

**Westborough Board of Selectmen
Meeting Minutes
May 11, 2010
7:00 p.m. – 10:00 p.m.**

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

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

Chairman Emery moved to go into Executive Session for purposes of discussing litigation, collective bargaining and the discussion of exemption of the value of real estate, where as an open meeting may have a detrimental effect on the litigation and bargaining. These issues were approved by Town Counsel as executive session topics. The Board voted unanimously in favor of the motion by roll call vote to go into Executive Session. 4-0 (Selectman Thompson absent). Chairman Emery announced that the Board would reconvene in Open Session after Executive Session.

Pledge of Allegiance/Open Forum

Len Mead, 130 Milk Street, thanked the Board of Selectmen and the Town Manager for negotiating a flat step increase for all union contracts. He said that this is a good step in the right direction and hopes that it would continue.

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 27, 2010

Selectman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of April 27, 2010. Selectman Thompson seconded. 5-0

Proclamation/Edward Newton Day/Board of Selectmen

Chairman Emery read the House of Speakers' proclamation that was given to Mr. Newton on behalf of the State Representatives Karyn Polito, George Peterson and Carolyn Dykema. A seconded proclamation was also read by Chairman Emery and on behalf of the Board of Selectmen proclaimed July 6, 2010 as Edward Newton Jr. Day and thanked him for his dedicated years of service to the Town of Westborough and congratulated him on his retirement as Postmaster.

Patrolmen's Contract Ratification-July 1, 2010-June 30, 2013

Selectman Goldblatt moved to approve the Local Union 439 Patrolmen's Union Contract for Fiscal Year 2011 thru Fiscal Year 2013. Vice Chairman Jane' seconded. 5-0

Request to Appoint Members to the Westboro State Commission/Board of Selectmen

Selectman Goldblatt moved to appoint Jim Robbins, Town Planner; Selectman Thompson and Early Storey, Recreation Commission Member to the Westborough State Commission. Vice Chairman Jane' seconded. 5-0

Request to Appoint a Member to the Green Technology Advisory, Ad Hoc Committee/Chairman Emery

Selectman Thompson moved to appoint Jason Yaitanes to the Green Technology Advisory, Ad Hoc, Committee. Selectman Goldblatt seconded. 5-0

Request to Use Town Roads/Kids Pan Mass Challenge/Corinne McCabe

Ms. McCabe requested that the Board approve the usage of town roads for the Kids Pan Mass Challenge to be held on Sunday, May 23, 2010 from 9:00 a.m. to Noon. The route is attached. Police Chief Gordon said that he has no concerns with this request.

Selectman Goldblatt moved to approve the Request to Use Town Roads for the Kids Pan Mass Challenge to be held on May 23, 2010 from 9:00 a.m. to Noon. Selectman Thompson seconded. 5-0

Update on Spectrum House Concerns/Police Chief Gordon

Police Chief Gordon said that he has spoken with Mark Anderson, Administrator of Spectrum House, and was informed that the individual that was found passed out on Mr. Rota's front lawn was not a spectrum client at that time. Mr. Anderson informed Mr. Rota of that when they met. Police Chief Gordon said that their policy is that if a client is attending Spectrum House they arrange for transportation since clients are not allow to park their vehicles on Spectrum grounds. If a client is discharged Spectrum also arranges transportation but sometimes a client leaves on their own in an aggravated state and refuses the transportation offer. This has led to the areas around Spectrum to experience stolen vehicles and some home break-ins. Spectrum House is conscientious about calling the Police Department when a disgruntled client leaves but problems still arise. Police Chief Gordon suggested, at this time, that his Department monitor this parking situation for the next three months and will also work with the neighbors if the problem continues. He said that if the problems don't subside then he recommends posting "Parking for Residents and Guests Only" signage but does not prefer to do this since he feels that by doing this would set a precedent for other residents to make the same request.

Mr. and Mrs. Parker, 192 Milk Street, voiced their concerns regarding Spectrum House and noted they were the victims of a house break in March.

After a brief discussion of Mr. and Mrs. Parker's concerns the Board offered that they contact the State to see if there is anything they are able to do and also meet with the Spectrum House Board of Directors. Selectman Thompson noted that the Town can only do so much since Spectrum House is a private entity. Police Chief Gordon noted that police cruisers patrol that area constantly and will continue to do so. He also noted that the Police Department offers the Crime Prevention Program where an officer would go to your home and offer security tips to the homeowners'. Mr. and Mrs. Parker accepted the Police Chief's offer of having an officer do a crime prevention program sweep.

The Board requested that Mr. Malloy write a letter of concern to our State Representatives, Spectrum House and the halfway house located in that area and have the Board sign it.

Mr. and Mrs. Parker thanked the Board for hearing their concerns and Police Chief Gordon for his continued help.

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

Chairman Emery moved to support Article 16 at town meeting. Vice Chairman Jane' seconded.

