

Members Present: Gary Wells, Chair, Sharon Kaiser, Hank Rauch, Peter Allen, Tara Howard, Lisa Blazejewski, Beth Blumberg. Absent: Ed Behn.

At 7:00 p.m. Mr. Wells called the meeting to order in Room 23 of the Forbes Municipal Building.

Call to Order/Open Forum

There were no requests to address the Committee.

Article 38, Easement Funding – Open Space Reserve Account – Bruce Tretter

Westborough Bike and Pedestrian Advisory Committee Chair, Bruce Tretter, met with the Committee to discuss Article 38 in the STM warrant for easement funding. Mr. Tretter provided a handout and explained that Phase 1 of the bicycle/pedestrian trail involved recreating the old Boston to Worcester trolley line (referred to as BWALT). He said that the main trail is still intact and maintained very well by volunteers and some property owners. Mr. Tretter said that last year they asked for a transfer of funds in the amount of \$22,000 from the Open Space Reserve Account to complete Phase 1 of the project. He mentioned that it has been a lengthy process to secure the easements since most of the property owners are commercial. Mr. Tretter said that once they have an agreement with the property owner then they need to perform a survey. This year they are asking for a transfer of \$32,000 from the Open Space Reserve Account for easements and surveys for Phase 2 which will involve going off the main trail. The amount is \$10,000 more than Phase 1 because the offshoots or proposed trail spurs aren't as well documented. Mr. Wells asked if Mr. Tretter would be bringing a map to the Town Meeting and indicated that Don Burn is working on a map. Mr. Wells asked about the status of any current easements and Mr. Tretter said they have about 7 verbal agreements out of the 14 needed, but they still need to go through the legal process. Ms. Howard asked if Mr. Tretter has spoken with all parties involved and he said they haven't yet. Ms. Kaiser referred to Mr. Tretter's handout and asked about the notes that say "likely to not be successful" and what will happen. Mr. Tretter said they would work around these issues and that they have a "Plan B". Ms. Blumberg asked who was picking up the cost of the easements and legal fees and Mr. Tretter indicated that some of the property owners were - and they have been receiving legal help from Town Counsel, Greg Franks. Mr. Tretter said he would forward a map over to the Committee. Mr. Rauch was concerned that this was the second time they were asking for money and wondered what the long term financial commitment was for this trail. Mr. Rauch was also concerned that they don't have all of the easements for the main trail and wondered how they would get easements for the spurs. Mr. Tretter explained that they first came up with a plan and now the next step is securing the easements since a lot has changed over the years and some properties have been encroached on. After that, they would apply for grants and use volunteers for land clearing so they don't have to ask the Town for money. Mr. Tretter pointed out that the funds he is looking for would come from the Open Space Reserve Account and not from taxpayers. Mr. Rauch understood but said that there could be the risk of spending money to obtain these easements - and then finding out that they can't develop the trail - when that money could be used for something else. Ms. Howard wondered about the legal liability if someone were to get hurt on the land. Ms. Blumberg pointed out that the insurance carrier should be notified as easements are secured. Mr. Rauch asked who was upholding the easements and Mr. Tretter said he thought the Town of Westborough - but he would verify. Ms. Blumberg mentioned that every easement is unique so all grants need to go to the same place to make sure they are insured properly. Mr. Allen pointed out that there have been many questions tonight from AFC members about what this money will buy us and that they could get even more questions at Town Meeting. Mr. Allen said that it seems unlikely he'll get 100% participation from property owners for this trail and asked what he'll do if that happens. Mr. Tretter said the trail would become more meandering, but they do have areas where they can work around. Mr. Tretter said he is confident they'll get an easement nearby if the first one doesn't work out. Mr. Tretter said that getting the easements are the inception steps to this multi-use trail and they may need to be creative. Mr. Tretter pointed to the Charm Bracelet that was created in Town and said he is lucky to have Don Burn on the Committee since he helped with that trail and has experience. Mr. Tepper asked about insurance coverage and whether someone from Mr. Tretter's Committee communicates with the Town about including parts of someone's

property that the public shall cross. Mr. Tretter said that wasn't his field of focus and assumes it is being done, but he'll double check and get back to us. Ms. Blumberg and Ms. Howard were concerned with fairness to the homeowners regarding having logistics worked out before they approached property owners so it takes less time – and money – passing through the hands of lawyers, and also where the trail will cut through the homeowner's property. Mr. Rauch pointed out that actually building the trail will carry a level of expense such as the materials put down on the trail especially where the trail crosses wetlands. The AFC thanked Mr. Tretter for meeting with them and Mr. Allen mentioned that votes by the AFC will take place on October 9th for the Report & Recommendation Book.

