

**BOARD OF SELECTMEN
MEETING MINUTES – September 12, 2011**

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

MEMBERS PRESENT: Jeff Amberson, Chairman
Dawn Rand, Vice Chairman
Leslie Rutan, Clerk
William Pantazis
Aaron Hutchins

*Pledge of Allegiance

APPROVAL OF MINUTES – JULY 11, 2011 REGULAR MEETING Selectman Rand moved the Board vote to approve the meeting minutes of the July 11, 2011 regular meeting as submitted, Selectman Rutan seconded the motion; all members voted in favor.

7:00 p.m. - PUBLIC HEARING

To consider a petition from Verizon New England and Massachusetts Electric Companies for Joint Pole Relocations to accommodate road reconstruction under the Route 20 Downtown Traffic Improvement Project.

Scott Burns from Verizon and Thomas Emerick from Mass DOT were present to request several pole relocations required as part of the Route 20 Downtown Traffic Improvement Project.

Mr. Emerick provided information on the relocation of the poles within Town roads. He also provided a brief status update on the Downtown Traffic Improvement Project. The project is scheduled to be advertised on August 27th. It is anticipated that construction will begin in the early Spring of 2012. The project may take up to 18 months (or two construction seasons) to complete.

Mr. Emerick confirmed to a representative from Honey Farms at 5 West Main Street that the corner of Route 20 and South Street where the Honey Farms sign post is located will be taken by eminent domain. When asked about the details of a new location for the sign post, Mr. Emerick indicated that the new location for the sign post would have been negotiated with the property owner. James Esper, the property owner of 5 West Main Street was present. He informed Mr. Emerick that representatives from Mass DOT Right-of-Way have yet to contact him regarding his property. Mr. Emerick was surprised to hear this and assured Mr. Esper that he will make sure that the Mass DOT Right-of-Way Manager gets in touch with him.

Selectman Rand moved the Board vote to approve and execute the petition from Verizon New England and Massachusetts Electric Companies for joint pole relocations to accommodate road reconstruction under the Route 20 Downtown Traffic Improvement Project; Selectman Rutan seconded the motion; all members voted in favor.

7:20 p.m. - PUBLIC HEARING

To consider an application for a new site-specific All Alcoholic Beverages Package Store License, Common Victualler License and Entertainment License as submitted by Wegmans Massachusetts, Inc. for premises located at 9102-9104 Shops Way.

Attorney Marshall Gould introduced the proposed Manager of Record Kevin Russell and several other representatives from Wegmans. Mr. Russell provided a detailed overview of Wegmans. He informed the Board that the company is expected to hire 550 employees and has been ranked #3 on Fortune Magazine's "2011 list of the 100 Best Companies to Work For". The grand opening of the store is scheduled for October 16th.

With regard to the application for the All Alcoholic Package Store License, Chief Leahy and Detective Sergeant Brian Griffin informed the Board that there are no concerns and recommended that the application be approved.

Selectman Rand moved the Board vote to approve the applications for a new All Alcoholic Beverages Package Store License, Common Victualler License and Entertainment License as submitted by Wegmans Massachusetts, Inc. for premises located at 9102-9104 Shops Way; Selectman Rutan seconded the motion; all members voted in favor.

7:35 p.m. - MARY BETH BENISON, COCO BENI CONFECTIONS

To consider an application for a Common Victualler and Entertainment License for premises located at 247A West Main Street.

Mary Beth Benison informed the Board of her plans to open a small gourmet bake shop with seating for 12 patrons. Her specialty will be baked goods for special occasions, such as weddings, etc. The hours of operation will generally be 9:00 am to 8:00 pm.

Selectman Rutan moved the Board vote to approve the application for a Common Victualler License and Entertainment License for CocoBeni Confections as submitted by Mary Beth Benison for premises located at 247A West Main Street; Selectman Pantazis seconded the motion; all members voted in favor.

7:40 p.m. - JUNE HUBBARD-WARD, FINANCE DIRECTOR

Approval/Execution of Compensating Balance Agreement.

Finance Director June Hubbard-Ward informed the Board that a Request for Proposals for banking services was issued in March 2011. After a comprehensive evaluation of the seven proposals received, it was decided that the Town will maintain its current banking relationship with Bank of America for another three years.

