

Westborough Board of Selectmen  
Meeting Minutes  
October 13, 2009  
7:00 p.m. – 10:10 p.m.

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

Also, Present: James J. Malloy, Town Manager and Greg Franks, Town Counsel

**Absent: Maryanne Bilodeau, Assistant Town Manager**

Selectman Goldblatt moved to enter into Executive Session for the purpose of collective bargaining and negotiating, pursuant to M.G.L. c39, Section 23B(3) as discussion in an open meeting may have a detrimental effect on the collective (coalition) bargaining and negotiating position of the Town of Westborough. Selectman Dodd seconded. The Board voted unanimously in favor of the motion by roll call vote to go into Executive Session. The Chair announced that the Board would reconvene in Open Session after the Executive Session.

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:**

*Earl Storey:*

*Chairman Emery read and gave Mr. Earl Storey, on behalf of the Board of Selectmen, a certificate of appreciation for all his work on the Lee Property Committee along with all his efforts in coordinating the Westborough High School's country meet that took place at the Lee Property early September.*

*Purple Pinkie Day Proclamation:*

*Ms. Abladian requested that the Board recognize the Rotary's "Purple Pinkie Day" awareness campaign. Ms. Abladian said that this program reaches individuals who come to this country without having received the Polio vaccine. When children overseas receive the Polio drops, they are also given Vitamin A. These children are then identified by marking their pinky finger with a purple dot so that they do not risk being accidentally double-vaccinated (hence "Purple Pinkie Day"). Chairman Emery read the Proclamation for the Rotary and proclaimed Saturday, October 24, 2009 "Purple Pinkie Day".*

#### **Committee Vacancies:**

Central Massachusetts Regional Planning Committee (Alt)  
Green Technology Advisory Group  
Youth Commission – (1)  
Trustees of Soldiers' Memorials (1) – **needs to be a veteran**

## **Approval of the Board of Selectmen's Meeting Minutes**

- September 22, 2009

Selectman Goldblatt moved to approve the Board's September 22, 2009 Meeting Minutes. Selectman Dodd seconded. 4-0 (Selectman Thompson was absent on September 22, 2009)

### **Representatives George Peterson and Karyn Polito-Update**

Representative Peterson and Polito both voiced their concerns regarding the current economic state and informed the Board that the State's budget is over one billion dollars in deficit this fiscal year and project higher deficits for fiscal year 2011. They said that the State only has 575 million dollars in the rainy day fund and does not foresee any relief anytime soon. Representative Peterson and Polito are cautioning the towns to start planning for fiscal year 2011 now instead of waiting for further cuts and for the planning strategy to be a very conservative plan. They also informed the Board that the Governor will be making more C-9 cuts very soon. Representative Peterson handed out a packet explaining the Fiscal Year 2009 problems and the consequences for Fiscal Year 2010 (packet attached). The Representatives also inform the Board that the Liquor License Bill is currently in the Steering and Policy's Office and that the Westborough State Hospital Resolution is currently in the State and Administration Office.

The Board thanked the Representatives for their update.

### **Request to Change Manager/Liquor License/Four Friends, Inc./Ziti's Restaurant/ Oscar Palencia**

Ms. Stella Rondo requested that the Board of Selectmen approve the Change of Manager from Domenic Rando to Oscar Palencia for Four Friends, Inc., /Ziti's Restaurant located at 290 Turnpike Road.

Selectman Goldblatt moved to approve the Change of Manager from Domenic Rando to Oscar Palencia for Four Friends, Inc., /Ziti's Restaurant located at 290 Turnpike Road. Vice Chairman Jane' seconded. 5-0

### **Request to Change Manager/Liquor License/Piccadilly Pub Restaurant/Michael Pellerin**

Mr. Taylor requested that the Board of Selectmen approve the Change of Manager from Mary Dillon to Michael Pellerin for the MPG Westborough, LLC/Piccadilly Pub Restaurant located at 17 Connector Road.

