

**BOARD OF SELECTMEN
MEETING MINUTES - MARCH 9, 2009**

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

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

MEMBERS ABSENT: Dawn Rand, Chairman

*Pledge of Allegiance

APPROVAL OF MINUTES – FEBRUARY 23, 2009 REGULAR MEETING

Selectman Rutan moved the Board vote to accept the Minutes of the February 23, 2009 Regular Meeting; Selectman Bakstran seconded the motion; all members voted in favor.

Mr. Coderre announced that the official grand opening of the new Library will be on March 15, 2009 with a ribbon cutting ceremony at 2:00 p.m. All are welcome to attend.

**7:00 p.m. SENATOR JAMES ELDRIDGE
STATE REPRESENTATIVE HAROLD NAUGHTON**
State Legislative Update.

Town Administrator John Coderre identified the top six legislative priorities for the Town of Northborough. He informed Representative Naughton and Senator Eldridge that these priorities reflect issues identified by Town staff, the Municipal Managers' Association and the Massachusetts Municipal Association.

Greater Control Over Health Insurance

Mr. Coderre urged the Legislature to support House Docket 1073, which is proposed legislation that will give cities and towns the same authority as the state in designing health insurance plans for employees. He stressed that he is asking for nothing more than the same tools and level of authority that the State enjoys in managing the cost of its health insurance.

Representative Naughton stated that to move away from municipal collective bargaining during an economic crisis, such as the one we are in, would take a considerable amount of convincing. Senator Eldridge stated that he supports municipal collective bargaining and the benefits that this process provides to employees. He also noted his concern in shifting the health insurance costs from the Town to the employees, through raising the cost of their co-pays.

At the request of Representative Naughton and Senator Eldridge, Mr. Coderre agreed to provide further details of how plan design changes will work towards bringing the Town's plan in line with the current market and how approximately \$400,000 could be saved. Mr. Coderre will also provide information as to why in his opinion, joining the Group Insurance Commission (GIC) is not a good fit for the Town of Northborough.

Modernize Purchasing and Procurement Laws & Public Construction

Mr. Coderre urged the Legislature to take steps to reduce the direct financial and administrative costs of dealing with overly restrictive and out-dated purchasing regulations and laws. He requested legislation that would exempt construction projects of \$100,00 or less from the prevailing wage law.

Senator Eldridge and Representative Naughton both offered their support of this proposal and thought that the \$100,000 threshold was reasonable.

Library Aid Penalty

Mr. Coderre urged the Legislature to eliminate or modify the Library Aid penalty, at least for a specified period of time. He stated that during Fiscal Year 2010, the Northborough Library will need to make a disproportionate budgetary reduction of a magnitude that will likely cause the Town, not only to lose its state aid, but more importantly, the ability of our residents to access regional library lending.

Representative Naughton offered his support and informed the Board of an upcoming state legislative training session entitled "*Massachusetts State Library Day*". He requested that Mr. Coderre provide information that would distinguish the burden on the Library versus other town services.

Telecommunications Loophole

Mr. Coderre urged the Legislature to support the codification of the Appellate Tax Board's ruling that telecommunications companies be subject to local taxation on poles and wires over public ways and to eliminate the remaining exemption of telecommunications equipment from the personal property tax.

Senator Eldridge and Representative Naughton both offered their support to this cause, adding that they are confident that this is something that can happen sooner rather than later.

Impact/Mitigation Fees

Mr. Coderre urged the Legislature to support the actions necessary to have the state constitution properly amended to develop a fair system of assessing the cost of new developments on municipalities and allowing them to recoup some of these costs from developers. A constitutional change will allow the state to utilize this technique of growth management for funding infrastructure and facilities.

In response to a question from Senator Eldridge as to why he thinks this should be a constitutional change, Mr. Coderre stated that both the municipality and the developer will benefit if there is one set of rules for all to follow, similar to those followed in other states. This will demonstrate the process up front so that both the town and the developer know what to expect.

Impact/Mitigation Fees Cont. . .

Senator Eldridge offered his support, adding that he's not sure yet whether this should be a constitutional amendment or an amendment to the Massachusetts General Laws. He noted that the Land Use Reform Acts, a consensus bill filed by Senator Chandler, includes making impact mitigation fees legal in the Commonwealth. This bill is expected to come before the Municipalities Committee, of which he is a member of. Mr. Coderre requested that Senator Eldridge forward to him any information on the consensus bill filed by Senator Chandler and the Land Use Reform Acts.

Selectman Rutan questioned whether or not the municipalities would be giving up some control if a specific formula is developed that a municipality would have to abide by. Would this have the potential to negate the Town's ability to negotiate further?

Representative Naughton answered that this is a question that would need to be answered through some debate, especially if it goes through the constitutional amendment process, which is a particularly arduous process to go through. If this was done legislatively rather than constitutionally, some level of an appeal process could be added.

