

**BOARD OF SELECTMEN
MEETING MINUTES – July 16, 2012**

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

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

*Pledge of Allegiance

APPROVAL OF MINUTES – JUNE 25, 2012 REGULAR MEETING

Selectman Amberson moved the Board vote to approve the meeting minutes of the June 25, 2012 regular meeting as submitted; Selectman Rutan seconded the motion; all members voted in favor.

7:00 p.m. - PUBLIC HEARING – SEA DOG STEAK & ALE

- To consider disciplinary action against the All Alcoholic Beverages Restaurant License for premises located at 318 Main Street for failure to comply with the requirements of MGL, C138, S26 (Appointment and Approval of Manager).
- To consider an application to the Change the Manager for the All Alcoholic Beverages Restaurant License for premises located at 318 Main Street.

Peter Lucido, Partner and Michael Minichello, Director of Operations were present on behalf of Sea Dog Steak & Ale, LLC. Mr. Minichello introduced himself as the proposed manager of record, indicating that he will be the full-time manager on site until a suitable replacement can be found.

Both gentlemen apologized to the Board for the delay in submitting the proper paperwork to change the manager. They explained that following some employee turnover, they had thought that the paperwork to change the manager had been filed. This has been addressed at the management level and proper procedures are now in place to ensure that this does not happen again.

Detective Sergeant Brian Griffin was present and indicated that he did not find anything of concern regarding the proposed manager, Michael Minichello.

Selectman Amberson moved the Board vote to approve the application as submitted by Sea Dog Steak & Ale, LLC to change the manager of their All Alcoholic Beverages Restaurant License at 318 Main Street from Michael Botelho to Michael Minichello; and to further advise the licensee that any future license violations may result in the Board of Selectmen scheduling a Public Hearing to consider disciplinary action against their All Alcoholic Beverages Restaurant License, up to and including, suspension or revocation of the license; Selectman Rand seconded the motion; all members voted in favor.

7:05 p.m. - YOWZA LLC – BRENDA BROWN

To consider an application by YOWZA, LLC for a Common Victualler and Entertainment License for premises located at 269 West Main Street.

James Brown and Scott Boyers of YOWZA, LLC indicated that they are opening a new self-serve yogurt café at 269 West Main Street. They are present this evening to request a Common Victualler and Entertainment License. Both gentlemen have other businesses in town and hope to open their new café by late August.

Selectman Rutan moved the Board vote to approve the application of Yowza, LLC for a Common Victualler and Entertainment License for premises located at 269 West Main Street, Building 4B, providing that the licensee receive satisfactory inspections by the Building, Fire and Health Departments; Selectman Amberson seconded the motion; all members voted in favor.

REPORTSAaron Hutchins

- Attended a recent Eagle Scout Court of Honor ceremony for Ryan Lang. Congratulated Mr. Lang for his achievement.
- Thanked the Police Chief for his recent report covering the activity of the police department over the last twelve months. Acknowledged the dedication of all the public servants in town.
- Thanked the Town Engineer for his periodic updates on the downtown construction project. Noted how pleased he is with the progress to date.

Dawn Rand

- Noted that the Interview Committee met with applicants for various Boards, Committees and Commissions. See below for appointments.

Jeff Amberson, Clerk

- Provided an update on the sign bylaw enforcement activities. Thanked Building Inspector Bill Farnsworth for his efforts. Also thanked those residents who have reached out to the Board in this regard.

Leslie Rutan, Vice Chairman

- Thanked the Building Inspector for his enforcement efforts regarding the sign bylaw. Also thanked those businesses who have complied without complaint.
- Requested an update on the Otis Street Sewer project. DPW Director Dan Nason was present and provided an update on the Otis Street and the downtown construction projects.

William Pantazis, Chairman

- No report.

John Coderre, Town Administrator

- Provided an update on the Indian Meadows Golf Course. The Town is still waiting for the additional information that was requested earlier.

John Coderre Report Cont. . .

- Provided an update on the Viner/Harling Dog Case Decision. The Court affirmed the Board's April 11, 2011 decision in its entirety. The Town's testimony as to the vicious nature of the dogs, the owners' indifference to the dogs' behavior and their responsibilities as dog owners were key components in its decision. Mr. Viner and Ms. Harling have 60 days to appeal.

APPOINTMENT TO THE OPEN SPACE COMMITTEE

Selectman Rand moved the Board vote to appoint Robert Mihalek as an alternate member to the Open Space Committee for a one-year term; Selectman Rutan seconded the motion; all members voted in favor.

APPOINTMENT TO THE OPEN SPACE COMMITTEE

Selectman Rand moved the Board vote to appoint Ashley Davies as an alternate member to the Open Space Committee for a three-year term; Selectman Rutan seconded the motion; all members voted in favor.

APPOINTMENT TO THE HISTORICAL COMMISSION

Selectman Rand moved the Board vote to appoint Amy Jo White to the Historical Commission for a one-year term; Selectman Rutan seconded the motion; all members voted in favor.

APPOINTMENT TO THE HISTORICAL COMMISSION

Selectman Rand moved the Board vote to appoint Brian Smith to the Historical Commission for a three-year term; Selectman Rutan seconded the motion; all members voted in favor.

APPOINTMENT TO THE SCHOLARSHIP COMMITTEE

Selectman Rand moved the Board vote to appoint James Kihungi to the Scholarship Committee for a two-year term; Selectman Rutan seconded the motion; all members voted in favor.

PUBLIC COMMENTS

None.

MEMORANDUM OF UNDERSTANDING WITH NEDP, INC.

Mr. Coderre informed the Board that the annual Memorandum of Understanding between the Town and Extended Day Program, Inc. is for the continued use of office space and facilities at the Town Hall. The updated Agreement for FY13 provides for an increase in payment to the Town from \$18,000 in FY12 to \$18,540 in FY13 to reflect increased costs associated with use of the space, as well as the shared Administrative Assistant position.

Selectman Rand moved the Board vote to approve the FY13 Memorandum of Understanding between the Town and Northborough Extended Day Program, Inc. for the use of office space and facilities at the Town Hall and to authorize the Town Administrator to execute same; Selectman Amberson seconded the motion; all members voted in favor.

ACCEPTANCE OF FUNDS PURSUANT TO MGL, CHAPTER 44, SECTION 53A

Mr. Coderre informed the Board that as a result of the October 2011 snowstorm, 23 trees at the Ellsworth McAfee Park suffered devastating damage and have recently been replaced by the Public Works Department staff with the help of the following local businesses:

Bigelow's Nursery

Bigelow's Nursery at 455 West Main Street in Northborough provided 23 trees at a discounted rate of 50% off the retail price. The retail cost of the trees was \$4,780 with a 50% discount for a total cost of \$2,390.

The Veron Company

The Veron Company at 112 Forest Street in Marlborough (David Veron is a resident of Northborough) provided laborers to aid in the planting of the trees. Three laborers from the Veron Company and two Department of Public Works staff planted all of the trees over a two-day period.

Alan Stieman's Landscape

Alan Stieman's Landscape at 206 South Street in Northborough provided a \$1,000 donation towards the cost of the trees.

The Town's cost to replace the trees would have been \$4,780, along with the labor of five Department of Public Works staff. With the help of the above-named businesses, the total cost to the Town was only \$1,390 with the labor of only two Department of Public Works staff.

Mr. Coderre indicated that thank you letters will be sent to each of the businesses on behalf of the Board.

Selectman Rutan moved the Board vote to accept funds received from Alan Steinman's Landscape, Inc. by the Department of Public Works for the purpose of replacing and maintaining trees at Ellsworth MacAfee Park pursuant to Massachusetts General Laws, Chapter 44, Section 53A; Selectman Amberson seconded the motion; all members voted in favor.

APPROVAL/EXECUTION OF CEMETERY DEED TRANSFER

Selectman Hutchins moved the Board vote to approve and execute the transfer of Cemetery Deed A897 (formerly A182); Selectman Rand seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

ADJOURNMENT

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

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. July 16, 2012 Meeting Agenda.
2. June 25, 2012 Meeting Minutes.
3. Information packet – Sea Dog Steak & Ale, LLC.
4. Information packet – Yowza, LLC.
5. Information packet – MOU with NEDP, Inc.
6. Information packet – Acceptance of Funds.
7. Information packet – Cemetery Deed Transfer.