

**BOARD OF SELECTMEN
MEETING MINUTES - JULY 16, 2007**

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

MEMBERS PRESENT: William Pantazis, Chairman
Leslie Rutan, Vice Chairman
Fran Bakstran, Clerk
Jeff Amberson
Dawn Rand

*Pledge of Allegiance

APPROVAL OF MINUTES – JUNE 25, 2007 REGULAR MEETING

Selectman Rand moved the Board vote to accept the Minutes of the June 25, 2007 Regular Meeting as submitted; Selectman Amberson seconded the motion; all members voted in favor.

7:00 p.m. - AVALON BAY/LOOP DEVELOPMENTS

Financing of Town Consultants for Plan review and Construction Inspections.

Mr. Brenner informed the Board that a draft amendment to the Memorandum of Understanding of November 2005 for the Avalon Bay/Loop Developments had been prepared. The amendment provided a sum to cover the cost of special consultants. The sum of \$500,000 would be held in escrow to cover the cost of these consultants. He further stated that the Board would waive a portion of the Building Permit Fees, and in turn, that portion waived would be applied to the cost of plan review and construction inspections. Mr. Brenner stated that, given the magnitude of the projects, there was a need for special consultants and resources to review plans and keep pace with the developments. The obligations of the developer were still the same, and he hoped the amendment would be finalized later in the week.

Developer Kevin Giblin was present to meet with the Board. He noted he had just received the draft today, however, he felt a brief meeting would resolve any outstanding issues. Mr. Brenner added that the ZBA decision indicated the need for a mutual agreement on the consulting budget with the projects.

Mr. Giblin hoped they would be able to open half of the retail center in October 2008.

Selectman Amberson moved the Board vote to approve the agreement between Avalon Bay/Loop Developments and the Town relative to financing of Town Consultants for Plan Review and Construction Inspections; Selectman Rand seconded the motion; all members voted in favor.

7:15 p.m. - **SOLID WASTE**

- Review of Draft Scope for Solid Waste Citizens Study Group.
- Solid Waste Collection Contract Renewal.

Review of Draft Scope for Solid Waste Citizens Study Group

Mr. Brenner informed the Board that, at the June 11, 2007 Selectmen's Meeting, the Board established the composition of the Solid Waste Citizens Study Group. The group would consist of 7 members comprised of 2 members of the Recycling Committee, 1 member of the Board of Selectmen, and 4 Citizens. After the meeting, Mr. Brenner compiled the Board's individual comments into a draft scope and charge document for their review and discussion tonight.

Town Engineer Fred Litchfield and Assistant Town Administrator John Coderre were present to hear the Board's comments and answer any questions. It was agreed that as soon as the scope and charge was approved, the Town would begin advertising for applicants for the Study Group.

Chairman Pantazis would ask the Study Group to review the Wheelabrator contract, and what cost issues might be involved if there was a transfer station. Mr. Coderre explained they would look at the incentives from year 1 onward to determine if was it a short-term fix and the cost effectiveness over 5 years.

Selectman Amberson was concerned with sustainability for the immediate future and cost effectiveness indicating that the solid waste program could not cost more than it does now.

Selectman Rutan brought up start-up costs vs. cost savings later on. Mr. Brenner indicated parameters would have to be set, i.e. one-time costs vs. costs in the current program.

Chairman Pantazis wanted the Study Group to submit a more comprehensive report to the Board within 6 months, including costs relative to the project and its impact, as well as review of the Wheelabrator contract.

Selectman Rand requested the Study Group analyze the Wheelabrator contract insofar as what penalties, if any, the Town would incur if the contract was broken.

Chairman Pantazis questioned the necessity for a public hearing. Mr. Coderre indicated the residents should be given the opportunity to present their thoughts and ideas where, in the past, any comments presented could not be included in the process.

The Board was concerned about being updated on the Study Group's progress, but it was noted that a Selectman is part of the Group and could update the Board under Reports at the Selectman's Meetings.