Article 29, Acceptance of Various Roads/Articles 31-36 Zoning Articles – Lester Hensley

Planning Board Chair, Lester Hensley, met with the AFC to review Articles 31 through 36 that are being presented by the Planning Board. Mr. Hensley apologized that Mr. Robbins couldn't attend due to an illness. He also mentioned that Article 29 makes reference to both the DPW and Planning Board, but it is more of a DPW article so he will not be discussing that particular article. Mr. Hensley mentioned that Articles 31 through 36 that appear on the STM warrant were developed through a Zoning Bylaw Review Group that was commissioned by the Economic Development Committee to give the Town feedback from the commercial community. Mr. Hensley said the Planning Board is bringing about incremental changes to both Town Meetings so they don't bog down any one meeting with many zoning articles that require a vote. Mr. Hensley said they are working on one more round of zoning change proposals with Building Commissioner, Tin Htway, to present to the Town.

Article 31, Establish Dimensional Zoning Regulations for Building in (M-1) District. Mr. Hensley explained that currently Westborough has a dimensional regulation that has to be set by a two-thirds vote at Town Meeting for town owned land. He pointed out that we've seen this come up a number of times before, and Mr. Hensley mentioned the deck at the Country Club, the Town Hall, and now the Public Safety Communications Tower on Friberg Parkway. They are looking for a setback to zero since it is a small piece of land and a radio tower needs to be erected and equipment installed. Ms. Blumberg asked if the radio tower will visually affect any homeowner's property, and Mr. Hensley said it would not since surrounding properties are commercial. Mr. Wells asked if this article will fix setback requests for town owned land going forward and Mr. Hensley said that the next article will fix it. Mr. Hensley mentioned that the tower has been approved – now they just need the setbacks approved.

Article 32, Amend Zoning Bylaw, Article 2, Section 2630, Building in M-1 District (M-1). Mr. Hensley explained that this article would make the dimensional regulations on the proposed use of municipal land the same as the use on adjacent properties. For adjacent parcels that have different zoning, they would go with the least restrictive zoning requirements. Mr. Hensley explained why zoning bylaws were originally put in place – to protect homeowners and as a check and balance against the development of municipal land. He noted that this article would still require any change or new use of municipal land to go before Town Meeting for a vote, so the Town can't make a unilateral decision if the community feels the land would be better used for something else.

Article 33, Amend Zoning Bylaw, Article 2, Section 2300: Use Regulation Schedule, Institutional Uses. Mr. Hensley explained that this article is a housekeeping issue and deletes a footnote that references language that is no longer relevant relating back to Article 32.

Article 34, Amend Zoning Bylaw, Article 5, Definitions. Mr. Hensley explained that this article is a continuation of an article that was passed at the last Town Meeting regarding changes in the bylaws for what is considered primary use and secondary use of buildings on the same lot. This article provides further clarification of the definitions for what is a principal building and what is an accessory building and provides more clarity to zoning officials in order to enforce.

Article 35, Amend Zoning Bylaw, extension of Downtown Planning Overlay District (DPOD). Mr. Hensley explained that the Downtown Planning Overlay District, or DPOD, encompasses any property touched by the circle around the rotary and allows developers a mixed use of the land. The inception of DPOD was to encourage the redevelopment of downtown properties and extend the downtown area beyond the railroad bridge and out toward Water Street. Mr. Hensley said this may give an incentive to businesses beyond the downtown area to extend the feel of the rotary area by locating parking in the back and having nicer landscaping. Mr. Hensley said that some concerns that came up at their public meeting was incentivizing mixed use of the land and the impact on the schools if developing

multi-residential units. Mr. Hensley mentioned that the Planning Board is keeping the Town's top two expenses in mind – schools and wastewater treatment plant – along with traffic concerns. The Planning Board will close their public meeting on Tuesday, October 7th and discuss the feedback they received. Mr. Tepper pointed out traffic and that we are already looking at an overloaded East Main Street. Mr. Hensley agreed but said that there could be a probable outcome that may not be worse than what is already there. He mentioned trends toward village style living with less reliance on private transportation. Mr. Allen asked if the original impetus for this article came from the Planning Board and Mr. Hensley said it did since they'd like to make that area more cohesive to what's already there while preserving open space and improving the landscaping.

