

Westborough Board of Selectmen  
Meeting Minutes  
April 28, 2009  
7:00 p.m. – 9:00 p.m.

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

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

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**

#### **Introduction of New Town Manager and Contract Signing**

Vice Chairman Emery informed the public that Mr. Malloy's contract base salary is \$130,000 with the potential to earn a \$5,000 merit bonus which will not be added to the base salary and noted that copies of Mr. Malloy's contract will be available after the contract is ratified and signed.

Selectman Jane' said that Mr. Malloy's base salary was determined by a fair market competitive salary. He said that they researched towns in the Central Massachusetts area which have a comparable population size of about 15, 000-20,000 residents, Towns who have significant commercial base and towns in and around the Central Massachusetts/Interstate 495 highway of Massachusetts. Those towns showed an average of about \$130,000 to \$135,000 for an experience Town Manager. Selectman Jane' said that if Mr. Malloy receives an outstanding evaluation with specific metric and goals there is the ability of receiving a \$5,000 merit performance bonus.

Selectman Goldblatt moved to ratify Mr. Malloy's contract in the amount of \$130,000 with the potential to earn a \$5,000 merit bonus. Vice Chairman Emery seconded. 5-0

Mr. Malloy thanked the Board of Selectmen and said that he appreciates the faith that they have put in him. He said that he is looking forward to working with everyone in town government and the community and is ready to face some of the challenges that lay ahead.

Vice Chairman Emery noted that a public reception will be held at the Department of Public Works sometime in June to meet Mr. Malloy and his family (further information to follow).

At this point, the Board recessed for 10 minutes to meet Mr. Malloy and his family and resumed at 7:20 p.m.

## **Report of the Government Study II Committee**

*Present: Chairman Sue Abladian, Vice Chairman Karen Heitzman, John Arnold, Chris Gundling, Maryanne Bilodeau and Tim Dodd*

Ms. Abladian noted that the Committee considers positions only not individuals who are in them. She said that the Committee is presenting the Executive Summary for the Non-Human Resources Charges and on the Town's Human Resources Functions tonight. Mr. Arnold proceeded in discussing the executive summary as follows (report attached):

### **Executive Summary – Non Human Resources**

- **The Timing of the Town Election with respect to Annual Town Meeting**  
The Committee recommends retaining the Town Election prior to the Annual Town Meeting.
- **Institutionalizing a Process for Self-Examination by the Town**  
The committee recommends that the Board of Selectmen continue to identify and initiate governmental study committees as needed when specific topics need attention and endorses the recommendation from the Government Study Committee I report that "[...] the Board of Selectman periodically (perhaps in the first year of every decade) determine whether a review of the Town's governmental structure and processes is necessary and, if so, initiate that review."
- **Update Charter to clearer, gender-neutral language**  
The Committee's workload on the Town's HR function and the late approval of the 2008 ATM Charter changes by the Legislature and Governor did not allow for the completion of this task. The committee recommends that this task be continued by a smaller group of 2 or 3 people focused only on this work.
- **Residency Requirement for Town Manager**  
The results of this topic were presented to the Board of Selectmen at its January 13, 2009 meeting and are repeated here to complete the formal documentation of the Committee's work. The majority of the Committee feels that the residency requirement for the Town Manager position should be at least as restrictive as the current Charter's residency requirement (i.e., in Westborough or a contiguous town).

Selectman Goldblatt moved to accept the Government Study Committee's II (Non-Human Resources) report for further review by the Board of Selectmen. Selectman Jane' seconded. 5-0

Ms. Abladian noted that for the next section of the report (Town's Human Resources Function) the committee recommended splitting the Assistant Town Manager and the Human Resources Director role into two separate positions in town government. She said that for now it works well except that the person who is the Assistant Town Manager/Human Resources Director needs help and that the report recommends hiring a trained Human Resources Generalist and a Human Resources Director.

Ms. Abladian noted that if and when the next Assistant Town Manager is hired for the town and if the position is not split the person hired should be very well educated and experienced in the Human Resources area.

