

**BOARD OF SELECTMEN  
MEETING MINUTES - FEBRUARY 12, 2007**

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

**MEMBERS PRESENT:** Dawn Rand, Chairman  
William Pantazis, Vice Chairman – arrived at 7:15 p.m.  
Leslie Rutan, Clerk  
Jeff Amberson  
Fran Bakstran

\*Pledge of Allegiance

**APPROVAL OF MINUTES – JANUARY 22, 2007 REGULAR MEETING**

Selectman Amberson moved the Board vote to accept the Minutes of the January 22, 2007 Regular Meeting as submitted; Selectman Rutan seconded the motion; all members voted in favor.

**7:00 p.m. - STATE REPRESENTATIVE HAROLD NAUGHTON**  
State Legislative Update.

Representative Naughton informed the Board that Governor Patrick is expected to file his proposed Budget by February 28<sup>th</sup>. It is everyone's hope that the final Budget will be complete by July 1, 2007. It is expected that the potential growth and revenues will come in at a minimal gain of 3%. He added that the Town should anticipate an increase in State Aid of approximately 3% as well.

Representative Naughton stated that it is time that the subject of gaming be debated in the Commonwealth. It is now allowed in the States of RI, CT and NH. Also, if and when Gaming is allowed, a debate should take place as to where the additional revenue would be best allocated.

Also discussed was the need to reduce health insurance costs. Allowing cities and towns to be included in the State Health Insurance Program will create greater purchasing power and thereby reduce rates. Mr. Brenner stated that the Town would be interested in the further exploration of this option and offered to forward to Representative Naughton some information relating to the health insurance needs of the Town. Representative Naughton also suggested holding a summit-type meeting to provide an opportunity to compare notes with the Director of the GIC, the State Insurance Commissioner and representatives from cities, towns and the health insurance plans. Selectman Rutan noted the importance of determining how many employees throughout the Commonwealth would actually use the plan.

Although the Resolution did fail, Selectman Bakstran thanked Representative Naughton for his efforts in support of the recent Resolution that would have required the State to provide Local Aid figures to cities and towns no later than March 15<sup>th</sup> of each year.

Representative Naughton provided an update on each of the following:

- A Grant application from the Trails Committee was misplaced by the State Department of Conservation and Recreation. His office has duplicated the application, which is now in the process of being reviewed.
- Route 290 noise issues. Bridges and road surfacing remain top priority. It is his hope that Lt. Governor Murray will have some say about how these priorities will be set in the future. He agrees that the neighbors deserve some kind of resolution. In the meantime, minimal efforts to reduce the noise, such as vegetation are being used.
- Noted that the moratorium on school project funding from the School Building Authority is expected to be lifted on July 1, 2007. Offered his assistance to the Northborough School Committee in pushing forward their Statement of Interest to the next step for the Lincoln Street Elementary School.
- Noted his concern with the delay in the grant funding for the Library project. He informed the Board that he will personally address this with the Chairperson of the Ways and Means Committee by asking that cities and towns be reimbursed for a portion of the escalating construction costs that the cities and towns are experiencing as a direct result of the delay in funding. In response to a question from Selectman Rutan, Representative Naughton informed the Board that he does not anticipate there being any actionable funds prior to the start of the next fiscal year.

**7:25 p.m. - HEARING**

To consider an application for a One-Day License for Wine & Malt Beverages pursuant to MGL, Chapter 138, Section 14, as submitted by Saint Bernadette's Church for premises located at 266 Main Street for March 3, 2007.

Margaret Lellman and Amy Halloran were present to request a One-Day Wine & Malt License for Saint Bernadette's Church at 266 Main Street. A Theatre/Comedy Mystery Dinner show will be held as a fundraising event on March 3, 2007. In the event of snow, the event will be held on the following Saturday, March 10<sup>th</sup>.

The Fire Chief, Police Chief and Building Inspector have reviewed the application and recommend approval.

Chairman Rand asked if there were any members in the audience who wished to make a comment. There were none.

Selectman Rutan moved the Board vote to grant a One-Day License for Wine & Malt Beverages to Saint Bernadette's Church for premises located at 266 Main Street on Saturday, March 3, 2007 from 6 p.m. to 12 a.m. with a snow date of March 10, 2007; and to waive the fee; Selectman Amberson seconded the motion; all members voted in favor.

**7:28 p.m. - HEARING**

To consider an application for a One-Day License for Wine & Malt Beverages pursuant to MGL, Chapter 138, Section 14, as submitted by Saint Bernadette's Church for premises located at 266 Main Street for April 28, 2007.

Margaret Lellman and Amy Halloran were present to request a One-Day Wine & Malt License for Saint Bernadette's Church at 266 Main Street. A Dinner Gala to honor a few of the founding members of the Saint Bernadette's community will be held on April 28, 2007.

