

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

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

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 Chairman Emery. Town and School payroll and expense warrants were approved and signed.

### **Pledge of Allegiance/Open Forum**

Joe Harrington said that at a previous Board meeting the Board suggested holding a review of the Town Meeting process and results. He suggested the following:

### **Suggested Participants:**

Town Clerk  
Finance Committee Leadership  
Board of Selectmen-all or some  
Town Manager  
Moderator (chair)

Mr. Harrington said that his opinion of the purpose of this meeting would not be to vote on or decide process issues but would be to air out the pros and cons of the town meeting process and procedure and to give the public a chance to be heard as well. He suggested considering a meeting half an hour before the regular Board of Selectmen's meeting.

Chairman Emery thanked Mr. Harrington for his thoughts and will consider it at a future's Board of Selectmen's meeting.

### **Girl Scouts of America Award/Judy Wilchynski**

Ms. Wilchynski and Maryn Lyle, Volunteer of the Girl Scouts of America, presented a Certificate of Community Support to the Board of Selectmen in appreciation for the usage of the Forbes Community Building for all of their continuous leadership meetings.

The Board of Selectmen thanked Ms. Wilchynski and Ms. Lyle for the recognition plaque.

### **Henry Danis Proclamation/Board of Selectmen**

Chairman Emery read and proclaimed June 30, 2009 as Henry L. Danis, Jr Day. Mr. Danis was speechless and showed his appreciation.

The Board of Selectmen and the all of the past Selectmen presented Mr. Danis with a chair in appreciation for his 15 years of exemplary service.

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Mr. Danis thanked everyone and was still speechless.

**Discussion of Affordable Housing Development/Zaara Place/Farooq Ansari**

Mr. Ansari requested the Board's support for his proposed 40B affordable housing development. He said that the homes will be a two-story Colonial style single-family house with 1,872 square feet of living space. The homes will have three or four bedrooms, a fireplace and a 12 foot wide one car garage. Out of the 14 unit development 4 of them will be affordable housing under the M.G.L. Chapter 40B statute and under the Local Initiative Program (LIP).

Chairman Emery requested that Town Counsel walk thru the formal process of a 40B: Town Counsel Franks said that the formal process starts with the filing of an application with the Zoning Board of Appeals (ZBA) designating the application as a 40B, then the ZBA invites comments of various town boards, committees, and commissions, then the ZBA will conduct a public hearing within 30 days of the filing of the application. Town Counsel Franks said that the LIP might have additional requirements or comments from the Board of Selectmen. Town Counsel Franks noted that the Board's comment is not part of the process at this point since the Board does not know much about the proposed project.

The Board asked Town Counsel to further explain the different options that the developer may take. Town Counsel said that one way of proceeding with this is to ask for variances from the appropriate permitting authorities and proceed as a normal 40A project or the developer could get around it by filing a 40B process (Comprehensive Permit) with whole set of different rules.

Ms. Allen, Housing Partnership Committee Member, said that they have done several LIP programs generally known as a "friendly" 40B project. She said that the process starts at the Board of Selectmen level. All of the input is given to the Town up front and that input is made into a proposal which the developer submits to the Department of Housing Community Development (DHCD) for a LIP. The DHCD then knows that the Town has given preliminary approval to the development and therefore, the DHCD and the LIP understand that the Town has essentially has approved the idea and concept and then the developer proceeds with the process that Town Counsel explained. Ms. Allen noted that the developer cannot go to the State without the Town's preliminary approval. Ms. Allen noted that for all the previous friendly 40b projects the Board of Selectmen have waived the water and sewer fee for the affordable houses only.

The Board discussed the developers' and the Town's options and voted the following:

Selectman Goldblatt moved to take Mr. Ansari's proposal under advisement and to ask the Planning Board and the applicable departments to submit their comments to the Board. Vice Chairman Jane' seconded.

**Motion Amended:**

Vice Jane' moved to take Mr. Ansari's proposal under advisement and to ask the Planning Board and the applicable departments to submit their comments to the Board and further voted to have the developer submit a one page economic analysis of the revenues and projected expenses of building this development. Selectman Goldblatt agreed with the amended motion.

