

Westborough Board of Selectmen
Meeting Minutes
September 22, 2009
6:30 p.m. – 9:25 p.m.

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

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

Absent: **Selectman Thompson**

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:

Mr. John Minardi, resident of Robin Road, requested that the signage that was placed a few days ago ("No Parking") on Robin Road be removed. He said that the reason for the signage was due to the Police Chief's concern of public safety; in reality it was a one-time 90th birthday party that occurred. Mr. Minardi claims that the request was an overreaction to the number of vehicles parked on Robin Road for the birthday party.

Chairman Emery noted that the Police Chief is not in attendance and recommended that this concern be placed on the Board's October 13th meeting agenda for discussion.

Approval of the Board of Selectmen's Meeting Minutes

- September 8, 2009

Selectman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of September 8, 2009. Selectman Dodd seconded. 4-0

Request to Appoint Non-Voting Members to the Conservation Commission/Conservation Commission Chairman

Mr. Malloy requested that the Board appoint Justin Lundberg and Vivian Kimball as Non-Voting Members to the Conservation Commission with a term ending June 30, 2010.

Selectman Goldblatt moved appoint Justin Lundberg and Vivian Kimball as Non-Voting Members to the Conservation Commission with a term ending June 30, 2010. Vice Chairman Jane' seconded. 4-0

One Day Hawker Peddler Requests for Arts in the Common/Assistant Town Manager

Ms. Bilodeau requested that the Board waive the hawker peddler permit fee for non-profit groups or those vendor who are donating their proceeds to the Cultural Council "Arts in Common" festival to be held on Saturday, October 3rd (rain date: October 10th) and to give her permission to approve any late applications for this event (list of vendors attached).

Minutes: September 22, 2009

1.

Vice Chairman Jane' moved to waive the hawker peddler permit fee for non-profit groups and to those vendors who donate their proceeds to the Cultural Council "Arts in Common" festival to be held on Saturday October 3, 2009 and further moved to have Ms. Bilodeau approve any late applicants. Selectman Goldblatt seconded. 4-0

Stormwater Concern/Matt Hagens

Item was cancelled by Mr. Hagens' request via email notification (9/21/09).

Town Counsel Report

Mr. Franks requested that the Board approve the Indemnification Agreement between the Town and the resident at 56 High Street Extension to allow the resident to have the sewer force main line remain under the Town's public way in exchange for adequate protection of the Town's property.

Selectman Goldblatt moved to approve the Indemnification Agreement for the resident of 56 High Street. Vice Chairman Jane' seconded. 4-0

Mr. Franks informed the Board that the Hadley Lane (ANR Plan 2 Duplexes) litigation was dismissed by the court on Monday and therefore starts the 30 day appeal period.

Mr. Franks informed the Board that he will be at court on Friday to have the property owner on Bowman Street come to compliance with the court order of completely cleaning up the trash on his property or to allow the Town to do what it needs to do to bring the owner into compliance and to charge those costs to the owner.

Town Manager Report

Town Meeting Warrant (action recommended)

Vice Chairman Jane' moved to approve the placement of the Town Manager's summary and the Selectmen's vote in the Finance Committee Report, subject to the Finance Committee's approval. Selectman Goldblatt seconded. 4-0

Article 1- FY10 Budget Reduction- Vice Chairman Jane' moved to support the Town Manager's recommendation. Selectman Goldblatt seconded. 4-0

Article 2- FY10 Budget Transfers- Selectman Goldblatt moved to support the Town Manager's recommendation. Vice Chairman Jane' seconded. 4-0

Article 3- FY10 Sewer Budget Amendment-Electricity- Selectman Goldblatt moved to support the Town Manager's recommendation. Vice Chairman Jane' seconded. 4-0

Article 4- FY10 Water Budget Amendment- Electricity- Selectman Goldblatt moved to support the Town Manager's recommendation. Vice Chairman Jane' seconded. 4-0

Article 5- Design and Permit Opticom Traffic Controllers- Selectman Goldblatt moved to support the Town Manager's recommendation. Vice Chairman Jane' seconded. 4-0

Article 6- Removal of a Liquor License Requirement-Citizen's Petition- Selectman Goldblatt moved to support the Town Manager's recommendation. Vice Chairman Jane' seconded. 4-0

Article 7- Department of Public Works Rainstorm Reimbursement- Selectman Goldblatt moved to support the Town Manager's recommendation. Vice Chairman Jane' seconded. 4-0

Article 8- Public Safety Complex – Selectman Dodd moved to place Article 8 Public Safety Complex (2/3 vote requirement) on the warrant only and for the approved wording by bond counsel be added to make clear that this article is a debt exclusion article. Vice Chairman Jane´ seconded. 4-0