Ms. Abladian informed the Board that the Personnel Board's functions as listed in the charter as well as other duties that have been assigned to them. The committee recommended that the Personnel Board's responsibilities and duties be reviewed in greater depth with respect to the many changes in personnel-related laws and regulations since that part of the charter was last updated. She also noted that at the end of the committee's deliberations they suggested that the new Town Manager may have ideas for them based on his experience.

### **Executive Summary – Town's Human Resources Function**

- **Examination of the Human Resources Management role in the town of Westborough**  
After an exhaustive investigation into the role and responsibilities of the human resources aspects of the current Assistant Town Manager's dual role as Assistant Town Manager and HR Director, it is evident that the dual role should be supported by an experienced HR Generalist. A longer-term recommendation is to split the Assistant Town Manager and HR Director roles into two separate positions in town government. Due to the many important HR aspects of the two roles in one position, any future hiring of an Assistant Town Manager/HR Director position would require an appointment of a person with significant knowledge and expertise in municipal HR. Currently, in addition to the day to day management of the various duties attributed to the Assistant Town Manager's role, the HR function is responsible for the management and administration of all Town benefits and risk management (health, life, disability, workers. compensation, IOD for police/fire) for more than 1000 employees and retirees, along with policy/procedure administration, leaves of absences, and other Human Resource related issues.

#### **Examination of the Personnel Board's Oversight role in the town of Westborough**

- The question of what role the Personnel Board should play in influencing Human Resources decisions for the town has been reviewed. The result of our review is inconclusive at this time. However, it is evident that the role that the Personnel Board currently serves needs to change. Many of the assignments and roles of previous years have been affected by dramatic changes in the legal and fiduciary responsibilities of contemporary HR responsibilities. Unfortunately, identifying exactly what the role of the Personnel Board should be requires a more extensive review than can be accomplished in the allotted time of the current Government Study Committee.

Vice Chairman Emery asked why the Committee recommended that the Human Resources Generalist (HR-Generalist) and the Human Resources Director (HR-Director) report to the Assistant Town Manager instead of the Town Manager. Ms. Abladian said that the reason for that recommendation is because that is the way it is handled now. She said that according to the current job description right now it would be a function of the Assistant Town Manager.

Vice Chairman Emery said that if you are creating a higher level job as a Human Resources Director instead of a combined Assistant Manager/HR Director and not an HR Generalist which is a lower position you are creating a really high level supervision of about one to three thousand employees. Vice Chairman Emery said that she is wondering why these positions are not reporting directly to the Town Manager instead of the Assistant Town Manager. Ms. Heitzman said that the Committee was looking at the chain of command and that the Assistant Town Manager currently takes direction of the Town Manager. She said that it was recommended like that because of continuity.

Selectman Goldblatt moved to accept the Government Study Committee's II (Town's Human Resources Functions) report for further review by the Board of Selectmen. Selectman Jane' seconded. 5-0

The Board of Selectmen thanked the Government Study Committee II for their presentation and all their hard work on this report.

**Request to Appoint a Member to the Youth & Family Commission/Youth & Family Director**  
John Badenhausen requested that the Board appoint Ms. Nancy Tame to the Youth Commission with a term expiring June 30, 2009.

Vice Chairman Emery moved to appoint Nancy Tame to the Youth Commission with a term ending June 30, 2009. Selectman Jane' seconded. 5-0

**Request from Library to Hire Library Assistant/Library Board of Trustees**

*Present: Jim Holmes, Lisa Freeman, Pat Fontes, Karen Griegal, Mike Grim and Director Carolyn Delude*

Ms. Delude informed the Board that the Library is hiring a Library Assistant that has been budgeted already and that was vacated a few weeks ago. She said that the position involves 100% direct public service and is for the Children's room.

Vice Chairman Emery asked Ms. Delude if the person is not hired what would occur to the Library's services. Ms. Delude said that the Library would have to reduce their hours by 6-8 hours a week.

The Board thanked Ms. Delude and the Library Trustees for coming before the Board.