Article 36, Amend Zoning Bylaw, amendment of Zoning Classification. Mr. Hensley explained that this article would take a property that has multiple zoning classifications and make it one zone. Mr. Hensley said that they aren't required to notify landowners but in this case they did send notices. The Planning Board had good attendance at their meeting and had one request from a Flanders Road landowner that is adjacent to an industrial property to be zoned industrial and not residential. They were able to accommodate their request. Mr. Tepper asked how many notices were sent out and Mr. Hensley said he thought between 65 and 70, and then another dozen were given at the meeting. Mr. Hensley mentioned that the Fisher Street properties were happy to go to residential use since that is more valuable.

Article 11, Fingerprint Scanner – Chief of Police, Al Gordon

Chief Gordon informed the Committee that they purchased the finger print scanner that they are using now about 10 years ago with a grant they received from the State. They were notified in August that their current scanner will no longer be maintained by the manufacturer. The Police Department looked in to purchasing a new system that provides an upgrade by taking a whole palm print. The cost for the new scanner is \$20,646.80, but they will receive \$4,915.80 as a trade in value from the old system, so the total cost would be \$15,731. Chief Gordon explained that if their current system goes down, they can't fingerprint. There was discussion about taking the cost out of the Police Department budget but Chief Gordon says he usually has no money left in his budget at year end. Mr. Wells said he analyzed the Police Department budget over the last few years and agreed with Chief Gordon. The Chief was asked how long the new scanner would last and he expected it to last at least 10 years since they maintain and take care of the system. Chief Gordon mentioned that down the road he would like to look in to purchasing Tasers for the Police Department, but he wants to see how it goes with the towns of Northborough and Southborough, who recently purchased Tasers for their departments, and gather more information. Ms. Kaiser asked if we still fingerprint or ID children. Chief Gordon said that we do not – unfortunately he used to receive grant money for the ID kits, K-9 program, and School Resource Officer. He said that the Police Department is only able to fund the Resource Officer now.

Approval of Past Minutes

Meeting No. 3, September 25, 2014

Mr. Wells and Mr. Allen requested corrections to the minutes. Mr. Rauch made a motion to accept the amended minutes from 9-25-14. The vote was 6-0-2 with 8 being present (abstention: Blazejewski, Blumberg).

Open Discussion on Warrant Articles

Mr. Wells reviewed the Revenue & Expenditure Estimates plus adjustments, and noted that the Average Single Family Tax Bill decreased by \$89.93. He also pointed out the Levy Limit calculation. Regarding Free Cash & Stabilization, Mr. Wells said that we are going in to STM with \$6,650,880 available in the General Fund and a total of \$14,097,761 in the Reserve Fund. There was a discussion over the Reserve Fund and what's left going back to the General Fund. Mr. Rauch wondered if the Enterprise Funds were being maintained at an appropriate level and pointed out that Water & Sewer may have some major capital expenses coming up.

Mr. Wells referred to his handout about establishing a group article vote procedure. Due to the large number of articles for STM, Mr. Wells felt it may be quicker and easier to vote the articles that don't involve money or are housekeeping items together. Rather than going through each article individually, he wanted to follow a similar procedure as what is done at the Town Meeting for voting in the Town Budget. He asked for comments from the Committee. Mr. Tepper questioned the voting process and thought it would be easier to read the article, discuss it, make a motion, and then vote. Mr. Wells went through the steps and the formal motion. Ms. Blazejewski pointed out that we have been following a parallel process with articles involving no money as we have for those articles involving money and we

