

**BOARD OF SELECTMEN
MEETING MINUTES - JUNE 12, 2006**

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

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

*Pledge of Allegiance

APPROVAL OF MINUTES – MAY 15, 2006 REGULAR MEETING

Selectman Amberson moved the Board vote to accept the Minutes of the May 15, 2006 Regular Meeting as submitted; Selectman Bakstran seconded the motion; all members voted in favor.

7:00 p.m. - GIGI CASELLA

Presentation of Gift of Artwork to the Town.

Gigi Casella presented to the Board her original painting of the DeArmond family home which was taken by eminent domain back in 1962 to make way for the Peaslee Elementary School.

7:05 p.m. - PUBLIC HEARING – To be Continued to June 26, 2006 Meeting

Pole Petition from Verizon New England and Massachusetts Electric Companies for a new pole on Church Street, westerly side at a point approximately 200 feet from the centerline of Fisher Street at its intersection with Church Street.

Mr. Brenner informed the Board that the Right-of-Manager from Verizon New England was unable to attend tonight's public hearing and requested that the hearing be continued to the Board's next meeting.

Chairman Rand opened the public hearing. Brian Reinhart at 349 Church Street informed the Board that the proposed location of this new pole is right at the edge of his driveway, which would make entering and exiting his driveway extremely difficult. He indicated that other than the public hearing notice he received from the Town, he was not contacted by anyone from either Massachusetts Electric or Verizon. Mr. Reinhart submitted his proposed alternate plan which places the pole on the property of the new development. He urged the Board to deny the petition and request that both utility companies and the developer consider his or another alternate plan.

Selectman Rutan requested that Mr. Reinhart's letter and proposed alternate plan be forwarded to the representatives of Verizon and Massachusetts Electric.

POLE PETITION PUBLIC HEARING CONT. . .

Selectman Rutan moved the Board vote to continue the Public Hearing for the Pole Petition of Verizon New England and Massachusetts Electric Companies for a new pole on Church Street to the June 26, 2006 Board Meeting; Selectman Amberson seconded the motion; all members voted in favor.

7:10 p.m. - HEARING

Application for a Change of Manager by Great Wall Restaurant for Wine Malt Restaurant License for premises located at 259 West Main Street.

Attorney Lim was present along with proposed Manager Min Zou. Attorney Lim requested that the Board approve the application for a Change of Manager from Dan Rong Shi to Min Zou.

Chairman Rand stated that Detective Sergeant Bill Lyver informed the Board that he did not find anything of concern as to Min Zou's character and suitability.

Selectman Amberson moved the Board vote to approve the application for a Change of Manager for the Wine & Malt Restaurant License for Great Wall Restaurant for premises located at 259 West Main Street from Dan Rong Shi to Min Zou; Selectman Bakstran seconded the motion; all members voted in favor.

7:15 p.m. - HEARING

Application for Transportation License by James Brady d/b/a Diamond Livery Corporation at 407 Whitney Street.

Mr. Brady was present to request that the Board approve his application for a Transportation License. Mr. Brady stated that he is a resident at 407 Whitney Street and will be contracting with Montachusett Regional Transit Authority to drive elderly and others to their doctor's appointments through the Mass Health Transportation Program.

Mr. Brady stated that he will be conducting the administrative part of his business out of his home at 407 Whitney Street. He expects that as the business grows and he purchases additional vehicles, those vehicles will be housed at the driver locations throughout Worcester County and not at his home. There may be a rare instance where one of the vehicles may need to be parked at his property for a short time until picked up by a driver.

Detective Sergeant Lyver conducted a background check and found no reason to deny the application.

Selectman Amberson moved the Board vote to approve the application for a Transportation License from James Brady d/b/a Diamond Livery Corporation for premises located at 407 Whitney Street subject to the condition that no more than one (1) taxi or livery vehicle is allowed to be parked at the business address at 407 Whitney Street; Selectman Rutan seconded the motion; all members voted in favor.

