

Westborough Board of Selectmen
Meeting Minutes
April 14, 2009
7:00 p.m. – 9:15 p.m.

Members Present: Vice Chairman Emery, Selectmen Goldblatt, Dodd and Jané

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

Absent: Chairman George Thompson

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

Pledge of Allegiance/Open Forum

Approval of the Board of Selectmen's Meeting Minutes

- April 7, 2009

Selectman Goldblatt moved to approve the Board of Selectmen Meeting Minutes of April 7, 2009. Selectman Dodd seconded.

Selectman Jané requested that the following spelling corrections be made on page 4:

- 1-Competense should be spelled "Competent"
- 2-Inegrity should be spelled "Integrity"

5-0

Request to Pledge All Alcoholic Liquor License/High Point Liquors/Devinder Rekhi

Mr. Rekhi requested that the Board approve the request to Pledge the All Alcoholic Liquor License, Highpoint Liquors LLC, to Strata Bank.

Selectman Goldblatt moved to approve the Pledge of the All Alcoholic Liquor License, Highpoint Liquors LLC, to Strata Bank. Selectman Jane´ seconded. 5-0

Federal Justice Assistance Grant/Lt. Todd Minardi

Lieutenant Minardi informed the Board that the Federal Justice Assistance Grant must be reviewed by the Board of Selectmen and have the public's comments (materials attached). He said that the grant is to be used to assist the law enforcement officials/agencies with funding a particular program that would not be funded through the local budget. Lieutenant Minardi said that the grant will be used to purchase tactical training equipment and for overtime expense for the Department's officers to be trained.

Vice Chairman Emery announced that any public comments regarding the Federal Justice Assistance Grant as presented tonight may be sent to Lieutenant Minardi via email at tminardi@town.westborough.ma.us or by phone at (508) 366-3060 within 30 days from today. Further information about the grant will be posted on the Town's Web Site.

Request to Change Manager/Canyon Café/Kenneth Wells

Mr. Wells requested that the Board approve the Change of Manager from Michael Halpern to himself for Canyon Café located at 153 Turnpike Road, Westborough MA.

Selectman Goldblatt moved to approve the Change of Manager to Kenneth Wells for Canyon Café.
Selectman Jane' seconded. 5-0

Police Budget Review and Article 7E/Police Chief Gordon

Police Chief Gordon informed the Board of the increases/decreases in the following Fiscal Year 2010 budget line items (materials attached):

Overtime: has increased by \$12,575 due to election polls, town meeting and 4th of July being separated from the operational over-time account.

Repair/Maintenance Radio: has increase by \$3,000 due to the radio maintenance agreement.

Contractual Services: has decreased by \$1,400 due to the software service contract that was taking over by the MIS/GIS department.

Police Chief Gordon said that the overall increase in his budget is \$42,517 a 1.6% increase.

Article 7E:

Police Chief Gordon said that article 7E is requesting to purchase one police vehicle and related equipment (materials attached). He said that the intended trade will be a 2002 Ford Crown Victoria Cruiser with approximately 65,480 miles as of March 9, 2009. Police Chief Gordon said that the new Ford Crown Victoria Cruiser will cost \$30,400 with an additional amount of \$5,000 for the Mobile Data Terminal.

The Board thanked Police Chief Gordon for his budget and article presentation.

DPW Budget Review / DPW Manager, John Walden / Ass't. DPW Manager, Richard Voutas

Mr. Walden informed the Board the following in the Department's Fiscal Year 2010 line items:

General Budget Line Item:

Mr. Walden said that the general budget line item has been reduced by 2% due to a vacant position and an individual who will be retiring July 1, 2009. He said that he is still short by five individuals from five years ago and have been using summer help in those areas.

Expenses:

Mr. Walden said that the expenses decreased by \$17,000 due to a person retiring; cost of living wages, step increase (as a result of the person retiring) and heating reduction costs.

Snow & Ice Line Item:

Mr. Walden said that the total amount is level funded at \$449,211; this includes \$142,396 for salaries/wages and \$306,815 in expenses.

Water Operations Line Item:

Mr. Walden said that the overall budget has increase by 4% due to contractual services. The electricity portion line item #5211 has increased by 5%. Mr. Walden said that come next year this line item will be taking out of the water operations (Veolia) and will be placed under the Department's general expenses. He said that by doing this the town will save some money.

Sewer Operations Budget Line Item:

Mr. Walden said that the expense portion increased by 8%; however, the overall budget increased in this line item rose by 5%. Mr. Walden noted that the electricity line item #5211 increased by 129% due to the increase of the kilowatt rate from .5 cents to 12.4 cents.

Review Articles #'s:**Town Counsel-Article 9 Nathan Fisher House Property Release of Preservation Restriction,**

Town Counsel Franks said that this article is to release the preservation restriction on the Nathan Fisher House that the Town has been trying to do for a couple of years. He said that the Massachusetts Historical Commission is in agreement to the language in the article. Town Counsel Franks said that if the building is sold the state will receive 50% of the profit. Mr. Danis noted that an article could be placed at the Fall Town Meeting to authorize to sell.

Town Counsel-Article 12 Meadow Road Parcels

Town Counsel Franks said that parcels A, B & C as identify in the subdivision plan need to be accepted by Town Meeting. He said that this action was never done; therefore, it needs to be officially approved by town meeting vote so the town may be able to take the land as open space.

