

**BOARD OF SELECTMEN  
MEETING MINUTES – December 2, 2013**

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

**MEMBERS PRESENT:** Leslie Rutan, Chairman  
Dawn Rand, Vice Chairman  
Aaron Hutchins  
William Pantazis

**MEMBERS ABSENT:** Jeff Amberson, Clerk

\*Pledge of Allegiance

**APPROVAL OF MINUTES – NOVEMBER 18, 2013 REGULAR MEETING**

Selectman Rand moved the Board vote to approve the meeting minutes of the November 18, 2013 regular meeting as submitted; Selectman Pantazis seconded the motion, all members voted in favor.

**7:00 p.m. - CONTINUED PUBLIC HEARING**

To consider an application to transfer the Wine & Malt Package Store License from Reliance Beer & Wine, Inc. to Kabir Saheb, Inc. for premises located at 293 West Main Street.

Summary of November 18, 2013 Public Hearing

At a Public Hearing on November 18, 2013, the Board of Selectmen considered the application of Kabir Saheb, Inc. for a transfer of the Wine and Malt Package Store License from Reliance Beer & Wine, Inc. for premises located at 293 West Main Street. Present at the hearing were Attorney Michael O'Neil and Jack Patel. At that time, Mr. Patel stated that he would work 30-40 hours per week at the business and is TIPS Certified. He and his wife, Khushbu Patel, are the officers and directors of the corporation, and they currently own two businesses in Franklin, Massachusetts.

Also at the November 18<sup>th</sup> hearing, Detective Sergeant Brian Griffin reported that Mr. Patel planned to sell a small collection of pipes on the premises. He advised the Board that in a telephone conversation with Mr. Patel, he specifically asked Mr. Patel if he would be selling marijuana pipes and Mr. Patel stated that he would have a small collection of pipes for sale. Detective Sergeant Griffin informed the Board that, in his opinion, the sale of these items would be in violation of MGL, Chapter 94C, section 32I (sale of drug paraphernalia). He also stated that with the exception of the proposed sale of pipes, he had no concerns as to the character and suitability of Jack and Khushbu Patel.

Attorney O'Neil stated that the applicant does intend to sell tobacco pipes, similar to what are sold in the Patels' store in Franklin. A display would be located in the rear of the store, with signage indicating that the pipes are for tobacco use only.

Police Chief Leahy noted his concern that while the drinking age is 21, the sale of pipes would bring 18 year old persons into a package store. Neither Mr. Patel nor Attorney O'Neil responded when Selectman Rand asked if Mr. Patel would consider changing his business plan to exclude the sale of pipes.

After hearing the report from Detective Sergeant Griffin and comments and statements from Mr. Patel and Attorney O'Neil, the Board voted, with consent from the applicant, to continue the hearing to December 2, 2013.

#### Continued Public Hearing

Chairman Rutan opened the continued public hearing.

Attorney Michael O'Neil was present on behalf of Kabir Saheb, Inc. Applicant Jack Patel was not present. Attorney O'Neil informed the Board that the applicant Mr. Patel has not changed his position from the last meeting, adding that the pipe products will be labeled for tobacco use only and will be displayed at the rear of the store.

Following a brief discussion, Chairman Rutan and Selectman Rand maintained their position that they do not support the sale of pipes. Selectmen Hutchins and Pantazis maintained their position that the matter before the Board is the transfer of the liquor license, and expressed their concern that it may be beyond the Board's authority to deny the application based on the sale of pipes.

Selectman Rand moved the Board vote to deny the application to transfer the Wine & Malt Package Store License from Reliance Beer & Wine, Inc. to Kabir Saheb, Inc. d/b/a 1 Stop Beer Wine & Cigars for premises located at 293 West Main Street based on the Board's finding that the proposed business plan for the transfer of the Wine & Malt Package Store License to Kabir Saheb, Inc. does not, as a whole, serve the public need in such a manner as to protect the common good; specifically that the applicant/licensee admitted that he is going to sell products that could be used for illegal purposes; Selectman Hutchins seconded the motion. Vote 2-2-0 (Chairman Rutan and Selectman Rand voted in favor, Selectmen Hutchins and Pantazis opposed). Motion failed by reason of a tie vote.

