

**BOARD OF SELECTMEN
MEETING MINUTES – July 18, 2016**

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

MEMBERS PRESENT: William Pantazis, Chairman
Dawn Rand, Vice Chairman
Jeff Amberson, Clerk
Leslie Rutan
Jason Perreault

*Pledge of Allegiance

APPROVAL OF MINUTES – JUNE 27, 2016 REGULAR MEETING

Selectman Rand moved the Board vote to approve the meeting minutes of the June 27, 2016 regular meeting as submitted; Selectman Amberson seconded the motion.

Vote 4-0-1 (Selectman Perreault was not present at the meeting and therefore abstained).

7:00 p.m. - PUBLIC HEARING

To consider a request from Anthony's Coal Fired Pizza of Northborough LLC to change the Beneficial Interest/Ownership Structure and the Manager of Record for their All Alcoholic Beverages Restaurant License for premises located at 10002B Shops Way.

Attorney Joseph Devlin was present along with proposed manager Cody Foote. Attorney Devlin summarized the request to change the beneficial interest/ownership structure for the licensee in their attempt to expand the number of restaurants throughout the New England Area. In summary, the ownership structure of the licensee contains private equity investments. An investment company purchased approximately 80% share of an upper-tier ownership entity. As a result, the existing ownership interest of some upper-tier entities were diluted, while the remaining ownership entities otherwise remain the same. The operations of the restaurant will remain unchanged.

Attorney Devlin introduced proposed manager Cody Foote. Mr. Foote has been employed in the food and beverage industry since 1999 and has been with Anthony's Coal Fired Pizza since 2015 and is TIPS Certified. His personal information has been reviewed by Detective Sergeant Brian Griffin, who was present at the meeting and indicated that he did not find anything of concern.

Selectman Amberson moved the Board vote to approve the application as submitted by Anthony's Coal Fired Pizza of Northborough LLC to change the beneficial interest/ownership structure and to change the manager of record from Brett Damato to Cody Foote for their All Alcoholic Beverages Restaurant License for premises located at 10002B Shops Way; Selectman Rutan seconded the motion; all members voted in favor.

7:05 p.m. - HEARING

To consider a request from Margaritas Restaurant Group – Northborough, Inc. d/b/a Tio Juans Margaritas Mexican Restaurant to change the Manager of Record for their All Alcoholic Beverages Restaurant License for premises located at 10006 Shops Way.

Shawn Barton was present and introduced himself as the new manager of Tio Juans Margaritas Mexican Restaurant at 10006 Shops Way. Mr. Barton indicated that he has been a restaurant manager with Tio Juans Margaritas Mexican Restaurant since 2007 and is TIPS Certified. His personal information has been reviewed by Detective Sergeant Brian Griffin, who was present at the meeting and indicated that he did not find anything of concern.

Selectman Rutan moved the Board vote to approve the application as submitted by Margaritas Restaurant Group – Northborough, Inc. d/b/a Tio Juans Margaritas Mexican Restaurant to change the manager of record from Brisbane Vaillancourt to Shawn Barton for their All Alcoholic Beverages Restaurant License for premises located at 10006 Shops Way; Selectman Amberson seconded the motion; all members voted in favor.

7:10 p.m. - WILLIAM LYVER, POLICE CHIEF

Appointment and Swearing-In of Police Lieutenant.

Chief Lyver reviewed the promotional process for the open position of Lieutenant. He indicated that two internal candidates were interviewed by a panel consisting of Board of Selectmen Chair William Pantazis, Chiefs from the Towns of Hudson and Southborough, along with himself and Town Administrator John Coderre as observers.

Chief Lyver informed the Board that by a unanimous decision, the panel recommended Senior Sergeant Joseph Galvin for promotion to Lieutenant. Chief Lyver offered his full support of the panel's recommendation. He noted that Sergeant Galvin was hired by the Northborough Police Department as a Police Officer in 1996 and has served as Sergeant since 2006.

Members of the Board thanked Sergeant Galvin for his service to date and offered their congratulations.

Selectman Amberson moved the Board vote to appoint Joseph Galvin to the position of Police Lieutenant effective July 19, 2016; Selectman Rand seconded the motion; all members voted in favor.