Selectman Goldblatt moved to approve the Change of Manager from Mary Dillon to Michael Pellerin for the MPG Westborough, LLC/Piccadilly Pub Restaurant located at 17 Connector Road. Selectman Thompson seconded. 5-0

### **Request to Sign Notes/Treasure/Collector**

Ms. Savignac requested that the Board approve the authorization for her to provide for the sale and issuance of refunding bonds in the aggregate principal amount of \$2,975,000 under Section 21A of Chapter 44 of the General Laws in order to currently refund the principal of and interest on the Town's General Obligation Municipal Purpose Loan of 1998 Bonds dated November 15, 1998 in the aggregate principal amount of \$2,985,000, and maturing in the years 2010 through 2018, and to pay the redemption premium and costs of issuance related thereto; and that the Treasurer is further authorized to execute such documents and certificates as may be necessary or desirable to carry out this transaction (vote attached).

Vice Chairman Jane' moved to authorize the Town Treasure/Collector to provide for the sale and issuance of refunding bonds in the aggregate principal amount of \$2,975,000 under Section 21A of Chapter 44 of the General Laws in order to currently refund the principal of and interest on the Town's General Obligation Municipal Purpose Loan of 1998 Bonds dated November 15, 1998 in the aggregate principal amount of \$2,985,000, and maturing in the years 2010 through 2018, and to pay the redemption premium and costs of issuance related thereto; and that the Treasurer is further authorized to execute such documents and certificates as may be necessary or desirable to carry out this transaction. Selectman Goldblatt seconded. 5-0

#### **Article 8- Public Safety Complex**

Selectman Goldblatt moved to support Article 8. Chairman Emery seconded. 2-3 (Vice Chairman Jane', Selectmen Thompson and Dodd). Support for Article 8 failed. Mr. Dexter Blois noted that the Municipal Building Committee will move to pass over Article 8 at town meeting.

#### **Article 16- Local Meal Tax**

Vice Chairman Jane' moved to support Article 16. Chairman Emery seconded. 2-3 (Selectmen Dodd, Goldblatt and Thompson). Support for Article 16 failed.

#### **Article 17-Local Occupancy Tax**

Selectman Dodd moved to support Article 17. Vice Chairman Jane' seconded. 3-2 (Selectmen Thompson and Goldblatt). Support for Article 17 passed.

#### **Request to Appoint Members to the Council on Aging/Council on Aging Chairman**

Vice Chairman Pavolis requested that the Board appoint the following individuals to the Council on Aging:

- Evelyn Ware for a term ending 6/30/11
- George Barrette for a term ending 6/30/12
- Ludwig Staphanie for a term ending 6/30/12

Selectman Goldblatt moved to appoint Evelyn Ware for a term ending 6/30/11, George Barrette for a term ending 6/30/12 and Ludwig Staphanie for a term ending 6/30/12 to the Council on Aging. Vice Chairman Jane' seconded. 5-0

#### **Request to Appoint Members to the Local Emergency Planning Committee/LEPC Chairman**

Chairman Rand requested that the Board appoint Paul Temple and James Malloy to the LEPC for an indefinite term. He said that Mr. Temple replaces Ms. Foertsh and Mr. Malloy replaces the former Town Manager.

Selectman Goldblatt moved to appoint Paul Temple and James Malloy to the LEPC for an indefinite term. Vice Chairman Jane' seconded. 5-0

#### **Request to Use Town Roads/Charity Race/Dave McMahon**

Mr. McMahon requested the use of town roads for a 5K Charity Race for Dismas House to be held on Saturday, May 22, 2010 from 9:30 am-Noon, rain or shine. He said that the race will start at St Luke's Parish, onto West Main Street, across to Eli Whitney, and then down Ruggles ending again at St. Lukes.

Selectman Thompson moved to approve the usage of town roads with the following route as stated by Mr. McMahon: starting at St Luke's Parish, onto West Main Street, across to Eli Whitney, and then down Ruggles ending again at St. Lukes for the 5K Charity Race for Dismas House to be held on Saturday, May 22, 2010 from 9:30 am to Noon, rain or shine. Vice Chairman Jane' seconded. 5-0

### **School Committee Discussion (Article 15)**

Chairman Karen Henderson informed the Board of the Schools budget constraints, budget increase, budget reductions and current layoffs and Article 15. Chairman Henderson handed out an overview packet explaining the school's budget increases and decreases and also explained their request for an increase in Special Education Costs (Article 15). Chairman Henderson voiced the committee's budget concerns and why and where the special education monies are needed (materials attached).

