

**BOARD OF SELECTMEN  
MEETING MINUTES - NOVEMBER 26, 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  
Dawn Rand

**MEMBERS ABSENT:** Jeff Amberson

\*Pledge of Allegiance

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

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

**APPROVAL OF MINUTES – OCTOBER 29, 2007 SPECIAL MEETING**

Selectman Rand moved the Board vote to accept the Minutes of the October 29, 2007 Special Meeting as submitted; Selectman Rutan seconded the motion; all members voted in favor.

**7:00 p.m. - PUBLIC HEARING**

To consider the Renewal/Non-Renewal of the Outside Entertainment License for 2008 for The Olive Branch Christian Store at 30 Main Street.

Mr. Brenner informed the Board that tonight's public hearing was scheduled in order to provide an opportunity for the Board to review the Outside Entertainment License for The Olive Branch Christian Store located at 30 Main Street in response to complaints received over this past summer. He indicated that the abutters were notified of tonight's hearing.

Douglas Telepman and Troy Herrod of The Olive Branch Christian Store were present. Following a review of the complaints heard over this past summer, the Board discussed whether or not a compromise could be reached between The Olive Branch and the neighbors.

Roger Conant at 24 Main Street stated that he lives directly next to the outside deck – within 100 feet. He stated that although the number of events were not as many as the summer before, he feels that amplified music is not appropriate at this location. He asked that The Olive Branch compromise by not amplifying the music.

Mr. Telepman stated that he purposely reduced the number of events. This summer five events were scheduled compared to ten the previous summer. In response to Mr. Conant's specific complaint about a trumpet, Mr. Telepman offered to not hire any trumpet musicians.

**PUBLIC HEARING CONT. . .**

Brian White at 16 Patty Lane stated that although he supports the store itself, he feels that the music is much louder than he would like. The music has forced him to close his windows at 7:30 p.m. when putting his two young children to bed. He added that he is aware of three other tenants who are also annoyed with the amplification of the music.

A resident also residing at 24 Main Street stated that he supports the book store, but feels that there is no reason for the music to be so loud. His opinion is that acoustic music does not require amplification.

Police Chief Leahy informed the Board that the Police Department received two complaints over the summer. Both complaints were received within the allowable timeframe for live entertainment per the current license.

Selectman Rutan stated that the establishment is making a reasonable effort to be a good neighbor. Selectman Bakstran disagreed, stating that she would support renewing the license without amplification or not renew it at all. Selectman Rand agreed with Selectman Bakstran.

Mr. Telepman stated that in his opinion the option of no amplification is not a fair compromise. If it came to that, he would not ask to renew the license. He noted that the outside entertainment provides a valuable service to the community, adding that there are many people who support these events.

Chairman Pantazis suggested that the Board limit the number of events to be held and asked the abutters if they would be agreeable to this. Roger Conant stated that although he would be happy with a limit of 3, he would consider a maximum of 4 as a good compromise. The other two residents agreed that 3 events would be a good compromise. A lengthy discussion followed.

Selectman Rand moved the Board vote to renew the outdoor entertainment license for the calendar year 2008 for The Olive Branch Christian Store at 30 Main Street with the condition that there be no amplification of music or trumpet music; Selectman Bakstran seconded the motion; Selectman Rutan and Chairman Pantazis opposed.

Selectman Bakstran stated that she does not support the idea of outside entertainment licenses in general because it denies the neighbors the option of not listening. Her argument in this case is that because the outside entertainment is considered an accessory use of the business, the Board of Selectmen is not obligated to allow the outside entertainment in order for the business to be profitable. She feels that the residents living in this area should take precedence over a business that is providing a service that is not essential to their business.

**PUBLIC HEARING CONT. . .**

Selectman Rand moved the Board vote to issue three special outdoor entertainment licenses for the calendar year 2008 for The Olive Branch Christian Store at 30 Main Street with the requirement that abutters be notified two weeks prior to said performances; Selectman Bakstran seconded the motion; Selectman Rutan and Chairman Pantazis opposed.

In response to a question by Selectman Rutan, Mr. Conant again indicated that although he would be happy if the events were limited to three per year, he would now consider compromising with a maximum of no more than five, with the understanding that the events be posted on the company website.

Selectman Rand moved the Board vote to issue five special outdoor entertainment licenses for the calendar year 2008 for The Olive Branch Christian Store at 30 Main Street with the condition that no trumpet music be allowed; Selectman Bakstran seconded the motion. Following some discussion and clarification amongst members of the Board, Selectman Rand withdrew the motion.

Selectman Rand moved the Board vote to renew the outdoor entertainment license for the calendar year 2008 for The Olive Branch Christian Store at 30 Main Street with the condition that no more than five events be scheduled during the calendar year 2008 and that no trumpet music be allowed; Selectman Bakstran seconded the motion; all members voted in favor.

**8:00 p.m. - PUBLIC HEARING**

Petition from Verizon New England and Massachusetts Electric Company to place a new jointly-owned pole along and across the westerly side of Howard Street, at a point approximately 803 feet southerly from the Town Line Border of Berlin and Northborough.

A representative from Verizon New England was present to request the placement of a stub pole that will replace a pole that is currently anchored to a rotting tree.

Selectman Bakstran moved the Board vote to approve the Petition from Verizon New England and Massachusetts Electric Company to place a new jointly-owned pole along and across the westerly side of Hudson Street at a point approximately 803 feet southerly from the Town Line Border of Berlin and Northborough; Selectman Rand seconded the motion; all members voted in favor.

**8:05 p.m. - ROB THEVE, FIRE DEPARTMENT CAPTAIN**

Presentation on Fire Department Collection for "Toys For Tots" Program.

Fire Captain Rob Theve announced that the Northborough Fire Department is again an official drop-off site for the USMC Toys for Tots Collection Program.

**8:10 p.m. - VIRGINIA SIMMS GEORGE CHAIR.  
COMMUNITY AFFAIRS COMMITTEE**  
Presentation on Holiday Trolley Program.

Community Affairs Committee Chair Virginia Simms George and Patty Murphy from Strut were present to announce that the 3<sup>rd</sup> Annual Holiday Trolley event is scheduled for December 8<sup>th</sup> from Noon to 6:00 p.m. The trolley will travel along Route 20 with singing and caroling. Ms. Murphy indicated that there will be seven stops with 11 merchants participating. Ms. Simms George noted that the tree lighting ceremony at the site of the "Ellsworth" tree on Blake Street would be held at 5:30 p.m.

Chairman Rand said she had gone last year and it was a lot of fun for kids and adults alike, and extended her thanks to them for doing it again this year.

Ms. Simms George asked residents to save the date of January 26<sup>th</sup> for the 23<sup>rd</sup> Annual Winter Ball at the White Cliff's.

Selectman Rand moved the Board vote to authorize the operation of the Holiday Trolley on December 8, 2007 from Noon to 6 p.m., and to approve the proposed Trolley Stop locations; Selectman Rutan seconded the motion; all members voted in favor.

**8:15 p.m. - PUBLIC HEARING WITH BOARD OF ASSESSORS**

For the purpose of discussing the valuation of each class of property; the minimum residential factor and the allocation of the tax burden among the four classes of real property: residential, open space, commercial and industrial, and of personal property.

Principal Assessor Diane O'Connor and Board of Assessors Member Arthur Holmes made a presentation on the estimated tax rate for Fiscal Year 2008. See attached document dated November 26, 2007 for detailed information.

The Board of Assessors unanimously recommended that the Town of Northborough continue with a single tax rate. The projected tax rate for FY 2008 will be \$13.28 per \$1,000 of assessed value for all property classes if a single tax rate is maintained. This results in an increase of \$201 or 3.8% over the FY 2007 average tax bill.