Senator Eldridge added that the bill filed under the Land Use Reform Acts is for impacts related to a specific development. This would eliminate the power of the Planning Boards and the Zoning Boards to negotiate funds for something other than what would be considered a direct impact of the development. He agreed that the approach discussed this evening is a much better way to negotiate impact funds due to a development.

Following a couple of questions from Mr. Coderre, Senator Eldridge and Representative Naughton provided the Board with a general legislative update.

Representative Naughton informed the Board that the Northborough Housing Authority will receive a grant in the amount of \$26,061 for the repair of bathroom fixtures in 58 of their units.

Senator Eldridge reviewed some of the details contained in the Federal Stimulus Package.

8:10 p.m. BILL FRAHER, TOWN AUDITOR
Presentation on FY 2008 Audit Report.

Bill Fraher, CPA made a presentation to the Board on the completed Final Audit Report for FY 2008. Some of the financial highlights are as follows:

- The stabilization fund increased 8.4% over last year to \$3,329,086.
- The general fund revenues increased 7.4% over last year to \$42,390,894.
- The general fund undesignated balance is \$1,564,352 – up from \$752,176 in the prior year.
- Free Cash certified by the State as of July 1, 2008 was \$1,265,111 – up from \$470,988 in the prior year.

BILL FRAHER, TOWN AUDITOR CONT. . .

Mr. Fraher informed the Board that the Town is still in a good overall financial position with approximately \$3.3M in the stabilization fund. The Town has approximately \$4.6M in combined free cash and stabilization fund balances – up 8% from last year. Despite these reserves, the budget process for the next few years will continue to be challenging. He suggested that the Town monitor the trend of tax revenues, local aid and other receipts and to ensure that annual operating budgets are kept within available revenue and other funding sources.

Mr. Fraher reviewed his Management Letter Comments, noting that no material weaknesses or reportable conditions were found. He commended the Town management and staff for their efforts in resolving issues presented in prior year management letters.

Mr. Fraher suggested that the Town monitor the area of fraud and risk assessment for possible internal control improvements.

Members of the Board thanked Mr. Fraher for his presentation.

REPORTSWilliam Pantazis

- Attended the recent grand re-opening of O'Brien's Five & Dime.

Fran Bakstran

- Attended the recent grand re-opening O'Brien's Five & Dime.
- Encouraged the public to get involved in developing the legislative priorities for their town.
- Attended the recent public meetings sponsored by the Planning Board and Zoning Board of Appeals on the proposed zoning bylaw changes. There will be three additional opportunities for the public to attend one of these meetings on March 16, 18 & 26. The objective of these meetings is to educate everyone who has an interest in these changes prior to town meeting. She spoke about her disappointment with those individuals and groups who have chosen to promote misinformation about the intent of the zoning bylaw changes.

Leslie Rutan, Clerk

- Congratulated the Middle School staff and students on their production of Willie Wonker. The production was dedicated to the memory of Dennis Wrenn. Again, extended her condolences to Mr. Wrenn's family on his recent passing.

Jeff Amberson, Vice Chairman

- Attended the grand re-opening of O'Brien's Five & Dime. Noted how grateful the owners are for the support they have received from Town staff and the public.
- Congratulated Thomas Mead for his recent appointment as the Principal at the Algonquin Regional High School.

John Coderre, Town Administrator

- No report.

PUBLIC COMMENTS

Robert Theve asked permission from the Board to speak as a member of the community. He informed the Board that he, as well as other members of the local unions, were offended by a recent statement made by Selectman Amberson during the Board's last meeting. Selectman Amberson clarified his comment, in which he expressed his frustration with the prevailing wage law and apologized to any person who was offended by it.

CLOSE TOWN MEETING WARRANT

Selectman Rutan moved the Board vote to close the Town Meeting Warrant; Selectman Pantazis seconded the motion; all members voted in favor

SCHEDULE PUBLIC HEARING FOR STREET ACCEPTANCE

Selectman Bakstran moved the Board vote to schedule a public hearing to consider the acceptance of Galahad Road as a public way on March 23, 2009; Selectman Rutan seconded the motion; all members voted in favor.

REQUEST TO ESTABLISH A GIFT ACCOUNT FOR THE PURPOSE OF FUNDRAISING FOR A NEW PLAYGROUND AT THE PROCTOR SCHOOL

Mr. Coderre informed the Board that the Recreation Director has been working with the Proctor School to raise \$50,000 for a new playground at the school. She is requesting that the Board establish a new gift account in order to accept donations for this project. A deadline of June 1, 2009 has been set to raise the money. If the money is not raised by that date, funds will be returned to the donors.

Selectman Pantazis moved the Board vote to establish a new gift account in accordance with Massachusetts General Laws, Chapter 44, Section 53A in order to accept donations for a new playground at the Proctor School; Selectman Bakstran seconded the motion; all members voted in favor.

APPROVAL/EXECUTION OF CEMETERY DEED A799 & A801

Selectman Pantazis moved the Board vote to approve and execute Cemetery Deeds A799 & A801; Selectman Rutan seconded the motion; all members voted in favor.

ADJOURNMENT

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

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen