

Westborough Board of Selectmen  
Meeting Minutes  
August 18, 2009  
7:00 p.m. – 9:30 p.m.

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

Also, Present: James J. Malloy, Town Manager, Maryanne Bilodeau, Assistant Town Manager, Greg Franks, Town Counsel

The meeting was called to order at 7:04 p.m. by Chairman Emery. Town and School payroll and expense warrants were approved and signed.

**Pledge of Allegiance/Open Forum:**

Lynn Watts, Chairman of the Cultural Council, requested the Board’s support in conducting a dedication of the Bay State Commons Park on Saturday, October 3, 2009 between 9:30 and 9:45 a.m. during the Council’s “Arts In Common Festival” event with a rain date of Saturday, October 10, 2009.

Selectman Goldblatt moved to support the dedication of the Baystate Commons Park between 9:30 and 9:45 a.m., on Saturday, October 3, 2009 with a rain date of Saturday, October 10, 2009 during the Council’s “Arts In Common Festival” event. Vice Chairman Jane´ seconded. 5-0

Len Mead, 130 Milk Street, voiced his concern regarding the raising of the hotel, meal, and sales tax and hopes that the Board would not opt to raise taxes in Westborough.

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

- June 23, 2009
- July 21, 2009

Selectman Thompson moved to approve the Board of Selectmen’s Meeting Minutes of June 23, 2009. Selectman Goldblatt seconded. 5-0

Selectman Thompson moved to approve the Board of Selectmen’s Meeting Minutes of July 21, 2009. Selectman Goldblatt seconded. 5-0

**Request to Transfer Stock on a Liquor License/Bertucci’s Restaurant/Todd Harrington**

Attorney Demakis requested that the Board approve the Stock Transfer for Bertucci’s Restaurant located at 160 Turnpike Road.

Selectman Goldblatt moved to approve the Stock Transfer for Bertucci’s Restaurant located at 160 Turnpike Road. Vice Chairman Jane´ seconded. 5-0

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*1.*

**Request to Appoint Annual Election Officers/Nancy Yendriga, Town Clerk**

Ms. Yendriga requested that the Board Appoint the Annual Election Officers as presented for a term ending August 31, 2010.

Selectman Goldblatt moved to Appoint the Annual Election Officers as presented by the Town Clerk with a term ending August 31, 2010. Vice Chairman Jane' seconded. 5-0

**Note Borrowing Request/Joanne Savignac, Treasurer/Collector**

Ms. Savignac requested that the Board approve the sale of \$13,765,658 at 1.75% General Obligation Bond Anticipation Note of the town dated August 28, 2009, and payable August 27, 2010 to TD Securities (USA) LLC at par and accrued interest plus a premium of \$164,031.58 (note attached). Ms. Savignac said that this note is for water, sewer, road reconstruction, and for the public safety complex.

Chairman Emery moved to approve the note as presented by Town Treasurer/Collector Joanne Savignac. Selectman Goldblatt seconded. 5-0

*Town Clerk Nancy Yendriga witnessed the Board of Selectmen's signatures.*

**Pole Petition Request/78A Summer St. Ext/National Grid/Dana Larson**

Mr. Larson requested that the Board approve the installation of a new pole (P.24-5) for proper ground clearance between poles 24 and 25 and to also provide proper ground clearance for a new dwelling at 78A-80 Summer Street Extension.

Selectman Thompson moved to approve the Pole Petition Request of installing a new pole (P.24-5) for proper ground clearance between poles 24 and 25 and to also provide proper ground clearance for a new dwelling at 78A-80 Summer Street Extension. Selectman Goldblatt seconded.

Bruce Forrestall, Developer of the new dwelling, informed the Board that he was told by the Fire Department that by having the two electrical wires coming down that low and close to the ground and homes poses a safety issue. Chief Perron was asked to comment on the safety issue and he informed the Board that he is not aware of any safety issues and that this item is not in his jurisdiction it is under the electrical inspector's preview. Chief Perron said that the Fire Department is not involved in any pole petition requests. It was noted that the Board did not receive an electrical report from the Building Department.

Margaret Knox, 73 Summer St., voiced her concerns regarding the placement of the poles. She said that she doesn't want another pole on her property. Ms. Spadafora, 76 Summer St Ext., also reviewed her concerns with placement of the poles and the lack of notification regarding the construction of these homes. John Winsch, 76 Summer St. Ext., also voiced his concerns regarding the placement of the poles.

The Board discussed at great length the placement and feasibility of other options and recommended that Mr. Larson, Mr. Forrestall, Joe Inman, Building Commissioner and the residents meet to work out a solution. Selectman Thompson withdrew his motion; Selectman Goldblatt agreed. The Board requested that a copy of the finalized plan/solution be submitted prior to placing this item at the next Board of Selectmen meeting.