Barbara Clifford, Executive Director of the Corridor Nine Area Chamber of Commerce and Mark Donahue, Chairman of the Industrial Development Commission were present in the audience. Letters were received from both the Corridor Nine Area Chamber of Commerce and the Industrial Development Commission strongly supporting the continuation of a single tax classification. Several comments in support of the single tax rate were made from members of the Board of Selectmen.

**PUBLIC HEARING WITH BOARD OF ASSESSORS CONT. . .**

Selectman Bakstran moved the Board vote to continue the Public Hearing with the Board of Assessors for the purpose of discussing the valuation of each class of property; the minimum residential factor and the allocation of the tax burden among the four classes of real property: residential, open space, commercial and industrial, and of personal property; to the December 10, 2007 Board Meeting, and make the following motions contingent on the State's Preliminary Certification of Values:

- ❑ I move the Board vote to maintain a uniform tax rate for all classes of property at a factor of one.
- ❑ I move the Board vote to oppose the implementation of a residential exemption.
- ❑ I move the Board vote to oppose the implementation of a small commercial exemption.

Selectman Rutan seconded the motion; all members voted in favor.

**REPORTS**Dawn Rand

- Provided an update on the efforts of the Senior Center Building Committee and noted that they will meet again on December 5<sup>th</sup>.

Jeff Amberson

- Absent.

Fran Bakstran, Clerk

- Noted that the Interview Committee interviewed applicants for the Community Affairs Committee and the Council on Aging. See below for appointments.
- Attended a recent Eagle Scout Court of Honor ceremony. Congratulated Andrew Briggs and Nick Hogan for achieving the rank of Eagle Scout.
- Assured residents that the "For Lease" sign hanging above Tom's Gourmet Market has nothing to do with the Market.
- Attended the ribbon cutting ceremony at 290 West Main Street.
- On behalf of Selectman Rutan, John Coderre and herself, she thanked everyone who supported their team and attended the Spelling Bee Event hosted by the Rotary Club.
- Noted that the Historical Commission has a web page on the Town's website. Noted that the Solid Waste Advisory Committee is continuing their work and will meet again on November 29<sup>th</sup>.
- Noted that the Zoning Bylaw Subcommittee will meet on November 28<sup>th</sup> to review the finalized draft of the zoning bylaw amendments. The draft will then be reviewed by the Planning Board for their comments.
- Noted that outside burning is allowed by permit only from January 15<sup>th</sup> through May 1<sup>st</sup> of each year. Reviewed the rules for outside burning and directed any questions to the Fire Department.

Fran Bakstran Report Cont. . .

- Noted that the Bay Path Elder Services is searching for individuals who are interested in volunteering a couple of hours per week to make a difference for residents who are in long-term care facilities.

Leslie Rutan, Vice Chairman

- Attended a recent meeting between Community Officials and the Chamber of Commerce regarding economic development. Thanked Mr. Coderre for his efforts in organizing the meeting.
- Announced that the High School Fall Band Concert will take place at the High School on November 28<sup>th</sup>.
- Congratulated the Fall Sports Teams at the High School. Approximately two-thirds of the high school students participate in sports.
- Thanked those residents who contribute through the check-off box on their tax bills to the Scholarship Committee and the Elderly & Disabled Taxation Fund Committee.
- Noted that bright green and yellow bins have been located at the High School and the Melican Middle School for the public recycling of paper. These efforts help to raise money for the schools.
- Noted that the Cultural Council will be meeting on November 29<sup>th</sup> and December 3<sup>rd</sup> to continue the process of reviewing grant applications.
- Noted the recent resignation of Arthur Macasay from the Council on Aging and Kristen Pacheco from the Community Affairs Committee. Requested that a letter of appreciation be sent to each of them on behalf of the Board.

Barry M. Brenner, Town Administrator

- No report.

William Pantazis, Chairman

- No report.

**APPOINTMENT TO THE COMMUNITY AFFAIRS COMMITTEE**

Selectman Bakstran moved the Board vote to appoint Erin Palumbo to the Community Affairs Committee for a partial three-year term; Selectman Rand seconded the motion; all members voted in favor.

