

**BOARD OF SELECTMEN
MEETING MINUTES – August 12, 2013**

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

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

*Pledge of Allegiance

APPROVAL OF MINUTES – JULY 15, 2013 REGULAR MEETING

Selectman Pantazis moved the Board vote to approve the meeting minutes of the July 15, 2013 regular meeting as submitted; Selectman Hutchins seconded the motion; Vote 3-0-2 (Selectmen Amberson and Rand were absent from the meeting and therefore abstained).

7:00 p.m. - HEARING – CONTINUED FROM JULY 15, 2013

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.

Mr. Atul Joshi was present along with Robert Burke of American Commercial Real Estate. Mr. Joshi requested an extension to October 31, 2013 to put into use his Wine & Malt Package Store License for premises located at 293 West Main Street. He informed the Board that a Purchase and Sales Agreement has been signed with a potential buyer and it is expected that an application to transfer the Wine & Malt Package Store License will be submitted soon.

Selectmen Amberson and Rand noted their concern that the business has not been open since it sustained fire damage in July of 2012. Selectman Rand stated that she is not comfortable with extending the timeframe to October 31st. Selectman Amberson agreed. Following some further discussion, Selectman Rand indicated that she would agree to a one-time extension, but would not agree to anything further than that.

Selectman Rand moved the Board vote to approve the request of Mr. Joshi for an extension to October 31, 2013 to put into use the Wine & Malt Package Store License for premises located at 293 West Main Street; Selectman Pantazis seconded the motion. Vote 4-1-0 Selectman Amberson opposed.

7:20 p.m. - PUBLIC HEARING

To consider the application of Cumberland Farms, Inc. for the on-site storage of 32,000 gallons of gasoline and 8,000 gallons of diesel fuel in two (2) under-ground storage tanks for premises located at 15 Main Street.

Mr. Luke Destefano from Bohler Engineering gave a brief presentation on behalf of Cumberland Farms, Inc. He indicated that the existing site will be redeveloped with a

PUBLIC HEARING CONT. . .

4000 square foot convenience store, three fuel pumps that can service two vehicles at a time. They are hoping to break ground in September and to complete the project within a six month window.

Selectman Hutchins noted for the record that he personally spoke with the applicant and has received assurance that the construction will not in any way encroach on the downtown traffic improvements that have just been completed. Mr. Destefano confirmed this as well.

Fire Chief Durgin recommended that the Board approve the application as presented providing that the licensee adhere to the conditions as set forth in his memo dated July 24, 2013.

Selectman Rand moved the Board vote approve the application of Cumberland Farms, Inc. for the on-site storage of 32,000 gallons of gasoline and 8,000 gallons of diesel fuel to be stored in two underground storage tanks for premises located at 15 Main Street with the conditions as set forth by the Fire Chief in his memo dated July 24, 2013; Selectman Amberson seconded the motion; all members voted in favor.

7:25 p.m. - PUBLIC ASCERTAINMENT HEARING

Concerning the Cable Television License Renewal Process
and the Charter License due to expire in October, 2013.

Cable Access Director Kathy Dalgliesh was present along with Attorney Bill August, who has assisted the Town on three previous cable television franchise agreements. Also present was Cable TV Advisory Committee Chair Dick Swee, Thomas Cohan, Director of Government Relations and Heidi Vandenbrouck, Senior Communications Manager at Charter Communications.

Ms. Dalgliesh informed the Board that the Charter Cable Television License is due to expire in October of 2013. She stated that tonight's public ascertainment hearing is being held according to federal law in order to ascertain cable-related needs and interests as part of the license renewal process. The hearing was published for three consecutive weeks in the Worcester Telegram & Gazette.

Mr. Cohan and Ms. Vandenbrouck provided a brief presentation on Charter's cable operations in Northborough, including past performance and future plans. Following the presentation, Ms. Dalgliesh and Mr. Coderre provided some additional details.

Chairman Rutan invited the audience to add comments or testimony concerning what cable related needs and interests are important to Northborough. Following no response from the audience, Ms. Dalgliesh noted her receipt of written comments, which she will submit to the Board as part of the record for the Public Ascertainment Hearing.

**7:45 p.m. - KATHY JOUBERT, TOWN PLANNER
BOB MIHALEK, TRAILS COMMITTEE CHAIR**

Approval and Execution of Permit necessary to open the Aqueduct to the Public for use as a Trail.

Town Planner Kathy Joubert and Trails Committee Chair Bob Mihalek were present to request the Board's approval and execution of a Northborough Public Access Path Permit with the MWRA for the purpose of establishing, operating and maintaining a passive recreational trail.

Ms. Joubert and Mr. Mihalek provided a presentation detailing the proposed addition of the aqueduct to the Northborough Trail System. The actual opening of the trail will occur in three different phases. The first phase will connect the Stirrup Brook Trail to the Cedar Hill Trail network with three street crossings, of which signage or other accommodations will be the responsibility of the town. Also discussed were the specific responsibilities of MWRA versus the Town in creating, operating and maintaining the trail.

