he would abstain from any discussion or votes on the matter.

Attorney George Pember and Jessica Fidrych were present. Attorney Pember informed the Board that Nancy Pantazis was the primary stockholder and manager of Chet's Diner, Inc. Due to illness, Ms. Pantazis has formally resigned from the corporation and has gifted her stock to Jessica. Jessica has since been elected president of the corporation and the full-time manager of the diner. Attorney Pember asked that the Board approve the transfer/issuance of stock, as well as new stockholders, officers, directors and the change of manager from Nancy Pantazis to Jessica Fidrych.

Sergeant/Detective Brian Griffin informed the Board that Jessica Fidrych has five years experience in the food and beverage business and is TIPS certified. He has reviewed the application and Ms. Fidrych's background, and has found nothing which would prevent her from being a suitable manager for the diner.

Ms. Fidrych informed the Board that over the next several years, her plan is to grow the business to its full potential.

Selectman Amberson moved the Board vote to approve the application for the transfer/issuance of stock, as well as new stockholders, officers, directors and change of manager from Nancy Pantazis to Jessica Fidrych for the All Alcoholic Beverages Restaurant License for Chet's Diner, Inc. for premises located at 191 Main Street; Selectman Rutan seconded the motion. Vote 4-0-1 (Selectman Pantazis abstained).

7:35 p.m. - **ALLIE LANE - RECREATION DIRECTOR**

- Update on Applefest Celebration.
- Request to close Blake Street on September 11, 2010 from 6 a.m. to 5 p.m. for the Applefest Street Fair.

Recreation Director Allie Lane provided a brief update on this year's Applefest Celebration, which is scheduled to take place on the weekend of September 10-12th.

Selectman Bakstran moved the Board vote to close Blake Street on September 11, 2010 between the hours of 6 am – 5 pm for the annual Applefest Street Fair, with a rain date of September 12, 2010; Selectman Rutan seconded the motion; all members voted in favor.

7:40 p.m. - **JAMIE TERRY - HEALTH AGENT**
Presentation on Childhood Obesity Grant.

Health Agent Jamie Terry informed the Board that the Town has been granted funding in the amount of \$54,465.00 from the MetroWest Community Health Care Foundation. The grant will help to fund initiatives that will combat childhood obesity in the Town of Northborough. This funding is in addition to \$20,000 received in 2008, which was used to conduct a needs assessment for the Town.

Ms. Terry reviewed the initiatives that will be implemented as a result of this grant, including: planting community gardens at 51 Valentine Road and the Senior Center; piloting a Take 10 Program at the ZEH Elementary School and a CATCH Program at all of the NEDP after school program sites.

The Team, consisting of herself, Town Planner Kathy Joubert, FYS Director June David-Fors and Recreation Director Allie Lane, will begin working with the Health and Wellness Committee for the District to revise health and wellness policies and guidelines for the schools

Selectman Bakstran moved the Board vote to approve the acceptance of the *Building a Healthy Northborough Grant* from the MetroWest Community Healthcare Foundation pursuant to Massachusetts General Laws, Chapter 44, Section 53A for the purpose of expending said monies to implement a program to provide more opportunities for Northborough children and families to be active and eat healthy and to authorize the Town Administrator to execute same; Selectman Amberson seconded the motion; all members voted in favor.

7:45 p.m. - **FRED LITCHFIELD, TOWN ENGINEER**

Rename Northborough Road to Berkley Road

Mr. Litchfield informed the Board that a portion of Route 20 was abandoned by the state many years ago and has since been known as Northborough Road. This is a public road providing access to the Copley Woods subdivision. During the subdivision approval process, a name change was agreed to and anticipated to be done at the time the subdivision roads were to be accepted. Mr. Litchfield added that there are no homes on Northborough Road, although one is under construction. Therefore, it would be appropriate to approve the name change before the new home is occupied.

Mr. Litchfield requested that the Board declare their intent to rename Northborough Road to Berkley Road this evening. Following the posting of a legal advertisement in the Worcester Telegram & Gazette, the Board can then vote to rename the road at their meeting on September 27, 2010.

Selectman Rutan moved the Board vote to place a legal notice in the Worcester Telegram & Gazette advising the public of the Board's intent to rename Northborough Road to Berkley Road and to so amend the Official Town Map; Selectman Amberson seconded the motion; all members voted in favor.

Acceptance of Deeds for Beechwood Circle

Mr. Litchfield requested that the Board accept the Deeds of Easement for Beechwood Circle in accordance with Article 25 of the 2010 Annual Town Meeting.

Selectman Rutan moved the Board vote to accept the Deeds of Easement for Beechwood Circle; Selectman Amberson seconded the motion; all members voted in favor.

Update on Downtown Traffic Improvement Project at Church, South & Hudson Streets

Mr. Litchfield provided an update on the downtown traffic improvements. He noted that originally this project was scheduled for construction in the Federal FY2010 Transportation Improvement Plan (TIP). Due to some concerns raised by the residents and business owners in the Patty Lane area, a significant change to the 25% design plan was suggested and the project was taken off the Federal FY2010 TIP. Mr. Litchfield reviewed a sketch with members of the Board detailing the proposed changes.

Mr. Litchfield added that he is in the process of trying to secure a top priority spot on the Federal FY2011 TIP so that this project may proceed to advertising and construction during the summer of 2011.