The Fire Chief, Police Chief and Building Inspector have reviewed the application and recommend approval.

Chairman Rand asked if there were any members in the audience who wished to make a comment. There were none.

Selectman Rutan moved the Board vote to grant a One-Day License for Wine & Malt Beverages to Saint Bernadette's Church for premises located at 266 Main Street on Saturday, April 28, 2007 from 6 p.m. to 12 a.m.; and to waive the fee; Selectman Pantazis seconded the motion; all members voted in favor.

**7:25 p.m. - PUBLIC HEARING - Continued from December 11, 2006**

- To consider the application of the Comfort Inn for one Billiard Table at premises located at 115 Lawrence Street/Rout 9.
- To consider the application of the Comfort Inn for one Automatic Amusement Device at the same address.

The applicant, Jayesh Patel of the Comfort Inn was present. Following his request to be licensed for one billiard table and one automatic amusement device, he expressed his frustration with the application process and what he felt was a lack of cooperation from the Building Inspector.

Chairman Rand asked if there were any members in the audience who wished to make a comment. There were none.

Selectman Bakstran moved the Board vote to grant a License to Jayesh Patel d/b/a The Comfort Inn to keep and operate one billiard table and one automatic amusement device for premises located at 115 Lawrence Street/Route 9; Selectman Amberson seconded the motion; all members voted in favor.

**7:30 p.m. - HISTORICAL COMMISSION**

Presentation on Proposed Historical Demolition Delay Bylaw.

In the absence of the Chairman of the Historical Commission Marie Nieber due to sickness, Selectman Bakstran reviewed the details of the proposed amended version of the Historical Demolition Delay Bylaw.

**HISTORICAL COMMISSION CONT. . .**

The purpose of the Bylaw is to protect the historically or architecturally significant buildings in Town and to encourage owners of such properties to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them. The Bylaw has been reviewed by the Town Planner and the Building Inspector and will be voted on by the Historical Commission at their meeting later this week. The Planning Board will also have the opportunity to review it prior to it being presented at the Annual Town Meeting.

Historical Commission member Arlene Marshall was present. She noted that this Bylaw is not meant to necessarily prevent demolitions, but to give the Town and the owner of the property the opportunity to review whether or not the property has any historical significance.

In response to a question from Selectman Pantazis, Ms. Marshall noted that the Historical Commission received \$30,000 in funding from the Community Preservation Committee to begin a historical inventory. The Commission will be working with Boston Affiliates to begin this inventory in March of this year that will include 150 properties in Town. Once the inventory phase is complete, the second phase will address the prioritization of the historical properties.

Selectman Rutan noted her concern with the language in Section 2-36-04 *Emergency Demolition*. She feels that the definition of imminently dangerous or unsafe needs to be further defined. After a brief discussion, Selectman Rutan requested that the following language be added at the end of the first sentence: “as determined by State Laws and Regulations.

In response to concerns brought forward by Chairman Rand and Selectman Amberson, Selectman Bakstran clarified that the Commission is not asking homeowners to limit their options. The ultimate decision on how to move forward with the property is the homeowners. The intent of the Bylaw is to buy some time to encourage and allow the homeowner to explore different alternatives.

**REPORTS****Barry M. Brenner, Town Administrator**

- Provided an update on Verizon’s earlier interest in applying for a Cable Television License to provide Cable Television service in the Town of Northborough. He expressed his frustration and disappointment with Verizon’s recent decision to not proceed with the Licensing process. It’s important for residents to understand that this is Verizon’s own private business decision to not go forward with the license application, despite the Town’s having responded very positively in providing Verizon the opportunity to provide Cable Television service in the Town.

Dawn Rand, Chairman

- Noted a request from the Commission on the Status of Women that the Town identify women in their community who deserve the honor of being recognized as an Unsung Heroine. Members of the Board and of the community may submit nominations to Diane Wackell no later than February 20<sup>th</sup>.
- Noted that the Senior Center Building Committee will meet on February 15<sup>th</sup> at the senior center at 7 p.m.

William Pantazis, Vice Chairman

- Noted his appreciation of the new streets signs being located along Main Street.
- Noted that the George Washington Monument looks to be tipping over towards Route 20. Requested that this be addressed.
- Noted the receipt of a letter from Louise Houle inquiring about the status of the Police Department's Explorer Post #32. Chief Leahy informed the Board that the Explorer Post has not been cancelled.

