

Westborough Board of Selectmen
Forbes Municipal Building, Rooms 23 & 24
45 West Main Street
Meeting Minutes
January 12, 2010
7:00 p.m. – 9:00 p.m.

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

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

Selectman Goldblatt moved to go into executive session under MGL Ch. 30A, §21 (a) (3) for the purpose of discussing collective bargaining. Vice Chairman Jané seconded. The Board voted unanimously (Selectman Thompson was absent at this point) in favor of the motion by roll call vote to go into Executive Session. Chairman Emery announced that the Board would reconvene in Open Session after the Executive Session.

Pledge of Allegiance/Open Forum:

Committee Vacancies:

Central Massachusetts Regional Planning Committee (Alt)
Green Technology Advisory Group
Youth Commission – (1)

Approval of Board of Selectmen's Meeting Minutes

- December 15, 2009

Selectman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of December 15, 2009. Selectman Thompson seconded. 5-0

Senator Eldridge and Representative Dykema Update

Senator Eldridge handed out a Legislative Update report which outlines in great detail Bills recently passed that could affect Westborough, Grants and Stimulus funding for Westborough, Bills passed/pending that are specific to Westborough (home rule petitions) and other legislative items (report attached).

Senator Eldridge announced that the State will likely be cutting an additional 10% from cities and towns to close the current deficit. The Senator noted that House Bill S2219 (Westborough State Hospital Disposition Commission) has passed the Senate and is pending in the House.

He also noted that he is very much aware of the Town's and other communities' concerns regarding the new unfunded State Ethics Education and Training Program for all town officials and employees. Chairman Emery asked the Senator where he stood regarding the unfunded mandates that the State issues out to cities and towns, especially during these financial stressful times. The Senator noted that he would support any proposed legislation requesting that the State pay for the Ethics training for all town officials and employees.

Selectman Goldblatt voiced her concern regarding all of the State's unfunded mandates items that are imposed to the cities and towns and also mentioned the fact that 100% of the Lottery funds were suppose to be given back to the towns and still have not seen any of that money and would like answers. Senator Eldridge said that one of the reasons why the towns have not seen any of the lottery money is because of falling revenues in the lottery. Representative Dykema noted that the State has heard those concerns very loud and clear and are very sensitive to them. Representative Dykema said that the House of Representatives have created the Metro-West Legislative Caucus to meet regarding health insurance matters next month and requested that if the Board had any questions to forward them to her. The Representative noted that the State Ethics on line-training is geared more too State employees but that they will be working to have the information geared to municipalities in the near future.

Vice Chairman Jane' noted that the additional 10% cut proposed by the State is inconceivable under the current financial climate and forces cities and towns to make cuts not only in services but also in personnel.

Selectman Dodd also noted his concerns similar to Vice Chairman Jane's regarding the State passing the buck in cuts along with meals and hotel excise taxes. Selectman Dodd asked the Senator if the State will be increasing the meals and hotel excise taxes in the future. The Senator said that he does not believe that the State has any intention so far to increase the meals and hotel excise tax further.

Selectman Thompson thanked Senator Eldridge and Representative Dykema for coming before the Board with their update and asked whether they support giving Towns Health Insurance Plan Design Authority. The Senator said that he opposes the concept and feels that these contracts have been developed through collective bargaining. Representative Dykema said that she does support giving Towns some Plan Design authority on health insurance and feels that something needs to be done.

Selectman Thompson asked what is the percentage that the Group Insurance Commission requires to have towns participate in their health program. Senator Eldridge said that it is 70% right now but that might be lowered to 50% or 51% and supports lower the percentage. Representative Dykema said that she also supports lowering the percentage.

Chairman Emery noted that the Legislation Liaison meeting will be coordinated in February and will submit to them any more questions from the Board to be addressed at that meeting. Chairman Emery also said that she believes the State should not hide behind the reason of low revenues in the lottery and honor their commitment to give the towns their 100% of the funds.

The Board thanked Senator Eldridge and Representative Dykema for coming before the Board and updating them.

Town Manager's Fiscal Year 2011 Preliminary Budget Presentation

Mr. Malloy presented a 13 page preliminary budget report which outlined the following sections and was explained by Mr. Malloy in great detail (budget report attached):

- FY11-FY15 Expenditure/Revenues
- Major Assumptions
- Major Assumptions (cont)
- Major Assumptions (cont-Schools)
- Budget Increases Over 1%
- Possible Solutions for FY11 and Beyond
- Property Taxes, Local Receipts and State Aid
- Impacts from Potential Savings/New Revenues
- 10 Year State Aid History
- 10 Year Major Revenue History
- 10 Year Debt Service History/Projection
- Insurance Cost Projections
- Contact Information for Budget Questions/Suggestions

Budget Questions and Comments per slide:

Major Assumptions (cont)

Mr. John Arnold, Advisory Finance Committee Member, asked if the increase amount of State Aid in FY12 is from the decreased amount from FY11. Mr. Malloy said yes.

