

**BOARD OF SELECTMEN
MEETING MINUTES – July 15, 2013**

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

MEMBERS PRESENT: Leslie Rutan, Chairman
Aaron Hutchins
William Pantazis

MEMBERS ABSENT: Dawn Rand, Vice Chairman
Jeff Amberson, Clerk

*Pledge of Allegiance

APPROVAL OF MINUTES – JUNE 21, 2013 SPECIAL MEETING

Selectman Pantazis moved the Board vote to approve the meeting minutes of the June 21, 2013 special meeting as submitted; Selectman Hutchins seconded the motion; all members voted in favor.

APPROVAL OF MINUTES – JUNE 24, 2013 REGULAR MEETING

Selectman Pantazis moved the Board vote to approve the meeting minutes of the June 24, 2013 regular meeting as submitted; Selectman Hutchins seconded the motion; all members voted in favor.

7:00 p.m. - CONTINUED PUBLIC HEARING

To consider an application for a new Wine & Malt Restaurant License and a Common Victualler License as submitted by Shangri-La Yaki Sushi, Inc. for premises located at 259 West Main Street.

Attorney Peter Lim was present along with the proposed manager Dong Lin to request a new Wine & Malt Restaurant License for Shangri-La Yaki Sushi, Inc. d/b/a Top 100 Shangri-La, an existing restaurant at 259 West Main Street.

Mr. Lin indicated that he was a manager of a restaurant in New York City since 2008. He currently lives in North Quincy. The Board strongly advised Mr. Lin that he and co-owner Lian Li, as well as any other employees serving alcohol are required to be TIPS Certified. Mr. Lin stated that he and Mr. Li are scheduled to attend an alcohol training class within the next couple of weeks.

Detective Sergeant Brian Griffin informed the Board that he has no concerns to report after having completed the background check on Lian Zhao Li and the proposed manager Dong Lin.

Selectman Pantazis moved the Board vote to approve the application for a new Wine & Malt Restaurant License as submitted by Shangri-La Yaki Sushi, Inc. d/b/a Top 100 Shangri-La for premises located at 259 West Main Street; and further that the Board has determined that the Wine & Malt Beverages Restaurant License will not be detrimental to the educational and spiritual activities of the St. Rose of Lima Church located at 244 West Main Street; Selectman seconded the motion; all members voted in favor.

7:05 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.

Mr. Coderre indicated that at a hearing held on December 17, 2012, the Board of Selectmen voted to grant Sea Dog Steak & Ale, LLC 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 indicating the status of the business plan.

On April 4, 2013 the Board of Selectmen was provided a written update via email from former Manager of Record, Michael Minichello. At that time, Mr. Minichello indicated that the partnership for Sea Dog Steak & Ale, LLC was in the process of disbanding and that he personally was no longer associated with the original ownership. Mr. Minichello added that he was associated with a group that was in the process of working with the landlord to transfer the license and rebrand the location as presented at the December 17, 2012 Board of Selectmen Meeting. He further indicated that he would be ready to make a full presentation to the Board of Selectmen within the next 30-45 days.

Mr. Coderre further indicated that all nine owners of Sea Dog Steak & Ale, LLC were notified of tonight's hearing. For the record, verbal confirmation was received from two of the owners that the LLC has been dissolved and that there is no plan in place for the future use of the license.

A representative was present on behalf of the owner of the property at 318 Main Street to turn over the All Alcoholic Beverages Restaurant License to the Board.

As no owners of Sea Dog Steak & Ale, LLC were present, Chairman Rutan closed the hearing.

Selectman Pantazis moved the Board vote to revoke the All Alcoholic Beverages Restaurant License for Sea Dog Steak & Ale, LLC for premises located at 318 Main Street for non-use pursuant to Massachusetts General Laws, Chapter 138, Section 77; Selectman Hutchins seconded the motion; all members voted in favor.

7:10 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.

Chairman Rutan informed the Board that Mr. Patel has requested that tonight's hearing be rescheduled due to a previously scheduled vacation.

Selectman Pantazis moved the Board vote to continue the public hearing for the non-use of the Wine & Malt Package Store License for Reliance Beer & Wine, Inc. to the Board's August 12, 2013 meeting at 7:00 pm; Selectman Hutchins seconded the motion; all members voted in favor.

7:20 p.m. - DAN NASON, DPW DIRECTOR
Informational Presentation regarding Completed Water/Sewer
Rate Study.

DPW Director Dan Nason provided a brief overview of the Water & Sewer Enterprise Funds and the need for a formal rate study. He informed the Board that the Water & Sewer Rate Study was undertaken in order to ensure adequate revenue to support the obligations of both the Water and Sewer Division in the coming years. The Town engaged the firm of Woodcock & Associates, Inc. to conduct a study of the Town's water and sewer rates.

Mr. Woodcock provided a summary of the results of the Water & Sewer Enterprise Funds Rate Study. He informed the Board that the study recommends the introduction of a fixed base fee that will be assessed quarterly, with a 0% increase in water rates for FY2014 for the Water Division. The study recommends a 20% increase in FY2014 for the Sewer Division with similar rate increases to follow in subsequent years. This increase is due to the potential for a significant assessment from the City of Marlborough for the expansion and upgrades to the Westerly Wastewater Treatment Plant.

