

**BOARD OF SELECTMEN
MEETING MINUTES – MARCH 22, 2010**

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

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

*Pledge of Allegiance

APPROVAL OF MINUTES – MARCH 8, 2010 REGULAR MEETING

Selectman Amberson moved the Board vote to approve the Minutes of the March 8, 2010 Regular Meeting as presented; Selectman Rutan seconded the motion. Vote 4-0-1 (Selectman Rand was absent from the meeting and therefore abstained).

7:00 p.m. - PUBLIC HEARING

To consider the layout and acceptance of Silas Drive, Copley Drive, Dartmouth Drive, Berkley Road, Beechwood Circle, Woodstone Road and Fawcett Orchard Road as public ways.

Mr. Litchfield informed the Board that Berkley Road has been eliminated from Article #24 due to the fact that Berkley Road, also known as Northborough Road, was part of a 1949 discontinuance of Route 20. It was automatically converted to the ownership of the Town at that time. The developer of Copley and Dartmouth Drives has reconstructed and repaved Northborough Road and has requested that the name of the road be officially changed to Berkley Road. It has since been discovered that the Board of Selectmen has the authority to change the name without needing the approval of a town meeting vote. A public hearing to consider this name change will be scheduled for the Board's consideration at a future meeting.

Mr. Litchfield informed the Board that Copley Drive, Dartmouth Drive and Beechwood Circle have all been constructed in accordance with the subdivision approvals granted by the Planning Board.

Mr. Litchfield added that Silas Drive, Woodstone Road and Fawcett Orchard Road have not been constructed in accordance with the subdivision approvals granted by the Planning Board. The Planning Board has taken the bonds; and therefore, these streets are being taken by eminent domain. If accepted as public ways at the Annual Town Meeting, the Town expects to complete the construction of these streets later this year.

Selectman Rand moved the Board vote to approve the layout and acceptance of the following streets as public ways: Silas Drive, Copley Drive, Dartmouth Drive, Beechwood Circle, Woodstone Road and Fawcett Orchard Road; Selectman Rutan seconded the motion; all members voted in favor.

**7:15 p.m. - JOINT PUBLIC HEARING W/ APPROPRIATIONS COMMITTEE
FY 2011 Proposed Budget.**

Present for the Appropriations Committee were Chairman Elaine Kelly and members Richard Nieber, Janice Hight, Robert D'Amico, Dan McInnis and Anthony Poteete.

Chairman Kelly called the meeting of the Appropriations Committee to order.

Mr. Coderre presented the FY 2011 Proposed Budget, which included the latest information available regarding revenue projections and departmental expenditure requests. Mr. Coderre informed the Board that the most significant development is that the assessments for the Algonquin Regional High School and the Assabet Valley Regional Vocational High School are significantly lower than originally projected, resulting in a one-time excess budget capacity of \$442,417.

Mr. Coderre indicated that if this one-time budget capacity were to be applied to the operating budgets, it would create a significant structural deficit in future years. Considering this, Mr. Coderre recommended that the excess budget capacity be used as follows:

\$301,447 – to subsidize the Pay-As-You-Throw (PAYT) Trash Program

A general fund subsidy in FY 2011 will allow time for additional study and a smooth implementation of any proposed change to the Program.

\$100,000 – to fund the filing of a Declaratory Judgment regarding the ARHS's
Massachusetts School Building Authority (MSBA) grant reimbursement

Despite ongoing efforts, a diplomatic resolution over how the State grant for the ARHS construction project should be apportioned to the member towns of Northborough and Southborough has not been reached. Northborough's only remaining option is to seek a declaratory judgment by filing a complaint in Superior Court.

\$27,600 – to fund Town Clerk Election Equipment

Due to additional requirements mandated by the Federal Help America Vote Act of 2002, the town's State Election equipment will no longer be certified by use and must be replaced prior to the next State Election cycle in the fall of 2010. If not funded through the operating budget, the project would need to be financed with debt.

Appropriations Committee Chair Elaine Kelly informed the Board that the Appropriations Committee voted unanimously to support the recommendations put forth by the Town Administrator for the use of the excess budget capacity. Members of the Board of Selectmen offered their support as well.

