

Westborough Board of Selectmen  
Meeting Minutes  
November 4, 2008  
7:00 p.m. – 7:55 p.m.

Members Present: Chairman Thompson, Selectmen Goldblatt, Dodd and Jane´

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

**Absent: Vice Chairman 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  
County Club Operating Committee 1-Non Voting Associate

**Approval of the Board of Selectmen’s Meeting Minutes**

- October 20, 2008 (Special Town Meeting)

Selectman Goldblatt moved to approve the Board of Selectman’s Meeting Minutes of October 20, 2008. Selectman Jane´ seconded.

Selectman Dodd requested that a correction be made as follows:

**From** “Tim Dodd felt we should accommodate the developer” **to** “Tim Dodd felt that the developer was accommodated. 4-0

**Request to Approve Notes and Bonds/Treasurer/Collector**

Joanne Savignac, Town Treasurer/Collector, requested that the Board approve the signing of notes for \$1,163,035 General Obligation Municipal Purpose Loan of 2008 Bonds of the Town dated November 1, 2008 (the “Bonds”), to Fidelity Capital Markets Services at the price of \$1,167,424.67 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and in the principal amounts and bear interest at the respective rates (note attached). Ms. Savignac said that the borrowings are for on-going town projects

Selectman Jane´ moved to Approve Notes and Bonds as submitted. Selectman Goldblatt seconded. 4-0

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*1.*

**Request for a Change of Manager/Mandarin Westboro/Emily Ni**

Ms. Ni requested that the Board approve a Change of Manager for the Mandarin Westborough located at 57 East Main Street to herself.

Selectman Goldblatt moved to approve the Change of Manager for the Mandarin Westborough located at 57 East Main Street to Emily Ni. Selectman Dodd seconded. 4-0

**Request for a Change of Manager and Officer and Director/W2005WYN Hotels/Peter Tziahanas**

Mr. Tziahanas requested that the Board approve a Change of Manager to himself and also requested that the Board approve a Change of Officer and Director to Steven Angel for the Doubletree Hotel/W2005WYN, located on 5400 Computer Drive.

Selectman Goldblatt moved to approve the Change of Manager for the Doubletree Hotel/W2005WYN, located at 5400 Computer Drive to Peter Tziahanas. Selectman Jane' seconded. 4-0

Selectman Goldblatt moved to approve the Change of Officer/Director for the Doubletree Hotel/W2005WYN, located at 5400 Computer Drive to Steve Angel. Selectman Jane' seconded. 4-0

**Request for a Change of Manager/Bergson's 1790 House/Kurt Pearson**

Mr. Pearson requested that the Board approve a Change of Manager for Bergson Ice Cream & Food Shops, Inc., (Bergson's 1790) located at 206 Turnpike Road to himself.

Selectman Goldblatt moved to approve the Change of Manager for Bergson Ice Cream & Food Shops, Inc., to Kurt E. Pearson. 4-0

**Request to Appoint a Member to the Open Space Preservation Committee/Selectman Dodd**  
Postpone to a later date per the applicant.

**Request to Appoint Members as Sandra Pond Wardens**

Selectman Dodd moved to appoint Annie Reid and Garry Kessler as Sandra Pond Wardens with a term ending June 30, 2009. Selectman Goldblatt seconded. 4-0

**Request to Accept Section 125 Cafeteria Plan/School Department Discussion on Gibbons School's Statement of Interest (MSBA)**

*Present: Anne Towel, Superintendent of Schools, Daniel Hendricks, Director of Finance*

Mr. Hendricks requested that the Board approve the Section 125 Flexible Benefits Plan (Cafeteria Plan) for the School Department. He said that the Westborough Teacher's Association added language that included the implementation of Section 125 in the Teacher's and Secretarial Union Contracts only. Mr. Hendricks said that this plan will allow school employees the option of putting money aside on a tax free basis for medical and dependent care expenses.

Selectman Jane' moved to approve the Section 125 Flexible Benefits Plan (Cafeteria Plan) for the Teacher's and Secretarial Union Contracts only. Selectman Goldblatt seconded.

Mr. Danis noted that under Chapter 32B only the Board of Selectmen can approve any health benefits of any kind. Mr. Danis asked Mr. Hendricks who will be administering the program and if this will bring any undo burden on any town departments that will be handling the plan. Mr. Hendricks said that the Benefits Resource Inc., will be administering the program and the rest will be done by school personnel.

Ms. Talbot, Town Accountant, asked Mr. Hendricks who will pay for the administrative costs. Mr. Hendricks said that the School Department will pay the administrative costs (\$4.00) for the employees.

4-0

### **Gibbons School Discussion**

Mr. Hendricks requested that the Board support the Statement of Interest (SOI) for the Sarah W. Gibbons Middle School for infrastructure repairs from the Massachusetts School Building Authority (MSBA). He said that the SOI is not a funding plan or an application for funding; it is the first step in the process to obtain financial assistance from the MSBA (letter attached).

Selectman Goldblatt moved to support the SOI application for the MSBA, subject to Town Counsel's review. Selectman Jane' seconded. 4-0

### **Request to Accept Grant/Assistant Veteran's Agent**

*Present: Mr. Ken Ferrara, Assistant Veterans Agent, Doug Wales*

Mr. Ferrara requested that the Board accept a \$500 grant from Harvard Pilgrim Health Care, Inc., for a ceremonial bugle to play Taps for military honors at the Town of Westborough ceremonial events.

Selectman Jane' moved to accept the \$500 grant from Harvard Pilgrim Health Care, Inc for any Westborough ceremonial day events. Selectman Goldblatt seconded. Selectman Goldblatt suggested that a letter of thank-you be sent to Harvard Pilgrim Health Care.

The Board of Selectmen thanked Mr. Wales for submitting the Mini-Grant to Harvard Pilgrim Health Care and to Mr. Ferrara for his continued efforts. 4-0

### **Request to Extend Hours on New Years Eve for All Club, Innholder and Restaurant Liquor Licenses/Town Coordinator**

Selectman Goldblatt moved to Extend the Hours of operation to 2 a.m. on New Years Eve for all Club, Innholder and Restaurant Liquor Licenses. Selectman Jane' seconded. 3-1 (Chairman Thompson)

## **Cedar Swamp Conservation Trust Grant Discussion/Action/Board of Selectmen**

*Present: Paul Graham, John Craycroft*

Chairman Thompson said that this is an additional discussion to the previous meeting regarding the town's support for the Nyanza Grant application through the Cedar Swamp Conservation Trust from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA), US Fish and Wildlife Game, and NOAA. Mr. Graham and Mr. Craycroft were given copies of the support letter and were given time to read it.

Selectman Jane' moved to approve the letter of support for the Nyanza Grant application through the Cedar Swamp Conservation Trust from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA), US Fish and Wildlife Game, and NOAA. Selectman Dodd seconded.

Town Counsel Franks said that Derek Sarri, Assistant Conservation Commission Officer, and himself wrote the letter of support along with input from John Walden, DPW Manager and Henry Danis, Town Coordinator. He said that Mr. Sarri informed him of the town's current and future plans for that area.

Mr. Danis reiterated his concerns from before and noted very clearly that the Town will not have any rights to amend the scope of services language, or the direction of the funding since the Town's signature does not appear anywhere on the application nor is the Town a co-applicant.

Selectman Jane' said that he would like to keep this opportunity open to save the town some money and believes that the letter states that the town has the right to manage the project and control the funds.

Mr. Craycroft said that after speaking with Karen Pelto, Nyanza NRD Restoration Coordinator, he was informed that the grant agreement can be drawn between Cedar Swamp or between the Town. He said that it is not the intent in any form of the CSCT to manage the project at all and said that the CSCT maybe requested by the Trustees to give some oversight and watch what is happening or they may ask the CSCT to bow out. Mr. Danis said that the decision of whether or not the CSCT or the Town should become the manager of the grant should be decided tonight; not wait until later on.

Chairman Thompson said that it is his understanding if the grant was drawn with the Town that the role of the CSCT would be to observe that the funds are being spent consistently based on the grant specifications. Mr. Craycroft said that the Trustees might still want the CSCT to take a look at the project.

Mr. Danis noted that the Board should make certain that the Town reserves the right pending on the full language of the grant, which the Town personnel and the Board has not seen, that the town is in agreement with the direction of the grant.

Mr. Craycoft said that over the next three months the Trustees will develop a restoration plan for the projects they select. If this is one of the projects that the Trustees select then they will develop a draft restoration plan that will be available for public comments for thirty days. He said this will enable the Town and CSCT to comment individually or together. Once the comment period is over the Trustees will then write a plan on what the feedback has been and at that stage the Town will have the option to opt out of the grant program if the Town does not like how the plan is written.

Selectman Goldblatt said that she still feels the same as before and is still not in favor of supporting the request.

Selectman Dodd said that his reservation about the letter of support is that there should be more coordination between the Town and the CSCT as stated on the last paragraph of the letter of support. He said that he supports the letter as written and said that it is critically important that any grant filing, on behalf of the Town, should not be done without collaboration with the Town Departments first.

Chairman Thompson agrees with Selectman Dodd's comments and also said that they echo Vice Chairman Emery's comments and concerns.

Selectman Jane' said that he is in favor of the letter of support and in addition noted very clearly that it is the Town's intent to manage the entire project along with a clarification that the CSCT will coordinate the application process with Derek Sarri, Assistant Conservation Commission Officer, and all relevant town boards during the public comments process and the application or grant agreement draft process.

Mr. Graham and Mr. Craycroft acknowledged the clarification that Selectman Jane' strongly noted.

3-1 (Selectman Goldblatt)

The Board thanked Mr. Graham and Mr. Craycroft for all their effort as private citizens to try to help the town with some of its expenses and drainage issues.

## **Town Counsel Report**

### **Town Coordinator Report**

Mr. Danis reminded the Board of their meeting on November 18<sup>th</sup>.

### **Issues and Correspondence of the Selectmen**

Selectman Jane' said that the Economic Development Committee (EDC) met this morning and requested that the Board approve the draft process and criteria plan for the appointment of the business members to the EDC. Chairman Thompson suggested that the request to accept the draft criteria and process for the appointment of the business members to the EDC be placed at the November 18<sup>th</sup>'s Board meeting, when Vice Chairman Emery is present. Selectman Jane' agreed with Chairman Thompson's suggestion.

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Selectman Goldblatt requested that we remember our servicemen and women in our prayers and thoughts and also to remember our Veterans on November 11, 2008 (Veterans Day).

Chairman Thompson announced that there is still time to purchase tickets to the Veterans Luncheon to be held at the Senior Center this Friday, November 7<sup>th</sup> at 12:30 p.m.

**Adjourn Open Session**

Selectman Dodd moved to adjourn the Board of Selectmen meeting at 7:55 p.m. Selectman Goldblatt seconded.

*Submitted by Nidia L. Ruberti*

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**Chairman George Thompson**

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**Vice Chairman Leigh Emery**

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**Selectman Lydia Goldblatt**

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**Selectman Timothy A. Dodd**

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**Selectman Rod Jané**