Selectman Pantazis moved the Board vote to approve the application to transfer the Wine & Malt Package Store License from Reliance Beer & Wine, Inc. to Kabir Saheb, Inc. d/b/a 1 Stop Beer Wine & Cigars for premises located at 293 West Main Street, subject to the following conditions:

1. The applicant/licensee shall comply with all laws of the Commonwealth of Massachusetts and all regulations of the Alcoholic Beverages Control Commission and the Town of Northborough in the operation of the licensed premises.
2. If the applicant/licensee offers for sale pipes or other smoking paraphernalia, the applicant/licensee shall monitor the licensed premises at 293 West Main Street and take all reasonable action to ensure that such items will not be sold for use in connection with controlled substances in violation of Chapter 94C of the Massachusetts General Laws
3. All conditions of the current licensee shall remain in place.

Selectman Hutchins seconded the motion. Vote 2-2-0 (Selectmen Pantazis and Hutchins voted in favor, Chairman Rutan and Selectman Rand opposed). Motion failed by reason of a tie vote.

Due to the absence of Selectman Amberson, Attorney O'Neil was asked if he wanted to continue the hearing to the board's next meeting date in order to allow for the presence of all five board members. Attorney O'Neil responded that the applicant was not willing to continue the matter.

Attorney O'Neil was advised that pursuant to Massachusetts General Laws, Chapter 138, Section 67, the applicant has the right to appeal the Board's failure to approve the application to the Alcoholic Beverages Control Commission.

Following no comments from the public, Chairman Rutan closed the public hearing.

**7:25 p.m. - RICK LEIF, PLANNING BOARD CHAIRMAN  
KATHY JOUBERT, TOWN PLANNER**

Presentation on Proposed Changes to Sign Bylaw 7-09-040.

Planning Board Chairman Rick Leif and Town Planner Kathy Joubert were present. Mr. Leif reviewed the current zoning provisions relating to temporary signs. He indicated that the Planning Board has conducted public review sessions to which Northborough business owners and other interested residents were invited. The changes being recommended balance the advertising needs of local businesses with the need to effectively manage the appearance of temporary signs throughout town.

Following a detailed summary of each of the proposed changes, several questions and comments were heard from members of the Board. The Board agreed with the amendments in general, with the exception of some minor language terms. The Board also asked that LED signs not allow for flashing or moving texts. Ms. Joubert indicated that she will make changes to the draft amendments based on the Board's discussion this evening.

Mr. Coderre stated that once he receives the final amendments, he will send them to Town Counsel for review. He also discussed the need to create an application process and to set parameters for the exceptions to be approved by the Board of Selectmen.

Mr. Coderre and members of the Board thanked the Town Planner and the Planning Board for their efforts in this regard.

**OTHER BUSINESS**

Chief Leahy publicly recognized William Toomey for his 45 years of service to the Town with the Northborough Police Department. Mr. Toomey was joined by his wife, son and several members of the Police Department. Following a short presentation, members of the Board also extended their thanks and appreciation to Mr. Toomey.

**REPORTS**

Aaron Hutchins

- No report.

William Pantazis

- Noted that the Annual Holiday Trolley Program will be held on December 7<sup>th</sup>.

Dawn Rand, Vice Chairman

- Noted that the Staffing Committee continues to meet.

Leslie Rutan, Chair.

- Thanked Jean Langley for the recent newsletter from the Library. Made note of the many programs offered regularly by the Library.
- Noted that donations for the Toys for Tots program will be accepted through December 17<sup>th</sup>. Drop off locations are at the Fire Department, Library and Town Hall.
- Announced that the High School Musical performance Damn Yankees will be held on December 5, 6 & 7.

John Coderre, Town Administrator

- 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. The Board agreed to a closing of 12 Noon on Christmas Eve and a closing of 4 pm on New Year's Eve.

**PUBLIC COMMENTS**

None.

**SET MEETING SCHEDULE FOR JANUARY – APRIL 2014**

The Board agreed to set the meeting schedule for January through April 2014 as follows:

January 13 & 27  
 February 10 & 24  
 March 10 & 24  
 April 14 & 28

**EXECUTION OF CEMETERY DEED A932**

Selectman Hutchins moved the Board vote to execute Cemetery Deed A932; Selectman Pantazis seconded the motion; all members voted in favor.

**OTHER BUSINESS**

None.

**8:20 p.m. - EXECUTIVE SESSION**

Selectman Pantazis 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”

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 8:40 p.m.

Respectfully submitted,

Diane M. Wackell  
Executive Assistant to the  
Board of Selectmen

Documents used during meeting:

1. December 2, 2013 Meeting Agenda.
2. November 18, 2013 Meeting Minutes.
3. Information packet – Reliance Beer & Wine Package Store Transfer.
4. Information packet – Sign Bylaw.
5. Memo – Meeting Schedule.
6. Cemetery Deed.