REPORTS

Fran Bakstran

- Announced that the Opening Ceremony for the Skate Park has been rescheduled to Wednesday, June 14th at 6:00 p.m.
- Announced that a Flag Retirement Ceremony will take place at the American Legion on Thursday, June 15th at 7:00 p.m. Collection boxes for torn, faded, ripped or otherwise unserviceable United States Flags are located at the Town Hall, Library, Post Office and the American Legion.
- Announced that the Northborough Senior Center Annual Senior/Adult Picnic will be held at the Senior Center on June 20th from 5:00 –7:00 p.m.
- Thanked everyone involved in the Memorial Day Parade, especially Veterans Agent Dick Perron for his efforts in planning the special event.
- Congratulated the Fire Chief on his receiving a recent Grant for the purchase of a hydraulic extrication tool.
- Attended the Dedication Ceremony at the UMass/Marlborough Hospital for the new Diagnostic Imaging Center.
- Attended the Eagle Scout Court of Honor Ceremony for John Harrison. Congratulated John and his family.
- Announced that a “Saying Goodbye Memorial Service” has been scheduled for June 28th at 6:30 p.m. for the historical home located at 3 Park Lane, which is scheduled to be demolished by its new owner.

Jeff Amberson

- Thanked everyone who planned, attended and participated in the Memorial Day Parade.
- Attended the Algonquin High School Graduation. Congratulated the graduating seniors and wished them luck.
- In honor of the Memorials located at Ellsworth Square and McAfee Square, requested that residents not post any signage for yard sales, etc at these sites.

Leslie Rutan, Clerk

- Congratulated the graduating Class of 2006.
- Congratulated the Algonquin Post Prom Committee for their efforts in planning a very successful lock-down event following the prom to keep students safe.
- Congratulated the High School Band and Chorus for all the work that they do. Offered a special thanks to Dennis Wrenn, Josh Miller and Amy Johnson.
- Thanked all who participated in the Memorial Day Parade. Offered a special thanks to the Department of Public Works for making the Town look great in preparation for Memorial Day. Noted her appreciation to Representative Naughton and Chairman Rand for their Memorial Day speeches. Congratulated Norman Eddy for being named the Legionnaire of the Year.
- Attended the Film Cutting Ceremony at the grand opening of the new Diagnostic Imaging Center at UMass/Marlborough Hospital. Noted that Senator George McGovern was in attendance.
- Attended the Open House for New England Design & Remodeling.

Leslie Rutan Report Cont. . .

- Attended the recent meeting of the Northborough School Committee where the new School Superintendent and the Technology Director reviewed their goals for the upcoming year and the PTO presented an update.

William Pantazis, Vice Chairman

- Participated in the Northborough Police All Star Game.
- Attended the Special Olympics at the Hudson High School. Encouraged anyone who has not yet attended this annual event, to do so.
- Attended the Grand Opening of New England Design & Remodeling. Requested that the Board issue Certificates of Appreciation to the owner of New England Design & Remodeling for the construction of such a great looking building. Requested that the developers/owners of Post Marketplace, St. Mary's Credit Union and Central One Credit Union receive certificates as well.

Dawn Rand, Chairman

- Attended the Memorial Day Parade. Thanked everyone involved.
- Attended the Grand Opening of New England Design & Remodeling.
- Noted the resignation of Emily Cheng from the Community Affairs Committee. Requested that the Board send a letter of appreciation.

Barry M. Brenner, Town Administrator

- Noted that the Northborough Cable Advisory Committee will conduct a Public Ascertainment Proceeding on June 13th at 7:00 p.m. at Algonquin High School to ascertain the needs of the community in relation to cable television. The current Franchise Agreement with Charter Communications is due to expire in October of 2008. Public comments are welcome at this meeting or can be addressed in writing to the Cable Television Advisory Committee.

7:35 p.m. - CHRISTOPHER SENIE

Proposal to Purchase Town's Option on 4 West Main Street (Old Town Hall Property).

Christopher Senie was present this evening representing both himself and Tony Kwan, the owner of the Old Town Hall located at 4 West Main Street. Mr. Senie is a resident of Westborough and currently leases office space at the Old Town Hall. He informed the Board of his interest in purchasing the Old Town Hall and requested that the Board consider selling its option to repurchase the building in the year 2022 as contained in the original Purchase and Sales Agreement executed between Mr. Kwan and the Town on August 25, 1982.

Mr. Brenner informed the Board that back in 1982, the Town entered into an Agreement with Tony Kwan for the purchase of the Old Town Hall at 4 West Main Street. Section 20 on Page 5 of the Agreement between Mr. Kwan and the Town provides the right by the Town on the 40th anniversary of the sale (2022) to repurchase the building for the amount of \$10,000.

CHRISTOPHER SENIE CONT. . .

