

**BOARD OF SELECTMEN
MEETING MINUTES – March 10, 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
Aaron Hutchins
William Pantazis

*Pledge of Allegiance

APPROVAL OF MINUTES – FEBRUARY 24, 2014 REGULAR MEETING

Selectman Rand moved the Board vote to approve the meeting minutes of the February 24, 2014 regular meeting as submitted; Selectman Pantazis seconded the motion; all members voted in favor.

7:00 p.m. - ST. ROSE OF LIMA PARISH

To consider an application for a One-Day Special License for Wine & Malt Beverages for premises located at 244 West Main Street.

Chris Scholl was present on behalf of St. Rose of Lima Parish to request a One-Day Special Liquor License for their annual volunteer appreciation party. The event will take place on Saturday, March 22nd between the hours of 6pm – 10pm.

The Police Chief, Fire Chief and Building Inspector have reviewed the application and recommend that it be approved.

Selectman Rand moved the Board vote to approve the application for a Special One-Day License as submitted by St. Rose of Lima Parish for premises located at 244 West Main Street for their annual volunteer appreciation party on Saturday, March 22, 2014 between 6pm – 10pm. Per the recommendation of the Alcoholic Beverages Control Commission, the license shall include the 24-hour period immediately before and after the event in order to allow for the proper delivery and disposal of all alcoholic beverages prior to and immediately following the event; and further that the license fee be waived; Selectman Amberson seconded the motion; all members voted in favor.

7:05 p.m. - PUBLIC HEARING

To consider Pole Petition 1A0D2GW from Verizon New England and Massachusetts Electric Company for a new pole location on Maynard Street.

Thomas Blicharz was present on behalf of Verizon New England to request the placement of a new pole on Maynard Street to be located 432 feet east of the intersection with Howard Street. The Town Engineer has reviewed the petition and recommends that it be approved.

PUBLIC HEARING CONT. . .

Selectman Pantazis moved the Board vote to approve the placement of one new pole on Maynard Street per Verizon Petition Number 1A0D2GW as submitted by Verizon New England, Inc. and Massachusetts Electric Company (National Grid); Selectman Amberson seconded the motion; all members voted in favor.

7:05 p.m. - PUBLIC HEARING

To consider an application from Iron Mountain Information Management, Inc. for the aboveground storage of 10,300 gallons of diesel fuel for premises located at 171-175 Bearfoot Road.

Cliff Migneault from Iron Mountain Information Management, Inc. was present to request a license for the aboveground storage of 10,300 gallons of diesel fuel for premises located at 171-175 Bearfoot Road. Also present was Project Manager John Squillace, Jr.

Fire Chief Durgin informed the Board that the 10,300 gallons of diesel fuel will be stored in seven aboveground tanks as follows:

Existing aboveground storage currently at 175 Bearfoot Road

1. 800 gallons for generator – with secondary containment
2. 700 gallons for generator – with secondary containment
3. 300 gallons for fire pump
4. 300 gallons for fire pump
5. 200 gallons for fire pump

New aboveground storage for Data Center at 171 Bearfoot Road

1. 4,000 gallons for generator – with secondary containment
2. 4,000 gallons for generator – with secondary containment

Chief Durgin added that while the buildings will use two separate address designations, both addresses are contained upon one property lot per the Assessors Map.

The Board heard questions and comments from abutting neighbors who expressed their concern with public safety, security measures for the tanks, the effects of the trains running by the property and the noise created by the generators. Fire Chief Durgin and Mr. Coderre provided appropriate responses that alleviated many of the concerns regarding the safety of the tanks.

In addition, Mr. Coderre addressed questions and comments from abutting neighbors who expressed their unhappiness with the lack of screening between their homes and the Iron Mountain facility. He thanked the neighbors for their comments and offered to work with them and representatives from Iron Mountain to advocate for improved visual screening between the homes and the building and aboveground tanks. He requested the contact information for each of the neighbors present.

Following no further comments from the audience, Chairman Rutan closed the public hearing at 8:00 pm.

PUBLIC HEARING CONT. . .

Selectman Rand suggested that the hearing be continued to the Board's March 24th hearing in order to allow time to address the neighbor's concerns. Other members of the Board disagreed, clarifying that tonight's public hearing is to consider the aboveground storage of diesel fuel. The improvements to the visual screening can be addressed through the Town Administrator.

Selectman Amberson moved the Board vote to approve the application from Iron Mountain Information Management, Inc. for the aboveground storage of 10,300 gallons of diesel fuel for premises located at 171-175 Bearfoot Road with the following conditions as recommended by the Fire Chief:

1. Renewal of the license is required annually from the Town Clerk's Office.
2. Individual permits are required annually from the Fire Department for each of the aboveground storage tanks.
3. In accordance with Zoning Board of Appeals Case No. 13-08:
 - All new storage to be contained in aboveground tanks with secondary storage tanks to be double walled.
 - All new tanks to be equipped with leak detection alarms.
 - For the aboveground storage at 171 Bearfoot Road – the total diesel storage shall not exceed 25,000 US gallons.

