

**BOARD OF SELECTMEN  
MEETING MINUTES – December 17, 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

Chairman Pantazis led the audience in a moment of silence in memory of those who lost their lives in the Sandy Hook Elementary School shooting in Newtown, CT.

\*Pledge of Allegiance

**APPROVAL OF MINUTES – NOVEMBER 19, 2012 REGULAR MEETING**

Selectman Amberson moved the Board vote to approve the meeting minutes of the November 19, 2012 regular meeting as submitted, Selectman Rutan seconded the motion; all members voted in favor.

**7:00 p.m. - PUBLIC HEARING WITH BOARD OF ASSESSORS**

For the purpose of discussing the valuation of each class of property; the minimum residential factor and the allocation of the tax burden among the four classes of real property: residential, open space, commercial and industrial, and of personal property.

Principal Assessor Daniel Brogie and Finance Director June Hubbard-Ward were present. Also present in the audience were Assessors Arthur Holmes and James Dillon. Mr. Coderre made the presentation, which included information and options for the Board of Selectmen to determine whether there shall be a single or split tax rate for the various classes of property for FY2013.

In summary, the top taxpayers have significantly expanded, helping the Town to further reduce its reliance on residential taxpayers. The Town's economic development has successfully diversified the tax base, setting a very positive trend for the Town of Northborough.

Mr. Brogie presented the various tax rate scenarios. If the Board were to continue with a single tax rate, the FY2013 tax rate would increase from \$15.49 to \$16.11. The average single family tax bill would increase by \$67 from \$6,114 in FY2012 to \$6,181 in FY2013.

It was noted that the Board of Assessors unanimously recommended that the Board of Selectmen continue with the single tax rate, which promotes a fair and equitable system of taxation and would continue to help Northborough attract new business into the community while retaining those already located in Town.

**PUBLIC HEARING WITH BOARD OF ASSESSORS CONT. . .**

Members of the Board expressed their support of the continuation of a single tax classification. Barbara Clifford from Corridor Nine Area Chamber of Commerce was present in the audience. She indicated that the Corridor Nine Area Chamber of Commerce strongly supports the continuation of a single tax classification. A letter was also submitted to the Board from the Industrial Development Commission supporting the continuation of a single tax classification.

Selectman Rand moved the Board vote to close the Public Hearing with the Board of Assessors for the purpose of discussing the valuation of each class of property; the minimum residential factor and the allocation of the tax burden among the four classes of real property: residential, open space, commercial and industrial, and of personal property; Selectman Amberson seconded the motion; all members voted in favor.

Selectman Rand moved the Board vote to maintain a uniform tax rate for all classes of property at a factor of one; to oppose the implementation of a residential exemption; and to oppose the implementation of a small commercial exemption; Selectman Rutan seconded the motion; all members voted in favor.

**7:45 p.m. - HEARING**

To consider the non-use of the Wine & Malt Package Store License for Reliance Beer & Wine, Inc. for premises located at 293 West Main Street pursuant to MGL, C138, S77.

Reliance Beer & Wine, Inc. at 293 West Main Street experienced fire damage to their premises on July 23, 2012. Although the business has not reopened since that time, a renewal application for their Wine & Malt Package Store License has been submitted for the 2013 Calendar Year.

Mr. Nakula Patel was present and informed the Board that he just recently received payment from the insurance company. He detailed his future business plan and requested a six-month timeframe to reopen the business.

Selectman Rand moved the Board vote to grant Reliance Beer & Wine, Inc. at 293 West Main Street until June 30, 2013 to put into use the Wine & Malt Package Store License with the condition that if the license is not being used by March 31, 2013, that a written update be provided to the Board of Selectmen indicating the status of the business plan; Selectman Amberson seconded the motion; all members voted in favor.

**7:10 p.m. - HEARING**

To consider the non-use of the All Alcoholic Beverages Restaurant License for Sea Dog Steak & Ale, LLC for premises located at 318 Main Street pursuant to MGL, C138, S77.

Michael Minichello was present and informed the Board that the restaurant is currently closed. He stated that they are in the process of re-evaluating the business plan before reopening and requested a six-month timeframe to do so.