### **Zaara Gardens LIP Public Hearing**

The following residents voiced their concerns regarding the development of Zaara Gardens.

Robert Smith, 6 Granger Road- concern is increased traffic;  
Linda Forrestall – concern is rush hour traffic, getting in and out of her driveway, congestion, and public safety;  
John Trotto, 196 East Main – concern that motorist will use this avenue as a bypass/shortcut;  
Cliff Watts, 18 Byard Lane – adds to overtaxed storm drain, removing one house and constructing several;  
Ron Fraser, 11 Granger Road – 14 units are too many;  
Paul Lane, 11 Granger Road – adds to existing traffic congestion and public safety of the neighbors;  
Linda Lane, 11 Granger Road – cars parked on the road from the garage to the end of hill;  
William Peaslee, 15 Granger Road – concerned about the whole development and the added stress that will be posed everywhere.

Mr. Malloy reviewed the answers to the Board's questions that were asked of Mr. Ansari at a previous meeting along with the results of Mr. Ansari's background. Mr. Malloy noted that he has drafted a letter of approval addressing the Board's concerns if they chose to approve the LIP application. The Board discussed and expressed their concerns regarding the project, the financial analysis, the resulting economic impact and lack of support for the project from Town Departments along with the residents concerns. Town Planner Jim Robbins informed the Board that the Town has reached its 10% of affordable housing as of today. Ms. Allen, Vice Chairman of the Housing Partnership Committee, reiterated that the committee approved the plan as presented and requested that the Board support their letter of approval. Ms. Allen said that the committee's guidelines are 4 units per acre for affordable housing units, which they feel the density is fair. The committee would like to have all of the units look the same, have the same market rate, and use high quality materials. She said that the Zoning Board of Appeals (ZBA) has to approve the application and could deny it based on that the Town has reached its 10% requirement. The ZBA grants the final permit and the Board of Selectmen is able to send a letter addressing their concerns and include conditions to the ZBA. After a very lengthy discussion of the pros and cons of constructing this development along with the difference in process the Board voted the following:

Selectman Thompson moved to conditionally support the concept for the proposed Zaara Gardens LIP Application as outlined in the packet, subject to the review and the approval of the draft letter from the Town Manager dated August 18, 2009 (letter attached). Selectman Dodd seconded. 3-2 (Vice Chairman Jane' and Selectman Goldblatt).

The Board reviewed and discussed the bulleted items in the draft letter dated August 18, 2009 and made changes/additions as necessary. The Board also reviewed the waiver requests and voted the following:

Selectman Dodd moved not to support the waiver request bullet numbers 1, 2, and 4 (town requirements). Vice Chairman Jane´ seconded. 5-0

Selectman Thompson moved to support bullet number 3. Chairman Emery seconded. 3-2 (Vice Chairman Jane´ and Selectman Goldblatt)

Chairman Emery requested that Mr. Ansari submit the latest version of the plan to the Housing Partnership Committee, Planning Board, DPW Manager and Town Engineer to be reviewed for anything that has been missed or needs clarification. Chairman Emery also requested that the draft letter with the corrections be placed at the Board's next meeting for a vote.

#### **CMMPO Walkable Community Workshop/Selectmen Dodd**

Selectman Dodd requested that the Board support taking part in the CMMPO Walkable Community Workshop and introduced Jonathan Church CMMPO Planner. Mr. Church explained briefly what these workshops would entail and said that by having this program in place it helps benefit the town with transportation planning and safety issues and is at no cost to the town (brochure and agenda attached).

Vice Chairman Jane´ moved to take part in the CMMPO Walkable Community Workshop. Selectman Thompson seconded. 5-0

#### **Request to Appoint a Patrolman/Al Gordon, Police Chief**

Police Chief Gordon requested that the Board Appoint Paul J. Pinto as a Patrolman to the Town of Westborough, contingent upon a favorable psychological and physical evaluation.

Vice Chairman Jane´ moved to Appoint Paul J. Pinto as a Patrolman to the Town of Westborough, contingent upon a favorable psychological and physical evaluation. Selectman Dodd seconded. 5-0

#### **Green Technology Advisory Group Vote/Chairman Emery**

Chairman Emery reviewed the revisions to the original Green Technology Advisory Group proposal as outlined in the packet and asked the Board for a motion.

Selectman Thompson moved to create the Green Technology Advisory Group Committee, Ad Hoc and further moved to advertised the committee on the Town's Web site and nominate representatives from the Department of Public Works, Building Department, Building & Grounds and the School Department and further moved to have the nominees be appointed by the Board. Selectman Dodd seconded. 5-0

#### **Liaison Committee List/Board of Selectmen**

The Board reviewed the Liaison Committee list as presented. Vice Chairman Jane´ requested that the Youth and Family Services be moved from Selectman Thompson's area to his.