The Board of Selectmen thanked the School Committee for coming forth and discussing their budget concerns.

### **Police Chief Discussion**

*Wooded Area across from 15 Willow Street*

Police Chief Gordon requested that the Board authorize the DPW Manager to install "No Parking" signs at the westside from 15 Willow Street down.

Selectman Goldblatt moved to authorize the DPW Manager to install "No Parking" signs at the westside from 15 Willow Street down. Selectman Thompson seconded. 5-0

### ***Parking Spots at Bay State Green-Postponed***

*Robin Road Parking Signs*

Police Chief Gordon discussed the issue regarding the placement of the Robin Road parking signs and informed the Board that another incident happened there this past weekend and created another public issue. He also said that he has spoken with the resident and feels that his recommendation of having no parking signs on Robin Road is properly recommended.

### **Town Counsel Report**

Town Counsel Franks informed the Board that the property owner of Bowman Street has made great improvements in cleaning up his yard.

### **Town Manager Report**

*Appointments*

Mr. Malloy requested that the Board designate Attorney Franks as the Municipal Liaison to the State Ethics Commission.

Selectman Goldblatt moved to appoint Town Counsel Franks as the Town's Municipal Liaison to the State Ethics Commission. Selectman Thompson seconded. 5-0

Chairman Emery requested that the School Building Committee vacancy for the Assabet Valley Regional Vocational School's project be placed on the town's web site.

*Municipal Lease*

Mr. Malloy requested that the Board authorize him to sign, on behalf of the Board, a municipal phone lease that has been reviewed by Town Counsel.

This municipal lease will improve the Town's phone system by providing voice mail capability, caller ID, and upgrades on a number of older telephones at a slightly lower overall cost.

Selectman Thompson moved to authorize the Town Manager to sign the municipal phone lease agreement as attached. Selectman Goldblatt seconded. Mr. Malloy noted that he will write a voice mail policy shortly. 5-0

#### *Charter Communications Lease Agreement*

Mr. Malloy said that a couple of meetings ago, the Board appointed an Ad Hoc Committee to review Charter's request to amend their license from a set fee to a percent of gross revenues to bring it more on par with the license agreement with Verizon. The Committee has met and reviewed the license amendment and recommends that the Board approve the license amendment (amendment attached). Town Counsel has reviewed the license amendment as well and has found it acceptable in regard to legal form. Since the contract with Verizon has been signed, Charter customers have gone from 5,400 to 3,275 so most of the loss of revenue from Charter is being paid by increased revenues from Verizon (except for those going with satellite which we do not regulate).

Selectman Goldblatt moved to approve the proposed amendment to the franchise agreement as attached and further to authorize the Town Manager to sign any documents on behalf of the Board of Selectmen in regard to the amendment. Vice Chairman Jane' seconded. 5-0

#### *Renewable Energy Trust Grant*

Mr. Malloy informed the Board that the Town received a request from the Renewable Energy Trust to submit requests for grant funds (total of \$5,178) prior to 11/30/09. In August he sent out a notice to all town departments with the information asking for their interest in applying. Two departments applied for the grant program, the DPW and Library. The DPW submitted a request to for 2 solar trash cans ("Big Bellies") that would be placed at the Bay State Green. The Library submitted a request to purchase 20 books on renewable energy. Mr. Malloy recommending that the Board authorize the submission to purchase the two solar trash cans for the new park.

Selectman Dodd moved to approve the submission of a renewable energy trust grant and to give \$500 to the Library and the rest to the DPW and further to authorize the Chair of the Board of Selectmen to sign the Clean Energy Choice Community Matching Grant Agreement. Selectman Goldblatt seconded. 5-0

#### *Civic Club Gift*

Mr. Malloy informed the Board that the Westborough Civic Club has donated a 52" flat screen monitor to the DPW for use during power point presentations and requested that the Board of Selectmen accept this gift.