Article 9- Amendment of Article 12 (Hawkers Peddlers Permit) Bylaw- Selectman Goldblatt moved to support the Town Manager’s recommendation. Vice Chairmen Jane´ seconded. 4-0

Article 10- Public Shade Trees Bylaw - Selectman Dodd moved to support the Town Manager’s recommendation. Selectman Goldblatt seconded. 4-0

Article 11- Abandoned and Foreclosed Property Registration – Selectman Goldblatt moved to support the Town Manager’s recommendation. Selectman Dodd seconded. 4-0

Article 12- Warren Street Drainage Improvement – Selectman Goldblatt moved to support the Town Manager’s recommendation. Vice Chairman Jane´ seconded. 4-0

Article 13- Work on Town Sewer System – Selectman Goldblatt moved to support the Town Manager’s recommendation. Vice Chairman Jane´ seconded. 4-0

Article 14- Westborough Country Club Capital Improvement- Selectman Goldblatt moved to support the Town Manager’s recommendation; amount to be determined at town meeting. Selectman Dodd seconded. 4-0

Article 15- Special Education Costs – Selectman Goldblatt moved to support the Town Manager’s recommendation. Vice Chairman Jane´ seconded. 4-0

Article 16- Local Option Meal Excise Tax Increase- Vice Chairman Jane´ moved to place this article on the warrant only and to discuss it at the Board’s meeting of October 19th when a full Board is present. Selectman Goldblatt seconded. 4-0

Article 17- Local Option Room Occupancy Tax Amendment – Chairman Emery moved to place this article on the warrant only and to discuss it at the Board’s meeting of October 19th when a full board is present. Selectman Dodd seconded. 4-0

Selectman Dodd moved to close the warrant and to allow the Town Manager to make any grammatical corrections prior to the warrant’s posting. Vice Chairman Jane´ seconded. 4-0

Country Club Surplus Equipment (action recommended)

Mr. Hightower, Superintendent, requested that the Board declare the Toro Greensmaster 3000D riding greens mower with reel-type cutting units designed to cut grass between 0.12 and 0.5 inches in height with a cutting width of 5 feet, Model #04375, Serial #90636 as surplus equipment.

Selectman Goldblatt moved to declare the Toro Greensmaster 3000D riding greens mower with reel-type cutting units designed to cut grass between 0.12 and 0.5 inches in height with a cutting width of 5 feet, Model #04375, Serial #90636 as surplus equipment. Selectman Dodd seconded. 4-0

Mr. Malloy suggested that Mr. Hightower contact DPW Manager John Walden to coordinate the auctioneer process that Mr. Walden is researching.

Bay State Commons Park Name

Ms. Kim Levesque, Co-Chair of the Bay State Park Committee, Ad Hoc, presented the Board with the following name suggestions for the town’s park which will be dedicated on October 3rd.

- The Green at Bay State (Bay State Green)
- The Commons at Bay State
- Bay State Park

Selectman Goldblatt moved to name the town's park "Bay State Park". **Motion denied for the lack of a second.**

Selectman Dodd moved to name the town's park "Bay State Green". Vice Chairman Jane' seconded. 4-0

Rotary Sign Request (action recommended)

Ms. Watts requested that the Board approve to place a sign at the Rotary to announce the Cultural Council "Arts in Common" festival being held on Saturday, October 3rd.

The request was denied for the lack of a motion. The Board noted that they feel it would set a precedent for other groups to have signs placed at the Rotary and also agrees with the Police Chief's concern of allowing such requests (email attached).

Park Place LIP (action recommended)

Mr. Malloy requested that the Board approve the Regulatory Agreement for the Park Place Local Initiative Program housing project that was previously approved by the Board and also authorize the Chairman to sign the agreement on behalf of the Board. The housing project is a 12 unit townhouse project with 3 affordable units.

Selectman Goldblatt moved to approve the Regulatory Agreement for Park Place and to authorize Chairman Emery to execute the agreement on behalf of the Board. Vice Chairman Jane' seconded. 4-0

Over Quota Liquor Licenses

Mr. Malloy requested that the Board consider requesting our State Legislators to submit legislation to remove the sunset provisions (quota on liquor licenses) of general laws (MGL Ch. 138 §17A-C on A&B and 1985 on C) to allow the Towns to remove the quota's on liquor licenses.

Selectman Dodd moved to direct the Town Manager to send the request to remove the sunset provisions as stated to allow the Town to locally approve over quota liquor license to our senator and representatives. Vice Chairman Jane' seconded.

Selectman Goldblatt recommended that this action be delayed to the next Board's meeting and to have the Police Chiefs input. The Board agreed with Selectman Goldblatt's recommendation.

Vice Chairman Jane' withdrew his motion.