Leslie Rutan, Clerk

- Congratulated Assistant Town Administrator John Coderre on his recent election to the MMA Executive Board.
- Noted that the Board of Library Trustees will be meeting on February 13<sup>th</sup> and that \$580,000 has been raised to date for the Library project. Also noted that a video will be produced for cable television that will provide an update on the status of the project, as well as ongoing events.
- Noted that the K-8 Schools will be saving approximately \$750,000 on their Capital Plan for FY 2008 due to the State's decision to allow the Middle School the continued use of the existing septic system.
- Noted that she has received comments about the new street signs. Advised the public that a Federal mandate is forcing cities and towns to replace their street signs per certain specifications by the year 2012.
- Sorry to have had to miss the Chocolate Spectacular event. Heard that it was successful.
- Noted a recent conversation with Karen Boyd, the mother of Jason Boyd, a soldier who has recently returned from Iraq. Jason will be leaving the Marines and will start college in the Fall. He was injured in a road side bomb and was awarded a Purple Heart for his successful effort in saving his own life, as well as the lives of two fellow marines. Expressed her appreciation and extended best wishes to Jason Boyd.

Jeff Amberson

- Reminded residents that the new street signs are due to a Federal Mandate.
- Attended the Winter Ball. Thanked the Community Affairs Committee for not only organizing this event, but for everything else they do. Also thanked everyone who attended the Winter Ball.
- Announced that the Recreation Department will hold its Summer Program Registration on February 28<sup>th</sup> from 6 p.m. to 8 p.m. in the Town Hall gym.
- Noted that 156 kids attended the 6<sup>th</sup> grade fun night on February 2<sup>nd</sup>. The event received great reviews.

Jeff Amberson Report Cont. . .

- Congratulated Chief Leahy on being elected by his peers to the position of Sergeant-at Arms for the Massachusetts Chiefs of Police Association. Noted that this five-year journey will place him in line to be President of the Massachusetts Chiefs of Police Association.

Fran Bakstran

- Noted that the Interview Committee met with an applicant for the Conservation Commission. See below for appointment.
- Attended the monthly meeting of the Historical Society. Noted that the Society is looking for input in their attempt to plan a celebration to recognize the 300<sup>th</sup> anniversary of the death of Mary Goodnow.
- Attended the Chocolate Spectacular event. The event was great and very well attended.
- Noted that the Appropriations Committee will begin their Budget review process and will be meeting regularly between now and the Annual Town Meeting.
- Noted that the Financial Planning Committee will be meeting on February 15<sup>th</sup> to discuss capital projects. The Committee is waiting to receive the dollar amounts for the Library and Senior Center projects before making any recommendations.
- Noted that the Community Preservation Committee met and that she is looking forward to the recommendations that they will bring forth at the Annual Town Meeting.
- Provided a brief update on the Zoning Bylaw Subcommittee's plan to only present amended regulations that relate to the Industrial B Use Regulations. It was determined that the other zoning regulations are in need of a more comprehensive approach. In regards to the concern brought forward at the last meeting by Chairman Rand about the proposed requirement that if a person clears 10% or more of their land, they will first have to appear before the Planning Board, Selectman Bakstran clarified that this requirement will not apply to clearing of residential land. She added that in the future it may be recommended that a section of town have a transition district that will include both residential and commercial, although she expects that the residences in that area will be exempt from the grading or clearing requirements.

**APPOINTMENT TO THE CONSERVATION COMMISSION**

Selectman Bakstran moved the Board vote to appoint Gregory Young to the Conservation Commission for a two-year term; Selectman Rutan seconded the motion; all members voted in favor.

**FY 2008 BUDGET**

Mr. Brenner informed the Board that the proposed FY 2008 Budget provides for the continuation of existing Town programs and services and remains within the 4.5% expenditure increase limit determined by Proposition 2½. He noted that the staff positions that were budgeted for only six months in the current year's Budget have been funded in FY 2008 for the full twelve months. He also noted that the Reserve Fund Account has been increased by \$50,000 to restore the Account to its FY 2006 level and that the Stabilization Fund Account has been maintained at its FY 2007 level of \$100,000 for FY 2008.

**FY 2008 BUDGET CONT. . .**

Selectman Amberson questioned whether or not the School Department was informed of the Board's decision on January 8, 2007 that the FY 2008 Budgets for Municipal, K-8 Schools and the Regional High School Assessment be prepared within the 4.5% expenditure increase limit determined by Proposition 2½. Mr. Brenner informed the Board that on January 9, 2007 information on the Board's decision was faxed and mailed to the School Superintendent's Office.

**REVIEW OF DRAFT WARRANT FOR TOWN MEETING**

Mr. Brenner provided a review of the first draft of the Annual Town Meeting Warrant. He noted that the Board will be closing the Warrant at their meeting on March 12<sup>th</sup>. Following his review of the Warrant, Mr. Brenner informed the Board that they can contact him if there is something that is not on the Warrant this evening that they would like to have added.

