

**Westborough Board of Selectmen  
Meeting Minutes  
February 23, 2010  
7:00 p.m. – 8:20 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**

**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**

- February 9, 2010

Selectman Goldblatt moved to approve the Board of Selectmen’s Meeting Minutes of February 9, 2010. Vice Chairman Jane´ seconded. 4-0

**Request to Use Town Roads/Mass Dash Relay/Bruce Leshine**

Mr. Leshine, Director of the Mass Dash, requested at the Board’s meeting of February 9, 2010, permission to use town roads for the Mass Dash Relay to be held on July 17 and 18, 2010 from 3:30 a.m. to 10:30 a.m. Chairman Emery requested that he meet with Police Chief Gordon and discuss in detail the route that the runners would be taking and requested that the Police Chief return at the Board’s meeting of February 23, 2010 for final approval.

Police Chief Gordon addressed the Board and said that he and Mr. Leshine discussed the route to be taken and that he is very satisfied with the details of the event and recommends approval of this request.

Selectman Goldblatt moved to approve the Usage of Town Roads for the Mass Dash Relay Event as recommended by the Police Chief. Vice Chairman Jane´ seconded. 4-0

**Request to Hold the Rotary Club’s 2010 Spring Festival/Don Robinson**

Item was postponed to the Board’s meeting of March 9, 2010.

**Request to Dissolve the Cable Committee, Ad Hoc/Town Manager**

Mr. Malloy requested that the Board dissolve the Cable Committee, Ad Hoc.

Selectman Goldblatt moved to dissolve the Cable Committee, Ad Hoc, as requested by the Town Manager. Vice Chairman Jane´ seconded. 4-0

**Request to Deficit Spend (Snow Budget)/DPW Manager**

Mr. Walden requested that the Board approve to deficit spend in the Snow Budget Expense portion up to \$80,000 and up to \$20,000 in the Wage portion. He said that they need more salt and sand to cover the upcoming snow storms.

Vice Chairman Jane´ moved to approve the DPW to deficit spend in the Snow Budget Expense portion up to \$80,000 and up to \$20,000 in the Wage portion. Selectman Dodd seconded. 4-0

**Mailbox Discussion/Assistant DPW Manager**

Rich Voutas, Assistant DPW Manager, and John Walden, DPW Manager, explained that the town plows need to roll the snow away from the catch basins onto the curb. Some mailboxes are located too close to the curb which needs to be moved back a certain number of feet and therefore; are knocked down while in the process of clearing the catch basins, especially when the snow is very heavy. Mr. Walden recommends having a policy in place regarding mailbox damage. He handed the mailbox policy from the Town of Shrewsbury and requested that after the DPW has reviewed and develop a policy to the Town of Westborough's needs and have Town Counsel review it they would return to have the policy adopted by the Board (handouts attached).

The Board of Selectmen supported Mr. Voutas and Mr. Walden recommendation of adopting a mailbox policy and thanked them for coming before the Board with that request.

**Korean War Commemorative Committee Gift Account/Town Manager**

Mr. Malloy requested that the Board authorize the Veteran's Agent to receive the gift of \$257.98 from the 50<sup>th</sup> Anniversary Korean War Commemorative Committee, which was disbanded a few years ago. George Perry, Veteran's Agent, will expend the fund for Korean War related items.

Selectman Goldblatt moved to transfer the gift of \$257.98 to the Veteran's Agent as requested by the Town Manager. Vice Chairman Jane´ seconded. 4-0

**Legislative Liaison Committee, Ad Hoc Discussion/Chairman Emery**

Chairman Emery said that she and Mr. Malloy have been working on a draft agenda for the delegation to discuss with the Legislative Liaison Committee at their upcoming meeting set for March 16, 2010 at 6:00 p.m., at the Selectmen's Room and requested the Board's suggestions or comments of the following items (list attached):

After discussing each of the items the Board agreed to have the following on the agenda:

- **Health Insurance**
- **Quinn Bill**
- **Telecommunications Property Loop Hole**
- **Charter School Funding**
- **SPED Funding**
- **Pension Funding**
- **Special Commission on the Re-Use of the WSH-request status**
- **Casino Gambling- request status**
- **Timing of Budget Information Release**
- **Driving and Cell Phone Restrictions**
- **Lyman School and Westborough State Hospital (WSH) Disposition**

The Board requested that Mr. Malloy write a resolution to Representative Police regarding the Timing of Budget Information Release item.

Mr. Malloy will give Vice Chairman Jane' materials regarding the re-use of the State Hospital

The following items were taken off the agenda:

- **Hocomonco Pond Site:** - *Will be addressed through the Environmental Protection Agency*
- **Local Initiatives:** *taken off*
- **Unfunded Mandates:** *taken off*
- **Medical Marijuana:** *taken off*

Chairman Emery requested that the Board contact either her or Mr. Malloy if they think of other items to discuss at the Legislative Liaison meeting. Vice Chairman Jane' requested that the Board prioritize and vote on the individual items at the Board's next meeting. The Board agreed with Vice Chairman Jane's request.

#### **Town Counsel Report**

Town Counsel Franks informed the Board that the following Bylaw changes were approved by the Attorney General and are now in effect:

- Tree Protection Bylaw
- Transferring the Hawker Peddler Permit process to the Police Chief

#### **Town Manager Report:**

Mr. Malloy informed the Board that he is working on the Town Meeting warrant and should have a first draft to the Board by the next meeting.

One item that he would like the Board's thoughts on before he puts it on the warrant for consideration is the attached section of Mass General Law (Ch. 59, §59A) which authorizes a Town to abate or reduce property taxes for a property that is contaminated as an incentive for a new property owner (that was not a responsible party to the contamination) to clean up the property and redevelop it. He said he was considering bringing this up at some point in time, however, with the Governor's budget including the sale of the Lyman School Properties and with at least one being potentially contaminated he believes it would be more attractive to potential investors if the Town were in a position to offer an incentive to redevelop (in either case, the Town would see increased property taxes in a redevelopment situation). The law also requires the adoption of a local bylaw specifying how a town would negotiate. Mr. Malloy also said that he is attaching a copy of the bylaw that he drafted for another Town.

Mr. Malloy said that he recommends that the Board include the acceptance of MGL Ch. 40, §22F on the spring Town Meeting warrant. This statute specifically authorizes town boards and committees to adopt fees, without the adoption of this statute only Town Meeting is authorized to set fees (except for those fees that a board or committee is specifically authorized to set fees by statute). He said that, from what he understands, the Town has had various boards and committees setting fees. This is required to ensure the legality and proper process for future fees.

The Board agreed with Mr. Malloy's recommendation regarding placing the acceptance of MGL Ch. 40, §22F on the town warrant.

Mr. Malloy said that few weeks ago the Board had a discussion on setting a policy on a process for voting on issues before the Board and that there would be two categories. He and the Chair were asked to draft a policy and bring it back to the Board for discussion. The following is the policy that was drafted:

- (1) Substantive Issues – May be brought before the Board by any Board member at a public meeting for discussion purposes only. The issue will be placed on a subsequent agenda for further discussion and formal action of the Board. In the case of a time-sensitive matter, only by unanimous vote (or should this be a "super majority 4/5"?) of the Board may an item be brought before the Board by a Board member and voted on at the same time.

The Board decided that issues which arise at a current board meeting, if urgent in nature, will be taken up if the Board's vote is in the majority.

- (2) Clerical/Administrative Issues – May be brought before the Board by any Board member at a public meeting for discussion and a vote on the same evening. If any members challenges whether the matter is clerical/administrative in nature or substantive in nature, the matter will be placed on a subsequent agenda and handled as in (1) above.

The Board agreed to Mr. Malloy's recommendation regarding the Clerical/Administration Issues and will be voted at the Board's next meeting.

Mr. Malloy informed the Board that the Police and Fire Departments have developed a new parking plan for the Forbes Municipal Building parking (behind the building) to address some parking issues that they have and have asked the Board to review and approve the parking arrangement (see attached parking diagram). The Police Chief is in agreement to this new parking plan.

Vice Chairman Jane' moved that the Board vote to approve the parking plan as attached dated 2-23-10 and to authorize the Public Works Department to install signage indicating "Police Parking Only" and "Town Hall Vehicle Parking Only" and further voted to approve any further refinements to the parking plan.

Mr. Malloy said that a few weeks ago, the Board authorized the Town Manager to draft an RFP to put the Nathan Fisher Property for sale – in drafting the RFP it included a section in the description of the property to describe the zoning. Mr. Malloy said that when he looked up the zoning, the property is zoned M-1 for municipal use only while all the property around it is zoned commercial. As an M-1 use, there will not be anybody bidding on it. Mr. Malloy said that he has spoken with Jim Robbins, Town Planner, to place a re-zoning article for the Spring Town Meeting to correct the zoning code.

Mr. Malloy informed the Board that the Town of Westborough has been presented the Common Cause 2010 E-Government Distinction Award for the Town's Web Site.

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

Selectman Dodd informed the Board that Google is planning to launch a high speed internet service (only internet) and will offer the service at a competitive price for the town that is selected for the project. He said that Google is asking interested municipalities to provide them with information about their community through a Request For Information (RFI), which will determine where to build their network (material attached). The Board requested that Selectmen Dodd provide further information at the Board's next meeting. Selectman Dodd said that he will meet with Mark Stockman, MIS/GIS Director, Mr. Malloy and Town Counsel and will produce more information at the Board's next meeting.

Selectman Goldblatt requested that we keep our servicemen and women in our thoughts and prayers.

Vice Chairman Jane' said that the Conservation Commission approved the revised Wetlands Bylaw and thanked the Commission for working with the Economic Development Committee. He said that there will be a new commercial zoning bylaw that will be presented at the spring annual town meeting which will enable the town and business to build more developments.

Chairman Emery announced that the Green Technology Advisory Committee, Ad Hoc will meet on March 3<sup>rd</sup> at 7:00 p.m. in the Board of Selectmen's Room and that Kelly Brown will be conducting a presentation regarding green technology.

Chairman Emery thanked Tim Reiter for filming the Board's meeting tonight and also announced that Westborough T.V. are in need of volunteers to film board and committee meetings. If you are interested please contact Donna Kelly at Westborough T.V. at (508) 898-3203.

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 in favor of the motion by roll call vote to go into Executive Session. Chairman Emery announced that the Board will not reconvene in Open Session after the Executive Session.

**Adjourn Open Session**

Selectman Dodd moved to adjourn the Board of Selectmen meeting at 8:20 p.m.

Selectmen Goldblatt seconded. 4-0.

*Submitted by Nidia Ruberti*

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**Chairman Leigh Emery   Vice Chairman Rod Jané   Selectman Lydia Goldblatt**

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**Selectman Timothy A. Dodd**

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**Selectman George Thompson**

**(Absent)**