

**BOARD OF SELECTMEN
MEETING MINUTES - DECEMBER 10, 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 – NOVEMBER 26, 2007 REGULAR MEETING

Selectman Rand moved the Board vote to accept the Minutes of the November 26, 2007 Regular Meeting as submitted; Selectman Bakstran seconded the motion. Vote 4-0-1 (Selectman Amberson abstained).

7:00 p.m. - BILL FRAHER, TOWN AUDITOR
Presentation on FY 2007 Audit Report.

Bill Fraher, CPA made a presentation to the Board on the completed Final Audit Report for FY 2007. Some of the financial highlights are as follows:

- The stabilization fund increased 8.5% over last year to \$3,071,528.
- General fund revenues increased 5.3% over last year to approximately \$41.7M.
- The general fund undesignated balance is \$752,176, down from \$1.5M in the prior year.
- Free Cash certified by the State as of July 1, 2007 was \$470,988, down from \$1.3M last year.

Mr. Fraher informed the Board that the Town is still in a good overall position with approximately \$3.1M in the stabilization fund. The Town has approximately \$3.6M in combined free cash and stabilization fund balances – down 11% from last year. Despite these reserves, the budget process for the next few years will continue to be challenging. He suggested that the Town revisit the amount of free cash that is allocated each year to fund the Town's operating budget.

Mr. Fraher reviewed his Management Letter Comments, noting that no material weaknesses or reportable conditions were found.

Following some discussion regarding the new requirements of GASB 45, (accounting and financial reporting for post-employment benefits other than pensions), Mr. Fraher answered questions from members of the Board.

**7:25 p.m. - PUBLIC HEARING WITH BOARD OF ASSESSORS
(Continued from November 26, 2007)**

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.

Mr. Brenner informed the Board that the Public Hearing held on November 26, 2007 was continued to this evening awaiting the final approval and certification of values from the State Department of Revenue.

There were no questions from the audience.

Selectman Rand moved the Board vote to close 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; and confirm the following motions made at the November 26, 2007 Board Meeting which were contingent on the State's Preliminary Certification of Values, which has now been received:

- ❑ 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 Amberson seconded the motion; all members voted in favor.

7:20 p.m. - MARK LEAHY, POLICE CHIEF

- Appointment of Special Police Officer.
- Presentation on Recruit Training Fee Agreement.

Appointment of Special Police Officer

Chief Leahy requested the Board's consideration to appoint Edward L. Shead as a Special Police Officer for the purpose of working details. He also requested that he retain the ceremonial rank of Lieutenant.

Selectman Rand moved the Board vote to appoint Edward L. Shead as a Special Police Officer at the ceremonial rank of Lieutenant; Selectman Amberson seconded the motion; all members voted in favor.

Presentation on Recruit Training Fee Agreement

Chief Leahy informed the Board that the State currently charges each Town a \$2500 fee for each student officer that attends the required Basic Police Recruit Academy. Currently, the Town advances that payment and the student officer typically repays the debt in a series of bi-weekly payroll deductions until the entire debt is satisfied.

Chief Leahy proposed a Recruit Training Fee Agreement in which the Town would cover the \$2500 academy fee in full when the student officer signs a written agreement to remain in the Town's employ for a period of three years from the academy graduation date. If the student officer leaves on his/her own accord, he/she would be responsible for repaying a pro-rated share of our costs. The proposed Agreement has been reviewed and approved by Town Counsel. Union Presidents Officer Brian Griffin and Sergeant Joseph Galvin concur that this proposal is in everyone's collective best interest.

Selectman Bakstran moved the Board vote to approve the Police Department Recruit Training Fee Agreement; Selectman Rutan seconded the motion; all members voted in favor.

7:40 p.m. - NON-RENEWAL OF SELECTMEN'S LICENSES PUBLIC HEARING

To consider the Non-Renewal of the Class II Used Car Dealer License for 2008 for Prime Auto Sales at 279-281 West Main Street.

Chief Leahy informed the Board that his request that the Board consider the Non-Renewal of the Class II Used Car Dealer License for 2008 for Prime Auto Sales at 279-281 West Main Street has been made for the following reasons:

- Repeated non-compliance regarding the number of allowed vehicles to be stored on the premises.
- Non-compliance with State Laws concerning record keeping.

