

Westborough Board of Selectmen  
Meeting Minutes  
June 23, 2009  
7:00 p.m. – 7:45 p.m.

Members Present: Chairman Emery, Vice Chairman Jane', Selectmen Goldblatt

Also, Present: Maryanne Bilodeau, Assistant Town Manager

**Absent: Henry Danis, Town Manager; Greg Franks, Town Counsel; Selectmen Dodd and Thompson**

The meeting was called to order at 7:00 p.m. by Chairman Emery. Town and School payroll and expense warrants were approved and signed.

### **Pledge of Allegiance/Open Forum**

### **Approval of the Board of Selectmen's Meeting Minutes**

- June 9, 2009

Selectman Goldblatt moved to approve the Board of Selectmen's June 9, 2009 Meeting Minutes. Vice Chairman Jane' seconded. 3-0

### **Request for a Wine & Malt Liquor License/Chef Sun Restaurant/Anyu Cai**

Mr. Cai requested that the Board approve a Wine & Malt Liquor License for Chef Sun Restaurant located at 30 Lyman Street.

\*This is an over quota new license which was approved by the State Legislature on December 31, 2008.

Selectman Goldblatt moved to approve a Wine & Malt Liquor License for Chef Sun Restaurant located at 30 Lyman Street. Vice Chairman Jane' seconded.

Police Chief noted to Mr. Cai that all employees who will be serving alcohol need to be certified in the alcohol awareness training. Mr. Cai acknowledged the Chief's comment. 3-0

### **Liquor License Violation Hearing/Canyon Café/Kenneth Wells**

*Present: Attorney Taran Grigsby, Kenneth Wells, Manager*

Police Chief Gordon informed the Board that on May 30, 2009 at approximately 8:00 p.m. Kenneth Wells, Manager of the Canyon Café Restaurant, located at 153 Turnpike Road allowed the sale of an alcoholic beverage to a person under the age of 21 and is in violation of Chapter 138, Section 34 of the Massachusetts General Laws.

Attorney Grigsby stated that this is the first and only incident that he is aware of in the past five years and said that the Manager of Canyon Café takes his job and responsibilities very seriously.

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Both Attorney Grigsby and Mr. Wells did not contest the facts and apologized deeply for the mistake and assured the Board of Selectmen that it will not happen again and also stated that the bartender who served the drink has been dismissed.

Selectman Goldblatt asked Attorney Grigsby and Mr. Wells if the bartender was certified at the time of the incident. Attorney Grigsby said that the bartender was certified at the time of incident.

Chairman Emery asked Attorney Grigsby and Mr. Well if the bartender was listed on the roster. Attorney Grigsby said that the bartender was listed.

Vice Chairman Jane' asked Police Chief Gordon for his recommendation regarding suspension.

Police Chief Gordon said that given the facts and that this is Canyon Café's first offense he recommends a Warning/One Day Suspension.

Vice Chairman Jane' moved to issue a written Warning/One Day Suspension to be implemented as recommended by Police Chief Gordon. Selectman Goldblatt seconded.

Chairman Emery asked Mr. Wells if his liquor license is displayed at the restaurant. Mr. Wells said that he does have the license displayed. Chairman Emery said that the Selectmen's Office has their liquor license with Mr. Wells noted as Manager. Chairman Emery also noted that the Selectmen's Office has placed a couple of calls to the restaurant to have the license picked up. Mr. Wells apologized for the miscommunication and the confusion of obtaining the new license and will take it with him tonight and will properly display it. 3-0

Chairman Emery asked for Police Chief Gordon's recommendation for which day of the week the suspension should take place. Police Chief Gordon said that he recommends a day that does not heavily impact their business, preferably a Wednesday. Chairman Emery said that Town Counsel will mail a letter with the date and requested that Ms. Bilodeau recite the process of turning in the liquor license to the Town.

Ms. Bilodeau said that the license needs to be dropped off at the Police Station at midnight the day when the suspension begins and pick the license up the next day at 8:00 a.m.

Chairman Emery noted that the instructions will be outlined in the letter that will be mailed from Town Counsel Franks.

