

Members Present: Gary Wells, Chair, Ed Behn, Lisa Blazejewski, Jim Tepper, Hank Rauch, Beth Blumberg (arrived 7:26 pm). Absent: Tara Howard, Jim Driscoll.

At 7:03 p.m. Mr. Wells called the meeting to order in Room 23 of the Forbes Municipal Building.

Open Forum

There was no one here to address the Committee.

Approval of Past Minutes

Meeting No. 5, September 24, 2015

Mr. Tepper made a motion to approve the amended minutes of 9-24.15. Voted: 5-0-0.

Fall Special Town Meeting – Warrant Articles – Committee Discussion and Votes

Articles 1, 2, 4, 5, 6, 9, 10, 11, 12, 17, and 18:

Article 1 – Spurr House Committee Report – Mr. Wells referred to an email sent to the AFC by Spurr House Committee Chairman, Bob Petrucelli. In his email, Mr. Petrucelli mentioned that the Spurr House Committee is meeting next week to square away the language for their motion. It was noted that this article may require two votes – one to hear the report and the other to support, or not support, the motion. Since the Spurr House Committee is still working on the wording of their motion, Mr. Wells said that voting on the motion will take place on Town Meeting floor. A vote was taken on Article 1 to hear the Spurr House Committee's report. Mr. Behn made a motion that we recommend the town so vote. Mr. Tepper said that he would have liked to hear their report. Voted: 5-0-0.

Article 2 – Spurr House Demolition – Mr. Rauch noted that if the motion from the Spurr House Committee is to sell the Spurr House after 18 months of it being on the market and it hasn't sold, then we should advise voters that we don't need this money for demolition for at least 18 months or more. Mr. Wells and Mr. Tepper both agreed and felt Article 2 was premature. Ms. Blazejewski also felt it was too early to request funds for the demolition. She noted that even if Article 1 is defeated, the Spurr House wouldn't be ready to demolish quite yet and this article could be brought up in the spring. Mr. Behn pointed out that the AFC can vote to defeat this article. However, he thought that if Article 1 passes then the Board of Selectmen (BOS) would withdraw or pass over Article 2. Mr. Tepper asked if Article 1 fails then is the town able to demolish the Spurr House. Mr. Rauch said that they can demolish it but they don't have the money. He felt that appropriating the money now is too premature and that they can bring this article back when they're ready to take action. Mr. Rauch didn't think they should encumber the funds before they are needed. Mr. Behn made a motion to recommend that the Town vote to defeat this article. Mr. Tepper was in favor. Mr. Behn would note that the reason for the AFC's recommendation is that this request is premature. Ms. Blazejewski suggested also noting that getting a demo permit could take 6 months and voters should be aware. Voted: 5-0-0.

Article 4 – Downtown Planning Overlay District Amendment – Mr. Behn made a motion that we recommend the Town so vote. Voted: 5-0-0.

Article 5 – Sign Bylaw Amendment – Mr. Behn said that he was generally in favor of this article. His only concern was that he felt it was a little strict with the 30 days allowance for temporary signs, rather than 6 months which is what it is now. Mr Behn thought the 30 day time frame was a little tight. He noted that he should have attended their public meetings. Mr. Rauch pointed out that the duration for signs to be displayed is at the discretion of the Building Commissioner. Mr. Tepper wanted better clarification for signs in the windows of a store front, and why that's different from signs hung on a church lawn for example, or an outdoor sign. Mr. Tepper also was confused as to what they took away from the Historical Commission. Ms. Blazejewski referred to

section 3337 b in the article and felt it was outlined as to what the Historical Commission is responsible for. Mr. Rauch thought that the three Boards are now streamlining the application process so they should all agree on the general guidelines that will now be uniform amongst all the Boards. Mr. Wells pointed out that Town Planner, Jim Robbins, did mention that a variance can be applied for when dealing with a non-conforming sign. Mr. Wells noted that you can repair or replace a sign with an identical sign, but anything else requires approval. There was a discussion amongst the Committee about the guidelines. AFC members thought that all three Boards would operate under the same guidelines, except Ms. Blazejewski read paragraph 3337 c in the article where it says two committees need to provide approval. Mr. Rauch felt it was still a bit confusing as to how this will operate. Mr. Behn made a motion that we recommend the Town so vote. Voted: 4-1-1 (abstention: Blumberg).

Article 6 – Westborough State Hospital Land and Hazardous Materials Survey – Mr. Behn made a motion that we recommend that the Town vote to transfer \$176,000 from free cash for the purpose of this article. Voted: 6-0-0.

Article 9 – HR/Payroll Software Upgrade – It was noted that a vote on this article has been put on hold while waiting to receive more information from MIS/GIS Director, Mark Stockman, related to security and business continuity. Mr. Behn pointed out that the AFC could make a motion to defeat this article if questions aren't answered, and then have them bring it back in the spring. Mr. Rauch felt that made sense to wait 6 months in case Mr. Stockman finds there are additional costs related to business continuity so questions can be answered. Mr. Behn mentioned that we may need to wait until October 13th or possibly Town Meeting floor to get the information that was requested. It was noted that if the AFC doesn't get their questions answered, then we could recommend they wait until the Annual Town Meeting in the spring.

Article 10 – Country Club Building Roof Replacement – Mr. Wells informed the Committee that Mr. Malloy re-wrote the motion for this article with a new cost of \$110,000, instead of the old amount of \$181,900. If there are any overruns then Mr. Malloy could possibly come back to the AFC to request a transfer from the AFC Reserve Fund. Mr. Tepper was concerned because he hasn't seen either quote so he's not sure what work is involved. Ms. Blazejewski pointed out that we now have two quotes – one from Buildings & Grounds Supervisor, Frank Cornine, and a quote that Mr. Wells provided – and both are in the ballpark of \$90,000-\$110,000, which is at least \$70,000 less than the original quote. Mr. Behn made a motion that we recommend that the Town vote to appropriate \$110,000 from free cash for the purpose of this article. Mr. Tepper asked if the amount could be amended. Mr. Wells said that anyone can stand up on Town Meeting floor and amend the amount. Mr. Behn asked if Mr. Tepper was referring to the AFC's vote on this motion. He explained that the AFC would vote the highest amount first and if that passes then we are done with voting on this article. If it doesn't pass, then we continue to lower the amount and keep voting until it does pass. Mr. Tepper said that he would like to propose a lower amount since we are placing our trust in a quote that we haven't seen yet. There was a suggestion about getting a copy of the quote for the roof so the Committee can understand the scope of work. Mr. Wells said that he will request a hard copy of the quote Mr. Malloy was referring to at the AFC's October 5th meeting. Mr. Behn pulled back his motion.

Article 12 – Library Architectural and Engineering Services – Mr. Wells referred to Mr. Behn's summary sheet that was handed out which outlined the sources and uses of funds for renovations of the Library. Mr. Behn said that he confirmed the numbers with Library Director, Maureen Ambrosino, and Municipal Building Committee member, Dexter Blois. Mr. Rauch noted that we have \$148,755 remaining after approving \$52,500 for architectural and engineering services, which is still plenty of money to renovate the bathrooms. Mr. Behn explained the numbers and did a separate box for money received from other sources toward the cost of architectural and engineering services. Mr. Tepper asked what the total cost of architectural services will be for this project that will be submitted for the grant. He wondered if it would be just the \$131,000 or if it would be more. Mr. Behn made a motion that we recommend the Town transfer and appropriate \$52,500 from funds remaining in Article 7 of the October 20, 2014 Town Meeting for the purposes of this article. Voted: 6-0-0.

Article 17 – Rescinding the Strong Fire Chief Statute – Mr. Wells wanted to vote Article 18 first and then come back to this article for continued discussion and a vote.

Article 18 – Wastewater Treatment Plant Lease – Mr. Behn made a motion that we recommend the Town vote to authorize the Wastewater Treatment Plant Board to enter in to a 20 year lease for the purposes of this article as printed in the warrant. Voted: 6-0-0.

Article 17 – Rescinding the Strong Fire Chief Statute – Mr. Wells noted that the Town Manager's statement is in red font in the draft of the Report & Recommendations (R&R) book. He did that on purpose since discussion came up in an AFC meeting that members felt the Town Manager's statement was more of a proponent's view. Mr. Wells pointed out that Mr. Behn had put forward that we should consider removing the Town Manager's statement for this article from the R&R book. He also noted that the Town Manager's statement is not really part of the warrant. Mr. Wells opened this topic up for discussion and asked if the Town Manager's statement goes over the line. Mr. Tepper agreed and felt it was more of an adversary position. He also pointed out that we have a School Department that doesn't answer to the BOS. Ms. Blumberg noted that we cannot edit the Town Manager's statement. Mr. Tepper suggested asking the Town Manager to clean up his statement and re-present. Mr. Wells mentioned that we aren't obligated to include the Town Manager's statement in the R&R book. Mr. Behn said that the reason he brought this up is that 99% of the time Mr. Malloy does a good job of explaining articles and providing enough background to eliminate questions. However, Mr. Behn felt this statement was inappropriate to include. Mr. Rauch mentioned that once the motion is made by the BOS on Town Meeting floor, they can then explain their thought process. Mr. Behn didn't feel comfortable asking Mr. Malloy to take another shot at his statement and having him re-write it. Mr. Behn thought that the AFC could make an attempt at explaining what this article is all about. Mr. Rauch said that he would like a more specific reason as to why they brought this article forward – for example – taking away life tenure and making it a renewable contract for a set period of time such as a 3 year term similar to the Police Chief. Ms. Blazejewski thought it would be helpful to note what's in place for the Police Chief in comparison to the Fire Chief. Mr. Rauch felt the AFC should vote tonight on whether to drop the Town Manager's statement. It was noted that if Mr. Malloy wants to re-write his statement that the AFC would need it by Tuesday night in order to include it in the R&R book. Ms. Blumberg made a motion to remove the Town Manager's statement on Article 17. Voted: 6-0-0. Mr. Wells will send Mr. Malloy an email to let him know in case he wants to submit another one.

Mr. Wells now wanted to open up discussion about the article. He mentioned that he didn't want any reference made to any emails members of the AFC may have received from Town officials, since nothing was submitted officially in writing, so the Committee can neither confirm nor deny the contents of these emails. Mr. Wells noted that the article is about rescinding the Strong Fire Chief statute and we need to consider what's best for the Town of Westborough. Ms. Blazejewski asked if Mr. Malloy's email from October 2nd could be considered as part of the discussion. Mr. Wells said that was fine since Mr. Malloy's email was in response to Mr. Perron's presentation at the September 17th AFC meeting. Mr. Rauch pointed out that when he read the job description for the Police Chief and Fire Chief, there wasn't a lot of difference and that only the term of the contract was different. Mr. Rauch said he would be comfortable with a strict set of controls for terminating the Fire Chief similar to what he found in the Police Chief contract. Ms. Blazejewski agreed with Mr. Rauch and mentioned that they have had similar discussions on the Charter Review Committee. When reviewing the Charter, she mentioned that when they find a difference they need to justify it, for example why is the Fire Chief contract different than the Police Chief's or DPW Manager's contracts. With Charter Review, Ms. Blazejewski noted that they discuss the position and not the person. However, from her role on the AFC, she was concerned with the financial implications to the Town that Mr. Malloy outlined in his email by having a Strong Fire Chief. Ms. Blazejewski pointed out that a Strong Fire Chief gets to decide when someone is disabled and that decision doesn't go through the same process as determining if a police officer is disabled. Ms. Blazejewski mentioned that going through the BOS is an open process and has full transparency. She felt both the Police Department and Fire Department should have parallel processes. Ms. Blumberg said that she didn't want to change something that she didn't feel needed changing. She noted that there's a relationship with the Fire Chief and the Town, and that the Strong Chief

statute provides longevity which she felt promoted long term relationships and familiarity with the equipment. Ms. Blumberg thought that by getting rid of the Strong Fire Chief statute that we would increase the chances of having a Chief here on a short term basis. Mr. Wells pointed out that it doesn't prevent someone from taking the job and then quitting. Mr. Tepper said that if the statute is rescinded that he hopes the Fire Department operates similarly to the Police Department and that the BOS can exercise judgement over the job the Fire Chief is performing. Mr. Tepper noted that he supports rescinding the statute so the BOS can hold the Fire Chief to the terms of the contract. Ms. Blazejewski pointed out that Police Chief, Al Gordon, has been here long term and has constant ties with the Police Department and longevity with employees. Mr. Behn felt that what attracts people to a job is having a well-run community. He noted that we have the financial resources to pay a competitive salary and run a department, and pointed out the new station and equipment. Mr. Behn felt that what it comes down to is the issue of accountability, the ability to hold someone to be professional, and not have a life time appointment versus a contract term. He pointed out that the issues that have been brought up have related to timeliness and flexibility and he felt those were reasonable requests. Mr. Behn noted that back in 1968 there were only 3 Selectmen so you only needed two people to vote similarly for a majority. Now there are 5 Selectmen so he felt there was less of a possibility to sway the vote. Mr. Behn also mentioned that the Town has become more professional as it has grown in size. Mr. Rauch pointed out that we have moved from a Town Coordinator in 1968 to a Town Manager in 2015. Ms. Blazejewski agreed and felt that through the years she has lived here she has seen the Town move toward having more structured plans and policies. Mr. Wells wrote his opinion which he read out loud to the Committee. He pointed out differences in the Town between 1968 and the present. He also pointed out that this statute was written in 1920 and he discussed the interpretation of the statute. He felt that what was written was very open ended and undefined, and that having one person in charge of an entire department in this day and age is inappropriate for a public position. Mr. Wells mentioned the life term and that it could be difficult to remove a Fire Chief and that may have bad implications for Westborough if the wrong person was hired. He pointed out the private sector and that most executives have a termination clause that is more clearly defined than "for cause". Mr. Wells felt that by rescinding the statute there were only two areas affected – it would bring the Fire Chief more in line with how the Police Chief and DPW Manager are handled and removes the life term. Mr. Tepper said that he would like a copy of Mr. Wells' opinion on the Strong Chief attached to tonight's AFC minutes. Mr. Wells said that he did a lot of research and became skeptical of the law and its intentions when it was written in 1920, and he felt the statute doesn't specifically grant those privileges. There was a discussion amongst the Committee over the statute and who it may have been written and intended for. Mr. Behn made a motion that we recommend that the Town vote to rescind the acceptance of MGL Ch. 48 Section 42 as previously adopted by the Special Town Meeting April 1, 1968. Voted: 5-1-0.

Message to Town Voters for the Report & Recommendations Book – Mr. Wells said he incorporated everyone's suggestions and changes. Ms. Blazejewski asked if we are adding a statement about the Strong Fire Chief. Both Mr. Tepper and Mr. Rauch felt that some bullet points from Mr. Wells' opinion that he read tonight would be beneficial at Town Meeting. They suggested having a presentation with slides. Mr. Behn said that we could add a paragraph after the article in the R&R book. Mr. Rauch felt that voters need to be educated. Mr. Behn didn't think we should do a presentation, but rather provide a few key points about how Westborough has changed since 1968 and the ambiguity with the statute. Mr. Wells mentioned that he could put something in the R&R book with the article. Mr. Behn noted that we have historically put something in the Message to Town Voters on controversial articles and then put something after the article that references them back to the Message to Town Voters. Mr. Rauch felt that what is put in the R&R book should reflect both opinions since it was a 5-1 vote. Ms. Bazejewski said that is usually done on split votes. Mr. Rauch felt it was important to communicate the facts. Mr. Behn asked Mr. Wells if he could write something up with just the facts. Mr. Wells said he could since he's heard from both sides. Mr. Behn felt that could educate voters but in a broad sense. Mr. Behn recommended that we go through Mr. Wells' letter as is, pull out bullet points, write a paragraph, and add it to Article 17 in the R&R book. Mr. Wells mentioned that he will send his letter out and asked Committee members to send him back their comments and he will incorporate them in to a paragraph. He will put something together and send out a draft to the Committee for their review. Mr. Wells asked if everyone was happy with the Message to Town Voters. Mr. Behn noted the last paragraph where it talks about the Actual vs. Budget report. He wanted to point out that there's a

new report which we have generally not published in the past and that this report provides our performance against what was budgeted. Mr. Behn had other edits to this paragraph. There was a discussion about the wording and message – and the interpretation by voters. Mr. Behn wanted to include where residents could find additional information on the Town and school websites. There was a discussion about the budget since it was noted that you can't go over it. Mr. Wells said that actually a department can go over their budget and then come to the AFC for a transfer. Mr. Behn felt that maybe show the revised budgets as approved by the BOS and AFC. Mr. Rauch said that we need to decide whether we are going to include the Actual vs. Budget report and provide some sort of explanation, or whether we aren't going to include it at all. Mr. Rauch felt this report showed spending control. Mr. Wells summarized actions needed from tonight's meeting. He is going to email out his statement on the Strong Fire Chief Statute, remove Mr. Malloy's statement and email him to see if he wants to re-write it, make the changes discussed, and revise the Message to Town Voters. Mr. Wells asked Committee members to get their bullet points back to him from his statement regarding the Strong Chief Statute. Mr. Rauch brought up Article 1 and felt we shouldn't put the motion in the R&R book since they are presenting it on Town Meeting floor. Mr. Behn agreed. Mr. Wells noted we could put "we anticipate a motion from the proponents on Town Meeting floor for the disposition of the property" in the R&R book instead.

Chairman, Committee Liaison, and Department Liaison Reports

None

Comments and Concerns – Committee Members

None

Public Reminders for Viewers

None

Adjournment

Mr. Behn made a motion to adjourn the meeting at 9:45 p.m. The vote to adjourn was 6-0-0 in favor, with 6 being present.

Document List

Table showing the sources & uses of funds for renovations of the Library – Ed Behn

Strong Chief Opinion – Gary Wells

Respectfully submitted,
Jessica Thomas
AFC Administrative Assistant