

**BOARD OF SELECTMEN
MEETING MINUTES – November 18, 2013**

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

MEMBERS PRESENT: Leslie Rutan, Chairman
Dawn Rand, Vice Chairman
Jeff Amberson, Clerk
Aaron Hutchins
William Pantazis

*Pledge of Allegiance

APPROVAL OF MINUTES – NOVEMBER 4, 2013 REGULAR MEETING

Selectman Rand moved the Board vote to approve the meeting minutes of the November 4, 2013 regular meeting as submitted; Selectman Amberson seconded the motion, all members voted in favor.

7:00 p.m. - BILL FRAHER, TOWN AUDITOR
Presentation on FY2013 Audit Report.

Bill Fraher, CPA made a presentation to the Board on the completed Final Audit Report for FY2013. The Town continues to be in a good overall financial position. Mr. Fraher credited the Town's adoption and adherence to comprehensive financial policies, especially the Free Cash and Debt Policies.

Mr. Fraher reviewed his Management Letter comments, which detailed a clean audit with no material weaknesses or significant deficiencies being found. He recommended that the Town continue to 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. He also recommended that the Town begin addressing the Other Post Employment Benefit (OPEB) Liability.

Following the presentation, questions and comments were heard from members of the Board. Selectman Rand requested an analysis update on all of the revolving fund accounts.

Members of the Board praised Mr. Coderre for his efforts. Mr. Coderre publicly acknowledged the efforts of the financial team, especially Town Accountant Jason Little. Chairman Rutan thanked the financial team, as well as the Financial Planning and Appropriations Committees.

7:30 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 Daniel Brogie, Finance Director June Hubbard-Ward and Town Accountant Jason Little were present. Mr. Coderre made the presentation, which included information and options for the Board of Selectmen to determine whether there shall be a single or split tax rate for the various classes of property for FY2014.

PUBLIC HEARING WITH THE BOARD OF ASSESSORS CONT. . .

In summary, Northborough's total valuation has held despite the slumping economy. The top taxpayers have remained strong, helping the Town to further reduce its reliance on residential taxpayers. The Town's economic development has successfully diversified the tax base, setting a very positive trend for the Town of Northborough.

Mr. Brogie presented the various tax rate scenarios. If the Board were to continue with a single tax rate, the FY2014 tax rate would increase from \$16.11 to \$16.59. The average single family tax bill would increase by \$44 from \$6,181 in FY2013 to \$6,225 in FY2014.

It was noted that the Board of Assessors unanimously recommended that the Board of Selectmen continue with the single tax rate, which promotes a fair and equitable system of taxation and would continue to help Northborough attract new business into the community while retaining those already located in Town.

Members of the Board expressed their support of the continuation of a single tax classification. Carol Sexton was present on behalf of the Corridor Nine Area Chamber of Commerce. The Corridor Nine Area Chamber of Commerce strongly supports the continuation of a single tax classification. A letter was also submitted to the Board from the Industrial Development Commission supporting the continuation of a single tax classification.

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

Selectman Rand moved the Board vote to maintain a uniform tax rate for all classes of property at a factor of one; to oppose the implementation of a residential exemption; and to oppose the implementation of a small commercial exemption; Selectman Amberson seconded the motion; all members voted in favor.

8:05 p.m. - PUBLIC HEARING - RELIANCE BEER & WINE

To consider an application to transfer the Wine & Malt Package Store License from Reliance Beer & Wine, Inc. to Kabir Saheb, Inc. for premises located at 293 West Main Street.

Attorney Michael O'Neil was present on behalf of Kabir Saheb, Inc., along with applicant Jack Patel. The two members of the corporation are Jack and Khushbu Patel. Mr. & Mrs. Patel, who are husband and wife, currently own two businesses in Franklin. Mr. Patel will work 30-40 hours per week at the business and is TIPS Certified.

Detective Sergeant Brian Griffin informed the Board of Mr. Patel's plan to sell a small collection of pipes on the premises. He advised the Board that in a telephone

PUBLIC HEARING CONT. . .

conversation with Mr. Patel, he specifically asked if he would be selling marijuana pipes, at which time, after a long pause, Mr. Patel admitted that yes he will have a small collection of pipes for sale. Detective Sergeant Griffin informed the Board that in his opinion, the sale of these items would be in violation of MGL, C94C, S321. He added that with the exception of the proposed sale of pipes, he has no concerns to report as to the character and suitability of Jack and Khushbu Patel.