#### **Request to Change Manager/Ruby Tuesday/Michael Belley**

Mr. Belley requested that the Board approve the Change of Manager for Ruby Tuesday located at 34 Lyman Street to himself.

Selectman Goldblatt moved to approve the Change of Manager for Ruby Tuesday to Michael Belley. Vice Chairman Jane' seconded. 3-0

**Request to Hold the Rescheduled Fun Bicycle Ride (Bike the Boroughs)/Robert Kane**

Mr. Brewin requested that the Board approve the usage of town roads for the Fun Bicycle Ride event on Wednesday, August 12, 2009 beginning at 6:30 p.m. to 7:30 p.m., with a rain date of Wednesday, August 19, 2009. He said that the initial request was approved at the Board's meeting of March 24, 2009 but they were not able to hold it due to unforeseen circumstances. The staging, start, and finish will be at Rohm & Haas Electronics Upper Parking Lot, 455 Forest Street, Marlborough (bike route attached).

Selectman Goldblatt moved to approve the Fun Bicycle Ride "Bike the Boroughs" on Wednesday, August 12, 2009 starting at 6:30 p.m. to 7:30 p.m. with a rain date of Wednesday, August 19, 2009. Vice Chairman Jane' seconded. 3-0

**Request to Appoint Cultural Council Members/Lynn Watts**

Ms. Watts requested that Jeff Kimball be appointed to the Cultural Council with a term ending June 30, 2012 and to also appoint Tom Erwin and Carolyn Spring as Non-Voting Associates for a term ending June 30, 2010.

Selectman Goldblatt moved to appoint Jeff Kimball to the Cultural Council with a term ending June 30, 2012 and also to appoint Tom Erwin and Carolyn Spring as Non-Voting Associates with a term ending June 30, 2010. Vice Chairman Jane' seconded. 3-0

**Request to Hold Denim Day/Treasurer/Collector**

Ms. Savignac requested permission to collect donations on town property (Town Hall) for the Lee National Denim Day to be held on Friday, October 2, 2009, for breast cancer awareness. She said that the fundraiser is strictly on a volunteer basis and that individuals who are interested in donating may come to the Treasurer/Collector's Office to purchase a breast cancer awareness pin for \$5.

Selectman Goldblatt moved to hold the Lee National Denim Day at Town Hall on October 2, 2009. Vice Chairman Jane seconded. 3-0

**Request to Use Town Property/21 South Street/Bruce Forrestall**

Mr. Forrestall requested the Board's permission to place staging on town property (sidewalk) for renovations to the first floor store fronts of his building located at 21 South Street. The dates of the renovation will begin on July 13<sup>th</sup> and be completed by August 14<sup>th</sup>. The staging will be setup at 8:00 a.m. and removed at 5:00 p.m. every day.

Selectman Goldblatt moved to approve Mr. Forrestall's request to use town property at 21 South Street to renovate the first floor store fronts only beginning July 13<sup>th</sup> thru August 14<sup>th</sup>, and further voted: that the staging be set-up Monday thru Friday from 8:00 a.m. and removed at 5:00 p.m. daily, no blocking of the handicap parking places, no blocking store entrances, obtain liability insurance coverage with the Town of Westborough named as the additional insured with the following coverage amounts:

1 million/3 million, and further moved: that the contractor and his employees park either behind the building (21 South Street) or at the Municipal Lot (across the street), proper staging to be done, submit a safety plan to be approved by the Fire Chief and the Police Chief, and that all of the conditions to be approved by Joe Inman, Building Commissioner. Vice Chairman Jane' seconded. 3-0

**Request to Appoint a Reserve Intermittent Police Officer/Police Chief**

Police Chief Gordon requested that the Board appoint James Brown as a Reserve Intermittent Police Officer for a term ending June 30, 2009 and also requested that the Board reappoint Mr. Brown as a Reserve Intermittent Officer for a term ending June 30, 2010.

Selectman Goldblatt moved to appoint James Brown as a Reserve Intermittent Office for a term 2009 and to reappoint Mr. Brown for a term ending June 30, 2010. Vice Chairman Jane' seconded. 3-0

**Affordable Housing Development/Zaara Place – Review of New Materials/Board of Selectmen**

Chairman Emery noted that Mr. Ansari submitted the requested materials that were asked of him at the Board's June 9<sup>th</sup> meeting and said that there will be no discussion of the new materials tonight and that this item will be placed at the Board's July 21<sup>st</sup> meeting agenda for discussion.