Town Counsel-Article 13 Meadow Road Taking

Town Counsel Franks said that this article to have the town accept Meadow Road as a town road. Town Counsel Franks requested that the Board vote its intend to approve the layout of Meadow Road at their next Board of Selectmen meeting and said that he will prepare the order of layout.

Selectman Goldblatt moved to vote the Board's intent to approve the layout of Meadow Road at the Board's next meeting. Selectman Jane' seconded. 5-0

Town Counsel-Article 14 Valley View Estates Easement Release

Town Counsel Franks said that this article is requested by the owner of 7 Garfield Drive. He said that the property owner is requesting that the town abandon an easement across their property to access an abandon town pump station.

Treasure/Collector- Article 19 Increase to Excise Vehicle Demand Fees

Ms. Savignac said that this article is a request to increase demand charges that appear on delinquent tax bills. She said that back in 2003 during the Municipal Relief Act the state raised some fees but neglected to increase the demand fees. The demand fees have been \$5 prior to 1996. Ms. Savignac said that this article requests that the demand fee be increase to \$10. The state has submitted an amended to the Municipal Relief Act to allow towns and cities to raise their demand fees up to \$30. Ms. Savignac is recommending just increasing the demand fee by \$5 only at this time. **Mr. Danis will change the title to Increase In Demand Fees.**

Town Clerk- Article 20 Purchase Voting Equipment

Ms. Yendriga said that this article requests to purchase five optical scanners to use at elections. She said that all five scanners (one for each precinct) will cost \$34,000. She said that the equipment that was purchased in 1998 will no longer be programmed from the company they purchased the equipment from because they will now only program in their county.

Planning Board- Article 27 Zoning Bylaws and Zoning Map Amendment

Mr. Robbins said that this article requests that the Town amend the zoning bylaws and the zoning map from single residential to highway business on parcels 40 and 41 located on Route 9 (materials attached).

Planning Board- Article 28 Zoning Bylaw Amendment

Mr. Robbins said that this article requests that the Town amend the Zoning Bylaws in Article 2, District Regulations, by amending Section 2300, Use Regulation Schedule by adding a new use category "Senior Living Overlay". He said that the purpose of the Senior Living Overlay is to provide the opportunity to diversify the Town of Westborough's housing stock by specifically addressing the needs of the aging population.

Town Manager- Article 33 Accept Gift of Land

Mr. Danis said that this article requests that the town to accept the Bay State Commons Park and has referred this discussion to Town Counsel Franks. Town Counsel Franks said that he and Attorney Donahue have worked on the park draft deed to clarify the issues voiced at the last town meeting when the article was passed over due to a lot of restrictions that the developer imposed on the deed. He said that the highlights of the current draft deed are the following:

1-The Park will be divided in half; in the portion closest to the development, the developer would be able to veto any changes to the landscaping, architecture or site design, in so far as those changes would materially impair view or pedestrian access. On the other half of the park, the developer would receive notice of proposed changes, but would not have veto power.

2.-The half closest to Main Street is the town's half and will be subject to the local zoning bylaws.

3.-The park will be used only for passive recreation

Vote Warrant for the Annual Town Meeting

Selectman Goldblatt moved to vote the Warrant for the Annual Town Meeting as presented and to have the Town Moderator and the Town Manager make any minor language corrections and further moved to have Town Counsel Franks and the Planning Board come before the Board at a later date with their recommendations regarding the Bay State Commons' fountain. Selectman Jané seconded. 5-0

Selectman Dodd requested that the Warrant be placed on the Town's Web Site. Mr. Danis acknowledged the request.

Selectman Goldblatt requested that the proponents of Article 31 come before the Board to discuss their article.

Green Technology Committee Discussion/Vice Chairman Emery (see supplemental doc)

Vice Chairman Emery noted that she added "or volunteers employed in Westborough" under the Composition section of the handout (attached). Vice Chairman Emery requested that the Green Technology Committee Discussion be scheduled for the Board's April 28th meeting. Mr. Danis acknowledge the request.

Westborough Wastewater Treatment Plant Update/Vice Chairman Emery

Mr. Danis said that the Wastewater Treatment Plant Board will present their article at the May 12th Board of Selectmen's meeting.

Town Counsel Report

Town Manager Report

Issues and Correspondence of the Selectmen:

Selectman Dodd Tim moved that the Board support to send a "No Support" letter to our State Senator and our three State Representatives regarding the proposed \$.19 cent gas tax increase. Selectman Goldblatt seconded. 5-0

Selectman Dodd announced that the Board is sponsoring the MMA Home Energy Seminar from 6:30-8:00 p.m. at the Forbes Municipapl Building, Room 23, on Thursday, April 16th. All are welcome.

Selectman Goldblatt noted that Massachusetts Highway Division District 3 is interested in discussing with the town placing a signal light at the closed turnabout section of Route 9 (in front of Bertucci's) which has been closed for about three years. She requested that the Town Manager, DPW Manager, Town Planner, Representative Polito, Selectman Jane' and herself sit with the State to discuss the issue at hand. Selectman Goldblatt requested that we keep our servicemen and women in our prayers and thoughts so far from home.

Vice Chairman Emery thanked Tim Reiter for filming tonight's Board meeting.

Adjourn Open Session

Selectman Dodd moved to adjourn the Board of Selectmen meeting at 9:15 p.m. Selectman Goldblatt seconded. 4-0

Submitted by Nidia Ruberti

Vice Chairman Leigh Emery

Selectman Lydia Goldblatt

Selectman Timothy A. Dodd

Selectman Rod Jané