Selectman Pantazis seconded the motion. Vote 4-0-1 (Selectman Rand abstained).

**8:05 p.m. - KATHY JOUBERT, TOWN PLANNER
JOHN CAMPBELL, COMMUNITY PRESERVATION
COMMITTEE CHAIR**

Presentation on Town Meeting Warrant Articles - Request for Funding from the Community Preservation Fund.

Community Preservation Chairman John Campbell was present. Mr. Campbell made a presentation highlighting the actions taken by the Community Preservation Committee and their funding recommendations for the 2014 Annual Town Meeting. Funding for the following projects will be recommended:

Historic Preservation Category

- \$5000 – For purchase of two signs identifying the historical burial grounds at Old Howard Street Burial Ground and Brigham Street Burial Ground.
- \$78,000 – For headstone and footstone restoration at the Howard Street Cemetery.
- \$75,000 – For Historical Resources Reserve Fund for future preservation, renovation and/or acquisition of historic sites and structures.

Open Space/Recreation Category

- \$100,000 – For costs associated with Phase II of project to renovate the observation platform at Memorial Field.
- \$110,000 – For costs associated with the repair and update of the basketball courts at Peaslee School, Zeh School, Proctor School, and Melican Middle School.
- 400,000 – For future acquisition and preservation of open space.

Open Space/Recreation Category Cont. . .

- \$15,000 – For construction materials for the creation of new trails; a parking area on Davis Street for the Hop Brook Trail; and repair of existing trails.
- \$48,600 – For debt service pertaining to purchase of Green Street property.

Affordable Housing Category

- \$52,500 – Mandated 10% allocation to Affordable Housing Reserve Fund.

Following the presentation, several comments and questions were heard by members of the Board.

8:25 p.m. - MARK LEAHY, POLICE CHIEF

Approval/Execution of Police Mutual Aid Agreement with the City of Worcester

Chief Leahy requested the Board's approval and execution of a police mutual aid agreement with the City of Worcester. He indicated that although the Town has mutual aid agreements with seventy-five other Central Massachusetts cities and towns, the City of Worcester has not been a part of any of them. Twenty-eight other communities have since signed the new agreement with the City of Worcester. This agreement will protect Northborough Police Officers when they find themselves in either Worcester courts or hospitals on department business. The agreement has been reviewed by Town Counsel.

Selectman Amberson moved the Board vote approve and execute the Police Mutual Aid Agreement with the City of Worcester as presented by Chief Mark Leahy; Selectman Hutchins seconded the motion; all members voted in favor.

Proposed Bylaw and Police Department Policy regarding Civil Fingerprinting

At the request of Chief Leahy, the Board offered their support of a new Town bylaw authorizing civil fingerprinting of applicants for certain licenses and permits, specifically solicitors/ canvassers, ice cream truck vendors and managers of alcohol beverage licenses. Chief Leahy reviewed the proposed language for the new by-law and department policy, as well as information from the State Department of Criminal Justice Information Services.

Proposed amendment to the Application Fee under the Soliciting and Canvassing Bylaw

Chief Leahy informed the Board that the proposed bylaw regarding Civil Fingerprinting also calls for an increase in the application fee from the current \$10 to \$100, which appropriately covers the cost of personnel services required to process the application and conduct a review of the applicant's background. Of the \$100 fee, \$30 must be remitted to the State.

As a result, the current soliciting/canvassing bylaw application fee (§ 3-44-040) must be amended from the current \$10 to the proposed \$100.

Proposed Public Safety Bylaw

At the request of Chief Leahy, the Board offered their support of a new Town bylaw to address the contentious issue of private firearms ranges in our community. In the interest of peace and good order, Chief Leahy proposed a new Town bylaw that would state:

FIREARM DISCHARGE BYLAW

Within the Town of Northborough, no person shall, except in the performance of a legal duty or in the lawful defense of a person or property, discharge any firearm within 500 feet of a dwelling or other occupied structure, unless granted written permission by the owner of the land on which the dwelling or structure is located.

Chief Leahy indicated that Massachusetts General Law, Chapter 269, Section 12E, currently establishes a minimum distance of five hundred feet from a dwelling or other building in use for the lawful discharge of a firearm. The proposed bylaw would extend that distance to firing ranges, an area in which there is currently no minimum stated safe distance. This proposed by-law would be applicable to the one (known) firing range on West Street, which was the subject of Superior Court litigation in 2013. In the judge's decision he stated that if a minimum safe distance from a firing range was desired, then it was up to "...towns like Northborough to enact appropriate local ordinances or implement more protective modifications to their zoning."

Discussion on licensing of Ice-Cream Truck Vendors

Chief Leahy informed the Board that in early 2013, the State authorized the licensing of ice cream truck vendors under 520 CMR 15.00. The permitting authority is defined in the CMR as "the chief of police or the board or officer having control of the police in a city or town, or person authorized by them". He indicated the Police Department would be happy to handle this task, as they currently do with solicitors/canvassers.

Selectman Amberson moved the Board vote to designate the Chief of Police, or his designee, as the permitting authority for ice cream truck vendors pursuant to 520 CMR 15.00; Selectman Pantazis seconded the motion; all members voted in favor.

REPORTS

Aaron Hutchins

- No report.

William Pantazis

- Encouraged residents to sign up for the CodeRED Notification System by visiting the Town website.
- Noted that the Interview Committee met with applicants for the newly created 250th Town Anniversary Committee. See below for appointments.

Jeff Amberson, Clerk

- Thanked the Rotary Club for coordinating their Annual Pancake Breakfast held on March 8th. The purpose of this event was to raise funds for the local Scholarship Committee.
- Noted the Miles for Matt fundraising event on April 5th. Encouraged people to get involved and show support to Matt Bruce and his family.

Dawn Rand, Vice Chairman

- Attended the Rotary Club Pancake Breakfast on March 8th.
- Noted that the 250th Town Anniversary Committee will hold its first meeting on March 11th.

Leslie Rutan, Chair.

- Thanked the Police Chief for his recent efforts with getting the CodeRED Notification System up and running.
- Attended a recent meeting of the Appropriations Committee where the School Department budgets were presented.
- Noted that the Algonquin Booster Club is holding a fundraising event at Uno's on March 27th.

John Coderre, Town Administrator

- Requested the Board's approval to send a letter to the Chair of the House Committee on Bills in the Third Reading asking that he release the Town's Home Rule Petition (House Bill 3509) relative to insurance proceeds from property claims in order for it to be debated and voted on by the full Legislature. See below for motion.

APPOINTMENTS TO THE 250TH TOWN ANNIVERSARY COMMITTEE

Selectman Pantazis moved the Board vote to appointment the following individuals to the 250th Town Anniversary Committee, each for a three-year term:

Marilyn Brigham
David Carlson
Norm Corbin
Amelia Graham
Robert Marchetta
Cathy McAuliffe
John Sharp
Joann Sharp
Virginia Simms George

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

**HOME RULE PETITION –
INSURANCE PROCEEDS FROM PROPERTY CLAIMS**

Under his report, Mr. Coderre requested the Board's approval to send a letter to the Chair of the House Committee on Bills in the Third Reading asking that he release the Town's Home Rule Petition (House Bill 3509) relative to insurance proceeds from property claims in order for it to be debated and voted on by the full Legislature.

HOME RULE PETITION CONT. . .

Selectman Hutchins moved the Board vote to authorize Chairman Rutan to send a letter to Representative Theodore C. Speliotis, Chair of the House Committee on Bills in the Third Reading requesting that he release the Town's Home Rule Petition (House Bill 3509) relative to insurance proceeds from property claims in order for it to be debated and voted on by the full Legislature; Selectman Pantazis seconded the motion; all members voted in favor.

PUBLIC COMMENTS

None.

SCHEDULE OF PUBLIC HEARING FOR STREET ACCEPTANCES

Selectman Amberson moved the Board vote to schedule a public hearing on March 24, 2014 to consider the acceptance of the following as public ways: Cyrus Way, Weber Lane and a portion of Johnson Avenue; Selectman Rand seconded the motion; all members voted in favor.

CLOSE TOWN MEETING WARRANT

Mr. Coderre presented to the Board the draft warrant for the Annual Town Meeting. He indicated that the draft warrant presented this evening contains some incomplete information.

Selectman Hutchins moved the Board vote to close the Town Meeting Warrant; Selectman seconded the motion; all members voted in favor.

EXECUTION OF CEMETERY DEED A934

Selectman Hutchins moved the Board vote to execute Cemetery Deed A 934; Selectman Pantazis seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

9:10 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 Rand seconded the motion; all members voted in favor.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. March 10, 2014 Meeting Agenda.
2. February 24, 2014 Meeting Minutes.
3. Information packet – St. Rose of Lima Parish.
4. Information packet – Pole Petition 1A0D2GW.
5. Information packet – Iron Mountain Information Management, Inc.
6. Information packet – CPC Warrant Articles.
7. Information packet – Police Mutual Aid Agreement.
8. Information packet – Proposed Bylaw Re: Civil Fingerprinting.
9. Information packet – Proposed Amendment to Soliciting & Canvassing Bylaw.
10. Information packet – Proposed Public Safety Bylaw.
11. Information packet – Ice-Cream Truck Vendors.
12. Memorandum – Schedule Public Hearing for Street Acceptances.
13. Information packet – Town Meeting Warrant.
14. Information packet – Cemetery Deed A934