Ms. Kelly recognized the concerted efforts of Mr. Coderre and his department heads, adding that Mr. Coderre is doing an excellent job.

JOINT PUBLIC HEARING W/ APPROPRIATIONS COMMITTEE CONT. . .

Mr. Coderre informed the Board that inclusive of the three expenditure items above, which will be separate Town Meeting warrant articles, the total budget for all expenditures, without any reductions in programs and services, is proposed to increase just 1.69% in FY 2011.

Mr. Coderre continued with his budget presentation, including a brief review of the capital projects, of which all are supported by the Financial Planning Committee.

Following the presentation, members of the Board commended Mr. Coderre for his hard work and for his presentation this evening. Mr. Coderre publicly recognized the departments heads for their efforts, especially June Hubbard-Ward, Jason Little and Kim Hood.

At 7:50 p.m., Appropriations Committee Member Robert D'Amico moved the Committee vote to adjourn; Member Dan McInnis seconded the motion; all members of the Appropriations Committee voted in favor of adjournment.

7:50 p.m. - ATTORNEY MARSHALL GOULD

Presentation on Warrant Article to Request that the Wine & Malt Package Store License that was approved at the 2008 Annual Town Meeting be amended to allow the sale of All Alcoholic Beverages.

Attorney Marshall Gould was present along with representatives from New England Development. Attorney Gould presented information on his earlier request that an article be placed on the 2010 Annual Town Meeting Warrant that would authorize legislation to amend a previously authorized warrant article for a Wine & Malt Only Package Store License to be changed to an All Alcoholic Beverages Package Store License.

Mr. Gould informed the Board that BJs will be located in the same shopping center and an additional All Alcoholic Beverages Package Store License has already been requested on their behalf. Wegmans has requested that the Wine & Malt Package Store License be amended to include All Alcoholic Beverages in order to be competitive with BJs.

Following comments and questions from members of the Board, Attorney Gould confirmed that Wegmans and BJs will be the two stores to apply for these additional package store licenses.

8:05 p.m. - ATTORNEY GEORGE PEMBER

Presentation on Warrant Article to Request the Discontinue of a portion of Mill Street as a public way.

Attorney George Pember was present on behalf of Jim and Joan Laurence, who are proposing that the Town discontinue a portion of Mill Street (currently not constructed, but shown as a road on an old atlas of the Town), and to release any rights in this portion of the roadway.

ATTORNEY GEORGE PEMBER CONT. . .

Attorney Pember explained that the Laurences would like to sell a portion of their property on Whitney Street, but an old atlas of the Town indicates Mill Street extended from its current location off Pierce Street to Whitney Street at some point in the Town's history. Although a road does not actually exist here and has never been maintained, there does not appear to be any official discontinuance of this portion of Mill Street. Attorney Pember is working with the Assessor's Office to provide the necessary documentation to verify that the parcels in this area are being properly assessed.

Mr. Litchfield informed the Board that at the request of Town Counsel, the Laurences have agreed to provide the Town with an indemnification for damages in order to cover any unforeseen issues and to obtain a release from the newest owner of the parcel, which was previously owned by the Laurences.

Following questions from members of the Board, Mr. Coderre stated that he supports this warrant article, adding that the approval of this request will allow the Laurences to proceed with the sale of a portion of their property on Whitney Street and will resolve the town's outstanding issue of ownership and proper tax assessment.

REPORTSDawn Rand, Vice Chairman

- Attended the Grand Opening of the Senior Center. Noted how happy she was to be part of the process and how pleased she is with the new building.

Leslie Rutan, Clerk

- Attended the Grand Opening of the Senior Center. Noted how beautiful the new building is and thanked everyone involved.
- Thanked Health Agent Jamie Terry for her efforts in coordinating all of the H1N1 flu clinics.
- Encouraged residents to sign up for the subscription component of the town website.
- Noted that this year's Algonquin High School play is Guys & Dolls. Performances are scheduled for March 26, 27 & 28.
- Congratulations to the Fire Department for their recent response to a flooded basement.

