

**Westborough Board of Selectmen
Meeting Minutes
April 27, 2010
7:00 p.m. – 9:50 p.m.**

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

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

Absent: Selectman Tim Dodd and Town Counsel Greg Franks

Pledge of Allegiance/Open Forum

David Jablon, 7 Buckskin, reiterated his concerns from the Board's previous meeting of April 13, 2010 regarding the Town's process and policy of the tree removal under the National Grid's program. Mr. Jablon presented the Board with a shorter version of his letter along with minutes taken by Mr. Jablon of the hearing of March 29, 2010.

Town Manager Malloy informed the Board of the items that the Board requested at their previous meeting of April 13, 2010. He also confirmed the policy and process with the DPW Manager, Assistant DPW Manager, the independent Arborist that was hired by the Town, the Tree Warden and the Arborist from National Grid and has concluded that the both the policy and the process of tree removal under Chapter 87 of the Massachusetts General Laws (MGL) was followed properly. Mr. Malloy noted that the process for any sort of appeal is for the individual/s to file their written concerns either prior to the hearing or during the hearing to the Tree Warden.

Assistant DPW Manager Richard Voutas noted that two residents that attended the hearing voiced their concerns and that their concerns were resolved. He also confirmed that all of the trees that were to be removed were marked with the appropriate notices.

Vice Chairman Jane' asked if any written concerns were refused as Mr. Jablon stated. Mr. Voutas noted that the resident's that brought up concerns were addressed and resolved.

Mr. Jablon objected to Mr. Voutas' statement that the trees that were to be removed were not posted or marked appropriately.

Mike Myerser, National Grid Representative, noted that the next step is to coordinate a time frame to have the tree cutting crew come to the town and start the removal and chipping of tree's that are scheduled to be taken down.

Selectman Thompson voiced his concern regarding the appeal process not being written out in the Notice of Public Hearing and also noted that Town Counsel was very clear at the previous Board's meeting that there is a town bylaw issue and that even though the Board of Selectmen is the executive authority they do not have discretion of extending the appeal process.

Chairman Emery read the attached proclamation and requested that a motion be made to declare Tuesday, May 11 Arbor Day in the Town of Westborough. Chairman Emery noted that publicly announcing May 11th as Arbor Day in the Town of Westborough is part of being a Tree City USA and in addition to that Chairman Emery also said that the Department of Public Works (DPW) has purchased 50 blue spruce trees for residents to buy to commemorate Arbor Day. Further information will be posted on the DPW's web site.

Selectman Goldblatt moved to declare Tuesday, May 11th as Arbor Day in the Town of Westborough. Selectman Thompson seconded. 4-0

Committee Vacancies:

Central Massachusetts Regional Planning Committee (Alt)

Westborough State Hospital Commission (3)

Youth Commission – (2)

Approval of Board of Selectmen's Meeting Minutes

- April 13, 2010

Selectman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of April 13, 2010. Selectman Thompson seconded. 4-0

Request to Transfer an All Alcohol Liquor License/Canyon Cafe/Attorney Pizzoni

Attorney Pizzoni requested that the Board approve the Transfer of an All Alcohol Liquor License from Canyon Café (out of bankruptcy) to Tenka Grill located at 153 Turnpike Road.

Selectman Thompson noted that the Board is not waiving any conflict of interest for the purpose of going forward.

Selectman Goldblatt moved to approve an All Alcohol Liquor License out of bankruptcy to 153 Turnpike Road. Vice Chairman Jane' seconded. 4-0

Request to Transfer an All Alcohol Liquor License/Tenka Grill/Attorney Lim

Attorney Lim requested that the Board approve the Transfer of an All Alcohol Liquor License from Canyon Café (out of bankruptcy) to Tenka Grill located at 153 Turnpike Road. The manager of record for Tenka Grill will be Xue Quing Shi.

Selectman Goldblatt moved to approve an All Alcohol Liquor License to Tenka Grill located at 153 Turnpike Road. Selectman Thompson seconded. 4-0

Request for a Livery Permit/Direct Coach Ltd/Frank Davidson

Mr. Davidson requested that the Board approve a Livery Permit for Director Coach Ltd located at 19 West Main Street, Suite 203.

Selectman Thompson moved to approve a Livery Permit for Direct Coach Ltd located at 19 West Main Street. Vice Chairman Jane' seconded. 4-0

Request to Enclose a Stuffer in the Summer Tax Bills/Lynn Watts, Cultural Council

Ms. Watts requested that an insert announcing the Cultural Council's "Arts on the Common" event that will be held on Saturday, October 2, 2010 at the Bay State Green be inserted in the summer's tax bills.

Vice Chairman Jane' moved to approve inserting the Cultural Councils' "Arts on the Common" announcement stuffer in the Town's summer tax bills. Selectman Thompson seconded. 4-0

Request to Use Town Roads/Chabad of Westborough/Rabbi Green

Rabbi Green requested that the Board approve the usage of town roads for their yearly "Lag B'omer" celebration and barbecue at Lake Chauncy which is opened to the public. The walk will start at a little before Noon. He said that new this year is the walking from the Jewish Community Center located at 45 Oak Street to Lake Chauncy and that the reason he is here requesting permission to use town roads.

