

**BOARD OF SELECTMEN
MEETING MINUTES - AUGUST 20, 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

MEMBERS ABSENT: Dawn Rand

*Pledge of Allegiance

APPROVAL OF MINUTES – JULY 16, 2007 REGULAR MEETING

Selectman Rutan moved the Board vote to accept the Minutes of the July 16, 2007 Regular Meeting as submitted; Selectman Bakstran seconded the motion; all members voted in favor.

7:00 p.m. - POLICE CHIEF LEAHY
Appointment of Special Police Officer.

Chief Leahy reminded the Board that Sergeant Thomas Martin retired back on July 5, 2007 after a long career with the Police Department. He requested that Thomas Martin be appointed as a Special Police Officer for the purpose of working details. He also requested that he retain the ceremonial rank of Sergeant.

Selectman Amberson moved the Board vote to appoint Thomas Martin as a Special Police Officer at the rank of Sergeant for ceremonial reasons; Selectman Bakstran seconded the motion; all members voted in favor.

7:05 p.m. - FRIENDS OF THE SENIOR CENTER
Request to place sign relative to Senior Center Project in front of Town Hall.

Adrienne Cost, President of the Friends of the Senior Center and Senior Center Director Kelly Burke were present to request the Board's permission to place a sign relative to the Senior Center Project in front of Town Hall.

Selectman Rutan suggested that in addition to the sign posting that the Friends think about generating some additional publicity about the project for the benefit of those who are not familiar with it.

Selectman Rutan moved the Board vote to approve the request of the Friends of the Senior Center to place a sign relative to the Senior Center Project in front of Town Hall; Selectman Bakstran seconded the motion; all members voted in favor.

7:10 p.m. - JUNE HUBBARD-WARD, TREASURER/COLLECTOR

- Compensating Balance Agreement.
- Section 125 Cafeteria Plan as required for Massachusetts Health Care Reform Act.

Compensating Balance Agreement

Treasurer/Collector June Hubbard-Ward was present to request the Board's approval to enter into a new "Agreement for the Provision of Banking Services" with Fleet Bank (now Bank of America). She informed the Board that the current three-year agreement expired on June 30, 2007. This agreement authorizes the Town to keep municipal funds on deposit in order to generate earnings credits, which are used to offset the cost of our banking services.

Selectman Rutan moved the Board vote to approve the Compensating Balance Agreement as authorized by Article 2 of the April 2007 Town Meeting; Selectman Bakstran seconded the motion; all members voted in favor.

Section 125 Cafeteria Plan as required by Massachusetts Health Care Reform Act

Treasurer/Collector June Hubbard-Ward informed the Board that in order to comply with the provisions of the Massachusetts Health Care Reform Act, the Town will need to implement an additional Section 125 Premium Only Cafeteria Plan.

Ms. Hubbard-Ward stated that the existing plan is offered only to employees that work over 20 hours per week as defined in Chapter 32B. The Massachusetts Health Care Reform Act requires that the Town offer a Section 125 Cafeteria Plan to employees that work over 64 hours per month.

Mr. Brenner informed the Board that all plan documents have been reviewed by Town Counsel. He added that there is no financial cost to the Town other than administrative costs.

Selectman Rutan moved the Board vote to authorize the Town Administrator to execute the Plan Documents for the Section 125 Cafeteria Plan as required by the Massachusetts Health Care Reform Act; Selectman Amberson seconded the motion; all members voted in favor.

7:20 p.m. - RICK LEIF, HOUSING PARTNERSHIP CHAIR

Request for Special Municipal Employee Status.

Housing Partnership Member Robert Kimball was present to request that the Housing Partnership be designated as Special Municipal Employees.

Selectman Amberson moved the Board vote to grant Special Municipal Employee Status to the Housing Partnership; Selectman Rutan seconded the motion; all members voted in favor.

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.

Josie Fox and Susan Peg from St. Bernadette's Church were present to request the One-Day License for the St. Bernadette's Annual Fall Festival. The festival will be held on Friday and Saturday, September 7th & 8th.

The Fire Chief, Police Chief and Building Inspector have reviewed the application and recommend that it be approved.

Selectman Bakstran 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 Friday, September 7, 2007 (5pm to 11pm) and Saturday, September 8, 2007 (12Noon to 11pm) with the condition that the applicant receive the required "304 certificate" from the Fire Department, and to waive the fee; Selectman Amberson seconded the motion; all members voted in favor.

7:30 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 Sally Strout for a charitable benefit for James Millar III to be held at Saint Bernadette's Church at 266 Main Street.

Northborough resident Sally Strout was present to request a One-Day License for a charitable benefit for James Millar III. The event will be held on Saturday, October 13th at St. Bernadette's Church, 266 Main Street.

The Fire Chief, Police Chief and Building Inspector have reviewed the application and recommend that it be approved.

Selectman Amberson moved the Board vote to grant a One-Day License for Wine & Malt Beverages to Sally Strout for a charitable benefit for James Millar III to be held at Saint Bernadette's Church at 266 Main Street on Saturday, October 13, 2007 from 6pm to 11pm) with the condition that the applicant receive the required "304 certificate" from the Fire Department, and to waive the fee; Selectman Bakstran seconded the motion; all members voted in favor.

7:35 p.m. - HEARING

- Sale of Old Street Signs.
- Mailbox Damage Policy.
- Update on Assabet Sewer Study.

Sale of Old Street Signs

DPW Director Kara Buzanoski informed the Board that due to a new requirement by the Federal Government, the DPW Department has begun replacing street signs throughout the Town. The old smaller green signs are being replaced with new maroon signs with 6" high lettering.

In response to an earlier inquiry from Selectman Rutan and in response to those residents who have requested old Street Signs, the DPW Department has decided to sell the old street signs at \$10 each. They are available on a first-come first-serve basis. Funds will be deposited into the Town's general fund.

Mailbox Damage Policy

DPW Director Kara Buzanoski informed the Board that under the current Mailbox Damage Policy, each mailbox complaint has to be investigated individually to determine whether a mailbox was hit by snow or the plow itself. If the mailbox was hit by snow it is not reimbursable, if it was hit by a plow it is.

As a service to the residents, it is being proposed that the DPW Department reset a damaged mailbox or reimburse the homeowner if the mailbox is not in a condition for resetting. This would improve customer service and eliminate the judgment call that has to be made under the current policy.

Selectman Amberson stated that he does not agree that the Town should be responsible for damage to mailboxes if the mailboxes are located in the Town's right-of-way. Selectman Bakstran stated that the Post Office requires that they be placed in the Town's right-of-way. Selectman Rutan stated that she would support the proposed change in an effort to increase customer service.

Selectman Bakstran moved the Board vote to amend the Mailbox Damage Policy as proposed by the Public Works Director in her August 15, 2007 Memorandum; Selectman Rutan seconded the motion; all members voted in favor.

Update on Assabet Sewer Study

DPW Director Kara Buzanoski informed the Board that the Draft Phase 3 Assabet River Consortium Study (of 4 phases) has been submitted to MEPA and accepted by MEPA. Phase 3 projects increased wastewater flows from both Northborough and Marlborough. It also proposes that the entire increase in flow be discharged to the Assabet River and not to groundwater as had been discussed previously by EPA and DEP.

Ms. Buzanoski added that the question now is whether the Town and the City will be allowed to discharge all of the increased flow into the Assabet River. Consultants for both Marlborough and Northborough are working on the Final Phase 3 Study, which will again be submitted to MEPA for their approval. She will update the Board when the determination on the Final Phase 3 submittal is received.

7:50 p.m. - ALLIE DETTORRE, RECREATION DIRECTOR
Request to close Blake Street on September 15, 2007 from
6am to 5pm for Applefest Street Fair.

Recreation Director Alison Dettorre was present to request the Board's permission to close Blake Street on September 15th from 6am to 5pm for the annual Applefest Street Fair. She noted that the rain date will be September 16th.

Selectman Bakstran moved the Board vote to close Blake Street from 6am to 5pm on September 15, 2007 for the Applefest Street Fair with a rain date of September 16, 2007; Selectman Rutan seconded the motion; all members voted in favor.

REPORTS

Jeff Amberson

- Attended a recent Eagle Scout Ceremony for Ryan Daly and Nathan Hunt. Congratulated both of them.
- Attended the National Night Out event on August 7th. Congratulated the Police Chief and Fire Chief for the night being such a success. Also sent a special thanks to Sergeant Agiomavritis.
- Congratulated Veterans Agent Richard Perron for receiving the 2007 Veterans Service Award by the Worcester County Sheriff's Department.

Fran Bakstran, Clerk

- Noted that the Interview Committee met with applicants for various Boards, Committees and Commissions. See below for appointments.

Leslie Rutan, Vice Chairman

- Thanked Chief Leahy for his efforts in coordinating the National Night Out. Noted that she was pleased that it was held at the Ellsworth McAfee Park on Route 135.
- Noted that the High School construction is on-going in preparation for the beginning of the school year.

Barry M. Brenner, Town Administrator

- No report.

William Pantazis, Chairman

- No report.

Dawn Rand

- Absent.

APPOINTMENT TO THE COUNCIL ON AGING

Selectman Bakstran moved the Board vote to appoint Arthur Macasay to the Council on Aging for a partial one-year term; Selectman Rutan seconded the motion; all members voted in favor.

APPOINTMENT TO THE YOUTH COMMISSION

Selectman Bakstran moved the Board vote to appoint Elliot Isen to the Youth Commission for a partial three-year term; Selectman Amberson seconded the motion; all members voted in favor.

APPOINTMENT TO THE COMMUNITY AFFAIRS COMMITTEE

Selectman Bakstran moved the Board vote to appoint Matthew Baevsky to the Community Affairs Committee for a partial two-year term; Selectman Amberson seconded the motion; all members voted in favor.

PUBLIC COMMENTS

Chief Leahy informed the Board that the Allen Street Bridge is scheduled to be paved on Tuesday and will re-open on Monday.

MUNICIPAL PARTNERSHIP ACT REPORT

Mr. Brenner provided a brief overview of the Municipal Partnership Act. He noted that to date two important components have been enacted by the State Legislature.

1. The Retirement System:

Requires retirement systems that have a funding ratio of less than 80% and have under-performed the PRIT Fund by at least 2.25% over a 5-year period, transfer their assets to the PRIT fund for investment.

2. Health Insurance:

Allows cities and towns, by local option, to use a streamlined coalition bargaining process to negotiate over whether to participate in the Group Insurance Commission. This must be negotiated with all municipal employee unions in order to accomplish entrance into the program.

Mr. Brenner informed the Board that the Town's consultants are developing a cost analysis of the cost benefit of the State's Health Insurance Program.

Mr. Brenner reviewed the details of the following significant items that could impact Northborough that are under consideration by the State Legislature:

#1: Elimination of the corporate tax exemptions for telecommunications companies

This would eliminate utility corporation tax exemptions for telecommunications companies and make them subject to the same exemptions as other business corporations.

Mr. Brenner stated that this will be great in helping to close the tax loopholes for telecommunications companies. This could represent a new tax revenue of over \$90,000 per year for Northborough.

#2: Local option to impose a meals tax

This would authorize cities and towns by local option to impose a meals tax of up to 2% of gross receipts.

Mr. Brenner noted his concern with the local impact that this would have on our restaurant and food establishments. He would anticipate that the restaurants would be against this. He also noted that it would be difficult to get an accurate figure for Northborough because there is nothing to compare it to.

#3: Local Option to increase the maximum local option hotel tax

This would allow an increase in the current maximum hotel/motel tax that is already in place. This would increase the maximum from 4% to 5%.

Mr. Brenner informed the Board that the current hotel/motel tax in Northborough is 3%.

Selectman Bakstran stated that she would like to show support for #1 and in theory show support for #2 and #3 without choosing to impose these taxes in Northborough. In other words, she would support the idea of local options for #2 and #3, but this does not mean that she would support imposing the option in Northborough.

Chairman Pantazis agreed with Selectman Bakstran, stating that he would support #1 for Northborough and would support the idea of #2 and #3 for other communities, but not necessarily for Northborough.

Selectman Amberson also agreed that #2 and #3 would be more beneficial to the larger cities rather than Northborough.

Selectman Rutan questioned what the ramifications would be for Northborough if the Board chooses to support all three items in theory? Mr. Brenner stated that only the State Legislature has the authority to adopt any of these items with the approval of the Governor. This is an opportunity if the Board chooses to provide input into the State Legislative process. If these items are adopted, it would present an option for each city and town to choose.

A majority of the Board agreed to support all three items with the exception of Selectman Amberson who would support #1 and not the others. The consensus of the Board is that they support in theory the entire package with the individual components being decided by each individual community.

Selectman Amberson added that he is against supporting #2 and #3 because he feels that the Board should be deciding what's best for Northborough – and that it's up to the State Legislature to decide what's best for the entire state.

APPROVAL/EXECUTION OF CEMETERY DEEDS A744 – A747

Selectman Bakstran moved the Board vote to approve and execute Cemetery Deeds A744 - A747; Selectman Rutan seconded the motion; all members voted in favor.

ANY OTHER BUSINESS TO COME BEFORE THE BOARD

Selectman Rutan questioned the Board's ability to revisit an earlier decision to grant an outside entertainment license and to amend it based on resident complaints.

Mr. Brenner informed the Board that they can schedule any licensee to come before the Board to answer to resident complaints. A discussion ensued as to whether or not the receipt of resident complaints should be reviewed during the annual renewal process for all licensees.

ADJOURNMENT

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen