

Westborough Board of Selectmen
Meeting Minutes
December 2, 2008
7:00 p.m. – 8:20 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:

County Club Operating Committee 1-Non Voting Associate
Economic Development Committee Business Members (3) - **Letters due Dec 3rd**
Open Space Preservation Committee (2) 1-Non Voting Associate
Westborough TV Board of Directors-**Letters due Dec 12th**

Selectman Jane´ requested that the Board extend the date of submission deadline for the Economic Development Committee Business Members Vacancy to Monday, December 8, 2008 by close of business day.

Selectman Goldblatt moved to extend the date of submission deadline for the Economic Development Committee Business Members Vacancy to Monday, December 8, 2008 by close of business day. Selectman Dodd seconded. 4-0

Approval of the Board of Selectmen’s Meeting Minutes

- November 18, 2008

Selectman Goldblatt moved to approve the Board of Selectmen’s Meeting Minutes of November 18, 2008. Selectman Dodd seconded. 4-0

Request to Transfer Liquor License/Arturo’s Ristorante, Inc./Arturo Cartagena

Attorney Devlin requested that the Board approve the Transfer of Liquor License from Arturo’s Ristorante, Inc., to Dom Vito’s, Inc.

Selectman Goldblatt moved to approve the Transfer of Liquor License from Arturo's Ristorante, Inc., to Dom Vito's, Inc. Selectman Dodd seconded. 4-0

Request for an "Order For Attachment"/Fibertech/John Marchaesi

Mr. Gilbert, Fibertech Project Manager, requested that the Board approve the Order for Attachment for Fiber Technologies Networks, L.L.C., to install and maintain fiber optics telecommunications facilities on the listed public ways as shown on Exhibit A in Westborough (list attached).

Selectman Goldblatt moved to approve the Order of Attachment for Fiber Technologies Networks, L.L.C., as presented. Selectman Jane' seconded.

Town Counsel Franks informed the Board that some of the streets in Exhibit A are state highway and private streets and that Fiber Technologies Networks, L.L.C., will need their permission separately from the Town's. 4-0

Signatures from the Board were witnessed by Town Clerk Nancy Yendriga.

Request to Approve Completed 2009 Liquor License Renewals/Assistant Town Coordinator

Ms. Bilodeau requested that the Board approve the completed 2009 Liquor License Renewals as submitted (list attached).

Selectman Jane' moved to approve the completed 2009 Liquor License Renewals as submitted by Ms. Bilodeau. Selectman Dodd seconded. 4-0

Legislative Liaison Discussion/Board of Selectmen

Present: Re-elected Representative George Peterson (Pct 3 &5) and Newly Elected Carolyn Dykema (Pct 2)

Newly elected State Representative Dykema introduced herself to the Board and informed them of her following priorities: Economic Development, Environmental Issues (throughout the district which are five Towns) and to work very closely with re-elected State Representatives Peterson and Polito and with the Town of Westborough on the Town's needs.

State Representative Peterson informed the Board that he is looking forward to continuing and strengthen the current relationship with the Town of Westborough and is also looking forward working with the newly elected Senator Jamie Eldridge along with newly elected State Representative Carolyn Dykema and re-elected State Representative Karyn Polito.

Selectman Dodd thanked the representatives for coming and congratulated them for their elections.

Selectman Goldblatt echoed Selectman Dodd's comments.

Selectman Jane' welcomed the representatives and voiced his concern regarding the State's permitting process for businesses and voiced his opinion of the unfairness of the doubling of the toll fares on the Massachusetts Turnpike.

He requested that the representatives lobby for a different way of spreading the cost of the big dig instead of increasing the tolls. Selectman Jane' also voiced his concern regarding the traffic issues on I-90 and suggested that the State move on in creating a new interchange on the I-90 highway somewhere between Routes 146 and 122. He said that by having this interchange in place it would relieve some traffic issues in Westborough. He noted that Westborough is used as a funnel to get to I-495.

Representative Peterson said that there is a piece of legislation that has been filed to place a moratorium on the tolls increase. He said that he is also concerned with the increase of the tolls and will work to advocate for no toll increases.

Representative Dykema announced that there will be four public hearings to be held starting in January 2009 regarding the toll increases. The Board requested that Representative Dykema fax or email the hearing dates to the Selectmen's Office and also requested that the hearings be posted on the Town's web site. Mr. Danis acknowledged the request. Representative Peterson said that the first hearing will be in Worcester on Wednesday, January 7, 2008 at 6:30 p.m.

Representative Peterson informed the Board of the status of the following five House Bills:

H4853- Disposition of Property (Nathan Fisher House) is and continues to stay in third reading

H4873-Dismissal of Employees is in third reading

H4874-Chef Sun Liquor License is in third reading

H4878-Westborough Moderator is engrossed

H4944-Town Manager Charter Change is also engrossed

Mr. Danis informed the Board that if these House Bills are not acted on by December 31, 2008 the Town might need to resubmit and start the whole process over again.

Representative Peterson gave a brief description of each Bill reading:

First Reading: bill is heard by public hearing and needs to be filed by January 1st of each year

Seconded Reading: debated on the House or Senate floor whichever the bill comes from

Third Reading: check for language, and constitutionality from third reading if the bill is engrossed then it gets forward to the opposite chamber or the senate floor for comments. If the bill does not change then the bill is placed at the Engrossing Division which is placed on the final parchment then back to the Senate or House for votes then the bill gets forward to the Governor's desk for a veto, amendment or approval within ten (10) days. Representative Peterson said that if the bill is an appropriation the Governor can line item veto and strike language.

Mr. Danis said that the Nathan Fisher House bill has been held up at the State House for a year and half and the Town has no knowledge of whom, why and what is holding this bill up. He said that bill was approved by Town Meeting and that the property is rapidly deteriorating. Mr. Danis requested that Representative Peterson investigate the issue and email him the specifics of whatever issue is holding the bill up. Representative Peterson acknowledged Mr. Danis' request.

Budget Update:

Representative Peterson said that State's budget situation is very dismal. He said that the State is looking at a \$1.4 billion deficit. He said that he believes that the capital gains revenue will drop by 60% instead of 30% as earlier assumed and for every 10% above that 30% is another \$200 million that the State will need to find by the end of this fiscal year. Representative Peterson said that he hopes that the State will not touch local aid but does not know right now. He said that it depends on how severe the shortfall of the capital gains revenue is known which will be sometime in January 2009. He cautioned that there might be more budget cuts before the end of this fiscal year. Representative Peterson also informed the Board that the State has been backfilling the Lottery fund by \$124 million to level fund that account for the past two to three years from the general fund budget or the rainy day fund. He believes that the State will not need to fund the Lottery this year and will research how and where the additional \$124 million will be distributed to the towns and will inform Mr. Danis of his findings. He also said that he believes that local aid for next fiscal year would be level funded and between 5% to 10% reductions across the board.

Selectman Dodd asked Representative Peterson what other avenues is the State looking into to keep local aid level funded. Representative Peterson said that the State is looking into the meal taxes, hotel taxes, gas tax, and pole and wire tax and will be attending a meeting tomorrow which he is a member of, regarding these avenues and what can or can't be done in the cities and towns. Chairman Thompson requested that a copy of the pole and wire tax (Section 27 of the Municipal Partnership Act) letter that was sent to Governor Patrick be faxed to Representative Peterson's office for his meeting tomorrow. Mr. Danis acknowledge the request.

Chairman Thompson introduced his Legislative Liaison Subcommittee Proposal (guideline attached) and requested that the Board review and submit any amendments to him and also requested that the Legislative Liaison Subcommittee Proposal be placed at the Board's next meeting for a vote. He said that the purpose for this subcommittee is to work directly with Westborough's legislative delegation to ensure the Town that the delegation is aggressively and equitable representing Westborough's interests. The subcommittee would be a seven (7) member committee which will include the following departments:

- 2 Board of Selectmen (BOS) appointed by the Chairman (Chairman to rotate between BOS members)
- Town Manager
- 1 School Committee Member
- 1 Finance Committee Member
- Superintendent of Schools
- 1 Council of Member

The meeting frequency would be to meet with every Representative and Senator every 3-4 months.

Selectman Dodd said that this is a great idea and would like to move forward with it. Selectman Dodd voiced a concern regarding the Chairman's appointments and asked whether a specific process has been adopted. Chairman Thompson said that the Board needs to have this discussion to determine the process when everyone is present.

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Selectman Goldblatt suggested to include the DPW Manager, Fire Chief and the Police Chief as members. Chairman Thompson suggested that it would be better to invite these department heads to the meetings instead of having them as voting members.