Jeff Amberson

- Attended the Grand Opening of the Senior Center. Noted that people of all ages enjoyed the event. This is a great example of the entire community coming together.
- Attended the annual Pancake Breakfast at the Rotary Club. Thanked the Rotary Club for their continuous efforts in giving back to their community.
- Attended the 85th Anniversary Celebration of the Northborough Garden Club.
- Requested that residents not post yard sale or similar signs on town property, especially on any of the war memorials.
- Noted that the Interview Committee met with applicants for the Cable Television Advisory Committee and the Scholarship Committee prior to tonight's meeting. See next page for appointments.

William Pantazis

- Attended the Grand Opening of the Senior Center.
- Requested that the Town consider a parking ban on Route 135. Mr. Coderre stated that he will look into this matter and report back to the Board.
- Discussed a variety of options to be used for publicly posting the time change of the Memorial Day parade for the benefit of the public.
- Reminded residents that April 26th is this year's date for the Annual Town Meeting.

Fran Bakstran, Chairman

- Attended the Grand Opening of the Senior Center. Thanked Selectman Rand for her efforts in acting as the Board's liaison to the Building Committee.
- Noted the resignation of Marnie Frankian from the Community Affairs Committee. Requested that a letter of appreciation be sent on behalf of the Board.
- Attended a recent Eagle Scout Court of Honor ceremony. Congratulated Matthew Savarese and Daniel Rowe for attaining the rank of Eagle Scout.
- Announced that the Town Engineer has requested quotes from five vendors for the single-stream tote program. A summary of the results will be provided at the Board's April 12th meeting.

John Coderre, Town Administrator

- Noted that the Community Preservation Committee will be in attendance at the next Selectmen's Meeting to present information on their Town Meeting warrant articles.

APPOINTMENT TO THE CABLE TELEVISION ADVISORY COMMITTEE

Selectman Amberson moved the Board vote to appoint Bruce Graaf to the Cable Television Advisory Committee for a three-year term; Selectman Rand seconded the motion; all members voted in favor.

APPOINTMENT TO THE SCHOLARSHIP COMMITTEE

Selectman Amberson moved the Board vote to appoint Brian Braveman to the Scholarship Committee for a three-year term; Selectman Rand seconded the motion; all members voted in favor.

PUBLIC COMMENTS

None.

APPROVE/EXECUTE WARRANT FOR ANNUAL TOWN MEETING

Selectman Pantazis moved the Board vote to approve and execute the Warrant for the April 26, 2010 Annual Town Meeting; Selectman Amberson seconded the motion; all members voted in favor.

APPROVE/EXECUTE WARRANT FOR ANNUAL TOWN ELECTION

Selectman Pantazis moved the Board vote to approve and execute the Warrant for the May 10, 2010 Annual Town Election; Selectman Rutan seconded the motion; all members voted in favor.

SET MEETING SCHEDULE FOR MAY – AUGUST

Selectman Rutan moved the Board vote to set the meeting schedule for May through August as follows:

May 24th
 June 14th & 28th
 July 19th
 August 16th

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

APPROVAL/EXECUTION OF CEMETERY DEED A833

Selectman Rutan moved the Board vote to approve and execute Cemetery Deed A833; Selectman Amberson seconded the motion; all members voted in favor.

OTHER BUSINESSRequest for Reconsideration of Application to Transfer Liquor License

Chairman Bakstran noted the receipt of a letter from Attorney Richard Sheils, Jr. requesting that the Board reconsider their decision of March 8, 2010 to deny the liquor license transfer from KLRR Foods, Inc. to CJ Restaurant Enterprises, LLC.

Selectmen Amberson questioned whether or not any new information has been brought forward? Chairman Bakstran answered that there is not any new information to consider. Selectman Amberson responded that he sees no reason to reconsider. Chairman Bakstran and Selectman Rutan agreed.

Selectman Amberson moved the Board vote to not reconsider its decision of March 8, 2010 denying the application to transfer the All Alcoholic Beverages Restaurant License from KLRR Foods, Inc. to CJ Restaurant Enterprises, LLC as requested by Attorney Richard Sheils, Jr.; Selectman Rutan seconded the motion. Vote 3-0-2. (Selectman Pantazis abstained due to his decision to recuse himself from the issue at the March 8th public hearing and Selectman Rand abstained due to her absence at the March 8th public hearing).

8:35 p.m. – EXECUTIVE SESSION

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

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

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

ADJOURNMENT

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

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen