

Westborough Board of Selectmen
Meeting Minutes
August 19, 2008
7:00 p.m. – 9:50 p.m.

Members Present: Chairman Thompson, Vice Chairman Emery, Selectman Lydia Goldblatt, Selectmen Dodd and Jane´

Also, Present: Henry Danis, Town Coordinator; Maryanne Bilodeau, Assistant Town Coordinator, Gregory B. Franks, Town Counsel

The meeting was called to order at 7:00 p.m. by Chairman Thompson. Town and School payroll and expense warrants were approved and signed.

Pledge of Allegiance/Open Forum

The following committee vacancies were announced to the public by Chairman Thompson. Anyone interested in serving may submit a letter of interest to Nidia Ruberti, Town Hall, Selectmen’s Office, 34 West Main Street:

Open Space Preservation Committee (2) 1-Non Voting Associate
Sandra Pond Conservation Area Wardens (2)

Approval of the Board of Selectmen’s Meeting Minutes

- July 15, 2008
- July 30, 2008

The requests to approve the Board of Selectmen’s meeting minutes were moved to the Board’s September 9, 2008 meeting.

The following requests were voted by the Board of Selectmen as part of a comprehensive motion by Chairman Thompson to act upon the materials as presented in their agenda packets:

- 2. Request to Alter Premises/Not Your Average Joe’s Restaurant/Attorney Marshall Gould**
- 3. Request for a Change of Manager/Ted’s Montana Grill/Manager John Gordon**
- 7. Request to Plant Memorial Gardens/Historical Commission Chairman**
- 9. Request to Appoint a Sealer of Weights at Tate & Lyle/Wes McGee**
- 10. Request to Waive a Water and Sewer Connection Fee/DPW Manager**
- 12. Request to Accept Easement for Great Way Pump Station/Town Engineer**
- 14. Request to Sign the Warrant for the State Primary Election/Town Clerk**
- 15. Request for the Annual Appointment of Election Officers/Town Clerk**

Pole Petition Request/Massachusetts Electric Company/Tracy Bolduc

Ms. Bolduc requested that the Board approve the installation of new stub poles # 90-84, 97-84, 101-84, 109-84, 111-84 112-84, 112-59, 113-84 and to relocate pole #92 on Flanders Road. She said that these poles are required to provide mechanical support to the existing pole line.

Selectman Goldblatt moved to approve the installation of new stub poles # 90-84, 97-84, 101-84, 103-84, 109-84, 111-84 112-84, 112-59, 113-84 and to relocate pole #92 on Flanders Road.

Selectman Dodd seconded. 5-0

Request to Sign Notes/Town Treasurer/Collector

Joanne Savignac, Town Treasurer/Collector, requested that the Board approve the signing of notes for \$3,206,036 at a 2.50% payable on August 28, 2009 to Eastern Bank at par and accrued interests plus a premium of \$14,491.29. She said that the borrowing of money is for the water main construction on East Main Street and ongoing projects (note attached).

Selectman Goldblatt moved to approve the sale of \$3,206,036 at a 2.5% percent General Obligation Bond Anticipation Note of the Town dated August 28, 2008 and payable August 28, 2009 to Eastern Bank at par and accrued interest plus a premium of \$14, 491.29. Selectman Rod Jane' seconded. 5-0

Request for a Common Victualer Permit/La Bella Pizza/Attorney John Matson

Attorney Matson requested that the Board approve a Common Victualer to Marty Meshreky d/b/ a La Bella Pizza located at 1 West Main Street.

Selectman Dodd moved to approve the Common Victualer Permit to La Bella Pizza with the following conditions: to have the common victualer permit expire on December 31, 2008 or when the business is sold, whichever comes first unless the grease trap is satisfactorily internally installed. Selectman Goldblatt seconded.

Selectman Dodd requested that Attorney Matson explain why the grease trap is still an issue. Attorney Matson said that the installation of an external or internal grease trap is a great financial burden to his client. He also explained other concerns that would be created if the grease trap is installed externally. Attorney Matson said that because Ms. Meshreky is not able to meet her financial obligations the business is being sold and that there is currently a prospective buyer.

At this time Selectman Goldblatt read the attached letter from Dennis Cote, Department of Public Works Operation Manager dated August 12, 2008. She said that this outlines the required conditions that the DPW would allow Marty Meshreky d/b/a La Bella Pizza to operate under (letter attached):

1. Installation of a DPW specified grease trap must be completed on or before December 21, 2008 for the continuation of service if the business is not sold.
2. Operate until December 31, 2008 with the existing under the sink grease trap with the understanding that the 2009 Common Victualer Permit will not be renewed unless the grease trap is upgraded to meet DPW specifications before the 2009 Common Victualer Permit is renewed. This is final with no extensions.

Minutes: August 19, 2008

2.

3. If the property is sold, the new owner will not be issued a Common Victualer License until all DPW water and sewer regulations are met.

Final vote 5-0.

Request to Appoint a Member to the Trustees of Soldiers Memorials/Jean Newton, Secretary

Ms. Newton requested that the Board appoint John J. L. Matson (a veteran member) to the Trustees of Soldiers Memorials for a term ending June 30, 2009.

Selectman Goldblatt moved to appoint John J. L. Matson to the Trustees of Soldiers Memorials for a term ending June 30, 2009. Vice Chairman seconded. 5-0

Request to Award the Crack-Sealing Contract/DPW Manager

Mr. Walden requested that the Board award the Crack-Sealing contract to Superior Sealcoat at \$6.68 per gallon.

Selectman Goldblatt moved to award the Crack-Sealing contract to Superior Sealcoat at \$6.68 per gallon. Vice Chairman Emery seconded. 5-0

Drainage Issues/DPW Manager, Town Engineer, Assistant Conservation Officer

Mr. Walden, DPW Manager, Carl Balduf, Town Engineer and Assistant Conservation Officer Derek Saari explained in great detail the recent flooding (town brooks, culverts, detention basins, headwalls and residencies) that occurred throughout the recent heavy thunderstorms that ripped through the Town of Westborough on August 7, 2008. Mr. Balduf referred to the letter dated August 8, 2008 which detailed where the flooding occurred and where the most extensive damage was calculated (letter attached and pictures). Mr. Walden noted that some meteorologists have referred to these kinds of thunderstorms as “flash flooding” and also strongly noted that some of these conveyances are not designed for this type of event. Mr. Walden said that he will also in addition to the Massachusetts Transportation Agency request emergency funds (Chapter 90) from the Massachusetts Highway Division to help cover some of the costs to repair the damages, if the request qualifies under their guidelines.

Mr. Walden further described the damages and the prior solutions and failures to the locations and what the Department of Public Works did to try to remedy some of these areas and will continue to help solve these issues. He also announced that the Department will hire a consultant to analyze the locations and develop a “Preliminary Design Report” which will identify capacity problems, possible solutions and a range of estimated costs. Once the report is finalized a copy of that will be forwarded to the Board with a priority capital plan to deal with these flooding issues. Mr. Walden noted that the cost of the preliminary design report is estimated around three million dollars.

At this time Chairman Thompson requested that the residents approach the Board to voice their concerns. The following homeowners presented themselves and voiced their various concerns and questions:

Minutes: August 19, 2008

3.

Thomas Rizzo (48 Warren St.), Dick Moore (50 Warren St), Matt Higgins (22 Nourse St.), Jim Cavaretta (52 Warren St.), Beth Travis (65 Adams St.)

Chairman Thompson requested that Mr. Walden work with the residents to come to a temporary solution to their concerns. The Board voiced their empathy to the residents and ensured them that the town's personnel will work with them to help mitigate the flooding issues.

Request to Increase the Mileage Reimbursement/Town Accountant

Ms. Talbot requested that the Board increase the mileage reimbursement from \$0.40 per mile to \$0.50 per mile. She said that she has been approached by several department heads and employees to request that the Board revisit this topic due to the rising cost of gasoline.

Selectman Goldblatt moved to increase the mileage reimbursement from \$0.40 per mile to \$0.50 per mile, effective August 20, 2008. Selectman Dodd seconded.

After a brief discussion, the Board amended the motion as follows:

Motion Amended:

Selectman Jane' moved to increase the mileage reimbursement from \$0.40 per mile to the IRS mileage reimbursement rate of \$0.585 per mile, effective August 20, 2008 and to also adjust the mileage reimbursement whenever the IRS notifies an increase or decrease in the federal mileage rate. Vice Chairman Emery seconded. 5-0

Site Plan Review Approval/Green Thumb/Douglas Uhlman, Larry McGoldrick

Mr. Uhlman requested that the Board approve Site Plan Review Item #6/2008 for the Green Thumb Farm Stand located at 185 Turnpike Road. He said that the new farm stand will sell fresh produce and a variety of plants.

Vice Chairman Emery moved to approve the Site Plan Review Item #6/2008 for the Green Thumb Farm Stand located at 185 Turnpike Road as recommended by Joe Inman's letter dated August 12, 2008 subject to all departments written recommendations and the applicant's letter received on August 12, 2008. Selectman Goldblatt seconded. 5-0

Town Manager Search Committee

- *Appoint Selectmen Members*

After a brief discussion as to the process of how to appoint a Board of Selectmen member to the Town Manager Search Committee and also for any future Board appointments the following vote was taking:

Selectman Jane' moved to authorize the Board of Selectmen Chairman to appoint the two Board members to Town Manger Search Committee. Vice Chairman Emery seconded. 4-1 (Selectman Dodd)

Chairman Thompson appointed Selectman Jane´ and Selectman Goldblatt to the Town Manager Search Committee and also moved to appoint Selectman Jane´ as interim Chair and Selectman Goldblatt as interim Vice Chair for the purposes of organizing the first meeting only.

Chairman Thompson said that the Board will further discuss the long term process of appointing a Board member to future committees at a later date.

Chairman Thompson suggested voting Mr. Danis as a consultant to the Town Manager Search Committee. He said that Mr. Danis will have access to the resumes and to act as a consultant as requested by the committee.

Selectman Goldblatt moved to appoint Mr. Danis as a consultant to the Town Manager Search Committee. Vice Chairman Emery seconded. 5-0

- *Appoint Committee Members*

Mr. Danis informed the Board that the Advisory Finance Committee will meet in September and will recommend a member to the Town Manager Search Committee at the Board of Selectmen’s September 9th meeting.

Vice Chairman Emery moved to appoint the following individuals to the Town Manager Search Committee.

Selectman Jane´-Interim Chair
Selectman Goldblatt- Interim Vice Chair
Police Chief-Alan Gordon
Fire Chief-Nick Perron
DPW Manager-John Walden
Asst. Town Coordinator/HR Director, Maryanne Bilodeau
Town Accountant-Leah Talbot
Town Assessor, Linda Swadel
Citizen at Large-Don Hall
Selectman Goldblatt seconded. 5-0

- *Expectation of Search Committee*

Chairman Thompson read the Board of Selectmen Expectations for the Town Manager Search Committee into the record as follows:

~All names of and information about applicants are to be kept completely confidential.

~Work within the Timeline so as to bring forward a *minimum* of two “qualified” finalists to the Board of Selectmen between March 15th and 31st.

~In the foreseeable future we have several significant financial issues to encounter, two of which are the upgrade of the Wastewater Treatment Plant and the construction of a Municipal Safety Building. As we head into more stringent financial times and a struggling economy we need a Town Manager who will be able to manage the Town within its financial constraints. (Though the employment ad states we are looking for someone who has “*preferably been in a Town Administrator/Manager capacity*”, we need a “seasoned professional” *who has effectively served as the Town Manger* for a community of *our size (or larger) for at least seven to ten years.*)

In order to assist you in your charge, we have attached the Town Manager:

- Job Description
- Search Timeline
- Expected Criteria
- Employment Advertisement

These will help define in more detail the type of Town Manager we are looking for.

Selectman Jane moved to approve the Expectations of the Town Manager Search Committee as presented. Vice Chairman Emery seconded.

Vice Chairman Emery requested that the total of qualified finalists be changed from two (2) to three (3). After a very lengthy discussion of changing the number of finalists the Board voted the following:

Motion Amended:

Vice Chairman Emery moved to approve a total of three (3) qualified finalist to be presented to the Board of Selectmen for interviews. Selectman Goldblatt seconded.

3-2 (Chairman Thompson and Selectman Dodd)

- *Review Draft Advertisement Language*

Selectman Dodd moved to approve the Town Manager advertisement language as presented (attached). Vice Chairman Thompson seconded. 5-0

Government Study Committee II Discussion / Joe Harrington, Town Moderator

Mr. Harrington requested that the Board approve the creation of a Government Study Committee II as discussed and outlined at a Board’s June meeting (outlined attached). He said that the committee would investigate four specific areas: “Order of how the Annual Town Meeting and its Annual Town Election is done”, “The Human Resources Area”, “Home Rule Charter Changes for gender-neutral language, institutionalize the process of self-examination of the Town”.

Selectman Goldblatt moved to create a Government Study Committee II, as recommended by the Town Moderator. Selectman Jane’ seconded.

Kathy Wilfert Chairman of the Personnel Board and Sue Abladian, member, voiced their support in the establishment of this committee to investigate the Human Resources section and also voiced their frustrations as to the level of authority that the Personnel Board's role is in some areas.

The Board discussed the importance of creating a GSCII committee and the items presented by the moderator and felt that the Human Resource bullet is the most important one at this time. At this point Selectman Jane' moved the following:

Selectman Jane' moved to create a Government Study Committee II, as recommended by the Town Moderator, with the first priority being the human resources section and to have the committee report back to the Board of Selectmen in plenty of time to present an article at the annual town meeting. Selectman Goldblatt seconded. 5-0

Mr. Harrington suggested the following to be nominate to the GSC II and for the individuals to be appointed at the Board's September 9th meeting:

Board of Selectmen (1)
Three Members at Large
Assistant Town Coordinator
Personnel Board Member (1)

Chairman Thompson moved to nominated Selectman Dodd to the GSC II. Selectman Goldblatt seconded. Selectman Dodd accepted the nomination. 5-0

Selectman Dodd suggested meeting with the Town Counsel and the Town Coordinator in regards to the GSCII and report back to the Board at their September 23rd meeting. The Town Counsel and the Town Coordinator agreed with Selectman Dodd's suggestion.

Town Counsel Report

Town Coordinator Report

Issues and Correspondence of the Selectmen

Vice Chairman Emery congratulated Maryanne Bilodeau, Assistant Town Coordinator for obtaining her MCCPO certificate and also thanked Anna Tortora for filming the Board's meeting tonight.

Selectman Goldblatt thanked the Board for nominating her and for their confidence in appointing her to the Town Manager Search Committee. Selectman Goldblatt requested that we keep our servicemen and women in our thoughts and prayers

Chairman Thompson announced that the memorial garden that was approved earlier, as requested by the Historical Commission, is to honor the following individuals who dedicated themselves to the preservation of the Town of Westborough's heritage:

Edie Wechsler
Elena Pucciarelli
Shirley Smith

Adjourn Open Session

Vice Chairman Emery moved to adjourn the Board of Selectmen meeting at 9:50 p.m. Selectman Jane' seconded. 5-0

Submitted by Nidia L. Ruberti

Chairman George Thompson Vice Chairman Leigh Emery Selectman Lydia Goldblatt

Selectman Timothy A. Dodd

Selectman Rod Jane'