

BOARD OF SELECTMEN
MEETING MINUTES – January 13, 2014

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
William Pantazis

MEMBERS ABSENT: Aaron Hutchins

*Pledge of Allegiance

APPROVAL OF MINUTES – DECEMBER 16, 2013 REGULAR MEETING

Selectman Amberson moved the Board vote to approve the meeting minutes of the December 16, 2013 regular meeting as submitted; Selectman Rand seconded the motion; all members voted in favor.

7:00 p.m. - PRESENTATION OF PURPLE HEART PLAQUE

Presentation of Purple Heart Plaque by Ed Donnelly and Leo David Agnew, State Department Commander of the Massachusetts Military Order of the Purple Heart.

At the November 4, 2013 Board meeting, at the request of Northborough resident Edward Donnelly, the Board proclaimed the Town of Northborough as a Purple Heart Community in honor of the service and sacrifice of our nation's men and women in uniform that were wounded or killed while serving to protect the freedom enjoyed by all Americans.

Mr. Donnelly and Leo David Agnew, the State Department Commander of the Massachusetts Military Order of the Purple Heart were present, along with other local veterans. Mr. Agnew presented the Board with a Purple Heart Plaque in recognition of Northborough being proclaimed as a Purple Heart Community.

The Board thanked Mr. Agnew, Mr. Donnelly and all others present for their service and sacrifice.

7:05 p.m. - PUBLIC HEARING – PETITION WITHDRAWN

Pole Petition No. 4A0K1GX to place one new pole on Hudson Street was withdrawn by Verizon New England and Massachusetts Electric Companies.

Chairman Rutan opened the public hearing. Mr. Coderre indicated that Verizon New England and Massachusetts Electric Companies have withdrawn the above-mentioned petition. Following further review, it was determined that the existing pole would not have to be removed and a public hearing is no longer required.

There were no comments from the audience. Chairman Rutan closed the public hearing and no action was taken by the Board.

7:05 p.m. - HEARING

To consider the cancellation of the Wine & Malt Package Store License held by Reliance Beer & Wine, Inc. for premises at 293 West Main Street pursuant to MGL, Chapter 138, Section 77.

Chairman Rutan opened the hearing regarding the non-use of the Wine & Malt Package Store License of Reliance Beer & Wine, Inc. issued for premises located at 293 West Main Street. No one appeared on behalf of the license holder.

The Board took note of the following facts and history leading up to the hearing:

The Wine & Malt Package Store License held by Reliance Beer & Wine, Inc. for the premises located at 293 West Main Street has not been utilized since fire damage sustained on July 23, 2012.

On December 17, 2012, the Board of Selectmen held a hearing regarding the non-use of the Wine & Malt Package Store License, at which time the Board voted to allow the licensee until June 30, 2013 to put the Wine & Malt Package Store License into use, with the condition that if the license were 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.

On March 26, 2013, the Board of Selectmen was provided a written update via email from Robert Burke, Vice President of American Commercial Real Estate on behalf of the licensee. At that time, Mr. Burke indicated that he was in the process of discussing different scenarios for the license with two separate entities and that the Board should hear back from him within the following two weeks.

On August 12, 2013, the Board of Selectmen again held a hearing regarding the non-use of the Wine & Malt Package Store License, at which time the Board voted to approve the request of the licensee for an extension to October 31, 2013 to put into use the Wine & Malt Package Store License.

At a hearing on November 18, 2013, the Board of Selectmen considered the application of Kabir Saheb, Inc. for a transfer to it of the Wine and Malt Package Store License for exercise at 293 West Main Street. Mr. Jack Patel, treasurer of the corporation, was present at the hearing, together with Attorney Michael O'Neil, on behalf of Kabir Saheb, Inc. After hearing a report from Detective Sergeant Griffin and comments and statements from Mr. Patel and Attorney O'Neil, the Board voted to continue the hearing to December 2, 2013.

