

**BOARD OF SELECTMEN
MEETING MINUTES – December 16, 2019**

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

MEMBERS PRESENT: Jason Perreault, Chairman
Dawn Rand, Vice Chairman
Timothy Kaelin, Clerk
Leslie Rutan
Julianne Hirsh

*Pledge of Allegiance

APPROVAL OF MINUTES – NOVEMBER 18, 2019 REGULAR MEETING

Selectman Rand moved the Board vote to approve the meeting minutes of the November 18, 2019 regular meeting as submitted; Selectman Kaelin seconded the motion; all members voted in favor.

7:00 p.m. - DAVID PARENTI, FIRE CHIEF

Swearing-In of Firefighter/Paramedic James Kelley.

Chief Parenti introduced Firefighter/Paramedic James Kelley as the newest member of the Fire Department. Mr. Kelley graduated from Quinsigamond Community College in May 2019 with his Paramedic Certification. He is also certified in Advanced Cardiovascular Life Support (ACLS) and Pediatric Advanced Life Support (PALS). He will be attending the Massachusetts Fire Academy Recruit Training Program starting in June 2020 with a scheduled graduation date of August 21, 2020. Mr. Kelley also received his Firefighter I/II and Hazmat Certification from the Mass Fire Academy Call/Volunteer Recruit Program.

Members of the Board welcomed Mr. Kelley to Northborough. Mr. Kelley was sworn in by Chief Parenti surrounded by his family and members of the Northborough Fire Department.

7:10 p.m. - PUBLIC HEARING – Continued from November 18, 2019

To consider an application for a new Wine & Malt Package Store License as submitted by VEDC LLC d/b/a Richdale Convenience for premises located at 5 West Main Street.

Chairman Perreault opened the continued public hearing to consider a new Wine & Malt Package Store License application as submitted by VEDC, LLC d/b/a Richdale Convenience for premises located at 5 West Main Street.

Mr. Sureshbhai Patel was present along with his attorney Henry Levin to speak to his application for a new Wine & Malt Package Store License on behalf of VEDC, LLC d/b/a Richdale Convenience for premises located at 5 West Main Street. Attorney Levin indicated that Mr. Patel has two other package store licenses, one in Worcester and one in Andover. Mr. Patel is TIPS certified. Chairman Perreault noted for the record that Detective Sergeant Brian Griffin has conducted a background check and has no concerns to report.

PUBLIC HEARING CONT...

Attorney Mark Borenstein was present along with Harsimrit Dhaliwal, the owner of Northboro Liquors at 15 West Main Street to speak in opposition of the application. Attorney Borenstein indicated that Northboro Liquors has an all alcoholic package store license and is located immediately adjacent to the proposed location. In addition, Northboro Center Gasoline has a wine & malt package store license and is located across the street at 36 West Main Street. Based on the Ballarin Case Factors of serving the public need and protecting the public good, he asked that the Board deny the license application considering the fact that serving the public need has been met given the number of package store licenses within a two-mile radius of the proposed location.

Chairman Perreault noted for the record, the receipt of a signed petition and a letter from Ms. Dhaliwal, as well as a letter from Northboro Center Gasoline, all in opposition of the new license.

Attorney Levin responded that the decision of the Board should not be based on concerns with competition.

Chairman Perreault asked if there were any other public comments from the audience. Since there were none, he called for a motion to close the public hearing.

Selectman Rand moved the Board vote to close the public hearing; Selectman Kaelin seconded the motion; all members voted in favor.

Before the Board began deliberations, Chairman Perreault indicated that the legal basis for the Board's decision will be based on serving the public need and the public good. It will not be based on concerns with competition. He also noted for the record, a map that shows where the various package stores are located throughout town and that this is the last remaining package store license under the Town's quota.

Selectman Rand stated that the public need has already been met with the two package store licenses in the immediate area. She added that she has concerns with parking in this area as it relates to protecting the public good. She would prefer that this last license be saved for a location that would better justify the public need.

Selectman Kaelin stated that as far as public need, the convenience of purchasing alcohol is not increased by placing another package store license right next door.

Selectmen Rutan and Hirsh agreed that a package store license at this location does not do anything to address the public need in this area of town.

Chairman Perreault also agreed that this location does not do anything to address the public need or the public good. He added that he would rather save the last remaining license in an effort to distribute the package store licenses appropriately throughout town.

PUBLIC HEARING CONT...