**HEARING CONT. . .**

Selectman Rutan moved the Board vote to grant Sea Dog Steak & Ale, LLC at 318 Main Street until June 30, 2013 to put into use the All Alcoholic Beverages Restaurant License with the condition that if the license is not being used by March 31, 2013, that a written update be provided to the Board of Selectmen indicating the status of the business plan; Selectman Amberson seconded the motion; all members voted in favor.

**7:50 p.m. - ODOBA MEXICAN GRILL – STEPHEN DELROSE**

To consider an application by Stephen DelRose of Qdoba Mexican Grill for a Common Victualler License for premises located at 4104 Shops Way.

Stephen DelRose of Qdoba Mexican Grill was present to request a Common Victualler License. Mr. DelRose informed the Board that the restaurant will be located near Dick's Sporting Goods and IHOP and will open sometime in late winter or early spring. He indicated that currently there are no plans to apply for an alcohol license at this time.

Selectman Amberson moved the Board vote to grant a Common Victualler License to Qdoba Mexican Grill for premises located at 4101 or 4104 Shops Way with the condition that the licensee receive satisfactory inspections by the Building, Fire and Health Departments; Selectman Rand seconded the motion; all members voted in favor.

**7:20 p.m. - JOHN CODERRE, TOWN ADMINISTRATOR**

Presentation of the Town's Third Consecutive Government Finance Officers Association Distinguished Budget Award for FY2013.

Mr. Coderre invited Finance Director June Hubbard-Ward, Town Accountant Jason Little and Assistant Town Administrator Kim Hood to join him in announcing that the Town recently received its third consecutive Distinguished Budget Presentation Award for its Fiscal Year 2013 Budget from the Government Finance Officers Association of the United States and Canada (GFOA).

Members of the Board congratulated Mr. Coderre and his staff on this very significant achievement.

**REPORTS****Aaron Hutchins**

- Noted several concerns with the status of the downtown traffic improvement project. In response, Town Engineer Fred Litchfield provided a detailed update on the status of the project.
- Congratulated the Police Department on their recent award from AAA for outstanding traffic safety achievements.
- Expressed his gratitude to the Police Department, the School Superintendent and the school principals for their response efforts in the wake of the recent tragedy at Sandy Hook Elementary School in Newtown, CT.
- Happy Holidays.

Dawn Rand

- Asked questions about the status of the downtown traffic improvement project. Town Engineer Fred Litchfield responded.
- Happy Holidays.

Jeff Amberson, Clerk

- Congratulated Dr. Richard Martino on his receiving the 2012 Community Services Award from the Northborough Lion's Club.
- Attended the annual tree lighting ceremony. Thanked the Community Affairs Committee and all who organized and attended the event.
- Thanked the community and the school faculty for coming together in the wake of the Newtown, CT tragedy. Thanked the Police Department for showing their presence in the schools.

Leslie Rutan, Vice Chairman

- Noted that the Interview Committee met with five applicants for the Board of Library Trustees. See below for appointments.
- Thanked the Police Department for their presence in the schools following the Newtown, CT tragedy.
- Attended the annual tree lighting ceremony.
- Asked questions about the status of the downtown traffic improvement project. Town Engineer Fred Litchfield responded.

William Pantazis, Chairman

- Noted the resignations of Jessica Nault from the Community Affairs Committee and Craig Gugger from the Zoning Board of Appeals. Requested that letters of appreciation be sent on behalf of the Board.

John Coderre, Town Administrator

- Thanked everyone for their feedback on the downtown traffic improvement project. Assured the public that although this is a State project, Town Officials will continue to relay the community's concerns.
- Requested that the Board consider continuing their tradition of closing Town Hall and other non-essential offices at 12 Noon on Christmas Eve to allow employees to spend Christmas Eve with their families.

Selectman Rutan moved the Board vote to close Town Hall and other non-essential offices at 12 Noon on Christmas Eve; Selectman Amberson seconded the motion; all members voted in favor.