On December 2, 2013, Attorney O'Neil was present on behalf of the applicant. Only four members of the Board of Selectmen were present, and 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 members. Attorney O'Neil responded that the applicant was not willing to continue the matter. After discussion and deliberation, a motion to deny the application failed by reason of a 2-2 tie vote. A motion to approve the application was then made. That motion also failed by reason of a 2-2 tie vote. Therefore, the application was denied.

HEARING CONT. . .

On December 16, 2013, the Board of Selectmen voted to renew the Wine & Malt Package Store License for Reliance Beer & Wine, Inc. for the 2014 Calendar Year, noting that the applicant Kabir Saheb, Inc. had the right to appeal the Board's December 2, 2013 denial of the application to transfer the license.

On December 19, 2013, the Board of Selectmen received confirmation that Kabir Saheb, Inc. would not appeal the Board's decision to deny the application for the license transfer and would not submit the required license fee for the 2014 calendar year.

Mr. Coderre indicated that if the Board decides to take action this evening, it is done with no prejudice against the license holder, adding that nothing will preclude the license holder or any other applicant from applying for the license at any time in the future for as long as it remains available.

Selectman Rand moved the Board vote to rescind its vote of December 16, 2013 to renew the Wine & Malt Package Store License held by Reliance Beer & Wine, Inc. for premises located at 293 West Main Street for failure to pay the license renewal fee as required by Massachusetts General Laws Chapter 138, Section 16A; and to cancel the License for non-use pursuant to Massachusetts General Laws, Chapter 138, Section 77, as described in the Board's letter of December 30, 2013 to the licensee, and in particular the failure to exercise the license for a period of over one year, starting in 2012 and continuing to the present date; Selectman Amberson seconded the motion; all members voted in favor.

7:15 p.m. - DAN NASON, DPW DIRECTOR

Update on the status of the Snow and Ice Budget.

DPW Director Dan Nason provided an update on the status of the Snow and Ice Budget. The current balance is approximately \$28,439 from the original FY2014 appropriation of \$246,200.

Mr. Coderre indicated that the Board of Selectmen has the ability to authorize deficit spending in the Snow and Ice Budget. It is likely that a request to do so will be scheduled on a future meeting agenda, given that this is only the second week in January.

REPORTS**William Pantazis**

- Noted that he has heard complaints about the left turn signal not lasting long enough for more than a few vehicles heading eastbound on Route 20 to try and take a left turn onto Church Street. DPW Director Dan Nason responded that he will add this concern to the others. Traffic signalization concerns will be addressed by the Town Engineer and a representative from Mass DOT at a future Board Meeting.
- Noted that the Interview Committee met with applicants for the Council on Aging and Recycling Committee. See next page for appointments.
- Noted that one of the three home rule petitions (H3510 IOD insurance proceeds) passed through the House last week. Mr. Coderre provided an update on the other two home rule petitions. See Page 5.

Jeff Amberson, Clerk

- Reminded residents to do their best to keep their sidewalks and area fire hydrants free of snow.

Dawn Rand, Vice Chairman

- Noted that the Staffing Committee continues to meet.
- Noted that she received a complaint regarding the state of the fence surrounding the closed landfill off of Southwest Cutoff. DPW Director Dan Nason responded that he will look into the matter and report back.

Leslie Rutan, Chair.

- Noted that the Lincoln Street Building Committee continues to meet. Mr. Coderre provided a brief update on the status of the project.
- Reminded members of the Board to forward any concerns with the proposed sign bylaw changes to the Town Planner.
- Noted a recent conversation with Rotary Chair Skip Doyle in response to the Board's request that the Applefest Committee consider bringing the Street Fair back to Blake Street in order to continue with the long standing tradition of celebrating and promoting the agricultural community and the businesses surrounding the downtown area. Mr. Doyle indicated that this has been discussed, and that the group is leaning toward keeping the Street Fair at the high school. He added that a final decision has not yet been made. In an effort to represent residents and businesses alike, members of the Board stressed their desire that the Street Fair be brought back to Blake Street.
- Noted that Boston Red Sox fans had the chance to take their photo with the Major League Baseball Commissioner's Trophy earlier this afternoon at the Senior Center.
- Invited Police Chief Mark Leahy to speak about the recent awards presented to the Police Department by AAA. Chief Leahy spoke about the awards, including a Gold Award, a Pedestrian Safety Commendation and a Traffic Safety Hero of the Year Award, which recognized Police Officer Jeremy Trefry who has been with the Department since 2006. Chief Leahy thanked Officer Trefry who was present in the audience, as well as all of the members of his department for their efforts in achieving these awards from AAA.