Selectman Goldblatt moved to accept the gift of a 52" flat screen monitor from the Civic Club for use at the DPW. Selectman Thompson seconded. Selectman Goldblatt requested that a thank-you letter be sent on behalf of the Board. Mr. Malloy acknowledged the request. 5-0

#### *Surplus Equipment*

Mr. Malloy requested that the Board approve the attached updated list of town personal property that has been deemed to be surplus by the DPW.

*Minutes: October 13, 2009*

For the Town to sell this equipment (personal property), the Board of Selectmen needs to vote to determine it is surplus and to authorize the sale.

Selectman Goldblatt moved to authorize the Town Manager to sell to the highest bidder, the surplus equipment as per the attached list dated October 24, 2009. Selectman Thompson seconded. 5-0

#### *Miscellaneous*

The following are miscellaneous items for the Board's information:

- Mr. Malloy said that he has spoken to Chief Gordon regarding the discussion the Board had during the last meeting related to requesting our legislators to sponsor legislation that would remove the sunset provision of MGL Ch. 138, §17A-C (liquor license quotas). Police Chief Gordon indicated that if it were at the discretion of the Board of Selectmen whether to issue licenses he would have no concerns. **(This item was postponed to the Board's October 27<sup>th</sup> meeting)**

#### *41 Chestnut Street Sewer Waiver Request*

- Mr. Malloy said that he has attached a request from the owner of 41 Chestnut Street for a sewer connection fee waiver.

*\* Mr. Walden requested that the Board waive the \$10,000 sewer connection fee for 41 Chestnut Street. He said that the proponent extended his sewer main to service his lots and feels that, after discussing the Town's process with the Town Engineer, it is appropriate to waive Mr. Savoie's request, contingent upon receiving an engineered as-built plan for the portion of sewer within the public way.*

*Selectman Goldblatt moved to waive the \$10,000 sewer connection fee for 41 Chestnut Street contingent upon receiving an engineered as-built plan for the portion of sewer within the public way. Selectman Thompson seconded. 5-0*

- Mr. Malloy informed the Board of several emails/letters between himself and David Herter of 4 Fox Lane regarding extending town sewer into their neighborhood with an explanation of why a sewer extension into their neighborhood is not happening immediately as they are seeking. He also drafted a bylaw proposal that he has sent to DPW Manager John Walden, Town Engineer Carl Balduf and Town Counsel Greg Franks for review. All three have reviewed it and Mr. Walden and Mr. Balduf have indicated that it would be their preference to move in this direction for future sewer projects. While we're still months away from preparing the Annual Town Meeting warrants for 2010 he has wanted to provide this information now to the Board so that they can read through it and fully understand the change. In summary, it would keep the current practice of charging \$10,000 per connection in place for those areas of town that already have town sewer. It would put into place a new system of paying for future extensions where the cost (principal & interest) would be apportioned over a period of 20 years to those properties benefitting from a sewer extension project. Mr. Malloy noted that there is a companion statute that the Board may want to consider as well since there is a 5% administrative fee the Town must charge which can be reduced to 2% through the acceptance of the statute.

*The Board requested that this item be place at the Board's December 8<sup>th</sup> meeting agenda and to invite Mr. Herter for the discussion.*

- Mr. Malloy said that he received a call from Diane Sullivan from the Massachusetts School Building Authority (MSBA) informing him that the Sarah Gibbons School and the potential project is being considered by the MSBA and asked that he share this information with the Board.

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

Selectman Goldblatt requested that the Legislative Liaison Subcommittee start coordinating the public reception for our Legislators as discussed at previous Board meetings.

#### **Adjourn Open Session**

Selectman Goldblatt moved to adjourn the Board of Selectmen meeting at 10:10 p.m.  
Selectman Thompson seconded. 5-0.

*Submitted by Nidia Ruberti*

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<b>Chairman Leigh Emery</b>	<b>Vice Chairman Rod Jané</b>	<b>Selectman Lydia Goldblatt</b>
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<b>Selectman Timothy A. Dodd</b>	<b>Selectman George Thompson</b>
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