Dr. Anne Towle, School Superintendent, asked if the \$543,000 decrease includes the shortage amount for the circuit breaker items. Mr. Malloy said that this amount does not include other state aid cuts. Mr. Malloy noted that he will include all of the additional state aid cuts in his budget presentation of February 9th.

Major Assumptions (cont-Schools)

Dan Hendricks, School Department Finance Administrator, commented that the 7.5% is a reflection related to State and Federal era money that they will not get next year (half a million dollars). Mr. Hendricks noted that by not showing the decreased amount that shows the schools in a level funded scenario. Mr. Malloy agreed with Mr. Hendricks' comment and also noted that he will include that decrease in his budget presentation of February 9th.

Comment:

Mr. Len Mead, 130 Milk Street, noted that at the last town meeting residents approved a one hundred million dollar teacher's contract and requested that in the future no contract be placed on the town warrant with having information as to how the length of the contract will be funded.

Possible Solutions for FY11 and Beyond

Chairman Emery noted that a couple of suggestions were made regarding saving the town money one of which was made by Ms. Phillips from the Recreation Department suggesting that we turn off our computers at night. Chairman Emery said that by doing that the town and the schools will save approximately \$7,000 and a suggestion of a bi-weekly payroll was submitted by Ms. Vaco-Shea. Mr. Malloy noted that the public and town/school employees are encouraged and are welcome to email him any suggestions and noted that any kind of suggestion will be researched fully.

Selectman Thompson and Vice Chairman Jane´ both encouraged our residents to submit any suggestions regarding some possible solutions to help the town very soon and also voiced their concerns regarding the future financial impact of the Town’s budget, employees and services.

Chairman Emery stated that each department including the Schools will be asked to submit a level funded budget (cut in services or personnel) and a level service budget and the town residents will need to approve one or the other at town meeting. Chairman Emery also said that this will be a crucial step to the Town’s five plan budget forecast that Mr. Malloy is working on.

10 Yr Debt Service History/Projection

Ian Johnson, Advisory Finance Committee Member, asked if the fee base accounts are included under the history/projection slide. Mr. Malloy said that the fee base accounts are not included in this slide but will include all of the fee accounts at the February 9th meeting.

Chairman Emery noted that Mr. Malloy’s preliminary budget presentation will be available on the town’s web site under the Town Manager’s section.

The Board thanked Mr. Malloy for his very detailed and professional presentation and also thanked all of the department heads, committee members and residents who attended tonight’s preliminary budget meeting.

At this point, the Board requested a 5 minute break to clear the room (8:15 p.m.). The Board reconvened at 8:20 p.m.

Request to Appoint a Non-Voting Member to the Country Club Operating Committee/ Country Club Operating Committee Chairman

Jim Willwerth, Chairman, requested that the Board appoint David Hall as a Non-Voting Member to the Country Club Operating Committee with a term ending June 30, 2010.

Selectman Goldblatt moved to appoint David Hall as a Non-Voting Member to the Country Club Operating Committee with a term ending June 30, 2010. Vice Chairman Jané seconded. 5-0

Request to Appoint a Non-Voting Member to the Cultural Council/Cultural Council Chairman

Lynn Watts, Chairman, requested that the Board appoint Sara Zettler as a Non-Voting Member to the Cultural Council with a term ending June 30, 2010.

Minutes: January 12, 2010

Selectman Thompson moved to appoint Sara Zettler as a Non-Voting Member to the Cultural Council with a term ending June 30, 2010. Selectman Goldblatt seconded. 5-0

Request to Use Town Roads/The Mass Dash/Ruth Griffiths

Postponed to the Board's February 9th meeting.

Request to Amend Class I Dealer's License/Dan's Jeep/Dan Tortora

Mr. Tortora requested that the Board amend his Class Dealer's License to include Dodge Franchise of Chrysler Group. He said that there are no changes to the parking lot or building dimension at 82 Turnpike Road Route 9 & 13 Brigham Street locations.

Selectman Goldblatt moved to amend the Class I Dealer's License to include Dodge Franchise of Chrysler Group for Dan's Jeep located at 82 Turnpike Road. Selectman Thompson seconded.

Town Counsel Franks recommended that the motion include the following: contingent upon presenting a fully executed dealer's agreement.

Motion Amended:

Selectman Goldblatt moved to amend the Class I Dealer's License to include Dodge Franchise of Chrysler Group for Dan's Jeep located at 82 Turnpike Road, contingent upon presenting a fully executed dealer's agreement. Selectman Thompson seconded. 5-0

Request for a Common Victualer Permit/Rotary Pizza & Grill/Nick Kakavitsas

Mr. Kakavitsas requested that the Board approve a Common Victualer Permit for the Rotary Pizza & Grill located at One West Main Street (across from the Rotary).

Selectman Goldblatt moved to approve a Common Victualer Permit to Rotary Pizza & Grill located at One West Main Street (across from the Rotary), subject to the establishment of an account with the testing firm. Selectman Thompson seconded. 5-0

Request for a Common Victualer Permit/Subway-32 West Main Street/Mark Deso

Mr. Deso requested that the Board approve a Common Victualer Permit for the Subway Restaurant located at 32 West Main Street.

Selectman Goldblatt moved to approve a Common Victualer Permit to Subway Restaurant located at 32 West Main Street, subject to having completed all of the necessary paperwork. Vice Chairman Jane' seconded. 5-0

Town Counsel Report

Town Counsel Franks noted that a case that was settled regarding employee evaluations should be done in public as far as professional competence and that the employee's written evaluation should be conducted in private. He noted that the current statutes (Open Meeting Law and Public Records Law) conflict with one another. Town Counsel Franks said that he believes what the Board of Selectmen has done and continues to do is legal. After a lengthy discussion, the Board directed Town Counsel to research the issue further and return to the Board with his findings.

Minutes: January 12, 2010

Town Manager Report

Public Safety Facility –LSP (action required)

Mr. Malloy requested that the Board award the Licensed Site Professional Proposal to Tighe & Bond in the amount of \$13,180 for the continuance of the site investigation for the Public Safety Facility.

Selectman Goldblatt moved to award the contract for LSP services for the Public Safety Facility to Tighe and Bond per their proposal of \$13, 180. Selectman Dodd seconded. 5-0

Heery Amendment (action required)

Mr. Malloy requested that the Board award the Amendment #2 to Heery International in the amount of \$15,568 for services that have already been provided by Heery at the request of the Municipal Building Committee for the Public Safety Facility.

Selectman Goldblatt moved to approve amendment #2 to the contract between the Town of Westborough and Heery International in an amount not to exceed \$15, 568. 4-1 (Selectman Thompson opposed)

Miscellaneous

Mr. Malloy presented the following for the Board's information:

- Zimka Estate – the challenge to this estate was settled and the impact is as follows:

	<u>Original</u>	<u>Revised</u>	<u>Change</u>
Library	\$ 169,539	\$ 147,050	\$ (22,489)
Senior Center	\$ 169,539	\$ 147,050	\$ (22,489)
Fire	\$ 243,711	\$ 212,758	\$ (30,953)
Veterans	\$ 100	\$ 100	\$ -

- On December 17, 2009 the Town was provided notice (attached) that the Town was approved as a Recovery Zone.

- Attached please find the Annual Business Meeting voting delegate form for the Town. George Thompson and Tim Dodd have both indicated they will be attending if they are attending the Business Meeting, the Board should designate one as the voting delegate.

Selectman Thompson moved to appoint Selectman Dodd as the voting delegate to the MMA Business Meeting. Selectman Goldblatt seconded. 4-0 (Selectman Dodd abstained)

Issues and Correspondence of the Selectmen

Selectman Thompson thanked the Town Clerk Nancy Yendriga, Assistant Town Clerk Wendy Mickel, and all of the election workers for their work in preparing for the Senatorial campaign that will be held on Tuesday, January 19, 2010. Selectman Thompson also thanked Town Manager Jim Malloy for his very professional preliminary budget presentation.

Minutes: January 12, 2010

Vice Chairman Jane´ noted that he and Selectman Goldblatt attended the Conservation Commission’s meeting last week and that the Commission has agreed to extend their hearing on the conservation bylaws for 60 days as requested by the Board of Selectmen. He said that once all of the research and materials have been collected and given to the Economic Development Committee (EDC) to digest the EDC will come before the Board with its report and recommendation at the Board’s next meeting.

Selectman Goldblatt congratulated, on behalf of the Board, Dr. Marianne O’Conner for being hired the next Westborough School Superintendent. Selectman Goldblatt requested that we keep all of our servicemen and women in our thoughts and prayers so far from home and also reminded everyone to vote at next Tuesday’s senatorial election.

Selectman Dodd thanked the Town Manager Jim Malloy for his very informative budget presentation along with all the public employees, department heads and school members for attending tonight’s meeting. Selectman Dodd requested the Board’s feelings on having the town research more media coverage to communicate with the public like face book and tweeter? After a brief discussion the Board directed Mr. Malloy to research the option of other media options available and to update the Board with his findings.

Chairman Emery thanked Tim Novack for filming the Board’s meeting tonight and noted that the Town has received a letter approving the new Zaara Gardens Development under the Local Initiative Plan from the Department of Housing and Community Development.

Selectman Thompson requested an update of the Public Safety Building. Mr. Malloy acknowledged the request and will have information for the Board’s review at their next meeting under the Town Manager’s Report.

Len Mead, Milk Street, strongly suggested that the Town of Westborough and other communities should get together and sue the Commonwealth of Massachusetts for imposing local unfunded mandates to cities and towns already struggling with their own deficits.

Adjourn Open Session

Selectman Thompson moved to adjourn the Board of Selectmen meeting at 9:00 p.m.
Selectman Goldblatt seconded. 5-0.

Submitted by Nidia Ruberti

Chairman Leigh Emery Vice Chairman Rod Jané Selectman Lydia Goldblatt

Selectman Timothy A. Dodd

Selectman George Thompson

Minutes: January 12, 2010

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