

**BOARD OF SELECTMEN
MEETING MINUTES - FEBRUARY 27, 2006**

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

MEMBERS PRESENT: Kathleen Polanowicz, Chairman
Dawn Rand, Vice Chairman
Jeff Amberson, Clerk
Leslie Rutan
Fran Bakstran

*Pledge of Allegiance

APPROVAL OF MINUTES – FEBRUARY 13, 2006 REGULAR MEETING

Selectman Rand moved the Board vote to accept the minutes of the February 13, 2006 Regular Meeting as amended; Selectman Bakstran seconded the motion; all members voted in favor.

7:00 p.m. - PUBLIC HEARING – Continued from February 13, 2006

To consider the application of the Texas BBQ Company for an All Alcoholic Beverages Restaurant License at 309 Main Street.

Attorney William Bloom introduced David and Linda Brannon as the owners of the new Texas BBQ Company. He informed the Board that the Texas BBQ Company will be a full-service 36-seat restaurant located at 309 Main Street. The hours of operation will be as follows: Monday-Thursday 11am –9pm; Friday and Saturday 11am–11pm; Sunday 11am–8pm.

Selectman Amberson moved the Board vote to approve the application of the Texas BBQ Company for an All Alcoholic Beverages Restaurant License at 309 Main Street subject to the following conditions:

1. A fire alarm system in conformance with The Code of the Town of Northborough, Section 2098, Alarm Systems, must be installed.
2. All deep-frying systems must conform to or be upgraded to the National Fire Protection Association's standards for such appliances.
3. While the present parking configuration allows for adequate firefighting and rescue access, a definitive plan must be provided to the Town for review and approval for the parking lot to accommodate the proposed leased seasonal sales area.
4. This action does not constitute an approval of the Demo Plan-First Floor, since this review will be performed at the time of the Building Permit Application.

PUBLIC HEARING CONT. . .

and further that the Board has determined that this License will not be detrimental to the educational and spiritual activities of St. Bernadette's Church located at 266 Main Street, and subject to the condition that the manager obtain approved Server Training prior to the opening of the establishment; and further to approve the Common Victualler License and Entertainment License for this establishment; Selectman Rand seconded the motion. Following the motion, further discussion took place.

In response to a question from Selectman Rand about Condition #3, Fire Chief Durgin explained that while the present parking configuration allows for adequate firefighting and rescue access, a definitive plan must be provided to the Town for review and approval for the parking lot in order to accommodate the proposed leased seasonal sales area. He agreed that it should not be Mr. Brannon's responsibility to worry about the other tenant's parking, but he cannot ignore the fact that that the parking could become a problem and create an issue of public safety.

Selectmen Rand and Amberson questioned the fairness of holding Mr. Brannon's license if the landlord does not comply with this request. Following some further discussion, Selectman Amberson amended the original motion.

Selectman Amberson amended the original motion to remain the same with the exception that the following language be deleted from Condition #3 [for the parking lot to accommodate the proposed leased seasonal sales area.]; Selectman Rand seconded the amended motion; all members voted in favor of the amended motion.

7:25 p.m. - MARSHALL GOULD

Presentation of Request for Liquor Licenses for Loop Retail Development.

Attorney Marshall Gould was present to request that the Board of Selectmen place an article on the Annual Town Meeting Warrant to petition the State Legislature for five additional All Alcoholic Beverage Restaurant Licenses for the Loop Retail Development. If the licenses are granted they would be applicable to this site only. Attorney Gould reviewed some of the potential restaurants.

Selectman Rutan expressed her concern with the number of restaurants coming into this project and the effect it may have on the local restaurants in Town. Mr. Giblin from Brendon Properties responded. He stated that in his experience a retail development of this type will bring people from all around to Northborough. They will not only frequent the restaurants within this project, but will frequent the other restaurants in Town as well.

Police Chief Leahy reminded the Board that the need for these additional licenses was discussed when the project was first brought before the Town, adding that his department received mitigation funds directly related to this project.

MARSHALL GOULD CONT. . .

Selectman Rand moved the Board vote to include on the Warrant for the Annual Town Meeting an Article authorizing the Board to petition the State Legislature for five (5) additional All Alcoholic Beverage Pouring Licenses for the Loop Retail Development; Selectman Amberson seconded the motion. Vote: 4-0-1 (Selectman Rutan abstained).

8:05 p.m. - DAVID MURPHY AND ART DUFFY

Discussion on Stop & Shop.

Residents Arthur Duffy and David Murphy were present to discuss what they perceive as the many negative impacts the proposed Stop & Shop will have on the Town of Northborough and its residents.

Following the presentation, members of the Board added their personal comments stressing the fact they were speaking as residents and not members of the Board of Selectmen. Chairman Polanowicz stated for the record that as fellow residents, members of the Board understand their concerns, but that the Board as a whole will continue to support the Planning Board as they go forward and try to find the best resolution to a very difficult problem.

REPORTSFran Bakstran

- Noted that the Food Pantry is looking for food donations year-round, as well as volunteers to help purchase stock and serve the pantry.
- Attended a recent meeting of the Water & Sewer Commission. Provided an update on their efforts.
- Noted that the Community Preservation Committee will be holding a public hearing on March 1st on proposals of use for CPA Funding. She noted that at the Board's last meeting she had mentioned that the Historical Commission would be filing a grant application with the Community Preservation Committee and had asked for the Board's support. At that time, the Board discussed their discomfort with supporting any individual application. It has since been brought to her attention that the proposal for the lighting of the flag pole at Ellsworth-McAfee Park has listed under the community support section– the Board of Selectmen. She wanted to clarify that the Board of Selectmen has not endorsed this application over any other. Chairman Polanowicz asked Mr. Brenner to send a note to the Parks & Recreation Commission and the Community Preservation Committee notifying them that the Board of Selectmen did not vote to support one particular proposal over another.
- Noted that the Bulky Item Sticker Program will go into effect on March 6th.

Leslie Rutan

- Noted that the Planning Board will hold a public hearing on the proposed Stop & Shop on March 15th at the Zeh School.
- Noted that the Northborough School Committee will be meeting on February 28th when they plan to finalize their Budget.
- Thanked Town Engineer Fred Litchfield for sending out information about the Bulky Sticker Program.
- Noted that students from the High School, Middle School and Elementary Schools will compete as five teams in the Destination Imagination Tournament that will take place at the Auburn High School on March 4th.

Jeff Amberson, Clerk

- No report.

Dawn Rand, Vice Chairman

- Reminded residents that the deadline to submit a citizens' petition is March 13th.
- Noted her concern with the number of sandwich-type signs being posted all around Town. Requested that the Building Inspector review the Town's Bylaw and enforce the sign policy.

Kathleen Polanowicz, Chairman

- Noted that "Northborough Unplugged" will be recognized on March 9th. Families should make an effort to keep their schedules clear in order to spend time together.
- Announced that Senator Resor will be holding a Senior Conference on April 20th at Assabet Valley Regional High School.
- Noted that the Senior Volunteer Recognition Luncheon will be held on April 26th at the Trinity Church.
- Noted that the Council on Aging has changed their meeting date to March 16th.

Barry M. Brenner, Town Administrator

- No report.

FY 2007 BUDGET

In response to a request made by the Board at their February 13th meeting, Mr. Brenner provided FY 2007 Budget amounts for the following discretionary Town Services/ Departments:

Community Affairs Committee	\$ 500
Senior Center	153,327
Family & Youth Services Department	136,654
Library	664,119
Recreation Department	29,017
Cultural Council	500

FY 2007 BUDGET CONT. . .

Mr. Brenner also reviewed the following additional staffing positions as discussed at the Board's February 13th meeting:

<u>New Firefighter Position</u>	
Salary and Benefits	\$56,722
<u>Board of Health Agent Position</u>	
<u>Increase from Part-time to Full-time</u>	
Salary and Benefits	\$44,635
<u>Restore Assistant Town Engineer Position</u>	
Salary and Benefits	\$60,100
<u>Administrative Assistant Position</u>	
<u>Building Department</u>	
Add Part-time Position 19 hours/week	<u>\$17,750</u>
Total	\$179,207

Mr. Brenner informed the Board that if these positions were started on October 1, 2006 for 9 months rather than July 1, 2006 for 12 months, the cost would be \$134,405. This cost would be able to be covered by the \$136,654 Family & Youth Services Department Budget if the Family & Youth Services Department were to be eliminated. This would eliminate the need for a Proposition 2½ Override for the Additional Staffing.