Selectman Jane' said that he agrees with the number of members stated and also thinks that inviting the Police, Fire and DPW heads is a good idea instead of having them as voting members. He also voiced his agreement to have the Chairman appoint members and requested that this proposal move forward.

Selectman Goldblatt suggested inviting Representatives Peterson, Polito, Dykema and Senator Eldridge at a Board's February meeting to introduce them to the residents of Westborough. The Board agreed with Selectman Goldblatt's suggestion.

Mr. Danis announced that Senator Eldridge will hold an Open House on December 16, 2008 at the Forbes Municipal Building, Room 24 at 7:30 p.m. Mr. Danis also said that this announcement will be posted on the Town's web site.

The Board thanked Representative Peterson and Representative Elected Dykema for visiting with the Board and for the budget information.

Town Counsel Report

Town Coordinator Report

Mr. Danis reminded the Board of their meeting to be held on Tuesday, December 16, 2008 and also said that he will introduce his budget at the first Board's meeting in February 2009.

Issues and Correspondence of the Selectmen

Selectman Dodd reiterated his suggestion of having the Board consider having a Tri-Board which includes the School Committee members, Finance Committee members and the Board of Selectmen. He said that the Tri-Board would meet a couple of times throughout the year to work together and plan the town's financial future. Selectman Dodd suggested drafting an agenda with specific topics that the Tri-Board would follow. Chairman Thompson said that the proposed Tri-Board meetings would need to be thoroughly discussed at a future Board's meeting and agreed with Selectman Dodd's suggestion of drafting an agenda to review and discuss with the Board. Selectman Jane' and Selectman Goldblatt agreed to look and review a draft agenda at one of the Board's future meeting.

Selectman Goldblatt requested if the Board would be interested in having the Government Study Committee II, ad Hoc (GSCII), review the one year residency requirement for the Town Manager position and to report back to the Board with their recommendation within 30 days from today. Selectman Dodd is in agreement of the request. Selectman Jane' also agreed with Selectman Goldblatt's request. Mr. Danis noted that John Arnold who is a member of the GSCII has knowledge of the one year residency requirement from his prior research from the GSCI and suggested that the GSCII may want to seek Mr. Arnold for information. Chairman Thompson also agreed with Selectman Goldblatt's request.

Selectman Dodd moved to amend the Government Study Committee II, ad Hoc's charter to include an investigation whether or not the current Westborough Town Charter requirement of a residency requirement for the Town Manager/Town Coordinator should be changed and to issue a report to the Board of Selectmen within 30 days from today (December 2, 2008).

Motion Amended:

Selectman Dodd moved to amend the Government Study Committee II, ad Hoc's charter to include an investigation whether or not the current Westborough Town Charter requirement of a residency requirement for the Town Manager/Town Coordinator should be changed and to issue a report to the Board of Selectmen within 60 days from today (December 2, 2008).

Selectman Dodd withdrew the motion. After a brief discussion on this topic the Board voted the following:

Selectman Jane' moved to have the GSCII to evaluate the residency requirement and submit a report to the Board by January 13, 2009. Selectman Goldblatt seconded.

Selectman Dodd disagreed with Selectman Jane' action and motion of not amending the Committee's charge and believes very strongly that this needs to be procedurally done. Selectman Dodd noted that he agrees with Selectman Goldblatt's request and supports the idea of having the Committee research the residency requirement but will not be voting for Selectman Jane's motion.

Mr. Danis requested that the date of having the report submitted be changed to January 12 2009.

Motion Amended:

Selectman Jane' moved to have the GSCII to evaluate the residency requirement and submit a report to the Board by January 12, 2009. Selectman Goldblatt seconded. 3-1 (Selectman Dodd)

Selectman Goldblatt sends her condolences to Reverend Brown and his family and also noted that the Board received a letter of gratitude from the Town Administrator and Chairman of Southborough to the Town's Police Department for their assistance they provided the Town of Southborough and the family of Police Chief William Webber during the ceremonies following his recent death on November 11, 2008.

At 8:20 p.m. the Board of Selectmen voted to reconvene to Executive Session and would not be returning with any announcements in open session. All polled aye.

Adjourn Open Session

Selectman Goldblatt moved to adjourn Open Session at 8:20 pm Selectman Dodd seconded.

Submitted by Nidia L. Ruberti

Chairman George Thompson

**Vice Chairman Leigh Emery
(Absent)**

Selectman Lydia Goldblatt

Selectman Timothy A. Dodd

Selectman Rod Jané

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