

Westborough Board of Selectmen
Meeting Minutes
September 23, 2008
7:00 p.m. – 9:45 p.m.

Members Present: Chairman Thompson, Selectman Lydia Goldblatt, Selectmen Dodd and Jane’

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

Absent: Maryanne Bilodeau, Assistant Town Coordinator,
Vice Chairman Leigh Emery

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)
Human Resources Volunteer for the Government Study Committee II (1)

Approval of the Board of Selectmen’s Meeting Minutes

- August 19, 2008
- September 9, 2008

Selectman Goldblatt moved to approve the Board of Selectmen’s meeting minutes of August 19, 2008. Selectman Dodd seconded. 4-0

Selectman Jane’ moved to approve the Board of Selectmen’s meeting minutes of September 9, 2008. Selectman Goldblatt seconded. 4-0

Request for an All Alcohol Restaurant License/Sapporo, Inc., and to “Make a Finding of No Detriment”

Mr. Jay Chung and Ms. Debbie Wong requested that the Board approve an All Alcohol Restaurant License for Sapporo Restaurant located at 50 East Main Street and to also make a Finding of No Detriment.

Selectman Goldblatt moved to approve the All Alcohol Restaurant License for Sapporo, Inc. located at 50 East Main Street and also to make a Finding of No Detriment. Selectman Dodd seconded. 4-0

Minutes: September 23, 2008

1.

Request New Officer/Director/Uno Chicago Grill/Christopher Brown

Mr. Brown requested that the Board approve the New Officer/Director for Uno Chicago Grill located at 225 Turnpike Road.

Selectman Goldblatt moved to approve the New Officer/Director for Uno Chicago Grill located at 225 Turnpike Road as filed with the Selectmen's Office. Selectman Jane' seconded. 4-0

Request to Change Manager/Ziti's Restaurant/Domenic Rando

Mr. Rando requested that the Board approve the Change of Manger for Ziti's Restaurant located at 290 Turnpike Road from Vincent Rando to Domenic Rando.

Selectman Goldblatt moved to approve the Change of Manager for Ziti's Restaurant located at 290 Turnpike Road. Selectman Dodd seconded. 4-0

Request to Change Manager/Westboro Quik Mart, Inc./Robert Kayrouz

Mr. Kayrouz requested that the Board approve the Change of Manager for Westboro Quik Mart, Inc. located at 11 Milk Street from Pierre Maroun to Robert Kayrouz.

Selectman Goldblatt moved to approve the Change of Manager for Westboro Quik Mart, Inc. located at 11 Milk Street from Pierre Maroun to Robert Kayrouz. Selectman Jane' seconded. 4-0

Request to Appoint a Member at Large/Human Resources Volunteer to the Government Study Committee II

Mr. Danis requested that the Board appoint Ms. Karen Heitzman to the Government Study Committee II as the Human Resources-Member at Large.

Selectman Goldblatt moved to appoint Karen Heitzman to the Government Study Committee II as the Human Resources-Member at Large. Selectman Jane' seconded. 4-0

Request to Hold the First Annual Police Union's 10k Road Race/Police Officers Daniels and Baker

Police Officers Daniels and Baker requested that the Board approve to hold the First Annual Police Union 10K Road Race on public roads. The event will be held on Saturday, October 18th from 8:00 a.m. to 2:00 p.m. and the proceeds will be donated to the Walter Reed Medical Center. The race will begin at the Westborough High School lower lot then proceed to the front entrance of the school and up West Main Street to Adams Street and then onto Ruggles Street and finish at the school's lower lot.

Selectman Goldblatt moved to hold the First Annual Police Union's 10K Road Race to be held on Saturday, October 18th as presented and subject to the Police Chief's approval. Selectman Jane' seconded. 4-0

The Board requested that the announcement of the race be posted on the Town's Web site. 4-0

Request for a Temporary Trailer Permit (1)/Rosewood Construction, Inc./155 Oak Street/Steven Aitken

Mr. Aitken requested that the Board approve a Temporary Trailer Permit for Rosewood Construction, Inc. to be located at 155 Oak Street from September 23, 2008 thru March 28, 2009. The trailer will be used to hold weekly meeting and as an office.