3-2 (Selectmen Goldblatt and Thompson)

Warrant Article Review/Planning Board

Article 30-Zoning Bylaw Industrial D (ID) Overlay District Amendment

Town Planner Jim Robbins said that Article 30 requests that the town approve to amend the Zoning Bylaws and Zoning Map to create a new Industrial D (ID) Overlay District only. Mr. Robbins conducted a very detailed presentation and handed out the attached materials.

Article 31-Senior Housing Overlay District

Town Planner Jim Robbins said that Article 31 requests that the town approve to amend the Zoning Bylaws by amending Article 1, Administration and Procedure, Section 1300 by amending Footnote (1) to add a new designation SLO. The new Footnote (1) shall read as follows:

- (1) Except that a Highway Business District BA, BA (f) and SLO, Special Permits and Appeals shall be heard by the Planning Board unless stated elsewhere in the Zoning Bylaws.

Mr. Robbins conducted a very detailed presentation and handed out the attached materials.

Article 32- Mixed Used District Bylaw Amendment

Town Planner Jim Robbins said that Article 32 requests that the town approve to amend Article 1, Administration and Procedure, Section 1300 by amending Footnote (1) to add a new designation MUD. The new Footnote (1) shall read as follows:

- (1) Except that a Highway Business District BA, BA (f) and MUD, Special Permits and Appeals shall be heard by the Planning Board unless stated elsewhere in the Zoning Bylaws

Mr. Robbins conducted a very detailed presentation and handed out the attached materials.

The Board thanked the Planning Board for their presentation.

Selectman Goldblatt moved to support Articles 30, 31 and 32. Vice Chairman Jane' seconded. 5-0

Article 25 – Article 12 Bylaw Amendment Language Correction/Town Manager

Carolyn Spring, Member of the Cultural Council, said that the vendors that participate in the “Arts on Commons” pay for their space for their participation at the event and this article requests the exemption of these vendors from paying for the Hawker’s Peddlers’ Permit. Ms. Spring said that there is a minor change of wording and will be made at town meeting which shall be “Individuals, Religious, charitable or non-profit organizations servicing a parade or an event sponsored by a Department of the Town within the Town shall be exempt from this Bylaw”. The change is replacing the word “persons” with “Individuals”. A violation shall be \$100.

Selectman Thompson moved to support Article 25 with the minor comment change as stated. Selectman Goldblatt seconded. 5-0

Article 15 – Cemetery Development Review/DPW Manager

John Walden DPW Manager said that this article is for the initial phase of developing the new Nourse Street parcel into a town cemetery. He said that the lot is approximately 35.5 acres and has oak and maple trees of various sizes. Mr. Walden handed out materials associated with the initial phase of the project which is attached. Chairman Emery voiced her concerns regarding the artistic design of the cemetery.

Vice Chairman Jane' moved to support Article 15 as presented. Selectman Goldblatt seconded. 3-2 (Chairman Emery and Selectmen Thompson)

Budget Discussion Vote/Town Manager

Mr. Malloy requested that the Board support the Fiscal Year 2011 budget items as follows:

- Proposing to use \$500,000 from free cash to balance the budget, down from \$1,000,000 that has been used in past years, so we are closing our operating deficit.
- Total insurance costs are down from \$10,597,631 in FY10 to \$9,634,386 in FY11 which is a 9.1% decrease from the prior fiscal year or \$963,000 less. More importantly, the original estimate for FY11 was \$11,238,138 so the real reduction for FY11 is over \$1.6M or about 14% less.

- Local receipts are down approximately \$500,000 (from \$6.2M to \$5.6M) from the original estimates for FY11.
- State Aid is up approximately \$500,000 (from \$5.1M to \$5.6M).
- The Town has approximately \$328,800 as excess levy capacity.

The second spreadsheet is the multi-colored 11 x 17 spreadsheet. The rows are each department in Town and the columns are the Salary – Expenses – Total for each department. The blue columns are the FY10 approved amounts. The 1st white columns are the original budget recommendations that he presented in January (1.8% reduction). The pink columns are the current recommendations that Mr. Malloy presented to the Advisory Finance Committee (AFC) and Selectmen which restores funding to the level service budgets that were requested by the Department Heads. The green columns are the AFC's recommendations. The 2nd white columns are the difference between the Town Manager's current recommendations and the AFC recommendations. After reviewing these differences, Mr. Malloy drafted the attached memo to the AFC indicating where he has some concerns with their recommendations which includes the Board of Assessor's; Treasurer/Collector's; Central Purchasing; Buildings and Grounds; Building Commissioner; Department of Public Works; Council On Aging and Town Counsel where Mr. Malloy provided revised recommendations on 9 line items in the budget.

Mr. Malloy noted that these figures do not include the DPW Mechanic, School Resource Officer (SRO) and the Firefighter. Mr. Malloy also noted that the Department Heads stated that they are not requesting these positions at this time. They only wanted to inform the Board of the shortages in their staffing level associated with their budgets.

Selectman Thompson moved to support the Town Manager's recommendation. Vice Chairman Jane' seconded.

Chairman Emery, Selectmen Dodd, Goldblatt and Thompson noted that they support the Town Manager's recommendation.