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Selectman Dodd thanked Mr. Ansari for working with the Housing Partnership Committee and for pursuing it under a friendly 40B project.

Mr. Ansari noted his disappointment with the Board's vote and urged that the Board is only accepting the concept and noted that he would still be meeting with all the applicable boards for their comments and recommendations.

Ms Emery noted that the Board's written support of the LIP would carry significant weight with DHCD and would be the same as a formal pre-approval. Therefore she recommended that the Board request input from all the boards and committees necessary for the Board to make a decision on the value of project to the Town (the Building Commissioner, the Conservation Commission, the Fire Chief, the Planning Board, the DPW, the Town Engineer, the Police Chief, the Board of Health, the Historical Commission, and the Housing Partnership) because the Board would have little chance to direct the proposal later in the process.

Mr. Danis suggested giving the developer a specific date as to when to return to the Board. The Board agreed to have the developer come before the Board either at the Board's next meeting of June 23 and no later than July 15<sup>th</sup> Board of Selectmen's meeting. 5-0

#### **Site Plan Review: 116 East Main St/Waterman Design/Paula Thompson**

Ms. Thompson requested that the Board approve the Site Plan # 2/2009 for 116 East Main Street. She said that the plan calls for a two-story professional office building (for an eye doctor's office) with associated parking. The property previously contained a single family home and garage, which were removed as part of the plan. The property contains a shared driveway with adjacent property (114 East Main Street) along with a lawn area. Ms. Thompson said that the proposed building will be located in the front portion of the property and that parking will be located in the rear of the property. In the parking area there will be fourteen total parking spaces and one handicap van accessible. The site will be serviced by municipal sewer and water and additional site improvements include landscaping and lighting.

Selectman Goldblatt moved to approve site plan #2/2009 subject to the recommendation of the Planning Board's Special Permit Gateway #2/08 dated February 3, 2009, and written responses and comments of the Town's various boards and agents, and the responses of Paula Thompson, Waterman Design Associates dated May 26, 2009. Selectman Thompson seconded. 5-0

#### **Request to Appoint Reserve Intermittent Police Officer/Police Chief Gordon**

Police Chief Gordon requested that the Board appoint Mark Tarasiak as a Reserve Intermittent Police Officer, effective immediately with a term ending June 30, 2009.

Vice Chairman Jane' moved to appoint Mark Tarasiak as a Reserve Intermittent Police Officer, effective immediately. Selectman Thompson seconded. 5-0

**Request for Street Signs/Police Chief Gordon**

Police Chief Gordon requested that the Board approve the installation of a permanent stop sign on Church Street heading north at Fisher Street and to Change the “No Parking” signs (4 in total) on School Street at West Main Street to a “2 Hour Parking” section.

Selectman Goldblatt moved to authorize the Department of Public Works to install a permanent “Stop” sign on Church Street heading north at Fisher Street and to change the “No Parking” signs (4 in total) on School Street at West Main Street to a “2 Hour Parking” space. Selectman Thompson seconded. 5-0

**Request to Award the East Main Street Beachmont Sewer Pump Station Contract/DPW Manager**

Mr. Walden requested that the Board award the East Main Street Beachmont Sewer Pump Station Contract to Delray Contracting, Inc., of Ellington Connecticut at a value of \$496,390 as recommended by the Town’s Consultant, AECOM.

Selectman Goldblatt moved to award the East Main Street Beachmont Sewer Pump Station Contract #08-01 to Delray Contracting, Inc., of Ellington Connecticut in the amount of \$496,390 as recommended by the DPW Manager and the Town’s Consultant of AECOM. Selectman Thompson seconded. 5-0

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

- May 12, 2009
- May 19, 2009
- May 26, 2009

Selectman Thompson moved to approve the May 12, 2009 Board of Selectmen’s Meeting Minutes. Selectman Goldblatt seconded. 5-0

Selectman Thompson moved to approve the May 19, 2009 Board of Selectmen’s Meeting Minutes. Selectman Goldblatt seconded. 5-0

Vice Chairman Jane’ moved to approve the May 26, 2009 Board of Selectmen’s Meeting Minutes. Selectman Goldblatt seconded. 5-0

**Board of Selectmen and Police Department 2009 Reappointments**

Selectman Goldblatt moved to reappoint the “Yes” 2009 Reappointments List as presented. Selectman Thompson seconded.