Selectman Goldblatt moved to approve a Temporary Trailer Permit to Rosewood Construction, Inc. to be located at 155 Oak Street from September 23, 2008 thru March 28, 2009. Selectman Jane' seconded. 4-0

Request for a Temporary Trailer Permit (1)/Worldwide Industries/300 Friberg Pkwy/Ray Koren

Mr. Koren requested that the Board approve a Temporary Trailer Permit for Worldwide Industries to be located at 300 Friberg Parkway from September 23, 2008 thru November 20, 2008. The trailer will be used to hold painting equipment for the painting of the Town's water tank.

Selectman Goldblatt moved to approve a Temporary Trailer Permit to Worldwide Industries, to be located at 300 Friberg Parkway from September 23, 2008 thru November 20, 2008. Selectman Dodd seconded. 4-0

Request to Extend a Temporary Trailer Permit/Waterman Design Associates/31 East Main St./James Waterman

Mr. Waterman requested that the Board approve to extend the Temporary Trailer Permit for Waterman Design Associates located at 31 East Main Street. He said that the original request was thru September 30th but now the trailer is needed from October 1, 2008 thru March 31, 2009 to complete the project.

Selectman Jane' moved to Extend the Temporary Trailer Permit to Waterman Design Associates located at 31 East Main Street from October 1, 2008 thru March 31, 2009. Selectman Dodd seconded. 4-0

Request to Appoint a Member to the Council on Aging/Council on Aging

Postponed to a later date at Vice Chairman Emery's request.

Request to Accept a Gift from the WRTA/Council on Aging

Mr. Alden Jefts requested that the Board approve a gift from the Worcester Regional Transit Authority (WRTA). He said that the gift is a bus with about 120,000+ miles that will be given to the Senior Center (Spring 2009) to be used for backup purposes only; not for daily use. Mr. Jefts also informed the Board that the bus needs a brake job and that the funds for the brakes and repainting of the bus will be donated by the Friends of the Senior Center.

Selectman Goldblatt moved to accept the WRTA gift as presented by Mr. Jefts. Selectman Dodd seconded. 4-0

Senior Center Food and Utility Options for Westborough Seniors/Council On Aging

Alma DeManche, Director of the Senior Center, informed the Board that she attended the South Middlesex Opportunity Council (SMOC) in early September to investigate what kind of energy and financial services the state and federal government will provide for cities and towns. She said that the information and the availability of energy and financial programs will be inadequate to meet the basic level of need to our seniors. At this point, Ms. DeManche handed out the federal fuel chart guidelines to the Board (guidelines attached) and voiced her concerns that our senior residents will have great difficulty this winter with their energy and food bills. Ms. DeManche said that she along with the Chief of Police, Fire Chief, and John Badenhausen, Youth and Family Services Director, will meet and discuss what options the Town would be able to provide for our seniors. She said that once they have some concrete options she will update the Board. Some of the options that they have verbally spoken about are a heater exchange program, community dinners for October, November and December along with some contributions from the area businesses for the fuel assistance program. Ms. DeManche announced that the fuel assistance program starts on November 1st and urged our seniors to submit their paper work as soon as possible.

Police Chief Gordon said that he will have a conservation program coordinator from SMOC to help give our residents energy conservation ideas and suggestions of how to keep warm this winter.

John Badenhausen, Youth and Family Services Director, announced that the Town offers support for any of our Westborough residents not just our seniors and encouraged anyone in need to call and research whatever options are available to them.

The Board thanked Ms. DeManche, Police Chief Gordon, Fire Chief Perron and Mr. Badenhausen for coming before the Board and informing our residents of the serious energy crisis that we are all facing.

Request to Appoint a Member to the Historical Commission/Paula Skog & Don Shapleigh

Ms. Skog requested that the Board appoint Ms. Mary van den Berg, as an Associate Member, to the Historical Commission.

Selectman Goldblatt moved to appoint Mary van den Berg as an Associate Member to the Historical Commission for a term ending June 30, 2009. Selectman Dodd seconded. 4-0

Request to Sign the State Revolving Fund Application (SRF)/John Walden, DPW Manager
Request Removed**Request to Layout Primrose Lane as a Town Road/John Walden, DPW Manager**

Mr. Walden requested that the Board approve the layout of Primrose Lane and also informed the Board that this request was voted a couple of years ago but because of a technicality the process needs to be redone.

Selectman Goldblatt moved to approve the layout of Primrose Lane as a town road. Selectman Jane' seconded.

Carl Balduf, Town Engineer, informed the Board that the order of layout (Mylar) is in the Town Coordinator's office to be signed by the Board tonight and that will cover the statutory layout requirement. 4-0

Request to Vote Intent to Layout the Preserve Ways known as Old Hickory Path, Copperbeech Circle, Thistle Hill Lane and Whispering Pine Drive as Public Ways in their Entirety/John Walden, DPW Manager

Mr. Walden requested that the Board approve the Intent to Layout the Preserve Ways known as Old Hickory Path, Copperbeech Circle, Thistle Hill Lane and Whispering Pine Drive as public ways in their entirety.

Mr. Danis informed the Board that because of the time frame involved and the legal requirements to vote the intent of the Preserve Ways the Board will need to meet on October 7th to have enough time to vote the layout and the required 7 days posting time.

The Board agreed to meet on Tuesday, October 7th at 7:00 p.m.

Selectman Jane' moved to vote the intent to layout the preserve ways known as Old Hickory Path, Copperbeech Circle, Thistle Hill Lane and Whispering Pine Drive as Public Ways in their Entirety. Selectman Goldblatt seconded. 4-0

Questions from the Town Manager Search Committee

1. Revise Employment Ad

Selectman Goldblatt informed the Board that the Town Manager Search Committee voted to revised the employment ad for the Town Manager. The Committee felt that the original ad was too wordy and lengthy.

2. Town Counsel to Attend as Advisor

Selectman Goldblatt requested that Town Counsel Franks attend the Town Manager Search Committee as adviser, as needed. Town Counsel Franks agreed to the request.

3. Should Finalists be Ranked

Selectman Goldblatt said that the Committee would like to know from the Board if they would like to have the finalists ranked. The Board of Selectmen decided that the finalists **not** be ranked.

Request to Vote Special Town Meeting Warrant

Chairman Thompson read through the warrant articles and requested that anyone that would like to pull an article out for discussion to voice it.

Selectman Dodd requested to pull **Article 2 Amend Town Meeting Bylaw (Town Coordinator)**.

Mr. Danis requested that the Board let him know if they would like to have any article proponent to appear before them at their October 14th meeting to discuss their article.

Selectman Goldblatt moved to vote the warrant with the exception of Article 2. Selectman Jane' seconded. 4-0

~The Board recess at 8:15 p.m. and reconvened at 8:20 p.m. and proceeded to discuss the Bay State Commons Park Article request.

Mr. Danis informed the Board of Selectmen that Mark Donahue the attorney from Bay State Commons requested to come before the Board to plead his case as to why the Bay State Park Article should be included in this fall's warrant. Mr. Danis proceed to inform the Board that after Town Counsel, himself and the Town Planner reviewed the deed that was submitted by Attorney Donahue they all were astounded. The deed includes numerous restrictions placed on the town for the usage of the park along with other issues (outstanding punch list). Town Counsel Franks voiced a few of the restrictions that are in the deed: the developer will have a say as to whether the Town will be allowed to make changes (landscape, etc..) to the park; restrict the usage of the park; prohibit temporary structures; and the freedom to allow the developer to hire extra maintenance businesses to clean the park if the developer feels that the town did not clean the park sufficiently and charge the town for the expense.

Mr. Danis said that after reading the deed and its restrictions they collectively agreed that the park article should not move forward at this time and to look at the possibility of placing the article at the annual town meeting after these issues have been discussed and agreed upon. Mr. Danis also noted that the Town was just made aware of these restrictions on the deed.

Attorney Donahue strongly suggested that the Board approve to place the park article on the special town meeting warrant and said that this will enable the residents to approve the gift at the meeting and assured the Board that by then the punch list will be completed and a resolution to the deed would be rectified. He said that he and Town Counsel Franks have been communicating back and forth to resolve the existing issues. Attorney Donahue noted that the restrictions on the deed should not be a surprise to the Town. The park is viewed as the "front door entrance" to the residential and commercial area to Bay State Commons and the developer is making sure that the park stays as an open and passive park. Attorney Donahue said that these types of issues could be resolved as was the impression with Town Counsel Franks earlier in their conversations.

Jim Robbins, Town Planner, agreed with Mr. Danis' comments and Mr. Robbins also voiced some concerns regarding the punch list and the size of the physical item(s) that have been donated by Westborough LLC.

Selectman Dodd asked Mr. Robbins what is his feeling on placing the article on the warrant. Mr. Robbins said that he is not opposed of placing the park article on the warrant but feels that there are several concerns that he would like to see completed before placing the article on the warrant.

Mr. Danis made clear that by accepting the park article by town meeting vote the town does not officially acquire the park. The town officially acquires the park only when the deed is filed. Mr. Danis noted that he believes based upon what he has seen that the deed issues that have risen will not be completed and agreed upon before the special town meeting.

Selectmen Goldblatt and Dodd voiced their concerns on placing the article on the special town meeting warrant.

After much deliberation in regards to whether placing the park article on the special town meeting warrant or not would have a detriment to the town the Board voted the following:

Selectman Jane' moved to place the park article on the special town warrant and to have Town Counsel Franks draft the park article language. Chairman Thompson seconded. 3- 1 (Selectman Goldblatt)

Article 2-Discussion

Selectman Dodd said that on behalf of the Government Study Committee II asked Mr. Danis to either eliminate Article 2 from the warrant, have the GSC II take that charge off their mission statement or have the GSC II keep the charge for further investigation. He said that the GSC II's mission statement includes this item to research so the committee requests a decision. Mr. Danis said that he has no objection removing the Article at this time.

Selectman Jane' moved to eliminate Article 2 from the special town warrant. Selectman Goldblatt seconded. 4-0

Financial Report

Mr. Danis informed the Board of the Town's financial status for fiscal year '09 and fiscal year '10. The fiscal year '09 figures include the funding articles on the special town warrant (financial report attached).

Mr. Danis said that the levy capacity, overlay surplus and the fiscal year 09 expenses are as follows:

Levy Capacity \$254,786.
Overlay Surplus \$1,000,000.
Fy09 Ins Exp \$315,000.

Mr. Danis proceed to inform the Board of the following:

Fiscal Year 2009-Levy Limit	\$55,694,736
Receipts	\$86,055,423
Expenses	\$85,800,637
Excess Levy	\$254,786

Fiscal Year 2010 projected figures are:

Levy Limit	\$57,361,973
Receipts	\$85,704,741
Expenses	\$87,600,741
Excess Levy	\$(1,896,000) – potential deficit amount

Mr. Danis said that the potential deficit amount is very fluid and will change through-out the following months. He said that this is a very conservative prediction because the Town does not know what the state will allocate to each town or city until the last moment.

The Board thanked the Town Coordinator, Town Accountant and the Town Assessor for their efficient work.

Chairman Thompson requested that the Board discuss “Question One” at the Board’s October 14th meeting. The Board agreed with Chairman Thompson’s request. Chairman Thompson requested that Mr. Danis research the facts of “Question One” and submit his findings to the Board prior to their meeting. Mr. Danis acknowledged the request.

Town Counsel Report

Town Coordinator Report

Mr. Danis requested that the Board add an additional meeting for December 2nd to vote the renewal of the liquor licenses and also to have enough time to meet the Alcohol Beverage Control Commission (ABCC) deadline for renewals. The Board agreed to add an additional meeting on December 2nd as requested by Mr. Danis.

Mr. Danis requested that the Board dissolve the Government Study Committee, ad hoc. Selectman Dodd moved to dissolve the Government Study Committee, ad hoc. Selectman Goldblatt seconded. Selectman Goldblatt requested that thank-you letters be sent out to the members. 4-0

Mr. Danis informed the Board that he will propose at the Board’s October 14th meeting to authorize the Building Department to issue Temporary Trailer Permits.

Issues and Correspondence of the Selectmen

Selectman Jane' said the Advisory Finance Committee invited the Economic Development Committee to come before them to discuss the economic development committee article and that he felt that there was a lot of support for the creation of the committee.

Selectman Goldblatt, on behalf of the Board, sends her sympathies to the families of Marjorie Heckman and Florence Conley who passed away this weekend. Selectman Goldblatt requested that we remember our servicemen and women and to keep them in our prayers.

Chairman Thompson noted that Vice Chairman Emery is overseas on business and thanked Ana Tortora for filming the Board's meeting tonight and Nidia Ruberti for typing the Board of Selectmen minutes.

Adjourn Open Session

Selectman Dodd moved to adjourn the Board of Selectmen meeting at 9:45 p.m. Selectman Jane' seconded. 4-0

Submitted by Nidia L. Ruberti

Chairman George Thompson

Vice Chairman Leigh Emery

Selectman Lydia Goldblatt

Selectman Timothy A. Dodd

Selectman Rod Jane'