

**Westborough Board of Selectmen  
Meeting Minutes  
February 8, 2011  
6:00 p.m. –8:05 p.m.**

**Present:** Chairman Jané, Selectmen Thompson, Dodd and Emery

**Also Present:** James J. Malloy, Town Manager; Kristi Williams, Assistant Town Manager, Greg Franks, Town Counsel

**Absent: Vice Chairman Goldblatt**

**Open Forum:**

Mr. Walden requested the Board's approve to deficit spend on the following Snow Budget items:

Expense: 50,000  
Wages: 75,000

Selectman Emery moved to approve the DPW to deficit spend on the following snow budget items:

Expense: 50,000  
Wages: 75,000

Selectman Thompson seconded. 4-0

**Request to Appoint Member to the Water Resource Management Committee, Ad Hoc** (for an indefinite term)/**Board of Selectmen**

Selectman Emery moved to appoint Andrew Koenigsberg to the Water Resource Management Committee, Ad Hoc for an indefinite term. Selectmen Thompson seconded. 4-0

**Request to Appoint Member to the 9/11 10<sup>th</sup> Anniversary Committee, Ad Hoc** (for an indefinite term)

Selectman Thompson moved to appoint Denzil (Denny) Drewry to the 9/11 10<sup>th</sup> Anniversary Committee, Ad Hoc for an indefinite term. Selectman Emery seconded. 4-0

**Request to Use Town Roads/The Mass Dash/Pauline Craven**

Selectman Emery moved to approve the usage of town roads for the Mass Dash Relay event to be held on Saturday and Sunday, July 16<sup>th</sup> and 17<sup>th</sup>, 2011 rain or shine. Police Chief Gordon informed the Board that they have conducted this event before and has no concerns. Selectman Thompson seconded. 4-0

**Request to Use Town Roads/Westboro Tennis & Swim Club/Cheryl Labriola**

Selectman Emery moved to approve the usage of town roads for the 2<sup>nd</sup> Annual 5K run to benefit the Lustgarten Foundation which is being coordinated by the Tennis & Swim Club and will be held on Sunday, April 10, 2011 at 9:00 a.m. Police Chief Gordon informed the Board that they have conducted this event before and has no concerns. Selectman Thompson seconded. 4-0

### **Request to Approve a Change Order-Licensed Site Professional Services/Municipal Building Committee/John Arnold**

Mr. Arnold requested that the Board of Selectmen approve the Change Order for the Licensed Site Profession Services for 42-50 Milk Street (ground water testing). He said that this amendment to the contract is due to additional out of scope services (water infiltration from outside the property) that were not foreseen in the initial bid. Mr. Arnold also noted that this increase will be taken from the approved water treatment article.

Selectman Thompson moved to approve the Change Order for the Licensed Site Profession Services for 42-50 Milk Street as requested in the amount of \$6,350. Selectman Emery seconded. 4-0

### **Municipal Building Committee (MBC) Update:**

Mr. Arnold said that the architects have completed their survey with all of the departments and have come up with the square footage needed for the town hall and the police department. He said that they have some concerns regarding the fire department as to whether the building would be restored or construct a new building. This question also poses other concerns as to where would the fire personnel and equipment would be placed if the current building is restored. Mr. Arnold also said that there is also a problem with parking; however, the committee is meeting with the architects within two weeks and will hopefully have some answers to these concerns and some concrete figures.

The Board thanked Mr. Arnold for the MBC's update.

### **Discussion of Creating a Deputy Chief of Police Position/Police Chief Gordon**

Police Chief Gordon requested that the Board support the creation of a Deputy Chief of Police Position that would be a three contract with a proposed \$2,000 stipend and to be appointed by the Board of Selectmen for his department. He informed the Board that this requested will not increase the department's personnel and will have a slightly (proposed \$2,000 stipend) increase to the budget (position is not eligible for overtime; therefore will accrue only comp-time). He will assign this position to an existing Patrol Lieutenant (a promotion) and by doing so the department will have only one union Lieutenant. He explained to the Board that many years ago the Lieutenants were unionized; however, by unionizing the Lieutenants it creates issues within the department in regards to disciplinary actions, suspensions, union negotiations and with other union staff members. He said that he has presented this request to the Personnel Board and the Town Manager and they both think this is a very good idea and understand the conflict. Police Chief Gordon said that if the Board supports this request he will be able to prepare the paperwork to change the Charter and to present the request at the annual town meeting.

Selectman Dodd asked Police Chief Gordon if this person would have any different responsibilities than the current position has now. Police Chief Gordon said that the non-union Lieutenant would be responsible for the department's budgets, be allow to issue suspensions (right now the Police Chief is the only person to authorize that) and authorize some administrative functions when the Police Chief is not in or on vacation (acting as Police Chief).

The Board requested that a copy of the job description for the Deputy Chief of Police be given to them for review. Police Chief Gordon acknowledged the request.

Chairman Jané requested that this item be placed at the Board's next meeting for a vote. The Board thanked Police Chief Gordon for coming before the Board with his request.

### **Economic Development Committee (EDC) Update/Chairman Jané**

*Present: Town Planner Jim Robbins, Building Commissioner Tin Htway, Debra Penta and Lester Hensley*

Chairman Jané noted that the EDC was created at the fall town meeting of 2008 with 9 ex-officio members and 2 members at large (this number was changed to 4 per town meeting request with one associate member) with the following mission statement: “the committee will promote business development within Westborough; provide advice to the Board of Selectmen on economic development policy; meet and work with current Westborough businesses and prospective businesses; and to work cooperatively with businesses and state agencies to retain current businesses and attract new businesses to Westborough”. The committee meets the first Tuesday of each month and has accomplished the following:

- Designated Westborough as an ETA – Recommendation of Westborough to become a State Economic Targeted Area. This designation allows the town to offer tax incentives to new business that are interested in expanding and relocating to Westborough.
- Creation of the Zoning Industrial Classification (Zone ID) - This created a new commercial business overlay district designation ID at the East end of Route 9 for new business to be allowed to decrease the open space requirement from 60% to 40%, with special permit approval, and also allows a height increase (from 4 to 6 stories) on buildings for new developments/construction.
- The EDC worked with the Conservation Commission with the Storm Water Bylaws (Wet Lands Regulation) to make sure that those regulations balanced the need for greater protection but to also allow reasonable and prudent new development.
- The EDC has spent numerous hours in reaching (marketing) out to potential businesses and have created an EDC brochure and fact sheet.
- The EDC has created a Web Site as part of the Town’s Website.
- The EDC has also worked with MassEcon to have Westborough be included in their list of towns with available locations for new businesses.
- The EDC received approval from the Mass Biotech Council (MBC) to become a gold-level Bio-Ready Community and to be placed on their web site to further market the town. Because of Westborough’s creation of a new commercial district, business incentives and the fact that our industrial parks having town water and sewer, and by having bio-tech industries already occupying space in Westborough received the gold designation and the potential of being awarded the platinum designation (highest designation) on their MBC web site as a Bio-ready community.
- The EDC has a continuing business outreach for local and new business
- The EDC also attends and has a booth at the Corridor 9 Chamber Business Expo.
- The EDC is in the middle of reaching out to the Bay State Commons owner to help assist with new business.

Chairman Jané announced that the EDC assisted the following companies now located in Westborough:

- BJ's Corporation
- E-Clinical Works (moved from one location in Westborough to another and the EDC assisted the company with the building permitting process)
- Coughlin Electric
- CSI
- A1-2-3 Systems
- Ameridose

Chairman Jané also noted that the EDC is currently working with Bank of New York Mellon.

Chairman Jané informed the Board that the EDC committee will issue out a press release summarizing what the committee's mission and accomplishments are. Selectman Emery requested a copy of the press release when completed. Chairman Jané acknowledged the request.

### **2012 Budget Presentation/Town Manager**

Mr. Malloy voiced his Budget Message Summary for Fiscal Year 2012, which is attached, to the Board of Selectmen and the public and then proceeded to explained the following under his Budget Presentation for Fiscal Year 2012 (detailed materials attached):

1. Important Roles in the Budget Process
2. Important Roles of the Town Manager
3. Important Roles of the Board of Selectmen
4. Important Roles of the Advisory Finance Committee
5. Important Roles of the School Committee
6. FY 12 Budget Highlights
7. Major Increases (over \$50K)
8. Largest Decreases
9. Staffing
10. Benefits-Health Insurance
11. Insurance Budget-FY07 thru FY12
12. Municipal Retirement Program (Worcester County Retirement)
13. Municipal Retirement vs. FICA Cost
14. Debt Service
15. Five Year Forecast
16. Capital Improvement Plan
17. FY 12 Capital Plan
18. Road Management System

After the power point presentation, Selectmen Thompson asked Mr. Malloy if the five year forecast under the local receipts is a 1% increase throughout the years (percentage might change due to the economy); is this amount a conservation figure? Mr. Malloy believes that the amount is a safe figure and is based on the trend analysis.

Selectman Thompson asked Mr. Malloy assuming that in a future town meeting the public safety complex is approved will the debt service for the project start sometime in fiscal year 14 and 15 as based on his presentation. Mr. Malloy agreed with Selectman Thompson's statement and further explained the timing process for that to occur.

Selectman Thompson asked Mr. Malloy since the local meals tax was approved and enacted is that figure incorporated in the budget. Mr. Malloy said that the receipts from the local meals tax of .75% are higher than the estimated figure that was stated and is incorporated into the budget estimates.

Selectman Thompson asked Mr. Malloy in regards to the wastewater treatment plant upgrade is there anything the town can do to save money in that area? Mr. Malloy said that unfortunately there is not. He said that he believes that the Environmental Protection Agency is looking into ramping up the regulations for the wastewater treatment plant in the future.

Selectman Emery thanked the Town Manager and his financial team, capital expenditures committee for all their hard work and the finance committee for all their work that will be done in the next few weeks leading up to town meeting. She said that she found the presentation very helpful in clarifying certain concerns and that the FICA vs Worcester Retirement report was very interesting.

Selectman Dodd thanked the Town Manager for a very well done presentation and requested that Mr. Malloy place his budget message on the Town's Web Site for the public view. Mr. Malloy acknowledged Selectman Dodd's request. Selectman Dodd asked Mr. Malloy if the Chapter 90 funds formula is being tweaked. Mr. Malloy said that the formula is fine but Governor Patrick's administration has increased the fund distribution by 200 million which is a good start but does not reflect the real costs.

Chairman Jané thanked the Town Manager for his very detailed and informative budget presentation and also commented that keeping our town buildings and roads updated and not delaying on projects is a very good way to conduct Town business and agrees with this approach and also acknowledged the shortfall of 338 thousand on the roads report. Mr. Malloy said that the 338 thousand figure is not included in this fiscal year's budget but the Governor's budget includes a minor override. The Massachusetts Municipal Association is seeking larger increase to double the current Chapter 90 amount.

Selectman Thompson requested that the Town Manager give a better context to the public in terms of head count between the School Department employees and the Town employees starting from 2007 (5 year count) to give the public a view of how much is being done with fewer employees today than 2007. Selectman Thompson thanked all the collective bargaining units for being very reasonable in their negotiations which assisted the town in avoiding an override.

Chairman Jané noted that he is very pleased and very appreciative to know that the Town Manager has been in discussion three times per month with the School Superintendent.

#### **Public Questions:**

John Arnold, Advisory Finance Chairman, thanked the Town Manager for issuing the budget information earlier this year and also noted that the committee is trying to streamline their process. He also noted that the committee is very pleased to see that free cash will not be used in the budget. Mr. Arnold asked Mr. Malloy if he has considered a proposed policy of having a percentage of free cash for town articles in the future. Mr. Malloy said that he has but is not comfortable with the types of policies he has seen in the past but will continue looking into it in the future. Mr. Arnold requested that the committee be informed (via email) of any budget changes throughout the budget season.

Steve Doret, School Committee Member, noted that Mr. Malloy announced that the school's figure is included in the budget but stated that the amount stated has not been reviewed or approved by the School Committee.

He noted that the school committee union's amount is not known at this time and is not reflected in the presentation and noted that by showing the school department's figure in the budget boxes the school committee in. Chairman Jané announced that the School Committee figure is in today's budget presentation and has not been approved by the School Committee and made the public aware that the amount shown may change. Mr. Malloy commented that the Town Manager is required by law to present a figure on the budget and also noted that next year the School Committee will be in a tighter box and an accelerated pace because of the change in town meeting (this meeting will be presented in December) and noted that all town departments, school department and the school committee will need to have all of their budgets submitted to his office in December for Fiscal Year 2013 budget presentation.

Jo Jeanne Lown, Finance Committee Member, requested that a pre-meeting be coordinated with the Finance Committee, Board of Selectmen and the Town Manager to pre-review the budget presentation and also to hold a pre-meeting before the annual town meeting for next year. Chairman Jané said that he would like to discuss this request when there is a full board and will present it at the Board's next meeting.

### **Town Counsel Report**

Town Counsel Franks informed the Board that he will conduct two seminars (in relationship to the MIIA Rewards Program as previous noted at the Board's meeting of January 25, 2011) on the Open Meeting Law to be held at the Forbes Municipal Building Auditorium on Tuesday, February 15<sup>th</sup> and Tuesday, March 1<sup>st</sup> starting at 6:00 p.m. for all public employees. Town Counsel noted that he is also considering conducting a Conflict of Interest seminar sometime in the spring.

Town Counsel Franks also informed the Board that the State's House Counsel takes the position that any Charter amendments (special legislation requested by towns) are to be voted at the Annual Town Meeting. The special legislation that was approved at the fall town meeting which was "to authorize the Town Manager to sign the town's warrants in certain instances" and "the Personnel Board's change of appointing authority" did not pass by the legislature due to their recess period and may need to come up at the annual town meeting.

### **Town Manager Report**

#### ***Site Plan Review Extension (action required)***

Mr. Malloy requested that the Board approve the Waterman Design Associates, Inc., Dunkin Donuts Drive-Thru (35 East Main Street) Site Plan Review extension request from February 8, 2011 to May 9, 2011 due to the fact that they are still waiting for the traffic analysis report.

Selectman Emery moved to approve the Waterman Design Associates, Inc., Dunkin Donuts Drive-Thru Site Plan Review extension request from February 8, 2011 to May 9, 2011. Selectman Dodd seconded. 4-0

#### ***Patrolmen Agreement (action required)***

Mr. Malloy requested that the Board approve the Memorandum of Agreement for the Patrolmen Union in regards to the overtime grievance with the Patrol Officers.

Selectman Emery moved to approve the Memorandum of Agreement as negotiated. Selectman Thompson seconded. 4-0

**Issues and Correspondence of the Selectmen**

Selectman Emery thanked Tim Novak for filming the Board's meeting tonight. Selectman Emery thanked the Rotary Club for their support in paying the Town \$629.59 for their yearly Festival of Lights event.

Chairman Jané requested that the Board approve to reschedule the Board's February 22<sup>nd</sup> meeting to March 1<sup>st</sup> at 6:00 p.m. due to school vacation and also because two members of the Board will not be able to meet on that day.

Selectman Emery moved to reschedule the Board's February 22<sup>nd</sup> meeting to March 1<sup>st</sup> at 6:00 p.m. as requested by Chairman Jané. Selectman Thompson seconded. 4-0

Chairman Jané noted that the Board received a volunteer letter invitation from BayPath Elder Services to all public officials/employees for their time to be donated on March 24, 2011 for their Meals on Wheels Program. The letter will be email to all department and employees.

At this point the Board recessed at 6:58 p.m. for 17 minutes and resumed their meeting at 7:15 p.m. to hear the Town Manager's Budget Presentation Hearing.

**Adjourn Open Session**

Selectman Emery moved to adjourn the Board of Selectmen meeting at 8:05 p.m.

Selectman Dodd seconded. 4-0.

*Submitted by Nidia Ruberti*

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**Chairman Jané**

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**Vice Chairman Goldblatt**

*(Absent)*

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**Selectman Leigh Emery**

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**Selectman Timothy A. Dodd**

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**Selectman George Thompson**