John Coderre, Town Administrator

- Noted that the event hosting the Red Sox World Series Trophy at the Senior Center was a tremendous success with approximately 500 people in attendance.

APPOINTMENT TO THE COUNCIL ON AGING

Selectman Pantazis moved the Board vote to appoint Anthony Pini to the Council on Aging for a partial three-year term to expire on April 30, 2016; Selectman Rand seconded the motion; all members voted in favor.

APPOINTMENT TO THE RECYCLING COMMITTEE

Selectman Pantazis moved the Board vote to appoint Jane Walsh to the Recycling Committee for an indefinite term; Selectman Rand seconded the motion; all members voted in favor.

UPDATE ON HOME RULE PETITIONS

Selectman Pantazis noted under his report that one of the three home rule petitions (H3510 IOD insurance proceeds) passed through the House last week.

Mr. Coderre provided an update on the two other home rule petitions:

H3509 Property Claims

Mr. Coderre informed the Board that the Chair of the House Committee on Bills in Third Reading indicated that home rule petition H3509 Property Claims – has not been released yet. It seems that there is concern that the expenditures would not go through Town Meeting, which is basically the point of the petition. As a compromise, Mr. Coderre suggested to the House Committee Chair that the bill be amended to require the approval of the Board of Selectmen before any insurance funds over \$20,000 could be spent. The Chair agreed to take the proposal under advisement and is going to run it by the House leadership. The MMA also had a similar Bill pending and their staff is going to make the same proposal to change the MGL to match our amended home rule petition. Mr. Coderre added that as a result of our efforts, our home rule petition may be approved and/or the MGL might be changed.

Home Rule Petition Re: Prevailing Wage

Mr. Coderre informed the Board that the prevailing wage petition appears to have been dead on arrival and never made it out of the House Committee on Rules for review.

PUBLIC COMMENTS

Audience Member William Connolly introduced himself as the current Chairman of the Clinton Board of Selectmen and candidate for the House of Representatives for the 12th District. He was in attendance at tonight's Board Meeting to see if there are any particular issues facing Northborough that he should be aware of.

APPOINTMENT OF DESIGNEE TO THE BOARD OF DIRECTORS OF THE CENTRAL MASSACHUSETTS VETERANS DISTRICT

At the July 15, 2013 Board Meeting, the Board approved the Central Massachusetts Veterans' Services District Agreement with the Towns of Grafton, Shrewsbury and Westborough.

Mr. Coderre indicated that pursuant to that agreement, the Boards of Selectmen from each community shall appoint a designee to serve on the District's Board of Directors. He added that the District has received nothing but positive feedback from the State.

Selectman Amberson moved the Board vote to appoint Town Administrator John Coderre or his designee to the Board of Directors of the Central Massachusetts Veterans District pursuant to Massachusetts General Laws, Chapter 115, Section 11; Selectman Pantazis seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

7:50 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/litigation) 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:

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

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

ADJOURNMENT

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

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. January 13, 2014 Meeting Agenda.
2. December 16, 2013 Meeting Minutes.
3. Information packet – Purple Heart Plaque.
4. Information packet – Hearing Re: Pole Petition #4A0K1GX.
5. Information packet – Hearing Re: Reliance Beer & Wine, Inc.
6. Memorandum on Snow and Ice Budget.
7. Information packet – Board of Directors of Central MA Veterans District.