Following Chief Leahy's review of the violations leading up to tonight's public hearing, Attorney Bill Carol introduced himself, as well as the owner of Prime Auto Sales Alex Moucharrafiéh and Alex's brother Sam.

Attorney Carol responded to each of the violations, and asked that the Board give Mr. Moucharrafiéh one last chance to comply with the terms of the Class II License. He noted that the Moucharrafiéh brothers have two years left on their lease and that their life savings is invested in this business. He requested that the license be renewed with the condition that in the event that another violation occurs, the license will be revoked.

In response to Attorney Carol's claim that Mr. Moucharrafiéh was confused about the number of allowed vehicles to be parked on the premises, Mr. Brenner clarified that no more than eighteen (18) vehicles are allowed to be parked on the site per the parking plan submitted by Mr. Moucharrafiéh with his application dated November 14, 2005.

NON-RENEWAL OF SELECTMEN'S LICENSES CONT. . .

Following some discussion, the Board agreed on what they see as Mr. Moucharrafiéh's blatant disrespect for the terms of the license.

In response to the Board's concerns about whether or not Mr. Moucharrafiéh understands fully the terms of his license, both Attorney Carol and Alex Moucharrafiéh assured the Board that they understand what they need to do in order stay in compliance with the record keeping according to State regulations and with limiting the number of vehicles to be parked on the site at any one time to eighteen (18).

Following a lengthy discussion, Attorney Carol and Mr. Moucharrafiéh again reassured the Board that they understand how serious the Board is and that if they do not fully comply with State requirements for record keeping and the terms of the license set by the Board, especially the vehicle limit of 18, that the license will be revoked. It was understood by all present that in the event that the premise is inspected by the Police Department there should be no more than 18 vehicles parked on the premise, no matter what the reason. Reference was made to the original parking plan that was approved along with the application that dictates the number of vehicles as follows: seven (7) small vehicles; six (6) standard vehicles and one (1) truck, as well two (2) vehicles for employees and two (2) vehicles for customers - for a total of eighteen (18) vehicles.

Selectman Rutan moved the Board vote to renew the Class II used Car Dealer License for 2008 for Prime Auto Sales at 279-281 West Main Street with the condition that in the event of even one more violation, the license will be revoked; Selectman Bakstran seconded the motion; all members voted in favor.

8:30 p.m. - RENEWAL OF SELECTMEN'S LICENSES

Mr. Brenner informed the Board that all premises have been inspected by either the Police Department and/or the Fire and Building Departments. Most of the licensees are in compliance with both Municipal and State codes and regulations, with the exception of those listed on a memo dated December 5, 2007 from the Fire Chief and Building Inspector. He added that all taxes and fees are up to date.

Fire Chief Durgin provided an update on the Fire Safety Act of 2004 and its impact on those licensed establishments who serve alcohol.

Selectman Amberson moved the Board vote to approve the renewal of the annual licenses by the Board of Selectmen for the calendar year 2008, as indicated on the attached "2008 License Renewals" list, subject to the following conditions:

Subject to the conditions as specifically outlined in the attached memo from the Fire Chief and Building Inspector dated December 5, 2007

| | | |
|----------------------------|---------------------------------|-----------|
| American Legion | West Side Grille | Steakloft |
| Guiseppe's Grille | East Side Liquors & Convenience | |
| J.J.'s Sports Bar & Grille | Korean BBQ | |
| Romaine's | Honey Dip Donuts | |

RENEWAL OF SELECTMEN'S LICENSES CONT. . .

Subject to the condition of a satisfactory inspection prior to their re-opening in the Spring
Beezers

Tougas Family Farm Kitchen

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

8:40 p.m. - PUBLIC HEARING

Petition from Massachusetts Electric Company to install a new solely owned stub pole on Whitney Street to support new primary cable going up driveway to house #'s 324, 336 and 340.

Tracy Bolduc was present from Massachusetts Electric Company to request the installation of a new solely owned stub pole on Whitney Street to support a new primary cable going up a driveway to house #'s 324, 336 and 340.

Selectman Bakstran moved the Board vote to approve the Petition from Massachusetts Electric Company to place a new solely owned stub pole #78-84 on Whitney Street to support new primary cable going up driveway to house #'s 324, 336 and 340; Selectman Rutan seconded the motion; all members voted in favor.