Surrounded by his family, friends and members of the Northborough Police Department, Galvin was officially sworn in as Police Lieutenant by Town Clerk Andrew Dowd.

REPORTS

Jason Perreault

- Thanked the students at Assabet Valley Technical High School for their work on the pavilion and gazebo and Ellsworth MacAfee Park. Thanked Superintendent Houle and the instructors as well.
- Encouraged the public to stop and view the historic markers found throughout Town. Thanked Eagle Scout Carter Brannon and Norm Corbin for their work on this project.

Leslie Rutan, Vice Chairman

- Thanked DPW Director Dan Nason and his department for their continued work on the guardrail repair program and the pavement management program. Noted her appreciation of their efforts to increase safety and keep Northborough beautiful.
- In regards to the Assabet playground area, asked the DPW Director if the area where the guardrail is located at the bottom edge of the parking lot can be cleaned up a bit.
- Asked that residents continue to support the Northborough Food Pantry during the summer months.
- Asked the public to please be aware of crosswalks, especially this time of year when there are a lot of pedestrians out and about.

Jeff Amberson, Chairman

- Thanked Mr. Coderre for following up on the need for leash law signage at the hiking trails throughout Town.

Dawn Rand

- Noted that the Interview Committee met with candidates for the Historic District Commission. See next page for appointments.
- Following a complaint by a resident, it was discovered that there are five Airbnb's in Town. By definition **Airbnb** is an online marketplace that enables people to list, find, then rent rooms in other people's homes. The question is whether or not this use should be regulated, especially within residential neighborhoods. Mr. Coderre indicated that he is aware of this use happening in Town and will ask Town staff to look into it. He added that any regulations will likely require Town Meeting action.
- In response to a request about the Old Town Hall, indicated that a 1982 Agreement provided the Town with the right to repurchase the property at 4 West Main Street on the 40th anniversary of the sale for the amount of \$10,000. The 40th anniversary of the sale is April 2022.

William Pantazis, Clerk

- Extended his appreciation to the DPW Director, the Fire Chief and Police Chief for their hard work and commitment to the community.

John Coderre, Town Administrator

- Noted that the final State Aid budget figures have yet to be released. Considering the significant budget shortfall at the State level, it is not entirely clear what the final impact will be. With that being said, the Town's fundamental budget remains secure as only a \$76,000 increase in FY17 state aid was budgeted.

APPOINTMENTS TO THE HISTORIC DISTRICT COMMISSION

Selectman Rand moved the Board vote to appoint Alexandra Molnar to the Historic District Commission for a partial-three year term; Selectman Rutan seconded the motion; all members voted in favor.

Selectman Rand moved the Board vote to appoint Zenya Molnar as an Alternate Member to the Historic District Commission for a partial-three year term; Selectman Rutan seconded the motion; all members voted in favor.

PUBLIC COMMENTSJoAnn Sharp of 51 Cherry Street: Old Town Hall Inquiry

- Confirmed with Selectman Rand that the Town has the right to repurchase the Old Town Hall at 4 West Main Street in April 2022 for \$10,000.

DISCUSSION REGARDING SPECIAL POLICE OFFICERS

Following a brief presentation that included background information and justification for the use of Special Police Officers, Chief Lyver asked the Board to consider reinstating the position of Special Police Officer.

Following his presentation, Chief Lyver concluded that for some time now, requests for extra police detail services are at an unprecedented rate. Bringing back Special Police Officers will provide the Town with a trained reserve force that can be called upon during emergencies. It will also provide Northborough officers for details under the Town's control, helping to eliminate dependence on out-of-town officers.

Mr. Coderre agreed that the proposal to bring back Special Police Officers has potential. He informed the Board that if they are interested in pursuing this initiative, it will require negotiation with the Police Union, approval and classification of the position by the Personnel Board and a review by our insurance provider for any liability requirements.

Following some questions and comments, members of the Board expressed their support in moving forward with the proposal to reinstate the position Special Police Officer as presented by Chief Lyver.