Selectman Thompson moved to approve the Usage of Town Roads for the Chabad of Westborough to walk from the Jewish Community Center to Lake Chauncy for their yearly "Lag B'omer" event to be held on Sunday, May 2nd starting a little before Noon. Vice Chairman Jane' seconded.

Chairman Emery voiced her concern of having children walk down very narrow roads and have an accident occur. She recommended that the road be closed for the walk. Chairman Emery also requested that Rabbi Green seek an alternative route for next year's walk.

After a brief discussion of the public safety issue Police Chief Gordon offered to assign a cruiser for approximately 15 minutes. 3-1 (Chairman Emery)

Green Technology Advisory Committee, Ad Hoc Presentation

The Green Technology Advisory Committee conducted a preliminary overview of their presentation which is attached for further information. Mr. Farina announced and discussed in great detail the following sections:

Objectives Today

Why Green Technology

Massachusetts Green Communities Act

Green Communities Qualification

Green Communities Qualification

Program Highlights

Program Status

Westborough Status

Westborough Green Technology Advisory Committee, Ad Hoc, Recommendations

Tentative Timeline

Key Take Aways

After a very lengthy question and answer segment the Board thanked the Green Technology Advisory Committee for their presentation and all of their hard and dedicated work.

Annual Town Meeting Warrant Review/Board of Selectmen

Vice Chairman Jane' moved to support the following Articles for the Annual Town Meeting: Selectman Thompson seconded. 4-0

Article 1	Annual Town Election (Board of Selectmen)
Article 2	Rule of the Meeting (Town Manager)
Article 3	Town Reports (Advisory Finance Committee)
Article 4	Prior Year's Bills (Town Manager)
Article 6	Fiscal Year 2011 Operating Budgets (Advisory Finance Committee)
Article 7	Regularly Recurring Articles (Town Manager)

- A- *Fire Department*
- B- *Youth and Family Services*
- D- *Finance Committee*
- E- *Recreation Department*
- F- *Board of Health*
- G- *Board of Health*

Article 8	Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)
Article 9	Improvements to the Country Club Golf Course (Country Club Operating Committee)
Article 10	Water – Capital Equipment & Projects (DPW Manager)
Article 11	Sewer – Capital Equipment & Projects (DPW Manager)
Article 14	Amend Action Taken at Previous Town Meetings Relative to Sewer Station Alarm System (DPW Manager)
Article 17	Dispose of Town Property (Board of Selectmen)
Article 18	Nathan Fisher House Rezoning (Planning Board)
Article 19	Bertis Adams Way Taking (Town Counsel)

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Article 20	Brigham Street and Cottage Street Alteration (Town Counsel)
Article 21	Gable Ridge Road Taking (Town Counsel)
Article 22	Olde Connecticut Path Taking (Town Counsel)
Article 23	Union Street Abandonment (Town Counsel)
Article 26	Establish a Post-Employment Benefit Trust Fund (Treasurer/Collector)
Article 27	Acceptance of Massachusetts General Laws Chapter 40 §22F (Town Manager)
Article 28	Acceptance of Massachusetts General Laws Chapter 59, §59A (Town Manager)
Article 31	Senior Housing Overlay District (Planning Board)

The following articles were discussed and voted separately:

Article 5 Facilities Study (Town Manager)

Selectman Thompson voiced his concern regarding the status of the economy and doesn't feel that it is appropriate to continue spending money. Mr. Malloy said that he met with the Municipal Building Committee and after some various discussions he and the Committee requested that the Owner's Project Manager and Architect provide a ballpark estimate on a stand along Fire Station and the cost of renovating the existing Forbes Municipal Building, Police Department and Town Hall. They all felt that the community would be better served if major improvements were to be made to better utilize the existing buildings and would also address a lot more needs.

Selectman Thompson moved to support Article 5. Selectman Goldblatt seconded. 4-0

Article 7c Board of Assessors

Vice Chairman Jane' asked Mr. Malloy what this article is for. Mr. Malloy said that this article pertains to the existing programs in place under the Board of Assessors preview.

Vice Chairman Jane' moved to support Article 7c. Selectman Thompson seconded. 4-0

Article 11a Sewer – Capital Equipment & Projects (DPW Manager)

Vice Chairman Jane' asked Mr. Malloy what are the "various facilities" mentioned on this article. Mr. Malloy said that the various facilities mean the muffin buster and the pig launcher.

Article 11b Sewer – Capital Equipment & Projects (DPW Manager)

Vice Chairman Jane' asked Mr. Malloy why does the language "or take by eminent domain" is in this article. Mr. Malloy said that this is standard language for articles of this nature.

Selectman Goldblatt moved to support Article 11 a&b. Selectman Thompson seconded. 4-0

Article 12 Massachusetts School Building Authority (School Committee)

Vice Chairman Jane' asked Mr. Malloy what is the estimated amount of this project. Mr. Malloy said that his understanding is an estimate of 3 to 4 million dollars.