Selectman Amberson thanked the members of the Trails Committee for their hard work and encouraged the public to get out and use the trails. Mr. Coderre agreed, adding that the Trails Committee is physically one of the hardest working committees we have in this community.

Selectman Amberson moved the Board vote to approve the 8(m) Northborough Public Access Path Permit with the MWRA for the purpose of establishing, operating and maintaining a passive recreational trail and to authorize the Chair to execute same; Selectman Pantazis seconded the motion; all members voted in favor.

8:05 p.m. - JAY MELADI, LLC D/B/A SUBWAY

To consider an application for a Common Victualler License for premises located at 245 West Main Street.

Mr. Nitinkumar Patel of Jay Meladi, LLC was present to request a Common Victualler License for a new Subway Restaurant at 245 West Main Street. Mr. Patel informed the Board that he currently owns two other Subway Restaurants, one in Millbury and one in Southborough. He is also in the process of opening another one in Sutton.

At the start-up of the Northborough restaurant, Mr. Patel and his wife will oversee the day-to-day operations until the time that the manager of the Millbury Subway will be transferred to manage the Subway in Northborough.

Selectman Amberson moved the Board vote to approve the application for a Common Victualler License as submitted by Jay Meladi, LLC d/b/a Subway for premises located at 245 West Main Street with the condition that the licensee receive satisfactory inspections by the Building, Fire and Health Departments; Selectman Hutchins seconded the motion; all members voted in favor.

REPORTS

Aaron Hutchins

- No report.

William Pantazis

- No report.

Jeff Amberson, Clerk

- With school starting in just a couple of weeks, asked drivers to slow down and take notice of students walking to and from school.
- Asked the public to refrain from posting yard sale and other signs on any of the Town's war memorials.

Dawn Rand, Vice Chairman

- Attended the Fox Zip Trip event on August 9th. Was very pleased with the great turnout despite the rain.
- Questioned if the muddy grass strip in front of the Zeh School between the sidewalk and road will be paved prior to the start of the new school year. DPW Director Dan Nason indicated that they are working towards getting that done within the next few weeks.

Leslie Rutan, Chair.

- Congratulated MJ Fredette on her recent retirement after 11 years of service.
- Happy to see the Fox Zip Trip event, which included great coverage of school related sports and music, as well as hometown heroes, including Cheryl Nixon.
- Noted that Applefest Committee Chair Michelle Gillespie invited the Board and Town Administrator to march in the Applefest Parade on September 21st.
- Noted that the firefighter and paramedic interviews will be held on August 27th. Selectman Pantazis will attend as the Board's liaison to the Fire Department.

John Coderre, Town Administrator

- No report.

PUBLIC COMMENTS

None.

APPROVAL AND EXECUTION OF VALENTINE ROAD DEEDS

Attorney Roger Leland was present on behalf of the homeowners at 68 and 72 Valentine Road to request the approval and execution of deeds in order to complete the transfer of Town-owned property as approved under Article 45 of the April 2012 Annual Town Meeting.

Selectman Pantazis moved the Board vote to approve and execute deeds as presented for 68 and 72 Valentine Road in order to complete the property transfer approved under Article 45 of the April 2012 Annual Town Meeting; Selectman Hutchins seconded the motion; all members voted in favor.

ANNUAL APPOINTMENT OF ELECTION OFFICERS

Selectman Pantazis moved the Board vote to appoint those individuals who appear on the 2013/2014 Election Officer List for a term beginning on September 1, 2013 and ending on August 31, 2014 as submitted by Town Clerk Andrew T. Dowd; Selectman Rand seconded the motion. Vote 4-0-1 (Selectman Hutchins abstained).

MEETING SCHEDULE FOR SEPTEMBER – DECEMBER

The Board agreed to set the following meeting schedule for the months September through December:

September 16

October 7 & 21

November 4 & 18

December 2 & 16

EXECUTION OF CEMETERY DEEDS A919, A920 & 921

Selectman Hutchins moved the Board vote to execute Cemetery Deeds A919, A920 & A921; Selectman Pantazis seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

8:25 p.m. - EXECUTIVE SESSION

Selectman Hutchins 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 Rand seconded the motion; the roll call vote was taken as follows:

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

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

ADJOURNMENT

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

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. August 12, 2013 Meeting Agenda.
2. July 15, 2013 Meeting Minutes.
3. Information packet – Hearing for Reliance Beer & Wine, Inc.
4. Information packet – Hearing for On-Site Fuel Storage.
5. Information packet – Public Ascertainment Hearing for Charter License Renewal.
6. Information packet – MWRA Permit for Public Access Recreational Trail.
7. Information packet – Request for Common Victualler License.
8. Information packet – Valentine Road Deeds.
9. Information packet – Annual Appointment of Election Officers.
10. Information packet – Meeting Schedule for September – December.
11. Cemetery Deeds.