**Request to Hold a Special Town Meeting at the Annual Town Meeting/Westborough Wastewater Treatment Plant (WWTP)**

*Present: Mike Stanton, Fran Zarrette, Jack Goodhall and Tom Peresy from AECOM*

Mr. Stanton requested that the Board vote to hold a Special Town Meeting at the Annual Town Meeting on May 16, 2009. He said that the purpose of this request is because the WWTP is filing for a Federal Stimulus and for a 2% State Revolving Funding.

Mr. Stanton said that the WWTP's bid, that was scheduled to open prior to the annual town meeting, may need to be postponed in order to comply with the funding requirements that are still being worked out. He said that the committee would like to have firm numbers to present to the residents verses questionable numbers.

Selectman Jane' moved to hold a Special Town Meeting at the Annual Town Meeting on Saturday, May 16, 2009 at 7:00 p.m. to be held at the Westborough High School. Selectman Goldblatt seconded.

**Motion Amended:**

Selectman Jane' voted to hold a Special Town Meeting on May 16, 2009 at 7:00 p.m. within the Annual Town Meeting to be held at the Westborough High School auditorium and gymnasium and further to open and close the warrant to include this one article as submitted for the Westborough Treatment Sewer Plant. Selectman Goldblatt seconded. 5-0

**Layout Meadow Road Acceptance/Town Counsel**

Town Counsel Franks requested that the Board vote to approve the layout for Meadow Road

There were two residents from Indian Pond Road who voiced their agreement to layout Meadow Road.

Selectman Jane' moved to approve the layout for Meadow Road. Selectman Goldblatt seconded. 5-0

**Review Article 31 for the Annual Town Meeting/Attorney Marshall Gould**

Mr. Kevin Giblin informed the Board that he is requesting, by a citizen's petition, an Additional License for the sale of All Alcoholic Beverages to be Drunk on the Premises for the proposed "Agewood Grill At The Green Thumb" restaurant. He said that he is proposing to lease a restaurant near the Green Thumb and have come to an agreement to have Michael Schlow the Executive Chief and co-owner of Boston's "Radius" restaurant come to Westborough.

Selectman Goldblatt moved to recommend passage of Article 31. Vice Chairman Emery seconded. 5-0

**Review DPW Articles/DPW Manager**

*Article 22 Purchase Equipment*

Mr. Walden is requesting to purchase a new mechanics truck (services the generators also) to replace the old one. He said that the cost for the truck is \$55,000 and that the cost will be split between the general fund and the water and sewer enterprise accounts; \$15,000 from the general fund, \$30,000 from the water fund and \$20,000 from the sewer fund.

*Article 23 Purchase Equipment*

Mr. Walden is requesting \$39,186 to lease purchase a new street sweeper to replace the old one. He said that the lease purchase payments will be for five years for an Elgin Pelican NP Dual Waterless Street Sweeper for the Department of Public Works.

*Article 24 Reconstruction and Improvement of Town Roads*

Mr. Walden is requesting to use the annual Chapter 90 (local aid \$618,384) to reconstruction and make improvements to town roads and spot repairs.

*Article 25 Work on Town Sewer System*

A. Mr. Walden is requesting \$25,000 from the enterprise account to design new sewer extensions and to have them ready when the stimulus monies are received.

B. Mr. Walden is requesting \$40,000 to replace the generator on Hopkinton road which is 35 years old and the parts are absolute.

*Article 26 Work on Water System*

A. Mr. Walden is requesting \$100,000 for well field increase and to redevelop existing wells total permitted use of water demand

B. Mr. Walden is requesting \$15,000 for a sewer design for new sewer piping.

C. Mr. Walden is requesting \$235,000 for the repair, upgrade and installation of various pump station facilities within the water system and related equipment.

D. Mr. Walden is requesting \$35,000 for a water quality assessment for the Oak Street water purification facility.

The Board thanked Mr. Walden for his presentation on his articles.