Vice Chairman Jane' moved to support Article 12. Selectman Thompson seconded. 4-0

Article 13 Assessment of the Consolidation of Administrative Functions with City or Town (School Department)

Vice Chairman Jane' asked why this project can't be done in-house. Mr. Malloy said that he believes that a person that is not personally involved in town affairs would be better suited for this project than a person/s that is. Mr. Malloy also noted that the funding is in his department not the school department.

Vice Chairman Jane' moved to support Article 13. Selectman Goldblatt seconded. 3-1 (Selectman Thompson)

Article 15 Cemetery Development (DPW Manager)

Chairman Emery requested that DPW Manager John Walden come to the next Board of Selectmen's meeting to give a presentation on this article.

Article 16 Local Option Meal Excise Tax Increase (Board of Selectmen)

Selectman Thompson moved to pass over Article 16. He said that he does not want to impose more taxes on the public and does not foresee it being a large savings to the town.

After a brief discussion the Board's consensus was to have this item on the Board's next meeting when Selectman Dodd is in attendance for a full Board's vote. The Board requested that Mr. Malloy provide a list of the towns that have rejected the meal tax, if available.

Article 24 Article 13 Bylaw Change (Town Manager)

Vice Chairman Jane' asked Mr. Malloy for a quick summary of this article. Mr. Malloy said that this article replaces the very antiquated Personnel Bylaw Article. The question of updating this bylaw was approached by the Town Moderator and the Board of Selectmen last year and Mr. Malloy requested that this item be part of his yearly goals. Since then he has met with the Personnel Board and the Town Moderator and they all agree that this new bylaw is what the personnel board should be doing and it fits their mission more accurately now since there is a Human Resource Department in place. Mr. Malloy said that the primary changes are the following:

- Changes the appointing authority from the Town Moderator to the Town Manager
- Changes all of the things that town meeting does right now which will require the Personnel Board and the Board of Selectmen's approval from pay classifications to policy changes.

Mr. Malloy noted that John Arnold, a member from the Finance Committee, voice his strong concern about the change of town meeting role and the taken of authority away from town meeting and giving it to the Board of Selectmen and the Town Manager. Mr. Malloy said that he understands Mr. Arnold's concern about "what if's" but based on his experience he has never seen an issue with towns that have adopted this same policy.

Chairman Emery moved to support Article 24. Vice Chairman Jane' seconded.

Town Moderator Joe Harrington noted that he is in support of the article and that Mr. Arnold drew up his concerns as an individual but it was the Government Study Committee II that voted unanimously to support it. The committee found some things that are not perfect.

There was a brief discussion as to whether the Government Study Committee II was active or not. Mr. Malloy noted that base on their mission statement and the Board's vote it states that when the final report was submitted the Committee would be dissolved unless the Board of Selectmen and the Committee agreed to extend their activities back in 2009. He said that he checked with the Town Clerk if any of the members were reappointed and she has no record of it. Mr. Malloy recommended that Town Counsel check for clarification in this matter. The Board agreed with Mr. Malloy's recommendation.

The final vote for this article is to support it. 4-0

Article 25 **Article 12 Bylaw Amendment**

Mr. Malloy said that this article was proposed by the Cultural Council for the festival at the Bay State Green. The intent of this article is to exempt those vendors for paying the permit fee; however, he feels that the current wording does not legally exempt vendors of paying a fee. Mr. Malloy will check with Town Counsel and return to at the Board's next meeting with a legal direction.

Article 29 **Contaminated Property Redevelopment Incentive Bylaw (Town Manager)**

Chairman Emery asked Mr. Malloy to explain to the public what this article entails. Mr. Malloy said that this article would authorize the Town Manager to negotiate an agreement with only new innocent third party buyers of contaminated property and receive a tax break on the portion of the additional taxes that they are paying.

Selectman Thompson moved to support Article 29. Vice Chairman Jane' seconded. 4-0

Article 30 **Zoning Bylaw Industrial D (ID) Overlay District Amendment (Planning Board)**

Chairman Emery requested that the Planning Board come to the next Board's meeting to explain this article.

Article 32 **Mixed Used District Bylaw Amendment (Planning Board)**

Chairman Emery requested that the Planning Board come to the next Board's meeting to also explain this article.

Article 33 **Request for an Additional License for the Sale of Alcoholic Beverages
Not To Be Drunk on the Premises (Package Store License – Citizen's
Petition)**

Mr. Malloy said that this citizen's petition requests that Sunshine Store go from a Malt and Wine License to an All Package Store License.

Selectman Goldblatt moved to support Article 33. Selectman Thompson seconded. 4-0

Adjourn Open Session

Selectman Goldblatt moved to adjourn the Board of Selectmen meeting at 9:50 p.m.

Vice Chairman Jane' seconded. 4-0.

Submitted by Nidia Ruberti

Chairman Leigh Emery Vice Chairman Rod Jané Selectman Lydia Goldblatt

Selectman Timothy A. Dodd

(Absent)

Selectman George Thompson