Mr. Brenner stated that in order for Mr. Senie to invest in purchasing the Old Town Hall, from a financial viability standpoint, he would need to have the Town agree to give up its right to repurchase the building in the year 2022. Mr. Senie would have to provide just financial compensation to the Town for the Town agreeing to give up its right to repurchase the building.

Following some discussion amongst Mr. Brenner and members of the Board, the Board agreed to solicit comments from Department Heads, Boards, Committees and Commissions as to their ideas for any public use of the building looking ahead to the year 2022. The Board also asked Mr. Brenner to conduct a financial analysis and to explore the procurement laws and any other legal ramifications of selling the Town's option to repurchase the building at this time versus purchasing back the building in the year 2022.

Mr. Senie informed the Board that he thinks that Mr. Kwan would be agreeable to paying for a first appraisal to place a value on the building today versus its value in the year 2022.

PETITION TO INTERVENE – CABLE TELEVISION RATES

Mr. Brenner informed the Board that Charter Communications has approached the State to adjust its rates that it charges to customers. Cities and towns may intervene by petitioning the State to have intervening status. This will allow the Town to monitor the proceedings between Charter Communications and the State on behalf of the customers that reside in Northborough.

Selectman Bakstran moved the Board vote to authorize the Town to Petition to Intervene in the Cable Television Rate Proceeding of Charter Communications; Selectman Rutan seconded the motion; all members voted in favor.

BOARD SUMMER MEETING SCHEDULE

Selectman Pantazis moved the Board vote to set the Board's Summer Meeting Schedule as follows:

July 17, 2006

August 21, 2006

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

APPROVAL/EXECUTION OF CEMETERY DEED A-712

Selectman Pantazis moved the Board vote to approve and execute Cemetery Deed A-712; Selectman Bakstran seconded the motion; all members voted in favor.

PUBLIC COMMENTS/QUESTIONS

There were no comments from the public.

Chairman Rand requested that the Board discuss whether or not they wish to continue the "Public Comments/Questions" portion of the Meeting Agenda. She stated that she would be in favor of omitting this portion of the agenda and to encourage citizens who wish to be heard to request that the item be scheduled as an agenda item. She noted her concern with the possibility that the Board may be asked to discuss and make decisions on specific issues with the risk of being blindsided by not having had the opportunity to review the topic and to prepare for a discussion.

Selectman Rutan stressed the importance of the Board being accessible to the public. She added that this portion of the agenda gives residents an opportunity to come forward and be heard. She does not share the fear of being blindsided and does not remember this being an issue at any time in the past couple of years. She stated that if at anytime the Board feels blindsided, the issue can be addressed at that time.

Selectman Amberson stated that some issues that have been brought up under this portion of the agenda would have been better heard as a scheduled agenda item allowing everyone to prepare for the discussion ahead of time. He added that the reason that there is an agenda is to inform the public in advance about what will be talked about. To allow residents to bring up an issue without it first being publicized puts people at a disadvantage. He stated that he does not remember there ever being a person in the audience asking to be recognized who was not.

Selectman Pantazis stated that he agrees with the comments made by both Selectman Amberson and Selectman Rutan. He asked for clarification as to how residents can access the Board of Selectmen.

Selectman Bakstran stated that although this portion of the agenda is a nice opportunity to allow residents to speak, it may not be necessary considering the fact that residents can access the Board anytime by either calling members at home, by requesting ahead of time to be placed on an agenda or by asking to be recognized by the Chair during a meeting. She added that if at any time the public feels that the Board is not accessible, it can be addressed at that time.

Mr. Brenner clarified that the purpose of meetings of elected officials are to conduct a business agenda that is posted in advance. Meetings of elected officials are always open to the public and the public is welcome to attend and observe. During public hearings, the public is welcome to give testimony and to make presentations. He also noted that the Chair may recognize any member of the audience at any time that he or she feels it is appropriate. He indicated that there are both pros and cons to having a scheduled "Comments/Questions" portion on each agenda.

PUBLIC COMMENTS/QUESTIONS CONT. . .

Prior to the Board making a decision, Selectman Rutan made a last effort plea for the continuance of the "Comments/Questions" portion of the agenda.

Chairman Rand and Selectmen Pantazis, Amberson and Bakstran agreed to discontinue the "Comments/Questions" portion of the agenda. Selectman Rutan opposed.

ADJOURNMENT

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

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Diane M. Wackell
Executive Assistant to the
Board of Selectmen