Selectman Hutchins stated that he would be interested in seeing all of the proposals and requested that Ms. Hubbard-Ward forward copies to him.

JUNE HUBBARD-WARD, FINANCE DIRECTOR CONT. . .

Selectman Pantazis moved the Board vote to approve and execute the Compensating Balance Agreement for banking services with Bank of America from July 1, 2011 through June 30, 2014 as submitted by Finance Director June Hubbard-Ward; Selectman Rand seconded the motion; all members voted in favor.

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

Approval/Execution of Order of Taking for Fawcett Orchard Road and Woodstone Road.

Town Engineer Fred Litchfield informed the Board that Fawcett Orchard Road and Woodstone Road were not completed in accordance with the subdivision approval granted by the Planning Board in June of 1986. These streets are being taken by eminent domain. The Town expects to complete the construction once the DPW has secured the remainder of the funding necessary to perform the work. Mr. Litchfield added that these streets were approved at the 2011 Annual Town Meeting and the Order of Taking must be approved and executed by the Board of Selectmen in order to complete the process.

Selectman Rutan moved the Board vote to approve and execute the Order of Taking for permanent easement interests in certain roads, known as Woodstone Road and Fawcett Orchard Road, and certain permanent drainage, access, open space and retaining wall easements associated with said roads, as identified in said Order of Taking, for an award of no damages for said takings, damages and appraisal having been waived by the property owners and/or a determination having been made that no damages were sustained by all other parties with rights in the interests taken, and authorize the Town Engineer or Town Counsel to record the Order of Taking with the Worcester Registry of Deeds within thirty (30) days of this date; Selectman Rand seconded the motion; all members voted in favor.

REPORTS**Aaron Hutchins**

- Extended his appreciation to Captain David Hunt who has recently retired from the Northborough Fire Department after serving for 35 years.
- Noted that O'Brien's 5 & 10 has closed its doors after 59 years in business.
- Asked that Town Staff follow up with the property owner of 5 West Main Street to make sure that he is contacted by the Mass DOT Right-of-Way Manager in reference to the pole petition that was discussed earlier in the meeting.

William Pantazis

- Extended his appreciation to David Hunt for his many years of service to the Town.
- Announced that the Annual Applefest Celebration will be held on September 16th, 17th & 18th.

Leslie Rutan, Clerk

- Noted that the Interview Committee met with an applicant for the Conservation Commission prior to tonight's meeting. See below for appointment.
- Noted that in speaking with the Senior Center Director Kelly Burke, she learned that the Senior Center has an Outreach Coordinator who works with seniors looking for help with a variety of things. She encouraged those in need to contact the Senior Center.
- Expressed her concern to the Police Chief about the apparent lack of compliance by drivers when people are trying to use crosswalks. It's especially a problem at the crosswalks on Maple and Brigham Streets and on Hudson and River Streets. Chief Leahy informed the Board that the DPW is in the process of repainting the crosswalks in Town. He added that the Police Department will be extra vigilant during the first few weeks of school.
- Extended her appreciation to the DPW for cutting back the brush at Hudson and Allen Streets.

Dawn Rand, Vice Chairman

- Noted that several changes have been made to the scheduled events at this year's Applefest celebration. Extended her appreciation to Lowe's Variety for their continued sponsorship of the event.

Jeff Amberson, Chairman

- Attended the recent opening of the Community Garden on Valentine Road. The Garden is a nice community effort led by the Recreation and Health Departments.
- Extended his appreciation to David Hunt and thanked him for his years of service.
- With school starting in just a couple of weeks, asked drivers to slow down and take notice of students walking to and from school.

John Coderre, Town Administrator

- Informed the Board that the Auditors are in the final stages of completing the FY11 Audit. The auditor will be scheduled on a future meeting agenda to provide a full report.

APPOINTMENT TO THE CONSERVATION COMMISSION

Selectman Rutan moved the Board vote to appoint Chelsea Christenson to the Conservation Commission for a partial three-year term; Selectman Hutchins seconded the motion; all members voted in favor.

PUBLIC COMMENTS

None.

ANNUAL APPOINTMENT OF ELECTION OFFICERS

Selectman Pantazis moved the Board vote to appoint those individuals who appear on the 2011/2012 Election Officer List for a term beginning on September 1, 2011 and ending on August 31, 2012 as submitted by Town Clerk Andrew Dowd; Selectman Rutan seconded the motion; all members voted in favor.