Selectman Kaelin moved the Board vote to deny the application as submitted by VEDC, LLC d/b/a Richdale Convenience for the reason that the public need does not require a wine and malt package store license at the requested location, 5 West Main Street, since there are two package stores immediately adjacent to the site: An all alcoholic package store license at 15 West Main Street (Northborough Liquors) and a wine and malt package store license across the street at 36 West Main Street (Northboro Center Gasoline), so that there is already an adequate number of places in this area of Town where the public may obtain alcoholic beverages; Selectman Rutan seconded the motion; all members voted in favor.

7:25 p.m. - ANTHONY DELEONARDIS DBA AGGRO DOLCE

To consider an application for a Common Victualler and Entertainment License as submitted by AggroDolce LLC for premises located at 35 Solomon Pond Road.

Anthony Deleonardis and Paraskevi Berdos of AggroDolce LLC were present to speak to their application for a Common Victualler and an Entertainment License for premises located at 35 Solomon Pond Road. Mr. Deleonardis indicated that they are leasing the café side of the building which houses the Casta Diva restaurant on the other side. They will be serving coffee, smoothies, pastries and breakfast sandwiches.

Although Casta Diva has an all alcoholic beverages restaurant license, the café will not be allowed to serve alcohol. Proper signage indicating “no alcohol is allowed in AggroDolce” will be posted on both sides of the inside entry way to the café from the restrooms, which will be shared with the Casta Diva restaurant. Other than the restrooms, nothing else between the restaurant and the café will be shared. The proposed hours of operation will be Monday through Friday from 6am to 2pm.

Selectman Rutan moved the Board vote to grant a common victualler license and an entertainment license to Anthony Deleonardis and Paraskevi Berdoes of AggroDolce LLC for premises located at 35 Solomon Pond Road with the condition that the licensee receive satisfactory inspections by the Building, Fire and Health Departments; Selectman Rand seconded the motion; all members voted in favor.

7:35 p.m. - KATHY JOUBERT, TOWN PLANNER

Execution of Purchase & Sales Agreement for 615 Howard Street.

Town Planner Kathy Joubert informed the Board that over the past year, Town staff, the Open Space Committee and the Conservation Commission have been working with Keith and Elizabeth Bennett on the purchase of their backland at 615 Howard Street for conservation purposes. The parcel directly abuts town-owned land at Mt. Pisgah.

Ms. Joubert indicated that the 19.2 acres of backland is mostly upland forest and the old wood trails on the property already connects to the existing trail system that runs over Mt. Pisgah. The property is valued at \$390,000. Both the Conservation Commission and Open Space Committee voted to approve the purchase of the backland for open space

Execution of P&S Agreement for 615 Howard Street

purposes with funds from the Conservation Fund. The Conservation Commission signed the Acceptance of the deed at their December 9, 2019 meeting and the final step is for the Board of Selectmen to approve and execute the Purchase & Sale agreement.

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

Selectman Rand moved the Board vote to approve and execute the purchase and sale agreement for the purchase of the 19.2 acres of backland property located at 615 Howard Street (Rear), Lot 3-2, as prepared and approved by Town Counsel; Selectman Kaelin seconded the motion; all members voted in favor.

REPORTSJulianne Hirsh

- Noted that Chief Lyver was recently appointed to the Task Force to Study and Provide Recommendations Regarding the Vaping Industry.
- Congratulated the Fire Department on receiving a \$2,500 state grant to purchase firefighter personal protective equipment.
- Thanked all those involved in the annual Holiday Trolley event and the Tree Lighting Ceremony.
- Thanked the Masterplan Steering Committee for their presentation on the Master Plan.
- Noted that the White Cliffs Committee will be meeting on January 8th at 3pm.
- Attended a training session on the Open Meeting Law that was recently held in Southborough. Asked if it was possible for residents to subscribe to receive agendas for any and all Boards and Committees. Mr. Coderre responded that Town staff is currently working on adding more Boards and Committees to the subscription list.
- Requested a status update on the Facilities Manager position and asked if the position would be dedicated to just the municipal buildings? Mr. Coderre responded that the new position was approved at Town Meeting and was budgeted for a mid-year hire. He expects the recruitment process to begin once the Assistant Town Administrator position is filled. He further explained that the Facilities Manager position would initially be dedicated to municipal buildings, but added that other buildings may be added in the future as this position would be helping with those projects of a capital nature, as well as any that would fall under the Green Communities program.
- Wished everyone happy holidays and a happy new year.

Leslie Rutan

- Congratulated the Fire Department on receiving a \$2,500 state grant to purchase firefighter personal protective equipment.
- Attended a recent K-8 School Committee meeting where they discussed the upcoming budget season.
- Thanked all the community organizations that are helping those in need.
- Thanked all those involved in the annual Holiday Trolley event and the Tree Lighting Ceremony.