A lengthy discussion took place amongst members of the Board about how the additional staffing positions should be funded. The discussion included whether or not the Board should eliminate the Family & Youth Services (FYS) Department or should the additional staffing positions be included as individual articles as Proposition 2½ Overrides.

Youth Commission Chairman Rebecca Haberman stressed the need for a FYS Department in this community.

Selectman Amberson stated that there are similar alternatives that residents can turn to in terms of the services provided by the FYS Department. He does not see that there are similar alternatives for some of the other discretionary Town Services/Departments.

Police Chief Leahy stated that he has experience in working in communities where one had a FYS Department and one did not. He stated that many of the clients of the FYS Department will not go to Worcester or Marlborough for similar services. He added that although he understands that the decision is a difficult one, he wanted to express his concerns with the elimination of the FYS Department and its impact on the schools and this community.

FY 2007 BUDGET CONT. . .

The Board discussed some alternatives for funding the additional firefighter position. Selectman Amberson noted that at the Board's last meeting the Police Chief offered to take a police officer position off the table considering the fact that he will receive funding for additional police officers from the mitigation funds from the Avalon Bay/Loop Retail Development Projects. He asked the Fire Chief if he would do the same and reconsider his need for an additional firefighter. Chief Durgin informed the Board that although he understands that the Board needs to make some difficult decisions, he would not reconsider his request for an additional firefighter. He discussed many of the reasons as to why he cannot take the additional firefighter off the table.

Chairman Polanowicz noted that although this decision is very difficult, she stated that the additional staffing positions are core positions and that she would like to see that they be included within the Operational Budget. At the same time, she feels that the residents should have the opportunity to decide whether or not they want a FYS Department. She stated that she would support placing the Budget for the FYS Department on the Warrant as a Proposition 2½ Override Article. Selectman Bakstran agreed. Selectman Rutan stated that in an effort to resolve this issue, she would support this as well. She strongly suggested that if the FYS Department is presented as a Proposition 2½ Override Article, that it be given the courtesy of a full explanation of what the FYS Department does, who it serves and what the impact of it being eliminated will have on the community.

Chairman Polanowicz and Selectmen Bakstran and Rutan agreed that the additional staffing positions are core positions and should be funded within the Operational Budget. Selectmen Amberson and Rand would like to see that the firefighter position be funded through the mitigation funds received from the Avalon Bay/Loop Retail Development Projects or through the EMS Revolving Account.

In response to a question from Chairman Polanowicz, Mr. Brenner clarified that the mitigation funds received from the Avalon Bay/Loop Retail Development Projects will provide only the first year funding for the firefighter and police officer positions. Thereafter, funding for those positions will need to be funded by the additional property taxes these projects pay to the Town. As a result the mitigation funds would not be appropriate to be used in FY 2007 for the additional firefighter position. Likewise, the balance and financial resources of the EMS Revolving Account are not sufficient to finance this position in FY 2007.

Selectman Bakstran moved the Board vote to include the additional staffing (one Firefighter position; increase Board of Health Agent from part-time to full-time; restore the Assistant Town Engineer position and one part-time Administrative Assistant position in the Building Department) in the FY 2007 Base Budget and for the positions to start on October 1, 2006. The motion did not receive a second.

Selectman Bakstran moved the Board vote to place the funding for a new Firefighter position as a Proposition 2½ Override Article on the Annual Town Meeting Warrant. The motion did not receive a second.

FY 2007 BUDGET CONT. . .

Selectman Amberson moved the Board vote to include the following additional staffing in the FY 2007 Base Budget (increase Board of Health Agent from part-time to full-time; restore the Assistant Town Engineer position and one part-time Administrative Assistant position in the Building Department) and to fund the Firefighter position through the Avalon Bay/Loop Retail Development Projects; Selectman Rand seconded the motion. Vote 2-3-0 (Chairman Polanowicz and Selectmen Rutan and Bakstran opposed).

