

**Westborough Board of Selectmen  
Meeting Minutes  
May 25, 2010  
7:00 p.m. – 8:55 p.m.**

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

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

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

**Pledge of Allegiance/Open Forum**

Police Officer Craig McRae announced the Patrolmen's Brotherhood Union Carnival Fundraiser event to be held on June 8<sup>th</sup> thru 13<sup>th</sup>, 2010 on the old Cloverleaf property (150 Turnpike Rd). The Patrol Union receives a percentage of the profits and those proceeds are donated back to the Town of Westborough in various ways.

**Committee Vacancies:**

Board of Assessor Member (1)

Central Massachusetts Regional Planning Committee (Alt)

Municipal Building Committee 1 Year Term (1)

Youth Commission – (2)

**Application to Transfer All Alcohol Package Store License/Mendon Wine & Spirits, Inc. d/b/a DiVine Wine & Spirits/Michelle Fayad**

Ms. Fayad requested that the Board Transfer the All Alcohol Package Store License from Maira's Specialty Markets, Inc., d/b/a The Grape Vine located at 168 Milk Street be transferred to Mendon Wine & Spirits, Inc., d/b/a DiVine Wine & Spirits located at 1100 Union St, Suite G-104 (Bay State Commons).

Vice Chairman Goldblatt moved to approve the Transfer of the All Alcohol Package Store License from the The Grape Vine located at 168 Milk Street to Mendon Wine & Spirits, Inc., d/b/a DiVine Wine & Spirits located at 1100 Union St, Suite G-104 (Bay State Commons) contingent, of successfully filing the change of manager application with the ABCC to remove herself as manager at Mendon Wine & Spirits and that all of the towns permits be received. Selectman Thompson seconded. 5-0

**Representative George Peterson Update**

Representative Peterson informed the Board the following:

Pending Bills:

**H4986**-This Bill is currently in Rules. He said that this Bill requests the changing of the Liquor Licensing Law to allow local authorities to be able to issue their own liquor license without going to town meeting.

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He said that he has sent a letter to the Chair today requesting that they assign a Bill number and issue it to the proper committee. Representative Peterson said that he doesn't know whether his request will be processed since they are running toward the July 31<sup>st</sup> end of formal session. If it doesn't get issued to the proper committee in this session it will be refilled at the beginning of the next session and a hearing will automatically take place.

**H4494-**This Bill has already had its hearing and it is still in Committee. He said that this is the Mandarin Restaurant's Liquor License location change. Representative Peterson said that this Bill had its hearing on April 21, 2010 and is still in Committee. A letter was sent to the Chair and will follow-up with him tomorrow.

Representative Peterson said that the House Budget has been completed and that the Senate Budget is in the process of ending theirs now. He said that he does not think that he will be able to support the budget because of the deficit of a little over 200 million and local aid cuts. Representative Peterson said that this year's budget is balanced on 2 billion dollars of one time money and cautioned the Board that for next fiscal year will be more difficult because the State doesn't have any more one time money to use up. Next year's deficit will be about 2 to 2.5 billion. Representative Peterson also noted that the two referendum questions that are on the ballot for the fall is 1. - To do away the alcohol and beer & wine taxes, 2. - To roll back the sales tax from 6.25% to 3%. He said that his very concerned if either one of these ballot questions passes for it means that the shortage will be added to the current deficit number. Representative Peterson said that the amount of support that these two questions have received indicate that they might pass.

Selectman Thompson asked Representative Peterson the status of the Municipal Relief Package (MRP). Representative Peterson said that the Ways and Means narrowed the MRP and is now in the Senate and hopes to address that in their next session. Mr. Malloy said that he would supply the list of the topics that are on the revised MRP to the Board.

The Board thanked Representative Peterson for his update.

**Request to Build on Town Property/Westborough Community Land Trust/Don Burns**

Mr. Burns, Westborough Community Land Trust Representative (WCLT), requested that the Board grant permission for the WCLT to build a trail near the sewage treatment plant so the public may access the Indian Pond property (map attached). He said that he has received permission from the Treatment Plant Board with the following conditions (attached). Mr. Burns also noted that he has consulted with the Conservation Commission of the request and they are in approval also.

Vice Chairman Goldblatt moved to approve the building of a trail by WCLT on town property subject, to the Town Manager's final approval. Selectman Dodd seconded. 5-0

### **Request to Award Contract/DPW Manager**

Mr. Malloy requested that the Board award the Sewer and Water Construction Projects, which were approved at the 2010 Town Meeting (Articles 10F and 11D) projects to Ludlow Construction from Ludlow Massachusetts in the amount of \$1,559,170. Carl Balduf, Town Engineer, also recommends awarding the contract to Ludlow Construction.

Vice Chairman Goldblatt moved to award the bid for Water and Sewer Construction to Ludlow Construction for \$1,559,170 per their bid subject, to Ludlow Construction providing the appropriate bonds and insurance. Selectman Thompson seconded. 5-0

**Motion Amended** at the Board's meeting of June 8<sup>th</sup> by inserting the following language as requested by the Town Manager:

Vice Chairman Goldblatt moved to award the bid for Water and Sewer Construction to Ludlow Construction for \$1,559,170 per their bid subject, to Ludlow Construction providing the appropriate bonds and insurance **and to authorize the Town Manager to sign all contract documents related to this project.** Selectman Thompson seconded. 4-0 (Chairman Jane' absent)

### **Announcement of "Greg's Field"/Recreation Commission**

Frank DeSiata, Recreation Director, announced the renaming of the Upton Road Fields as "Greg's Field". He noted that there will be a plaque honoring Greg with his picture and a brief narrative of Greg's life on the new sign located at the field. He said that this was able to be accomplished by donations from various individuals and business around town. There will be a brief dedication ceremony at the field (formally Upton Fields) on Saturday, June 12<sup>th</sup> at 10:30 a.m. and invited the Board of Selectmen and the public to attend. Mr. DeSiata said that they are still accepting donations which can be mailed to the Recreation Department, 34 West Main Street, checks made payable to the Recreation Department. He said that any money left over from the donations will be used to create a Little League Team named "Greg's Team" through the Westborough Little League Organization.

The Board thanked the Recreation Commission for all their work in accomplishing this great memory for Greg and his family.

### **Request to Officially Name the Lee Property/Lee Property Committee, Ad Hoc**

Selectman Dodd requested the Board's decision of one of the two names that the Lee Property Committee has brought forth for the property currently known as the Lee Property.

- Veterans Freedom Park
- Sunset Hill Park

The Board spoke about the recommended names and decided to place a survey on the Town's Web Site for the resident's input and for the item to be placed on the Board's June 8<sup>th</sup> meeting.

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Selectman Emery moved to place a survey on the Town's Web Site for the public's input of the two recommended names for the property currently known as the Lee Property. Selectman Dodd seconded. 5-0

### **Down Town Parking Time Limits/Discussion/Selectman Thompson**

Selectman Thompson requested that the Police Chief and the Board of Selectmen research changing the parking time frames for downtown parking from a 1 hour limit to shorter span of time. He said that he was approached by two convenience store owners and that they requested that this be researched because they feel that the people who park their cars all night long or eating in the restaurants hinders their foot traffic customers from coming into their shops for business.

Police Chief Gordon said that the Police Department (PD) enforces the parking limits from 9:00 a.m. to 5:00 p.m. He said that the PD does not have the authority to enforce the time limits after 5:00 p.m. If the town wishes to regulate the parking times then the time frames will need to be change, i.e. 9:00 a.m. to 10:00 p.m.

The Board suggested patrons park in the Town's Municipal parking lot located between Christina's Restaurant Michelle's Salon and also discussed the option of placing better signage indicating where the municipal parking lot is located.