After a lengthy discussion on the Board's position of whether to add the School Resource Officer and the Firefighter the Board proceeded with the following:

Vice Chairman Jane' moved to support the Advisory Finance Committee final budget numbers for the town meeting. Selectman Thompson seconded for the purposes of discussion.

1-4 (Chairman Emery, Selectmen Dodd, Goldblatt and Thompson). Motion failed.

At this point Chairman Emery entertained a motion regarding staffing levels.

Vice Chairman Jane' moved to increase the Salary line item under the Fire Department's Budget by \$70,000 for a full-time Firefighter and to also increase the Police Department Overtime Salary line Item by \$60,000 for the School Resource Officer.

Motion Amended:

Vice Chairman Jane' moved to increase the Fire Department's budget line item by \$70,000 and the Police Department's budget line item by \$60,000.

Fire Chief Perron thanked the Board for their support in increasing his budget line item by \$70,000 but noted that he does not need this person now especially during the Town's financial crisis and would rather wait until the fall to see how the town's finances are doing.

The Board voiced their support for the firefighter due to public safety issues.

Selectman Thompson said that he would support the firefighter increase but not the police department's increase. He said that he feels that the firefighter position is a public safety issue more so than the school resource officer.

After Selectman's Thompson's comment Vice Chairman Jane' withdrew his motion and requested that the motions be stated separately.

Vice Chairman Jane' moved to increase the Fire Department Budget by the following: \$51,588 (step 2), \$2,589 (holiday pay), \$900 (clothing allowance) and about \$15,000 in benefits. Selectman Thompson seconded. 5-0

Vice Chairman Jane' moved to increase the Police Overtime Account by \$6,000 for the School Resource Officer (SRO). Selectman Goldblatt seconded.

3-2 (Chairman Emery and Selectmen Thompson)

Police Chief Gordon thanked the Board for their support for the SRO and also noted that he would have preferred to wait until the fall to see where the Town's finances stood.

The Board noted that they supported the increase for the SRO to continue his work at the Schools' after hour events and also because of the new bullying law that was recently passed.

Chairman Emery moved to support the Town Manager's budget (outlined in pink) and to add the two budget increases. Vice Chairman Jane' seconded. 5-0

The Board thanked Mr. Malloy and his staff and the Finance Committee for all their hard work and cooperation.

Chair Elect vs Vice Chair – Discussion

Chairman Emery suggested changing the reorganizing of the Board of Selectmen. She said that currently the Board votes on Chairman and Vice Chairman. Chairman Emery suggested changing from what is currently done to Chair and Chair Elect.

She said that she believes that by having a Chair Elect it would be stated that the current person under that title would move into the Chairman's place at the next Board's reorganization.

After brief discussion the Board's consensus is not to support Chairman Emery's suggestion. The Board thanked Chairman Emery for bringing her suggestion to the Board.

Reorganization of the Board of Selectmen

Selectman Dodd moved to nominate Rod Jane' as Chairman. Selectman Thompson seconded. 4-1(Rod Jane' abstained)

Rod Jane' moved to nominate Lydia Goldblatt as Vice Chairman. Selectman Thompson seconded. 4-1 (Lydia Goldblatt abstained)

Town Counsel Report

Town Manager Report

Town Meeting Warrant

(Discussed and voted earlier)

FY11 Budget

(Discussed and voted earlier)

Miscellaneous

Mr. Malloy requested nominations for the DPW Manager's (John Walden) annual evaluation.

Selectman Dodd and Selectman Goldblatt will conduct Mr. Walden's annual evaluation.

Mr. Malloy reminded the Board to consider setting their summer schedule within the next couple of meetings.

Issues and Correspondence of the Selectmen

Selectman Dodd announced that the CMRPC Walkability Workshop will be held on Wednesday, May 19th at 7:00 p.m. at the Forbes Municipal Building Auditorium, 45 West Main Street. Everyone is welcome to attend. The meeting announcement will be posted on the Town's web site.

Selectman Goldblatt congratulated Leigh Emery and Tim Dodd for their re-election and also thanked Leigh Emery for her chairmanship throughout the year. Selectman Goldblatt reminded the public that Town Meeting is on Saturday, May 15th and urged our residents to attend along with keeping our servicemen and women in our thoughts and prayers.

Selectman Thompson thanked Mr. Malloy and his staff for the budget presentation and also thanked Leigh Emery for her chairmanship along with congratulating Tim Dodd, Leigh Emery, Bruce Tretter and Steve Doret for their re-elections.

Vice Chairman Jane´ thanked Leigh Emery for her chairmanship and also congratulated Tim Dodd, Leigh Emery, Bruce Tretter and Steve Doret for their re-elections. Vice Chairman Jane´ also thanked all of the town’s staff and department heads for their efforts in the budget process.

Chairman Emery thanked Tim Reiter for filming tonight’s board meeting, the pole registrars for all their work on Election Day and also thanked the public for her re-election.

Selectman Dodd thanked Leigh Emery for her chairmanship and also congratulated everyone that was re-elected.

Adjourn Open Session

Selectman Dodd moved to adjourn the Board of Selectmen meeting at 10:00 p.m.
Selectmen 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