Attorney O'Neil and Mr. Patel both addressed the Board's concern with the sale of pipes, more specifically to what some members of the Board would classify as drug paraphernalia. Attorney O'Neil indicated that the applicant does intend to sell tobacco pipes, similar to what he sells in his store in Franklin. A small display will be located in the rear of the store. Signage will clearly mark that pipes are for tobacco use only.

Chief Leahy noted his concern that the sale of pipes will bring 18 year old persons into a package store where the drinking age is 21. The applicant did not respond to a question from Selectman Rand when asked if he would consider changing his business plan to not sell pipes.

Following a lengthy discussion, Chairman Rutan and Selectmen Amberson and Rand agreed that they do not support the sale of pipes. Selectmen Hutchins and Pantazis questioned if it was beyond the Board's authority to place a condition on the licensee that the sale of pipes is not allowed.

Mr. Coderre advised the Board of the following options in order to move forward on the application:

1. Approve the Wine & Malt Package Store License transfer with the condition that the applicant/ licensee comply with all applicable laws of the Commonwealth.
2. Deny the Wine & Malt Package Store License transfer, at which time the applicant would have the right to appeal the Board's decision to the Alcoholic Beverages Control Commission; or
3. Continue the public hearing until the Board's next regularly scheduled meeting in order to seek additional alternatives.

Selectmen Hutchins and Pantazis stated that they would support approving the application to transfer the license with the condition that the applicant/licensee comply with all applicable laws of the State, the Alcoholic Beverages Control Commission and the Town of Northborough.

In answer to a question from Mr. Coderre, Attorney O'Neil and Jack Patel stated that they would be agreeable to the continuation of the public hearing to the Board's December 2nd meeting.

Selectman Rand moved the Board vote to continue the public hearing to the Board's next regularly scheduled meeting on December 2, 2013 at 7:00pm; Selectman Amberson seconded the motion. Vote 4-1-0 (Selectman Hutchins opposed).

**8:35 p.m. - LISA HODGE, CHAIR
COMMUNITY AFFAIRS COMMITTEE**
Presentation on Holiday Trolley Program.
Request to Close Blake Street.

Community Affairs Committee Chairman Lisa Hodge and Kimberly Reed of the Purple Rose were present to announce that the 7th Annual Holiday Trolley program will be held on December 7th from 12pm – 5pm. The tree lighting ceremony at the Neil Ellsworth Evergreen tree on Blake Street is scheduled for 5:30 p.m. that same evening. Two trolleys will be operating this year with 16 planned stops to most of the 23 businesses who are participating in this year's event. Additional information can be found at northboroholidaytrolley.com.

Selectman Pantazis moved the Board vote to authorize the operation of the Holiday Trolley on December 7th from 11:30 a.m. to 5:30 p.m. and to authorize the proposed trolley stop locations; Selectman Amberson seconded the motion; all members voted in favor.

Selectman Pantazis moved the Board vote to close Blake Street on December 7th from 5:00 p.m. to 6:45 p.m. for the Tree Lighting ceremony; Selectman Amberson seconded the motion; all members voted in favor.

8:45 p.m. - ROB THEVE, FIRE DEPARTMENT CAPTAIN
Presentation on Fire Department Collection for "Toys for Tots" Program.

Fire Captain Rob Theve was present to announce that the Northborough Fire Department is again an official drop-off site for the USMC Toys for Tots Collection Program. In addition to the Fire Department, additional drop-off sites are located at the Northborough Town Hall and Library. Toys can be dropped off at either location on or before December 17th. Captain Theve encouraged those in need to contact him.

8:50 p.m. - FRED LITCHFIELD, TOWN ENGINEER
Request for Support for the FY2014 Community Innovation Challenge Grant for Storm Water Management.

Town Engineer Fred Litchfield informed the Board that as part of the FY2014 Community Innovation Challenge Grant application for storm water management, each of the 30 participating towns are required to submit verification of support from the Board of Selectmen. Mr. Litchfield added that the grant will allow the Town access to additional resources and equipment for our Storm Water Management program.

Selectman Hutchins moved the Board vote to support the FY2014 Community Innovation Challenge Grant Application for Storm Water Management and to execute the local support documentation form as presented by Town Engineer Fred Litchfield; Selectman Rand seconded the motion; all members voted in favor.

REPORTS

Aaron Hutchins

- Acknowledged publicly that in response to his earlier request, the Town Administrator provided information detailing the Board's authority when considering reappointments to boards, committees and commissions.
- Attended the Veterans luncheon sponsored by the Senior Center
- Thanked the Northborough Interfaith Clergy Association for honoring his parents, Ken and Priscilla Hutchins at its annual Gala Fundraiser and Dinner Dance on November 9th.