The Board discussed how often the Study Group should meet. Selectman Bakstran suggested, since this was a 6-month study, they should either meet once a week or twice a **SOLID WASTE CITIZENS STUDY GROUP CONT. . .**

month but the Group should decide for themselves. She was more concerned with the review of applications with Selectman Rand in order to provide a recommendation to the Board for the August 20th meeting. She then suggested applications be submitted to the Selectman's Office by August 10th, conduct interviews during the week of August 13th, with a recommendation to the Board of the 4 citizens at the August 20th meeting. Selectman Rand noted she would not be in attendance at the August 20th meeting.

The Board then brought up who should be the Selectman's representative on the Study Group. Selectman Bakstran suggested waiting until after the Study Group has been formed to determine what their meeting schedule will be. Mr. Brenner indicated advertising will begin on the website and cable.

Solid Waste Collection Contract Renewal

Mr. Brenner brought up the Solid Waste Collection Contract Renewal with Pellegrino Trucking. He indicated the current contract runs for one more year which began in July 2007. Pellegrino approached the Town in the Spring with a proposal to continue servicing the Town, but providing for a reduction in the cost that was previously contracted of a 5% increase for FY 2008, to only a 2½% increase resulting in a \$15,000 savings. Thereafter, for the balance of the proposed contract term (FY '08, FY '09 and FY '10), the increases would only be 2½% each year, with two one-year options at the Town's discretion after that. This would maintain our flexibility if we choose not to renew with them in the future.

Mr. Litchfield commented in favor of the new proposal indicating 2½% increase is a nominal increase while the residents have stepped up and are working well with the program and with Pellegrino.

Both Selectmen Amberson and Rutan thought it was a good deal, but were concerned about the eventual findings and/or solutions of the Solid Waste Citizens Study Group. Mr. Brenner confirmed nothing can be altered through FY '10. If the contract is signed, we are obligated for the three years, and we still have to pay them even if we decide we no longer want them.

Selectman Rand noted that the whole Study Group process is going to take time while they hope to get the group going in September, find land if a transfer station is part of the solution, and purchase the land for that transfer station while dealing with those who don't want a transfer station in their back yard. She felt with the savings in place, it was good to continue to go forward.

Mr. Brenner clarified that the downside was, if they just went with the 5% increase for FY '08, next year we would have to approach Pellegrino to extend the contract for one more year, and they might not be available to us. Then comes a competitive bid process and possible gas increases.

SOLID WASTE COLLECTION CONTRACT RENEWAL CONT. . .

Selectman Amberson added that the only way we would not need a trucking company is if there is a transfer station – even if it gets permitted, and we do everything necessary with land, it'll still be three years.

Selectman Bakstran moved the Board vote to approve renewing the Solid Waste Collection Contract with Pellegrino Trucking effective July 1, 2007 for a three-year term with two one-year options at the Town's discretion; Selectman Rand seconded the motion; Selectmen Bakstran, Rand, Amberson and Rutan voted in favor; Selectman Pantazis opposed; motion passed.

REPORTS

William Pantazis, Chairman

- No report.

Leslie Rutan, Vice Chairman

- Announced that the Northborough Free Library was now closed hoping to reopen on August 6th at 9:30 at 71 Lyman Street.
- Congratulated Teresa Kelly on being appointed Assistant Town Clerk.
- Noted the Dog Officer's report where it was stated that her department had caught 20 dogs and received 211 calls in three months.

Fran Bakstran, Clerk

- No report.

Jeff Amberson

- Announced that the Recreation Department still had programs available, including LaCrosse for grades 3-7.
- Mentioned National Night Out at Ellsworth-McAfee field on August 7th from 6-9 p.m. He asked Police Chief Mark Leahy to come up and add further information. Chief Leahy noted that National Night Out was a crime awareness/public safety night, as well as being a source of helpful information for adults and children alike.

Dawn Rand

- No report.

Barry M. Brenner, Town Administrator

- No report.

PUBLIC COMMENTS

Howie Stone of 257 Rice Avenue complained to the Board of flooding for the last three years under the Aqueduct Bridge, and the removal of two catch basins that have not been

replaced after regrading was done. With the Allen Bridge being repaired, options for that area were minimal.

PUBLIC COMMENTS CONT. . .