Mr. Danis requested that a correction be made under the Assistant Treasurer/Collector end of term from a one year to a three year term. Selectman Goldblatt agreed with Mr. Danis’ correction.

Selectman Dodd requested that thank-you letters be sent to the individuals that did not wish to be reappointed. 5-0

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Selectman Goldblatt moved to reappoint the Police Department Annual Appointment. Selectman Thompson seconded.

Mr. Danis on behalf of the Police Chief requested to add Mark Tarasiak under the Reserve Intermittent section of the Police Department's Reappointment list as presented for a term ending June 30, 2010. 5-0

#### **Pedestrian Safety Discussion/Brochure Approval/Selectman Dodd**

Selectman Dodd requested that the Board approve the Driving, Walking and Bicycling Safely in Westborough Massachusetts Brochure that he and Police Chief Gordon created and to make the brochure available on the Town's web site along with other public places (brochure attached). He said that this brochure is for public awareness and information.

Selectman Thompson moved to approve the brochure as presented. Vice Chairman Jane' seconded.

Chairman Emery noted that she has sent some grammatical suggestions just before tonight's meeting and asked Selectman Dodd if he was in agreement with her suggestion of having all of the bullets following the words "pedestrians must" be grammatically consistent. Selectman Dodd accepted Chairman Emery's suggested corrections.

#### **Motion Amended:**

Selectman Thompson moved to approve the Driving, Walking, And Bicycling Safely In Westborough, Massachusetts with Chairman Emery's suggested corrections. Vice Chairman Jane' seconded. 5-0

#### **Discussion of Rules & Regulations for Usage of Town Park/Board of Selectmen**

Selectman Thompson moved to adopt the Rules & Regulation for Usage of the Town Park as presented by Town Counsel. Selectman Goldblatt seconded.

Selectman Goldblatt asked Town Counsel if he had consulted with the Police Chief, and Fire Chief. Town Counsel said that he did consult not only with the Police Chief and the Fire Chief but also with the Recreation Director and Earl Storey (who will be maintaining the grounds) and they suggested a few things that are not in this draft and would like to discuss with the Board.

Town Counsel said that the following were the suggestions:

#### **Under the Prohibitions:**

##### **Section I:**

Hours- restricted from dusk to dawn

General probation of conduct or activities that would annoy or disrupt other people at the park

Smoking

Tobacco products

Liquor

Parking

Drugs

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**Under By Organized Groups:**

**Section II:**

Add the words “used by organized or informal groups”

Specify the size of group or not

**Under By Organized Groups:**

**Section II: I & J**

The threshold of anticipating 100 attendees and the requirement of having the group offer portable toilets.

Chairman Emery recommended that the users supply the portable toilets and noted that the Board would need specific recommendations from the Board of Health and also specific recommendation regarding the park times.

**Motion Withdrawn:**

At this point Selectman Thompson withdrew his motion.

Vice Chairman Jane´ suggested clarifying the language under the Use by Organized Groups section. Chairman Emery suggested that he submit the language to Town Counsel. Chairman Emery also requested that Town Counsel get a formal letter from the DPW in reference to the letter K since they will be the ones who will have to fix things afterwards.

Selectman Dodd asked Town Counsel if the Board could change the name. Town Counsel said that the Board will be able to change the park’s name at a later date.

Selectman Goldblatt requested that the Town Manager inform the Board of any events so they are all aware of what kind of activities are taking place.

Chairman Emery suggested that if anyone has any concerns under the **Prohibitions: Section 1 A-N** to note them with Town Counsel.

Chairman Emery requested that this item be placed at the Board’s June 23 meeting for approval.

**Discussion of Process for Setting Town Manager Goals/Board of Selectmen**

Chairman Emery requested that Board members submit to her, via email (and copy Maryanne Bilodeau who would collate them), their ideas of what goals the Town Manager be given for his first year. She said that she and Mr. Malloy will review them and hopefully have the goals placed at the Board’s June 23<sup>rd</sup> meeting.