Selectman Bakstran again moved the Board vote to include the additional staffing (one Firefighter position; increase Board of Health Agent from part-time to full-time; restore the Assistant Town Engineer position and one part-time Administrative Assistant position in the Building Department) in the FY 2007 Base Budget and for the positions to start on October 1, 2006; Selectman Rand seconded the motion; all members voted in favor.

Selectman Rand moved the Board vote to remove the Family & Youth Services Department from the 2007 Base Budget; Selectmen Bakstran seconded the motion; all members voted in favor.

Selectman Rutan moved the Board vote to place the Budget for the Family & Youth Services Department as a Proposition 2½ Override Article on the Annual Town Meeting Warrant; Selectman Bakstran seconded the motion; all members voted in favor.

Selectman Rutan reiterated that considering the fact that the FYS Department will be considered as a Proposition 2½ Override Article, that it be given the courtesy of a full explanation of what the FYS Department does, who it serves and what the impact of it being eliminated will have on the community.

REVIEW OF DRAFT WARRANT FOR TOWN MEETING

Mr. Brenner provided the members of the Board with the draft Annual Town Meeting Warrant. Acting DPW Director Kara Buzanoski, Fire Chief Durgin and Police Chief Leahy provided detailed information on those articles relating to each of their respective Departments.

Town Planner Kathy Joubert provided information on the zoning amendment to the Senior Residential Community Overlay District. The Board agreed to invite a member of the Planning Board to attend the Board's next meeting on March 13th to provide detailed information about the proposed zoning amendment.

Mr. Brenner provided information on the remaining Warrant Articles. One article refers to the 20-year Renewal Agreement with Wheelabrator for the disposal of solid waste. The Board agreed to invite a representative from Wheelabrator to attend the Board's next meeting on March 13th to discuss the Renewal Agreement in detail. Chairman Polanowicz requested that Mr. Litchfield provide an update from his meeting with DEP, who was providing technical assistance as to solid waste financing options, which would include funding of both solid waste collection and disposal.

REVIEW OF DRAFT WARRANT CONT. . .

Mr. Brenner informed the public that the deadline to file a citizens' petition for inclusion on the Annual Town Meeting Warrant is at 4:00 p.m. on March 13th.

Chairman Polanowicz asked that Mr. Brenner confirm that the Town continues to offer every State allowable abatement and program to help reduce the tax burden for seniors.

STATE LEGISLATION – SENIOR CITIZENS TAX PROGRAMS

Mr. Brenner informed the Board that at the request of Chairman Polanowicz he had asked the Senior Center Director and the Treasurer/Collector to provide comments on House Bill #2385 regarding proposed State Legislation for Elderly Property Tax Relief.

Mr. Brenner noted that the comments provided by both the Senior Center Director and the Treasurer/Collector were all positive. The Board agreed to forward a letter of support to both Senator Resor and the State Legislature. Chairman Polanowicz informed the Board that the public hearing will be held on May 17, 2006 and asked that Senator Resor be informed that if she needs a representative from the Board of Selectmen to attend, a member of the Board would be willing to do so.

APPROVAL/EXECUTION OF CEMETERY DEED A706

Selectman Bakstran moved the Board vote to approve and execute Cemetery Deed A706; Selectman Rutan seconded the motion; all members voted in favor.

PUBLIC COMMENTS/QUESTIONS

None

10:30 p.m. - EXECUTIVE SESSION

Selectman Rutan moved the Board vote to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 39, Section 23B, Subsection 3 – Personnel Matter; Selectman Bakstran seconded the motion; the roll call vote was taken as follows:

Bakstran	“aye”	Rand	“aye”
Rutan	“aye”	Polanowicz	“aye”
Amberson	“aye”		

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

10:35 p.m. - RETURN TO OPEN MEETING**ADJOURNMENT**

Selectman Rand moved the Board vote to adjourn; Selectman Amberson seconded the motion; all members voted in favor. Meeting adjourned at 10:35 p.m.

Respectfully submitted,

Diane M. Wackell, Executive Assistant