REAPPOINTMENT OF POLICE OFFICERS

Selectman Rand moved the Board vote to reappoint all sworn members of the Northborough Police Department as listed on the August 11, 2011 memo from the Police Chief for a three-year term retroactive to July 1, 2011 and ending June 30, 2014; Selectman Rutan seconded the motion; all members voted in favor.

DISCUSSION - NATIONAL GUN BUY-BACK PROGRAM

Chief Leahy informed the Board that National Gun Buy-Back Day is expected to take place on December 3, 2011. Over the last ten years, this Worcester-based program has removed 2,064 guns from the greater Worcester area. People turning in guns receive a gift certificate in the amount of \$25 for a long rifle; \$50 for a handgun and \$75 for a semi-automatic rifle or handgun. The guns are then melted down.

Chief Leahy informed the Board of his plans to attend his first meeting on this topic tomorrow. He will plan to ask whether or not Northborough residents will be allowed to take part in the Worcester Program if the Town chooses not to participate. He will follow up with additional information at a future Board Meeting.

DISCUSSION - SECURE COMMUNITIES PROGRAM

In a brief presentation to the Board, Northborough resident John O'Mara provided a basic overview of the Secure Communities Program (SCP). The Federal Bureau of Immigration and Customs Enforcement (ICE) designed this program in order to identify and remove illegal immigrants who are arrested by state and local law enforcements. Following his presentation, Mr. O'Mara asked the Board of Selectmen to seriously consider implementing this program for the benefit of Northborough residents.

Chief Leahy addressed the Board. He stated that he has been in law enforcement for 35 years and is not in support of the Secure Communities Program. He expressed serious concern that the program will hamper his department when investigating crimes based on the climate of fear that will be created within the immigrant community. He added that the Northborough Police Department already takes fingerprints and sends them to the FBI.

Chief Leahy informed the Board that out of the 351 communities in the Commonwealth, the City of Boston is the only one who has voluntarily chosen to participate. They have recently begun efforts to opt out of the program. As it stands right now, SCP will be implemented nationwide in 2013. His hope is that much needed corrections will be made to the program by then. He added that at that time, the policy will be uniformly applied across all jurisdictions and will hopefully by then, be a better program

Mr. O'Mara, along with many members of the audience expressed their disagreement with the Police Chief's statements.

By consensus, the Board did not feel that the program was something appropriate to pursue at this time. Chairman Amberson ended the discussion by stating that the Board supports the Police Chief and will continue to look to him as their expert in law enforcement.

MEETING SCHEDULE SEPTEMBER - DECEMBER

Selectman Pantazis moved the Board vote to set the September - December Meeting Schedule as follows:

September 12th & 26th
 October 17th
 November 7th & 21st
 December 19th

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

APPROVAL/EXECUTION OF AMENDMENT TO CEMETERY DEED A858

Selectman Hutchins moved the Board vote to approve and execute amended Cemetery Deed A858; Selectman Pantazis seconded the motion; all members voted in favor.

APPROVAL/EXECUTION OF CEMETERY DEEDS A873 THROUGH A876

Selectman Hutchins moved the Board vote to approve and execute Cemetery Deeds A873 through A876; Selectman Pantazis seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

8:50 p.m. – EXECUTIVE SESSION

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

Rand	"aye"	Hutchins	"aye"
Rutan	"aye"	Amberson	"aye"
Pantazis	"aye"		

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

ADJOURNMENT

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

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Diane M. Wackell
 Executive Assistant to the
 Board of Selectmen

Documents used during meeting:

1. August 15, 2011 Meeting Agenda.
2. July 11, 2011 Meeting Minutes.
3. Information packet - Verizon/Mass Electric Pole Petitions.
4. Information packet - Wegmans License Applications.
5. Information packet - CocoBeni Confections License Application.
6. Information packet - Compensating Balance Agreement.
7. Information packet - Fawcett Orchard and Woodstone Road Order of Taking.
8. Information packet - Annual Appointments of Election Officers.
9. Information packet - Reappointment of Police Officers.
10. Information packet - Gun Buy-Back Program.
11. Information packet - Secure Communities Program.
12. Information packet - Meeting Schedule for September - December.
13. Amended Cemetery Deed A858.
14. Cemetery Deeds A873 through A876.