Tim Kaelin, Clerk

- Thanked all those involved in the annual Holiday Trolley event and the Tree Lighting Ceremony.
- Thanked all those involved, especially Town staff for the Financial Trend Monitoring System presentation. He appreciates the transparency of the process.
- Requested a status update on the Assistant Town Administrator position. Mr. Coderre responded that he has reviewed approximately 80 resumes and will be scheduling interviews after the Holidays.
- Attended the Masterplan Steering Committee meeting. Thanked everyone involved with the process of updating the Masterplan.
- Wished everyone happy holidays and a safe new year.

Dawn Rand, Vice Chair

- Thanked all those involved in the annual Holiday Trolley event and the Tree Lighting Ceremony.
- Noted her appreciation for the hard work and for the information that was presented at the Financial Trend Monitoring System meeting.
- Wished everyone happy holidays and a happy new year.

Jason Perreault, Chair

- Thanked all those involved in the annual Holiday Trolley event and the Tree Lighting Ceremony.
- Attended the Masterplan Steering Committee meeting. Thanked everyone who has been involved with the process for the last 18 months.
- Thanked Mr. Coderre and the Finance Team for the excellent presentation at the Financial Trend Monitoring System meeting.
- Wished everyone happy and safe holidays.

John Coderre

- Noted the retirement of Senior Center Director Kelly Burke after serving the Town for the past 14 years. Indicated that he will begin the recruitment process for an interim Director.

PUBLIC COMMENTS

Chief Parenti asked that residents be mindful during snowstorms and keep sidewalks and fire hydrants clear of snow.

CONSIDER RENAMING BOARD OF SELECTMEN TO SELECT BOARD

In response to a request by Selectman Hirsh to change the name of the Board of Selectmen to Select Board, Mr. Coderre informed the Board that because the Town of Northborough has a formally adopted Charter, there are two process options that can be followed. One process follows MGL, Chapter 43B where the Board is required to hold a public hearing, followed by a two-thirds vote at Town Meeting. If approved, the amendment is submitted to the Attorney General's Office and the Department of Housing and Community Development for review. The other more desirable option is to seek a special act of the State Legislature.

CONSIDER RENAMING BOARD OF SELECTMEN TO SELECT BOARD

Mr. Coderre cautioned that regardless of the chosen path, such an undertaking will involve amending all of the Town Code, print and electronic documents, and will require significant staff and legal resources. He asked the Board to consider making such a move as part of a larger Town Code recodification project when the time is appropriate. The Town Code recodification project would include changes to gender neutral language throughout the Code.

Selectman Hirsh indicated that she is comfortable postponing the name change and doing so as part of the Town Code recodification project. Chairman Perreault and Selectman Kaelin agreed that it's a good time to consider changing the name to the more gender neutral Select Board and that to do so as part of the Town Code recodification would make the most sense. Selectmen Rand and Rutan expressed their opposition to changing the name to Select Board, questioning why the Board would feel it is necessary to do so, given that historically it has always been the Board of Selectmen.

RENEWAL OF SELECTMEN'S LICENSES FOR THE 2020 CALENDAR YEAR

The Board was in receipt of a memorandum indicating that all licensees who hold a liquor license and/or a common victualler license have been inspected by the Fire and Building Departments. All licensees who hold a Class I or II license have been inspected by the Police Department. All are in compliance, or expect to be in compliance by December 31st with both Municipal and State codes and regulations.

Selectman Hirsh moved the Board vote to approve the renewal of the annual licenses for the calendar year 2020 as indicated on the "2020 License Renewals List"; Selectman Rutan seconded the motion; all members voted in favor.

EXECUTION OF CEMETERY DEED 1089

Selectman Hirsh moved the Board vote to execute Cemetery Deed 1089 as presented; Selectman Rand seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

ADJOURNMENT

Selectman Rand moved the Board vote to adjourn; Selectman Rutan seconded the motion; all members voted in favor. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. December 16, 2019 Meeting Agenda
2. November 18, 2019 Meeting Minutes
3. Memorandum – Firefighter/Paramedic
4. Information packet – New Wine & Malt Package Store License
5. Information packet – Common Victualler & Entertainment License
6. Information packet – P&S Agreement for 615 Howard Street
7. Information packet – Rename Board of Selectmen to Select Board
8. Information packet – Selectmen License Renewals
9. Cemetery Deed 1089