DEPARTMENT REPORTING POLICY

Chairman Pantazis spoke to the Board regarding his earlier request to the Town Administrator to draft a Department Reporting Policy for the Board's consideration. If adopted, the policy being presented this evening would formally delegate the day-to-day supervision of the Town Accountant, Veteran's Agent, Police Chief and Fire Chief to the Town Administrator.

Mr. Coderre informed the Board that the policy does not change the Board's appointing authority and has been approved as to form by Town Counsel with regard to the Town Code. Under the policy, the Town Administrator would be responsible for supervising and evaluating all department heads, with the exception of the Library Director. This change will provide for better coordination among the Town's management team and for more efficient and effective financial and personnel administration of all departments.

DEPARTMENT REPORTING POLICY CONT. . .

Selectman Perreault offered his support of the policy, adding that it makes sense for the Town Administrator to supervise and evaluate all department heads including the Fire Chief and Police Chief, as he is in the best position to see their day-to-day activities and performance. He sees this policy as simply delegating the Board's authority to the Town Administrator while still maintaining control.

Selectman Rutan expressed her support of the policy, but suggested that both Chiefs submit periodic reports to the Board.

Selectman Amberson stated that he believes that the policy as presented circumvents the Town Charter and feels that the proper place for this discussion is before Town Meeting. He added that the Charter states that the Police Department shall work under the policy direction of the Board of Selectmen and the general administrative direction of the Town Administrator. He stated that the only thing that this policy will change is who is going to conduct the evaluations. As a Board member, he takes his appointing authority seriously and is prepared to conduct evaluations on both Chiefs based on input from the Town Administrator, fellow department heads and co-workers.

Selectman Rand offered her support of the policy as presented, noting that for some time now the evaluations have not been getting done. She added that Board members are not in a position to be interacting with both chiefs on a day-to-day basis. She stressed the importance that evaluations are conducted in a timely manner and that they are conducted fairly by someone who interacts with each of them day in and day out.

Chairman Pantazis agreed with Selectman Rand and spoke in favor of the policy as presented.

Mr. Coderre pointed out that the Board previously voted to delegate the day-to-day supervision and performance evaluations for the Town Accountant and the Veterans Agent, both of whom are formally appointed by the Board of Selectmen. He stressed the importance of providing timely and appropriate feedback to all department heads on a day-to-day basis, not just once per year. He added that absent the proposed policy, the Board's evaluations for both chiefs would need to take place during an open meeting.

Following the discussion, Chairman Pantazis, Rand and Perreault were in favor of the Department Reporting Policy as presented. Selectman Rutan stated that she would be in favor of giving the policy a try with the condition that it formally be revisited by the Board in one year. Selectman Amberson is not in favor of the policy as presented this evening and stated for the record that it would be a mistake if adopted.

Selectman Rand moved the Board vote to adopt the Department Reporting Policy as presented effective July 19, 2016; Selectman Perreault seconded the motion. Vote 4-1-0. Selectman Amberson opposed.

MEETING SCHEDULE FOR SEPTEMBER – DECEMBER

Selectman Amberson moved the Board vote to set the meeting schedule for September through December as follows:

September 12 & 26
 October 17
 November 14 & 28
 December 12

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

EXECUTION OF CEMETERY DEED A997

Selectman Perreault moved the Board vote to execute Cemetery Deed A997; Selectman Rutan seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

8:15 p.m. - EXECUTIVE SESSION

Selectman Rand moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Subsection 3 (collective bargaining) and Subsection 1 (personnel matter) due to the Chair's determination that a discussion regarding these matters in an open meeting may have a detrimental effect on the position of the Board; Selectman Amberson seconded the motion, the roll call vote was taken as follows.

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

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

ADJOURNMENT

Selectman Rand moved the Board vote to adjourn; Selectman Rutan 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. July 18, 2016 Meeting Agenda.
2. June 27, 2016 Meeting Minutes.
3. Information packet – Anthony’s Coal Fired Pizza.
4. Information packet – Tio Juans Margaritas Mexican Restaurant.
5. Memorandum – Police Lieutenant.
6. Information packet – Special Police Officers.
7. Information packet – Department Reporting Policy.
8. memorandum – Meeting Schedule.
9. Cemetery Deed.