**Discussion of Green Committee-Arbor Day Proclamation/Board of Selectmen**

Vice Chairman Emery explained the mission of the Green Technology Advisory Group as follows (materials attached):

**Mission:**

The Group would provide vision, guidance, and information to the Town enabling and promoting the application of green and sustainable technology on current and future Town buildings, property, services as well as residential, commercial and industrial buildings and projects in Westborough.

**Composition:**

The composition for the Advisory Group would be made up of Westborough residents or volunteers employed in Westborough with content expertise in green, clean, and alternative energy technologies; for example, engineers, scientists, environmentalists, teachers, farmers, gardeners, contractors, builders, business people in green companies and citizens with a passion for green or sustainable technology and resources.

Town Department Heads or employees with interest or skills in these areas would be eligible for appointment to the study group.

**Formal Entity Type and Process for Approval:**

This could be:

- A formal BOS appointed group approved at Town Meeting.
- An ad hoc BOS committee with no appointment limits
- An informal citizens group encouraged by the BOS

Vice Chairman Emery suggested that at a subsequent meeting to appoint an ad hoc committee for the first 6 meeting or until the town meeting approaches to give the committee time to fine tune the goals and objectives and to see what kind of interest there is and if prudent to appoint the committee in a formal process.

**Chairmanship and Subcommittees:**

Determined by the group

**Cost:**

Minimal office supplies for minutes if formal group is appointed.

Vice Chairman Emery mentioned various examples of technologies or actions that the group might explore which are detailed on the attachments.

Vice Chairman Emery requested that the Green Technology Advisory Group be placed at the Board's May 26<sup>th</sup> meeting for a vote.

*Arbor Day Proclamation*

Selectman Dodd requested that the Board sign the Arbor Day Proclamation acknowledging that National Arbor Day was Friday, May 1<sup>st</sup> and that the Town of Westborough will celebrate Arbor Day on Friday, May 8<sup>th</sup>. He said that being a Tree City USA is a city or town that is acknowledged for its preservation, maintenance and its encouragement of trees (materials attached). If the town does become a Tree City USA the town would be eligible for grants that the town would not ordinarily be able to obtain and would also acknowledge the hard work that the our town's tree department has done over the years. Selectman Dodd said that there are four standards established by The Arbor Day Foundation and the National Association of State Foresters that at city or town must meet to become a Tree City USA which are the following:

1. A Tree Board or Department
2. A Tree Care Ordinance
3. A Community Forestry Program with an Annual Budget of at Least \$2 Per Capita
4. An Arbor Day Observance and Proclamation

Selectman Dodd said that Westborough does not have #2 "A Tree Care Bylaw" and has spoken to Town Counsel regarding writing a bylaw and to be presented at the fall town meeting.

Vice Chairman Emery moved to recognize May 8<sup>th</sup> as Arbor Day in the Town of Westborough. Selectman Goldblatt seconded. 5-0

## **Town Counsel Report**

## **Town Manager Report**

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

Selectman Dodd acknowledged Nidia Ruberti for her hard work on the Annual Town Report and said that he plans to enter the report in the Massachusetts Municipal Association Town Report contest in the fall.

Selectman Jane´ asked Police Chief Gordon for some more information in regards to Sergeant John Kelleher’s boxing debut in Worcester Massachusetts. Police Chief Gordon said that Sergeant Kelleher will be boxing against a former Worcester gang member at the Palatium and all proceeds benefit inner city kids groups. Police Chief Gordon said that he ask Sergeant Kelleher to forward more information to Board regarding the charity event.

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

Selectman Goldblatt requested that we keep our servicemen and women in our prayers and hearts who are so far away from home.

Chairman Thompson reminded the public that next Tuesday, May 5<sup>th</sup> is Westborough’s Town Election Day and encouraged our town residents to vote.

### **Adjourn Open Session**

Selectman Jane´ moved to adjourn the Board of Selectmen meeting at 9:00 p.m.

Selectman Goldblatt seconded. 5-0

*Submitted by Nidia Ruberti*

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**Chairman George Thompson**

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**Vice Chairman Leigh Emery**

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**Selectman Timothy A. Dodd**

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**Selectman Rod Jané**

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**Selectman Lydia Goldblatt**