Chairman Rand inquired about the inclusion of a sidewalk program. Mr. Brenner informed the Board that due to a lack of public funding and limited staff a sidewalk program has not been incorporated into the FY 2008 Budget. He noted that the DPW Department will arrange to top off the sidewalks on South Street to bring them up to a final grade. Looking to the future, the DPW Department will be working on a prioritized list of sidewalks in need of repair. Once that is complete, he can arrange for a presentation to be made before the Board. Selectman Rutan added that she was told by the Planning Department that the Town Planner will be keeping a list of requested sidewalks as well.

**REGIONAL HIGH SCHOOL DEBT**

Mr. Brenner informed the Board that the Assistant Town Administrator, Treasurer/Collector and himself met with the School Superintendent, the School Business Manager, the Regional School District Treasurer and Southborough Town Administrator and Treasurer. This meeting was in response to an invitation from the School Superintendent to discuss the Regional School Committee's vote to request that the two member towns provide the Regional School Committee with a joint recommendation as to how the MSBA reimbursement and subsequent debt assessment should be handled by the Regional School Committee.

Mr. Brenner noted that the last time a joint recommendation from both member towns was requested from the Regional School District was back in the year 2000, when a Regional School District Agreement Working Group was formed in order to make recommendations on the Regional School District Agreement. The working group consisted of 5 representatives from each of the Towns of Northborough and Southborough as voting members: The Northborough representatives included two members of the Board of Selectmen and one member each from the Financial Planning Committee, the Appropriations Committee and the Regional School Committee. The Town Administrator, Assistant Town Administrator, Town Treasurer, School Superintendent and the Assistant School Superintendent also served as non-voting representatives.

**REGIONAL HIGH SCHOOL DEBT CONT. . .**

Chairman Rand stated that she had been a member of that working group and expressed her concerns with creating such a committee again.

Selectman Amberson requested that Mr. Brenner obtain a legal opinion on the MSBA reimbursement matter from Kopelman & Paige, representing only the interests of Northborough. Selectman Rutan stated that she would like to obtain a legal opinion from an objective third-party - someone who does not represent either Northborough or Southborough.

Financial Planning Committee Chairman Jason Perreault stated that the Chapter 70 Regulations expect each member town to pay down the cost of the project on a proportionate basis. The problem is that this project was submitted under the old MSBA Program and was then transitioned to the new program. The new program is attempting increased efficiency with the reimbursement by changing the payment structure to lump sum reimbursements, thus creating a large disparity between the members towns. We are caught in the middle of this transition in the MSBA Program and the Department of Revenue does not want to get involved.

Mr. Perreault stated that he has seen the three legal opinions given to the Regional School District and does not feel that all of the questions have been answered. He informed the Board that he has a number of questions that he would like to submit to Mr. Brenner to include in his request for a legal opinion from Kopelman & Paige on the MSBA reimbursement matter.

The Board agreed that they will discuss this issue further once the opinion is received from Town Counsel, hopefully in time for the Board's next meeting on March 12<sup>th</sup>. Until then, the Board agreed to not discuss further the creation of a working group.

Amberson questioned if the follow up discussion should take place in an Executive Session. Mr. Brenner will ask town counsel their opinion on this as well.

**COMMON VICTUALLER LICENSE – OLIVE BRANCH CHRISTIAN STORE**

Mr. Brenner informed the Board that during the annual license renewal inspections performed in December, it was discovered that in addition to an entertainment license, the Olive Branch Christian Store needs a common victualler license as well.

Selectman Bakstran expressed her concern that all licensees be treated equally when defining their need for an entertainment license. She informed the Board that the Fire Chief will be working with Diane Wackell to create a process and procedure that will address the new requirements in defining entertainment to ensure that all license holders are treated equally.

Selectman Amberson moved the Board vote to grant a Common Victualler's License to The Olive Branch Christian Store for premises located at 30 Main Street; Selectman Rutan seconded the motion; all members voted in favor.



**CHANGE OF CORPORATE NAME – HONEY FARMS**

Mr. Brenner informed the Board that during the license renewal process, it was discovered that Honey's, Inc. changed its corporate name to Honey Farms, Inc. approximately 15 years ago. The change in the corporate name was not approved by the Board of Selectmen or the State Alcoholic Beverages Control Commission.

This change is in the corporation name only. There is no change in any of the stockholders or directors. Because this change is in the corporation name only, there is no need to hold a public hearing.

Selectman Amberson moved the Board vote to approve and request for a Change of Corporate Name from Honey's, Inc. to Honey Farms, Inc. relative to its Beer & Wine Package Store License, Selectman Bakstran seconded the motion; all members voted in favor.

**APPROVAL/EXECUTION OF CEMETERY DEED A-731**

Selectman Pantazis moved the Board vote to approve and execute Cemetery Deed A-731; Selectman Bakstran seconded the motion; all members voted in favor.

**ADJOURNMENT**

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

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Diane M. Wackell  
Executive Assistant to the  
Board of Selectmen