Chairman Emery requested that the following individuals be present at the Board's July 21<sup>st</sup> meeting to fully discuss this item:

Joe Inman, Building Commissioner  
Derek Saari, Asst. Conservation Officer  
Nick Perron, Fire Chief  
Jim Robbins, Town Planner  
John Walden, DPW Manager  
Carl Balduf, Town Engineer  
Al Gordon, Police Chief  
Paul McNulty, Board of Health  
Paula Skog, Historical Commission  
Don Gillis, Board of Appeals  
Steve Liedell, Housing Partnership

**Board of Selectmen 2009 Appointments/Assistant Town Manager**

Selectman Goldblatt moved to appoint Joanne Mallozzi as the Planning Board Representative to the Open Space Preservation Committee with a term ending June 30, 2010. Vice Chairman Jane' seconded.

Selectman Goldblatt moved to appoint Peter Bowman and Gary Bowman as Sandra Pond/Conservation Area Wardens with a term ending June 30, 2010. Vice Chairman Jane' seconded.

**Request for End of Year Budget Transfer/Assistant Town Manager**

Selectman Goldblatt moved to transfer \$3,500 from the Library Wages Operations Budget to the Library Expenses Budget. Vice Chairman Jane' seconded. 3-0

**Rules & Regulations for Usage of Town Park/Board of Selectmen**

Chairman Emery said that the Board has received the updated Rules and Regulations for Usage of the Town Park from Town Counsel and that there will be no discussion of this tonight but will be placed at the Board's July 21<sup>st</sup> meeting agenda. She noted that Mr. Sowa wrote a letter to the Board with his concerns of having leased and unleashed dogs in the park (Town By-Law) and announced that his concern will be discussed at the Board's July 21<sup>st</sup> meeting.

**Preliminary Discussion of Town Manager Goals/Board of Selectmen**

Chairman Emery said that she has received the new Town Manager's goals from the Board members and noted that this item will be placed at the Board's July 21<sup>st</sup> meeting agenda for a vote after having ample time reviewing them with Mr. Malloy (new Town Manager).

**Town Counsel Report****Town Manager Report****Assistant Town Manger Report**

Ms. Bilodeau informed the Board that the final legislative numbers were released for fiscal year 2010 and are awaiting the Governor's signature and hopefully the State will have a balanced budget at the beginning of Fiscal Year 2010. Ms. Bilodeau also informed the Board that the final State and receipt numbers should be available by the Board's next meeting.

**Issues and Correspondence of the Selectmen**

Selectman Goldblatt voiced her sympathies to the Wilkerson family for their loss and also requested that we keep our servicemen and women in our prayers who are so far from home.

Chairman Emery thanked Tim Reiter for filming tonight's Board meeting.

Chairman Emery requested the Board's permission to contact Marybeth Clancy from DCAM to verbally state the Town's non-interest on the polling of the Lyman School Surplus Property regarding the small area (approxitmal 2.5 acres) that the Fish and Game wanted to add as protective land adjacent to their property.

Vice Chairman Jane' moved to authorize the Chairman of the Board of Selectmen to formally contact and communicate with Marybeth Clancy that the Town of Westborough does not have any interest on the parcel of land adjacent to the Fish and Game property. Selectman Goldblatt seconded. 3-0

Chairman Emery requested that Kris Allen be appointed as the Downtown Beautification Committee Representative to the Bay State Park Committee.

Vice Chairman Jane' moved to appoint Kris Allen as a Downtown Beautification Committee Representative to the Bay State Park Committee. Selectman Goldblatt seconded. 3-0

**Adjourn Open Session**

Selectman Goldblatt moved to adjourn the Board of Selectmen meeting at 7:45 p.m. Vice Chairman Jane' seconded.

*Submitted by Nidia Ruberti*

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**Chairman Leigh Emery**

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**Vice Chairman Rod Jané**

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**Selectman Lydia Goldblatt**

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**Selectman Timothy A. Dodd**

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**Selectman George Thompson**