Selectman Dodd said that at the Walkability Workshop that was held last week they discussed the lack of signage in and around the downtown area and also how to engage local business with these issues. Selectman Dodd requested that a Walkability Workshop Discussion be placed on the Board's agenda to discuss several options of making the signage in and around the downtown area better along with discussing the other topics that the workshop brought forth. Chairman Jane' agreed with Selectman Dodd's request. Chairman Jane' noted that the Economic Development Committee have been discussing issuing a town wide business survey in regards to what do the business think about the services the town provides and what issues, if any, the town could address.

Selectman Thompson said that he and Selectman Dodd will work together to bring forth a study proposal which will be brought to the Board in a few weeks.

### **Board of Selectmen Summer Schedule**

Chairman Jane' suggested meeting on July 20<sup>th</sup> and August 17<sup>th</sup> for the Board's summer schedule.

Selectman Thompson moved to meet on July 20<sup>th</sup> and August 17<sup>th</sup> for the summer as suggested by Chairman Jane'. Selectman Emery seconded. 5-0

### **Discussion of Town Meeting/Suggestions for Improvements/Board of Selectmen**

Chairman Jane' said that there was some confusion regarding communication between the Board of Selectmen (BOS) and the Advisory Finance Committee (AFC) at Town Meeting and would like to clarify the issue.

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He said that there were two different sets of budget numbers between the BOS and the AFC. The reason for that was because the BOS at their meeting of May 11<sup>th</sup> made some late additions to the budget which were a firefighter (retirement position) because of public safety issues and to reinstate the School Resource Officer in the Police Departments Overtime Account so the officer could attend after school events which the Board thought it very important to have the officer present at these events due to the new bullying law just passed. Chairman Jane' said that he did not communicate the changes to the AFC and accepts full responsibility for that and apologized to the AFC. Selectman Emery noted that two emails were sent to the Chair of the AFC the day after the BOS made the revisions on the budget along with a spreadsheet with the changes. Chairman Jane' said that having two sets of different numbers created a huge concern at Town Meeting and now would like to research how the process may be improved so this kind of miscommunication does not happen again. He said that in talking through this communication issue with Jo Lown, Chairman of the AFC and Ian Johnson, Vice Chairman of the AFC, they noticed that part of the problem is the timing issue process leading up to town meeting. Both the AFC and the BOS work simultaneously with the budget leading up to town meeting. The BOS makes their recommendations right at the end of the process without have a meeting of closure between the AFC and the BOS where they would be able to review all of the budgets together. Chairman Jane' suggested having a closure meeting with the AFC to improve the communication with each other and to have the budget process start a few weeks earlier so there would be enough time to conclude the process between the BOS and AFC. Chairman Jane' also suggested having a BOS liaison attend the AFC meetings and have a liaison from the AFC to attend the BOS meetings.

Selectman Dodd suggested creating a Tri-Board Committee which was introduced to the Board a couple of years ago. He said that he believes by having this committee in place would improve communication between all and thought to bring this suggestion up again.

Selectman Goldblatt said that she is not in support of the Tri-Board suggestion because the AFC is its own entity appointed by the Town Moderator but does support the idea of having liaisons.

Selectman Emery said that they do need to look forward but noted that the fact of the matter is that the Town Manager did send emails with the budget changes to the Chairman of the AFC and doesn't want the public's perception to be misconstrued and stated that the Town Manager sent those emails on behalf of the BOS. Selectman Emery also said that the BOS should have reached out to the AFC personally but did not and if that would have been done it would have eased most of the confusion and tension on town floor. She said that the BOS does not have any ill feelings toward the AFC and have always worked very well and professionally with them and will continue to do so. Selectman Emery is in support of Chairman Jane' suggestion of having a final meeting at the end of the process but is not in favor of having a liaison due to the extreme time factor involved. She asked the Town Manager to reiterate the roles of the BOS and the AFC at their next meeting.

She said that she believes that the town residents have come to the conclusion at town meeting that it is the AFC that has the final word on the budgets and that is not the case, in fact, it is the Town Manager and the BOS that have the final say on the town's budget. Selectman Emery said that it is always a good idea to have some else look at the final numbers and look for further savings, if any, and noted that the AFC's role is just that. She recommended that the roles of the BOS and AFC be articulated in the future so the public's perception is very clear.