Senate Bill 2059-Westborough State Hospital

Mr. Malloy said that the original proposed Bill established a Special Commission made up of various state and local officials. The commission was chaired by the Secretary of Housing and Economic Development and contained two representatives of the Towns of Westborough and Northborough and a representative of the 495 Partnership. The Division of Capital Asset Management (DCAM) objected to the Chairmanship and wording regarding the towns and the participation of the 495 Partnership.

Mr. Malloy suggested that following to be added to the Bill:

Add the wording “or their designee” after the word Selectmen or Planning Board member, Under the commissions charge adding number (6) “consider potential municipal uses or needs in relation to any portions of the Hospital that may be surplusd”. Mr. Malloy said that the Town Planner suggested adding the following language be added requiring that the commission be created and hold its first meeting to take up its charge within 45 days of the passage of the proposed Legislation:

(7) “be formerly constituted and hold its initial meeting to being its task no later than 45 days from the passage of this Legislation”.

After a very lengthy discussion regarding the suggested additions and the clarification of the 495 Partnership’s directive by Mr. Adam Plattz, Manager of the 495 –Partnerships, the Board voted the following:

Vice Chairman Jane’ moved to approve the Town Manager’s recommendations and to include a representative from the 495-Partnership and further voted to approve the recommendations from the Town Planner’s letter dated September 22, 2009. Selectman Goldblatt seconded.

The Board discussed having more town representation on the commission and voted to amend the motion as follows:

Motion Amended:

Vice Chairman Jane’ moved to approve the Town Manager’s recommendations and to include a representative from the 495-Partnership and to have two representatives appointed by the Board of Selectmen and a third representative from Westborough to be appointed by the Planning Board and further voted to approve the recommendations from the Town Planner’s letter dated September 22, 2009. Selectman Goldblatt seconded. 4-0

Request To Hire Vacant Positions:

John Walden, DPW Manger, requested that the Board approve the hiring of the following positions due to openings- Electrician and Engineer/Inspector. He said that the Electrician position is funded through the Sewer Enterprise Account and that the Engineer/Inspector position is funded between the general, water and sewer budgets.

Selectman Goldblatt moved to approve the hiring of the Electrician and Engineer/Inspector as requested by the DPW Manager. Selectman Dodd seconded. 4-0

Fire Chief Perron announced that the Fire Department's Administrative Secretary will be retiring at the end of December 2009 and requests to hire for the position. He said that the position is a Grade S-12 and is a 40 hour work week.

Selectman Goldblatt moved to approve the hiring of an Administrative Secretary as requested by the Fire Chief. Selectman Dodd seconded. 4-0

Miscellaneous

Request for Nominees for Evaluations:

Mr. Malloy requested nominees to conduct the annual evaluations for:
Fire Chief Perron and Town Counsel Franks.

Selectman Emery and Selectman Dodd will conduct Fire Chief's Perron evaluation and Vice Chairman Jane' and Selectman Thompson will conduct Town Counsel Franks evaluation.

Issues and Correspondence of the Selectmen

Selectman Goldblatt requested that the Committee Vacancies be placed on the Board's agendas from now on and also requested that we keep our servicemen and women in our prayers and thoughts so far from home.

Selectman Dodd thanked all who came to the Lee Property Grand Opening and also thanked Earl Storey for all his dedication and commitment that he has contribute to the property and also thanked Joanna DiCarlo for coordinating the Schools first racing meet.

Selectman Dodd moved to have a School Committee Designee be added to the Lee Property Committee, Ad Hoc. Vice Chairman Jane' seconded. 4-0

Selectman Dodd announced that the Walkability Workshop sponsored by the CMMPO will be held on Friday, October 9th at the Forbes Municipal Building Room 24 from 9:00 a.m.-Noon.

Chairman Emery voiced her concern with the date and requested that Selectman Dodd research another date. Selectman Dodd agreed with Chairman Emery's concern and will ask for a date change.

Chairman Emery requested that Earl Storey be invited to the Board's October 13th meeting agenda for a special commendation for going beyond the call of duty in regards to the Lee Property.

Vice Chairman Jane' voiced his disappointment in the Massachusetts State Legislature for not adopting the Town's request to incorporate the question of the debt exclusion (Public Safety Complex-Proposition 2½) question on the Senatorial ballot. This would have save the town about \$5,000.

Chairman Emery said that she was inspired by her recent trip to Europe of creating a safe biking riding route in Westborough and will be taking on this endeavor in the near future. She said that most everyone in Europe commutes via bike and thinks that it is a wonderful idea.

Adjourn Open Session

Selectman Goldblatt moved to adjourn the Board of Selectmen meeting at 9:25 p.m.

Selectmen Dodd seconded. 4-0.

Submitted by Nidia Ruberti

Chairman Leigh Emery

Vice Chairman Rod Jané

Selectman Lydia Goldblatt

Selectman Timothy A. Dodd

Selectman George Thompson

(Absent)