DPW Director Kara Buzanoski was in attendance and stated that when Hudson Street was reclaimed and binder put down, a condo project had been proposed for Hudson Street. It didn't make sense at the time to tear up the road and then fix it again. The development did not begin at the time originally proposed, and they cannot now wait any longer, so they will be paving the street this construction season, and replacing the frames and grates. Flooding will be corrected in the next couple of weeks.

NEW BUSINESS

**EXECUTION OF ORDER OF TAKING OF PUBLIC WAY EASEMENT –
BUCKHILL ROAD (ARTICLE 22 – 2007 TOWN MEETING)**

Mr. Brenner informed the Board this was another follow-up to the April 2007 Town Meeting Article 22 which provided for the taking of Buckhill Road. He noted the work has been done and the bond taken. Given the status of the developer, this Order of Taking is to formally have that easement.

Selectman Bakstran moved that the Board vote to execute the Order of Taking of the Public Way Easement for Buckhill Road as authorized by Article 22 of the April 2007 Annual Town Meeting; Selectman Rutan seconded; the motion; all members voted in favor.

**REAPPOINTMENT TO CENTRAL MASSACHUSETTS REGIONAL PLANNING
COMMISSION**

Mr. Brenner explained that Mr. DeMattia has served in this capacity since 2000 as the Board's Citizen representative, attending all quarterly meetings and providing an annual report. His recommendation was to consider Mr. DeMattis for reappointment.

Selectman Amberson moved the Board vote to reappoint Robert DeMattia as the Board's representative to the Central Massachusetts Regional planning Commission for a one-year term; Selectman Rutan seconded the motion; all members voted in favor.

REAPPOINTMENT TO CULTURAL COUNCIL

Mr. Brenner mentioned that this would be Ms. Crean's final three-year term as members cannot serve more than six years.

Selectman Rand moved the Board vote to reappoint Terry Crean to the Cultural Council for a three-year term; Selectman Bakstran seconded the motion; all members voted in favor.

APPROVAL/EXECUTION OF CEMETERY DEED A-743

Selectman Rand moved the Board vote to approve and execute Cemetery Deed A-743; Selectman Amberson seconded the motion; all members voted in favor.

ANY OTHER BUSINESS TO COME BEFORE THE BOARD

Selectman Bakstran brought up the Governor's Municipal Partnership Act and its various components as it could relate to the Town.

Any other business to come before the Board Cont...

Selectman Rutan brought up old street signs and wondered if they were going to be available for sale to the public. Mr. Brenner said he would provide her a report.

Selectman Rutan mentioned the sign by-law and inquired if it was being enforced or not. She wanted to know if businesses were being told they were not in compliance. Mr. Brenner said he would look into it.

Selectman Rutan asked if the Board could get periodic updates on the larger projects going on in Town, such as CVS, Hillside at 495, Avalon Bay/Loop. Mr. Brenner indicated he would place that as a future agenda item.

Chairman Pantazis asked Police Chief Leahy to speak to the audience and the Board concerning an incident that occurred the night before.

Chief Leahy stated that vandalism had occurred at the Howard Street Cemetery last night between 9 p.m. and 7 a.m. with 64 headstones knocked over. He was saddened and disgusted and questioned parents, do you know where your kids are? He said he needed the residents' assistance to solve the crime and appreciated any help they could provide, even anonymously. He noted Detective Brian Griffin was working the case.

Selectman Amberson indicated everyone probably has someone who is buried there, and should care that the cemetery be respected, asking them to step up to the plate and help apprehend the kids who did it.

8:45 p.m. – EXECUTIVE SESSION

Selectman Rutan moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 39, Subsection 23B, Subsection 3, Personnel Matter; Selectman Rand seconded the motion; the roll call vote was taken as follows:

Bakstran	“aye”	Pantazis	“aye”
Amberson	“aye”	Rand	“aye”
Rutan	“aye”		

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

9:35 p.m. – RETURN TO OPEN MEETING

ADJOURNMENT

Selectman Amberson moved the Board vote to adjourn; Selectman Bakstran seconded the motion; all members voted in favor. Meeting adjourned at 9:35 p.m.

Respectfully submitted,
M. J. Fredette
Executive Assistant to the Board of
Selectmen and Town Administrator