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Selectman Dodd moved to approve the Liaison Committee list as presented with the change requested by Vice Chairman Jane'. Selectman Goldblatt seconded. 5-0

### **Town Counsel Report**

Town Counsel Franks informed the Board that he and Town Engineer Carl Balduf are continuing to work on the Order of Taking of Meadow Road and hopefully will be placed at the Board's next meeting agenda.

### **Town Manager Report**

#### *Town Manager Goals*

Mr. Malloy said that at the last meeting the Board discussed the Town Manager's goals for the next year and then had a discussion about the differences between "duties" and "goals". Mr. Malloy suggested the following:

"Essential duties and responsibilities are the ongoing functions of a position that are documented on the job description and do not change significantly from year to year. Goals are generally projects with defined start and end dates and/or would have annual milestones (for multi-year goals)."

Mr. Malloy said that if the Board agrees with the above suggestion, he would recommend that of the "goals" listed (see minutes of 7/21/09) that (1) would be a "duty" and not a goal and that under (5) if (a) were changed to strike the first word "Evaluate" and change this to "Improve" that (5) would then be a goal and that (6) is a duty as written and the 7<sup>th</sup> goal regarding the Personnel Bylaw review would be a goal.

Vice Chairman Jane' moved to set the goals for the Town Manager as amended by striking items 1, 6, and 5 and amending them to "Evaluate" and replace it with "Improve".

Mr. Malloy informed the Board of the following Miscellaneous Updates:

- In keeping with the park rules and regulations, he has set an application fee of \$50 for the use of the Bay State Commons Park for private entities seeking to use the park; there will be no charge for town sponsored events.
- In keeping with the proposal to establish a Green Technology Advisory Group, he is attaching information from the 495/Metrowest Partnership on their Green Infrastructure Toolkit and offer to meet with the Selectmen.

*Chairman Emery requested to hold off with this item.*

- The Nathan Fisher House legislation has been signed by the Governor and the Massachusetts Historical Commission and have set a hearing date in September, he will coordinate with Greg Franks, Town Counsel, to ensure representation at the hearing.

- Senate Bill 2059 – He had a chance to speak with Mary Beth Clancy (today) and she indicated that the Department of Capital Asset Management has concerns with several aspects of the legislation which include moving the review from the Secretary of Administration and Finance to the Secretary of Housing and Economic Development, the potential for conflict with the 495/Metrowest Partnership having a seat on the Special Commission and that the final report being submitted to the clerk of the senate and house within one year could be problematic given that the Department of Health and Human Services is completing a master planning process scheduled to be completed in the Spring of 2010. Ms. Clancy indicated that it was not clear that the Worcester State Hospital was going to be completed in time for an early closure of the Westborough State Hospital and that the state agencies were working through this issue.

She also raised a concern that in dealing with Westborough, there have been too many individuals involved and that it would be much simpler for one person to be designated as a spokesperson for the Town. Ms. Clancy indicated she thought that in May the Board designated Leigh Emery. He told Ms. Clancy that he would bring this up for the Board's discussion so that it is clear for future discussions who would be the point person for the Town.

*Chairman Emery requested that this item be placed at the Board's next meeting for discussion.*

- Public Safety Facility – He is attaching an email from Pete Collins at Heery, Owner's Project Manager (OPM), for this project. At the last Municipal Building Committee meeting, the Committee had a discussion regarding the estimated cost to put this out to bid and how it was actually derived and whether it contained all costs involved. There was also discussion about having Heery undertake a cost estimate to develop an updated 100% cost estimate to use at Town Meeting as opposed to going through the Request For Proposal. At the last Selectmen's meeting, it was discussed the cost to put this project out to bid was approximately \$50,000 this did not include costs already under contract for the Architect and OPM. The attached provides a full cost breakdown with all costs included. What is identified as Option #2 is \$35,000 to undertake a 100% design estimate.

The Municipal Building Committee was present and answered/clarified the Board's questions of the process.

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

Selectman Goldblatt extended the Board's sympathies to the Doherty family for their loss. Selectman Goldblatt said that the City of Marlborough recently passed an ordinance that requires that the responsible party of foreclosed homes maintain the properties and requested if the Board would consider having an ordinance of that kind in Westborough. The Board requested that this item be placed at its next meeting agenda. Selectman Goldblatt said that she will not be in attendance at the Board's September 8<sup>th</sup> meeting, due to foot surgery. Selectman Goldblatt requested that we keep our servicemen and women in our prayers and thoughts so far from home.

Chairman Emery announced that she also will not be at the Board's September meetings due to work responsibilities.

**Adjourn Open Session**

Selectman Thompson moved to adjourn the Board of Selectmen meeting at 9:30 p.m.

Selectmen Dodd seconded. 5-0

*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**