may not need to do that. Mr. Wells said he asked Town Moderator, John E. Arnold, and he indicated that there's no requirement to go through and make a motion for each and every article and that the committee was free to make up its own voting and recommendation process. Mr. Allen mentioned the current process - if a Committee member intends to vote no or abstain - they would say "question" so that article is pulled out. Mr. Wells said that the Committee could still go through the list of articles and vote yes or no, and if there are questions, those articles with questions would be removed and placed on a separate list. Mr. Wells said then there could be one procedural vote to approve all of the articles without a question and without money involved. Mr. Rauch said that we need to be clear to note that those articles involving an expenditure of funds would be voted separately. Mr. Arnold indicated that the process is valid and they would not be breaking any constitutional law by voting articles together. Mr. Wells mentioned that he would add Mr. Rauch's suggestion as a sixth point, put it in the document, and have everyone review. Mr. Wells wanted to try using this procedure on October 9th when voting is set to begin. He'd like to try to get as much done on the 9th as possible so October 14th is reserved for those articles that have been questioned or need a re-vote. Mr. Wells pointed out that a re-vote could always occur on Town Meeting floor and that any committee member is free to call for a re-vote at anytime. Mr. Tepper wasn't sure how much time would be saved by following this procedure. He thought that if there was a vote on a batch of articles, and then the Committee learned new information that could change their vote on a particular article, that article would need to be pulled out and there would need to be a re-vote on the entire batch, rather than just quickly running through each article individually.

Chairman, Committee Liaison, and Department Liaison Reports

Mr. Wells mentioned that the Association of Town Finance Committee's Annual Meeting is October 18th at the Tri County Regional High School in Franklin, MA. They will be running workshops all day and he encouraged anyone interested to register.

Mr. Allen reported that the next Municipal Building Committee meeting will be Wednesday, October 8th. The Fire Department is on the verge of moving from the old station to the new one and Mr. Allen thought that should happen mid-October.

Ms. Blazejewski reported on the Charter Review meeting she attended prior to this meeting. She said that there was an attorney present that reviewed what should and shouldn't go in a Charter. Going forward, the Charter Review Committee will set priorities as to what to bring to the Town. Mr. Rauch asked if there would be changes presented at the ATM and Ms. Blazejewski wasn't sure they would be ready at that point. She said they will update the Board of Selectmen at the beginning of 2015 and then figure out how to proceed.

Comments and Concerns – Committee Members

Mr. Tepper asked if we had received answers back from the questions presented to him on 9/25. Mr. Wells said he is still waiting for some numbers regarding the Fire Department. Mr. Wells did mention that he received an email from Mr. Malloy and Recreation Director, Alan Grady. Mr. Grady agreed that the Mill Pond field gets a lot of use and an irrigation system would keep the field playable longer, but thought that Earl Storey from the DPW would be better at answering questions about the well that is being proposed. Mr. Wells said that he will check with John Walden to see if Mr. Storey could attend the AFC meeting on October 6th. Mr. Tepper said he would like a review of the whole irrigation/well process. Mr. Rauch mentioned that the irrigation system was a capital improvement and he felt it should have gone through the capital review process. Ms. Blumberg asked what homeowners are allowed to put in for sprinkler systems and if there are requirements for "smart" systems that are energy efficient. Mr. Wells said he was unaware of any restrictions on homeowners and sprinkler systems. Mr. Rauch pointed out that you do not need a permit to install a well.

Mr. Wells wanted to remind the viewing audience about the Special Town Meeting coming up on October 20th at 7pm in the High School Auditorium and urged attendance.

Ms. Howard mentioned the vote by the paraprofessionals and tutors on October 15th and 16th and if we were confident with the numbers provided by the School Department/Committee. Mr. Wells said he is confident since the contract will either get ratified or they'll pull it and bring back for the ATM.

Adjournment

Mr. Allen made a motion to adjourn the meeting at 8:57 p.m. The vote to adjourn was 8-0-0 in favor, with 8 being present.

Document List

Westborough Bike & Pedestrian Committee – Bruce Tretter

Financial Revenue & Expenditure Estimates for FY2015 & Town Meeting Handout – Gary Wells

Westborough Advisory Finance Committee – Article Group Vote Procedural Process – Gary Wells

Respectfully submitted,

Jessica Thomas

AFC Administrative Assistant