Mr. Coderre indicated that the purpose of the meeting tonight is informational. A public hearing is scheduled with the Water & Sewer Commissioners on August 27, 2013 to take comments and consider the rate study's recommendations. Subsequent to the public hearing, the Water & Sewer Commissioners will vote on the recommendations of the rate study at their regularly scheduled meeting on September 24, 2013. If adopted, the ratepayers will be notified by mail the following day with rate changes to take effect with the 2nd Quarter bills due on December 2, 2013.

Mr. Coderre presented background information on the Inter-Municipal Agreement between Marlborough and Northborough, which expired in December 2009. He also provided information on the National Pollutant Discharge Elimination System Permit (NPDES) modification that was granted by the EPA, allowing Marlborough to contract for \$30 million in upgrades and expansion to the Westerly plant. In February of 2010, the EPA unexpectedly rescinded the NPDES permit. The reality now is that the Westerly Treatment Plant is now completed and permanent debt service is due. Absent the NPDES Permit, Marlborough will not enter into a new Inter-Municipal Agreement, making any future planning both difficult and uncertain.

Mr. Coderre recommended that the Board send a letter to the EPA urging action on the National Pollution Discharge Elimination System Permit for the Marlborough Westerly Treatment Plant.

Members of the Board followed the presentations with several questions and comments.

Selectman Hutchins moved the Board vote to authorize the Town Administrator to send a letter to the EPA on behalf of the Board of Selectmen urging action on the National Pollution Discharge Elimination System Permit for the Marlborough Westerly Treatment Plant; Selectman Pantazis seconded the motion; all members voted in favor.

REPORTS

Aaron Hutchins

- Thanked Chief Leahy for his departmental report summarizing the efforts and activities of the Police Department.
- Thanked Lieutenant Lyver for the recent informational notice on the Route 20 final pavement schedule. Requested that the timing of the eastbound turn signal onto Church Street be lengthened.
- Noted that both the Library and Senior Center can be used as cooling centers during normal business hours for those residents who wish to get a break from the heat.

William Pantazis

- Urged commuters to avoid driving through the center of town during the final paving process.
- Asked that residents make an effort to check in on elderly and/or disabled neighbors during the hot weather.
- Thanked Mr. Coderre and Assistant Town Administrator Kim Foster for traveling to Boston to provide testimony on the Home Rule Petitions recently passed at this year's Annual Town Meeting.

Leslie Rutan, Chair.

- Thanked DPW Director Dan Nason and his department for the recent trimming of overgrown brush as was requested at the Board's last meeting.
- Noted that the bridge project in front of the police station is not expected to be completed until the end of November.
- Announced that the Police Department is looking for candidates to fill several police officer openings. Applications are being accepted through July 24th. An open competitive written exam will be held on July 27th at Algonquin High School.
- Noted that the Police Department is currently conducting crosswalk enforcement activities. This is being done through grant funding in order to provide education on the proper use of crosswalks.
- Suggested that Town staff take a look at some of the comments posted on the Patch regarding the downtown traffic project.

John Coderre, Town Administrator

- Noted that he and Kim Foster provided testimony for the three home rule petitions recently approved at the Annual Town Meeting. Two of the petitions regarding insurance proceeds for property claims and injured Fire and Police personnel were heard by the House Senate Joint Committee on Municipalities and Regionalism. The Committee was in unanimous support of both petitions. The petition for prevailing wage exemption is being held up in the Rules Committee and whether or not this will make it to the next step remains to be seen. He indicated that he has reached out to the MMA, the Massachusetts Managers Association, the Procurement Association and the Taxpayers Association to rally some support around the concept of what is trying to be accomplished with this petition.
- Announced that Fox News will be coming to Northborough on August 9th as part of their Zip Trip Program. Kim Foster will be organizing the event and more information will be forthcoming.

PUBLIC COMMENTS

As a citizen speaking from the heart and not as a Board member, Selectman Hutchins spoke about the recent resignation of a Northborough police officer. He asked the public to be better understanding of human nature and that this individual not be executed in the court of public opinion.

ANNUAL 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 FY14 provides for an increase in payment to the Town from \$18,540 in FY13 to \$19,096 in FY14 to reflect increased costs associated with use of the space, as well as the shared Administrative Assistant position.

Selectman Hutchins moved the Board vote to approve the FY14 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 Pantazis seconded the motion; all members voted in favor.

APPROVAL OF CENTRAL MASSACHUSETTS VETERANS' SERVICE DISTRICT AGREEMENT

Assistant Town Administrator Kim Foster indicated that the Department of Veterans' services approved the application to form the Central Massachusetts Veterans' Service District previously submitted by the Towns of Northborough, Westborough, Shrewsbury and Grafton.

Ms. Foster reviewed the District Agreement between the four towns and requested the Board's approval and execution.

Selectman Hutchins moved the Board vote to approve the Central Massachusetts Veterans' Services District Agreement with the Towns of Grafton, Shrewsbury and Westborough; Selectman Pantazis seconded the motion; all members voted in favor.

OTHER BUSINESS

Chairman Rutan noted the upcoming retirement of Executive Assistant MJ Fredette and wished her well.

ADJOURNMENT

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

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. July 15, 2013 Meeting Agenda.
2. June 21, 2013 Meeting Minutes.
3. June 24, 2013 Meeting Minutes.
4. Information packet – Shangri-La Yaki Sushi, Inc.
5. Information packet – Sea Dog Steak & Ale, LLC.
6. Information packet – Reliance Beer & Wine, Inc.
7. Information packet – Water/Sewer Rate Study.
8. Information packet – Annual MOU with NEDP, Inc.
9. Information packet – Veterans’ Service District Agreement.