Department of Agricultural Resources – proposed acquisition of property located on Assessor’s Map 022, Lot 002

Mr. Litchfield informed the Board that the Department of Agricultural Resources (DAR) is considering the acquisition of approximately 20 acres of land on Ball Street, located directly across the street from Tougas Family Kitchen. The DAR is seeking to acquire this land under the Agricultural Preservation Restriction Program (APR). Mr. Litchfield indicated that the land in question is actually located on Ball Street and was inaccurately described as Green Street in the DAR’s letter. Mr. Litchfield reviewed a map of the land with the members of the Board.

Mr. Litchfield informed the Board that the Massachusetts General Laws requires that this proposal be made public in a local forum. The Board is only required to discuss this issue publicly, so that any interested residents may participate in the discussion or provide input to the DAR should they choose to do so. No official action is required by the Board at this time.

Mr. Litchfield stated that the land is owned by the New England Forestry Foundation and this particular piece is currently leased to the Tougas Family. The lease is coming up for renewal and an APR would secure the preservation of the land for agricultural purposes if for some reason the lease is not renewed. The Planning Board, Conservation Commission, as well as his department are all in favor of this acquisition.

Mr. Litchfield added that he and the Wind Committee are looking into the possibility of securing a piece of this land out of the APR for the potential future site of a wind turbine. Members of the Board indicated that they were in support of this effort.

REPORTS

Fran Bakstran

- Attended the Wind Committee's Ribbon Cutting ceremony.
- Reminded the public that campaign signs can only be erected on private property with permission of the property owner.

William Pantazis

- Requested an update on the status of the new street signs and the anticipated completion date.
- Questioned why the Town was not holding the Annual Night Out event this year? Chief Leahy informed the Board that the National Night Out was completely funded by a Community Policing Grant that was cut from \$41,000 to \$0. He is hoping that it can be brought back during better fiscal times.
- Acknowledged a recent memo from the Town Administrator to the Fire Chief, expressing appreciation for his efforts during the March/April flooding event, especially the FEMA cost recovery process.

Leslie Rutan, Clerk

- Noted her relief that Stop & Shop will not be coming to Northborough. Acknowledged that the public discussions on this issue were difficult and that the bottom line for her was the potential traffic complications on Route 20.
- Noted that the Open Space Committee held a public meeting on August 2nd to provide an overview of the Open Space Plan. Thanked those who provided the presentation.
- Thanked Selectman Bakstran for her participation in the Wind Turbine Ribbon Cutting Ceremony.
- Thanked the Fire Chief for his detailed report to the Board. She always appreciates receiving this information.
- Extended good luck wishes to those students entering college this year.

Jeff Amberson, Vice Chairman

- Requested that the public take the time to think about the school zones and slow down when driving in these areas.
- Noted that residents have approached him looking for information about routine brush cutting on sides of the road? Mr. Coderre stated that residents can call his office or the DPW office to request brush cutting in certain areas.

Dawn Rand, Chairman

- Thanked Mr. Coderre for scheduling meetings for those people concerned with the activities on Whitney Street.

John Coderre, Town Administrator

- No report.

PUBLIC COMMENTS

None.

APPROVAL/EXECUTION OF STATE PRIMARY ELECTION WARRANT

Selectman Pantazis moved the Board vote to approve and execute the State Primary Election Warrant for September 14, 2010; Selectman Amberson seconded the motion; all members voted in favor.

APPOINTMENT OF ELECTION OFFICERS

Selectman Pantazis moved the Board vote to appoint those individuals who appear on the 2010/2011 Election Officer List for a term beginning September 1, 2010 and ending August 31, 2011 as submitted by Town Clerk Andrew Dowd; Selectman Bakstran seconded the motion; all members voted in favor.

SET MEETING SCHEDULE FOR SEPTEMBER - DECEMBER

Selectman Pantazis moved the Board vote to set the meeting schedule for September through December as follows; Selectman Bakstran seconded the motion; all members voted in favor.

September 13 & 27

October 18

November 8 & 22

December 6 & 20

APPROVAL/EXECUTION OF CEMETERY DEEDS A840-A843

Selectman Pantazis moved the Board vote to approve and execute Cemetery Deeds A840 through A843; Selectman Rutan seconded the motion; all members voted in favor.

OTHER BUSINESS

None

8:25 p.m. – EXECUTIVE SESSION

Selectman Bakstran moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Subsection 3 (collective bargaining) due to the Chair's determination that a discussion regarding this matter in an open meeting may have a detrimental effect on the position of the Board; Selectman Rutan seconded the motion; the roll call vote was taken as follows:

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

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

ADJOURNMENT

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

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. Application packet for Special One-Day License Request - St. Bernadette's Church.
2. Information packet for Request to extend hours of operation - JJ's Sports Bar & Grille.
3. Application packet for on-site storage application - Genzyme Corporation.
4. Application packet for transfer/issuance of stock, new stockholders, officers, directors and change of manager - Chet's Diner.
5. Written request to Close Blake Street.
6. Information packet for Childhood Obesity Grant presentation.
7. Information packet for request to rename Northborough Road to Berkley Road.
8. Information packet for Acceptance of Deeds - Beechwood Circle.
9. Information packet for the acquisition of property by Department of Agricultural Resources - Assessor Map 022, Lot 002.
10. Copy of State Primary Election Warrant.
11. Roster of Election Officers to be reappointed.
12. Memo for September - December meeting schedule.
13. Copies of Cemetery Deeds.