REPORTSDawn Rand

- Attended the Holiday Trolley Event on Saturday. Thanked everyone who was involved in coordinating the event.
- Offered her condolences to the Ellsworth family in the recent passing of Mrs. Ellsworth.

Jeff Amberson

- Attended the Holiday Trolley Event on Saturday. Thanked everyone who was involved in coordinating the event.
- Offered his condolences to the Ellsworth family in the recent passing of Mrs. Ellsworth.
- Noted that donations for the Toys for Tots Program are being accepted at the Fire Department and the Town Hall through December 20th.
- Participated in the interviews of nine candidates for openings in the Police Department. Looking forward to the Police Chief's recommendations.
- Noted his disappointment with the Town of Southborough regarding their decision to cancel a scheduled follow-up meeting to discuss the reimbursement issue. The Town of Southborough decided to circumvent the agreed-upon process and moved forward without further discussion with the Town of Northborough to issue their own recommendation to the Regional School Committee. In response to Southborough's action, Northborough has since sent our recommendation to the Regional School Committee as well.

Fran Bakstran, Clerk

- Noted that the Interview Committee interviewed an applicant for the Cable Television Advisory Committee. See below for appointment.
- Reminded residents about the terms of the Winter Parking Ban.
- Noted that the Solid Waste Advisory Committee will meet on December 13, 2007.
- Asked residents to keep fire hydrants in their area clear and accessible.

Leslie Rutan, Vice Chairman

- Attended the Band Concert in the High School Auditorium.
- Noted that all of the choruses will present a concert next week. Thanked the Fire Chief and the Building Inspector for their work with the inspections prior to getting the auditorium ready for occupancy.
- Noted that she will participate in a Government Panel where elected officials and Town Staff are invited to speak to grade 9 students about local government.
- Attended the Tree Lighting ceremony. Thanked the Community Affairs Committee for organizing the event.
- Noted that the Regional School District was recently informed by MSBA that the Lincoln Street School Roof Repair project has moved further ahead in the process of receiving its funding.

Barry M. Brenner, Town Administrator

- No report.

William Pantazis, Chairman

- No report.

APPOINTMENT TO THE CABLE TELEVISION ADVISORY COMMITTEE

Selectman Bakstran moved the Board vote to appoint Richard Swee to the Cable Television Advisory Committee for a partial two-year term; Selectman Rand seconded the motion; all members voted in favor.

PUBLIC COMMENTS

None.

FY 2009 BUDGET POLICIES

Mr. Brenner reviewed several factors relative to both revenues and expenditures that determine the allowable percentage increase for the FY 2009 Budget while staying within the confines of Proposition 2½. He informed the Board that considering these factors, and based on the anticipated State Aid, the FY 2009 Budgets for Municipal, K-8 Schools and the Regional High School Assessment can be increased only 2.5% in order to remain within the limits of Proposition 2½.

Mr. Brenner stressed the difficulty and reviewed the challenges in preparing the Municipal portion of the FY 2009 Budget while staying within a 2.5% increase and warned the Board that there may be some significant reductions in programs and services. He suggested that the Board look at tonight's presentation as a starting point in a series of discussions on the FY 2009 Budget Policies.

FY 2009 BUDGET POLICIES CONT. . .

Following Mr. Brenner's presentation and some further discussion, the Board asked Mr. Brenner to prepare the FY 2009 Budget detailing what the current staffing and programs will cost for next fiscal year versus a Budget that represents an increase of no more than 2.5%.

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:

- ❑ 467-497 Howard Street (Kimberly Lane)
- ❑ Harris Avenue

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

REQUEST FROM WORCESTER REGIONAL TRANSIT AUTHORITY FOR STATE LEGISLATIVE SUPPORT

Selectman Rand moved the Board vote to support the Resolution of the Worcester Regional Transit Authority relative to State Legislative Support for financing; Selectman Bakstran seconded the motion; all members voted in favor.

ANY OTHER BUSINESS TO COME BEFORE THE BOARD

None.

9:35 p.m. – EXECUTIVE SESSION

Selectman Amberson moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 39, Subsection 23B, Subsection 3, Personnel Matter; Selectman Rutan 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.

10:25 p.m. – RETURN TO OPEN MEETING**ADJOURNMENT**

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

Meeting adjourned at 10:25 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the Board of Selectmen