William Pantazis

- Noted the passing of Parker Swan and extended sympathy to his family.
- Wished everyone a Happy Thanksgiving.

Jeff Amberson, Clerk

- Attended the Dinner held by the Northborough Interfaith Clergy Association and thanked them for honoring Ken and Priscilla Hutchins.
- Noted the passing of Parker Swan and extended sympathy to his family.

Dawn Rand, Vice Chairman

- Noted the various events being held at the Senior Center. Encouraged people to get involved.
- Noted that the Staffing Committee will meet again on December 4th, where they will hear a presentation by the Health Agent.
- Noted the passing of Parker Swan and extended sympathy to his family.
- Offered her congratulations to Ken and Priscilla Hutchins and thanked the Northborough Interfaith Clergy Association for coordinating the event.
- Asked the public to please consider donating to the Food Pantry and/or any other organization that are available to help those in need.

Leslie Rutan, Chair.

- Offered her congratulations to Ken and Priscilla Hutchins and thanked the Northborough Interfaith Clergy Association for coordinating the event.
- Noted the passing of Parker Swan and extended sympathy to his family.
- Noted that the Lincoln Street Building Committee continues to meet on a regular basis.
- Noted that the Melican Middle School's recent anti-bullying fundraising efforts were very successful.
- Noted that a recent article in Newsweek Magazine ranked Algonquin High School 443 out of 2000 for their 2013 America's Best High Schools.
- Announced that the Recreation Department is asking residents to donate new or gently used toys, games, bikes, sporting equipment, etc. for the Recreation's Annual Holiday Treasure Sale on November 30th at the Town Hall gym.
- Announced that the High School Musical performance of Damn Yankees will be on December 5, 6 & 7.

John Coderre, Town Administrator

- Noted there does not seem to be any conflicting holidays with the Board's regular meeting schedule (the second and fourth Mondays of each month) for the months January through April. The Board agreed to formally set the schedule at their meeting on December 2nd.
- Announced that the Town Hall, Department of Public Works and the Senior Center will be closed on Thanksgiving Day and on Friday, the day after Thanksgiving. In order for residents to be able to conduct business, Town Hall will be open on the Saturday prior to the holiday, which is November 23rd from 7 a.m. to Noon.
- Reviewed a press release regarding the tentative agreement for a new contract with the Police Sergeants Union. The Town has also settled collective bargaining contracts with the Police Patrol Officer's Union, the Dispatcher's Union and the Northborough Municipal Employees Association (NMEA). All unions will receive base increases of 2% in FY2014, FY2015 and FY2016. He extended his appreciation to the Unions for conducting themselves professionally and for bargaining in good faith. Of the Town's five collective bargaining units, only the Fire Union contract remains unsettled.

PUBLIC COMMENTS

None.

APPROVAL/EXECUTION OF PLOWING AND SANDING AGREEMENT FOR A PRIVATE WAY FOR THE 2013/2014 WINTER SEASON.

Selectman Hutchins moved the Board vote to approve and execute the plowing and sanding agreement for the 2013/2014 Winter Season for Harris Avenue; Selectman Pantazis seconded the motion; all members voted in favor.

APPROVAL OF REQUEST TO TRANSFER CEMETERY DEED A573

Selectman Pantazis moved the Board vote to approve the transfer of Cemetery Deed A573; Selectman Amberson seconded the motion; all members voted in favor.

EXECUTION OF CEMETERY DEEDS A930 & A931

Selectman Amberson moved the Board vote to execute Cemetery Deeds A930 & A931; Selectman Rand seconded the motion; all members voted in favor.

OTHER BUSINESS

None.

9:10 p.m. - EXECUTIVE SESSION

Selectman Rand moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Subsection 3 (collective bargaining/litigation) due to the Chair's determination that a discussion regarding this matter in an open meeting may have a detrimental effect on the position of the Board; Selectman Pantazis seconded the motion; the roll call vote was taken as follows:

Hutchins	"aye"	Rand	"aye"
Pantazis	"aye"	Rutan	"aye"
Amberson	"aye"		

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

ADJOURNMENT

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

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen

Documents used during meeting:

1. November 18, 2013 Meeting Agenda.
2. November 4, 2013 Meeting Minutes.
3. Information packet – FY2013 Audit Report.
4. Information packet – Tax Classification Hearing.
5. Information packet – Reliance Beer & Wine Package Store Transfer.
6. Information packet – Holiday Trolley Program.
7. Flyer – Toys for Tots.
8. Information packet – FY2014 Community Innovation Challenge Grant.
9. Plowing and Sanding Agreement for Harris Avenue.
10. Cemetery Deed Transfer.
11. Cemetery Deeds.