**APPOINTMENT TO THE COUNCIL ON AGING**

Selectman Bakstran moved the Board vote to appoint Deborah Campana to the Council on Aging for a partial two-year term; Selectman Rand seconded the motion; all members voted in favor.

**PUBLIC COMMENTS**

None.

**REGIONAL SCHOOL DISTRICT ALLOCATION OF STATE GRANT FOR HIGH SCHOOL PROJECT - REPORT OF NORTHBOROUGH REGIONAL REIMBURSEMENT WORKING GROUP**

In the absence of Selectman Amberson, Mr. Brenner provided an update on the efforts of the Northborough Regional Reimbursement Group thus far. As was indicated in Selectman Amberson's report to the Board at their October 22, 2007 meeting, both communities have different perspectives as to how the State Grant for the Regional High Project should be allocated.

Mr. Brenner stated that the Town of Northborough's position relative to resolving the allocation of the State Grant for the Regional High School Project is that since there is an issue of legal interpretation, the appropriate process would be to have the Regional School District file a declaratory judgment action in court.

Mr. Brenner stated that under this method of resolution, the Board would recommend that the Regional School District initiate the process by filing the complaint in the Superior Court as the plaintiff naming both the Towns of Southborough and Northborough as the defendants. Thereafter, the process should include cross motions for summary judgment being filed by both Towns.

Mr. Brenner added that since the disagreement on the allocation is between the Towns, it should be recommended that the Regional School District not submit a memorandum to the court arguing for either Town's interpretation. Rather, the Board would look to the Regional School District to simply start the process, and then abide by the ruling issued by the court on the cross motions filed by both Towns.

In order to ensure that both Southborough and Northborough are on the same page, Mr. Brenner suggested that Legal Counsel for each Town be allowed to review and comment on the Regional School District's draft court complaint before it is filed with the court. An alternative would be that Legal Counsel for each Town work cooperatively to prepare a draft court complaint for review by the Regional School District Legal Counsel.

Mr. Brenner informed the Board that a follow-up meeting of the Northborough Regional Reimbursement Working Group is scheduled on December 3<sup>rd</sup> at 7:00 pm at the Northborough Town Hall.

Selectman Rutan moved the Board vote to approve the recommendation of the Northborough Regional Reimbursement Working Group for resolution of the Regional School District Allocation of the State Grant for the High School Project; Selectman Rand seconded the motion; all members voted in favor.

**APPROVAL/EXECUTION OF COMMON VICTUALLER LICENSE –  
WHITE HEN PANTRY – 318 MAIN STREET**

Mr. Brenner informed the Board that New England Pantry d/b/a White Hen Pantry has applied for a Common Victualler License for their store located at 318 Main Street.

Selectman Rutan moved the Board vote to approve/execute the Common Victualler License for New England Pantry d/b/a White Hen Pantry for premises located at 318 Main Street; Selectman Bakstran seconded the motion; all members voted in favor.

**APPROVAL/EXECUTION OF SNOW PLOWING AGREEMENTS**

Selectman Rand moved the Board vote to approve/execute Snow Plowing Agreements for the 2007/2008 Winter Season for the following Private Ways:

- ❑ Winn Terrace
- ❑ 395-441 Howard Street (Sparrow Lane)
- ❑ Maple Lane
- ❑ 37-55 Green Street

Selectman Rutan seconded the motion; all members voted in favor.

**APPROVAL/EXECUTION OF CEMETERY DEEDS A753, A754 & A 755**

Selectman Bakstran moved the Board vote to approve and execute Cemetery Deeds A753, A754 and A755; Selectman Rand seconded the motion; all members voted in favor.

**ANY OTHER BUSINESS TO COME BEFORE THE BOARD**

None.

**ADJOURNMENT**

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

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Diane M. Wackell  
Executive Assistant to the  
Board of Selectmen