**Discussion of Bay State Commons Park Committee/Board of Selectmen**

Selectman Goldblatt noted that the park’s gazebo is being ruined by skateboarders and recommended that once the Board approves the rules & regulations for usage of the park that a motion be made to have a sign installed to prohibit skateboarders at the gazebo per the Board of Selectmen. The Board agreed with Selectmen’s Goldblatt’s recommendation.

Chairman Emery said that the park's fountain issue has not been resolved and recommends that the previous ad hoc committee be formally appointed by the BOS. She said that the fountain is currently dismantled and that the developer has donated the Town \$10,000 for the fountain.

Selectman Goldblatt moved to appoint the following members to the Bay State Commons Park Committee, ad Hoc. Vice Chairman Jane' seconded. 5-0

- 1-Board of Selectman member
- 1-Design Review Board
- 1-Planning Board
- 1-Parks and Recreation/DPW
- 1-Recreation Department or Committee
- 1-Open Space Committee
- 1-Westborough Garden Club
- 2-High Street and Brigham Street neighborhood

### **Town Counsel Report**

Town Counsel Franks thanked the Board of Selectmen for reappointing him as the Town Counsel. Town Counsel informed the Board that he has been involved in an A&R litigation plan on Milk Street and anticipates closure very soon.

### **Town Manager Report**

Mr. Danis requested that the Board dissolve the DPW Clerk of the Works Designer Selection Committee, ad Hoc.

Selectman Goldblatt moved to dissolve the DPW Clerk of the Works Designer Selection Committee, ad Hoc as requested by Mr. Danis. Selectman Thompson seconded. 5-0

Mr. Danis requested two Board members to conduct the DPW Manager and the Police Chief's evaluations.

Selectmen Thomson and Dodd will conduct the DPW Manager's evaluation. Selectman Goldblatt and Vice Chairman Jane' will conduct the Police Chief's evaluation.

Mr. Danis requested that the Board approve the following End of Year Transfer:

\$1,221 from the Advisory Finance Committee Expenses to the Advisory Finance Committee Wages.

Selectman Goldblatt moved to transfer \$1,221 from the Advisory Finance Committee Expenses to the Advisory Finance Committee Wages. Selectman Thompson seconded. 5-0

Mr. Danis thanked the Board and everyone for their kindness, support and love and for their role in this evening's activities.

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

Selectman Dodd requested to have the Liaison reassignment on the Board's next meeting.

Selectman Dodd thanked Mr. Danis for his dedication and commitment to the Town of Westborough and wished him the best of luck in his retirement.

Selectman Goldblatt on behalf of the Town thanked Mr. Danis for his leadership, negotiation skills and on a personal level for his friendship.

Selectman Thompson thanked Chairman Emery and Kris Allen for organizing the activities for this evening and also thanked Mr. Danis for his dedication.

Vice chairman Jane' congratulated the Westborough 2009 Graduation Class and also thanked Mr. Danis for his service.

Chairman Emery thanked Tim Reiter for filming tonight's meeting. She noted that Fox News was in Town earlier in the week and explained that the Board of Selectmen did not have anything to do with organizing the event and due to the structure of the program many places, businesses and groups in Town were not included for interviews or focus. She wanted them to know that the Board appreciates all the businesses and businessmen in town. Chairman Emery acknowledged the staff from the Selectmen's Office for all their help in getting everything ready for tonight. Chairman Emery noted that she will miss Mr. Danis and wished him good luck.

Selectman Thompson thanked Ms. Ruberti for typing tonight's minutes.

### **Adjourn Open Session**

Selectman Dodd moved to adjourn the Board of Selectmen meeting at 9:00 p.m. Selectman Thompson seconded.

*Submitted by Nidia Ruberti*

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**Chairman Leigh Emery**

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**Vice Chairman Rod Jané**

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**Selectman Lydia Goldblatt**

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**Selectman Timothy A. Dodd**

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**Selectman George Thompson**