**APPOINTMENTS TO THE BOARD OF LIBRARY TRUSTEES**

Selectman Rutan moved the Board vote to appoint James Pini to the Board of Library Trustees for a partial one-year term; Selectman Rand seconded the motion; all members voted in favor.

Selectman Rutan moved the Board vote to appoint Leslie Homzie to the Board of Library Trustees for a partial two-year term; Selectman Rand seconded the motion; all members voted in favor.

**PUBLIC COMMENTS**

The Board heard comments from Howard Stone of 257 Rice Avenue.

**APPOINTMENT OF POLICE OFFICER**

Mr. Coderre informed the Board that this item has been rescheduled to the Board's January 14, 2013 meeting.

**APPROVAL OF REGIONAL STORM WATER GRANT APPLICATION**

Town Engineer Fred Litchfield informed the Board that the Town of Northborough has been asked to participate in a regional storm water grant application, which will provide funding to help evaluate storm water related tasks as required by the US Environmental Protection Agency. It was noted that there is no financial commitment required from the Town.

Selectman Hutchins moved the Board vote to support the Community Innovation Challenge Grant Application pertaining to the Municipal Separate Storm Sewer System Permit as presented; Selectman Rand seconded the motion; all members voted in favor.

**VOTE ON CARRY-IN WINE & MALT BEVERAGES (BYOB) POLICY**

Chairman Pantazis noted that the Board previously discussed the merits of having a Carry-In Wine & Malt (BYOB) Policy and reviewed the proposed Carry-In Wine & Malt Policy as drafted by Town staff and approved as to form by Town Counsel.

Although not required by law, all current liquor and common victualler licensees were notified by mail of the public comment session that the Board held on November 19<sup>th</sup>. The public comment session was also advertised in the Worcester Telegram & Gazette. To date, no comments have been received from any Board-licensed establishments.

Chief Leahy indicated that he did not have any concerns with the adoption of such a policy.

Selectman Amberson moved the Board vote to adopt the Carry-In Wine & Malt Permit (BYOB) Policy as presented, subject to final formatting by Town Counsel for insertion into the Northborough Town Code; Selectman Rutan seconded the motion. Vote 4-1-0 (Selectman Rand opposed).

**RENEWAL OF SELECTMEN'S LICENSES FOR THE CALENDAR YEAR 2013**

Selectman Amberson moved the Board vote to approve the renewal of the annual licenses by the Board of Selectmen for the calendar year 2013 as indicated on the "2013 License Renewals List", provided that all licensees are in compliance with both Municipal and State codes and regulations by December 31, 2012, with the following conditions:

1. that the following licensees who are not currently open receive satisfactory inspections by the Building, Fire and Health Departments prior to their re-opening: Subway, Reliance Beer & Wine, Inc. & Sea Dog Steak & Ale, LLC; and

2. that the following licensees receive a satisfactory re-inspection by the Fire Chief prior to December 31, 2012: Celtic Tavern, BJ's Wholesale Club, JJ's Sports Bar and Grille and Tiltz;

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

#### **EXECUTION OF CEMETERY DEED A904**

Selectman Hutchins moved the Board vote to execute Cemetery Deed A904; Selectman Rand seconded the motion; all members voted in favor.

#### **OTHER BUSINESS**

None.

#### **9:05 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 matter) 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 Amberson seconded the motion; the roll call vote was taken as follows:

Hutchins	“aye”	Rutan	“aye”
Rand	“aye”	Amberson	“aye”
Amberson	“aye”		

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

#### **ADJOURNMENT**

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

Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Diane M. Wackell  
Executive Assistant to the  
Board of Selectmen

Documents used during meeting:

1. December 17, 2012 Meeting Agenda.
2. November 19, 2012 Meeting Minutes.
3. Information packet – Tax Classification Hearing.
4. Information packet – Hearing Re: Reliance Beer & Wine, Inc.
5. Information packet – Hearing Re: Sea Dog Steak & Ale, LLC.
6. Information packet – Qdoba Mexican Grill.
7. Information packet – GFOA Award.
8. Information packet – Regional Storm Water Grant Application.
9. Information packet – BYOB Policy.
10. Information packet – Selectmen License Renewals.
11. Cemetery Deed A904.