Selectman Thompson said that he believes that the process as is works very well and that this was an isolated incident where the communication was not to the usual standards. He said that he is aware of what happens at other town meetings and thinks that our town does a very good job throughout the process. He said that he doesn't believe the BOS need to meet with the AFC at the end of the budget process at this time or have a need for a liaison. Selectman Thompson said that he rather just have the budget process proceed as done in the past.

Chairman Jane' said that he and the Town Manager will meet and discuss what and where some improvements can be done on the overall process.

Mr. Malloy said that at the Post Town Meeting that took place earlier today which was conducted by the Town Moderator discussed several options of attracting more Town Meeting attendance and other items such as the following: date and time of town meeting, administrative issues and the ordering of the warrant. A suggestion of mailing out a survey regarding town meeting to our residents to seek their input was discussed and agreed upon. He said that he and the Town Moderator will work on the survey and email a copy to the BOS and the AFC Chair for any input they may have. As far as the timing of the budget process, Mr. Malloy will start the budget cycle earlier and will work with the BOS Chair to better coordinate the timing of reviewing budgets so the process may run smoother.

The Board agreed with Chairman Jane' and Mr. Malloy of setting up a meeting with the AFC to have uniform budgets prior to the fall town meeting.

There was a brief discussion with the Town Moderator regarding what drives town residents to attend town meeting along with the timing, procedure, having a quorum and whether town meeting is antiquated.

The Board thanked Joe Harrington, Town Moderator, for all his work and for his input.

### **Town Counsel Report**

Town Counsel Franks suggested delaying his report regarding the Hocomonco Pond to the Board's next meeting because of the lateness of the meeting. The Board agreed to delay the Town Counsel's report to the Board's next meeting and place it as an agenda item.

### **Town Manager Report**

Mr. Malloy submitted a copy of the Request For Purchase (RFP) without the attachments for the sale of the Nathan Fisher House along with comments from the Historical Commission. As per the Town Meeting vote, the sale would be subject to the existing preservation restriction. The RFP will be advertised locally as well as on the Central Register in the next few weeks (the proposed bid opening is on July 6, 2010 but this may be pushed back a week or two depending on when the advertisement is actually placed). Mr. Malloy asked the Board if they would give him permission to move forth.

The Board gave Mr. Malloy the permission to proceed with the RFP.

### ***Westborough Community Land Trust (action required)***

This item was discussed and voted earlier.

### ***Lee Property Proposed Rules and Regulations for Usage (action required)***

This item will be voted along with the naming of the park at the Board's June 8<sup>th</sup> meeting.

### ***Sewer and Water Construction Project (action required)***

This item was discussed and voted earlier.

### ***Water/Sewer Rate Setting – Fiscal Year 2011***

Mr. Malloy said that attached is the memorandum from the Town Accountant Leah Talbot on the Water and Sewer Rates for FY11 which includes the rate schedule the Board has seen in the past. In reviewing the Charter, Mr. Malloy noted that the DPW Manager is designated as the Water and Sewer Commissioner and that he should be setting the rates. Mr. Malloy said that he has discussed this with Town Counsel and have recommended that John Walden bring the rates to the Board for discussion before he sets the rates to make sure the Board understands any rate increase and the basis for the rates.

Mr. Malloy noted that the Town Accountants recommendation for the Water & Sewer Rates for Fiscal Year 2011 is an increase of 3% for the Water portion and 23% increase for the Sewer portion.

Mr. Malloy asked the Board to consider, at the Board's next meeting, whether they would like to reappoint the Bay State Green Committee, Ad Hoc. Based on their mission statement it was stated that the committee would be disbanded if the Board chose not to reappoint the members.

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

Selectman Thompson thanked everyone that attended Town Meeting and Joe Harrington, Town Moderator, for conducting the meeting.

Selectman Emery thanked Tim Reiter for filming the Board's meeting tonight and also noted that she will not be in town on Monday for the Memorial Day Parade.

Vice Chairman Goldblatt wished everyone a happy Memorial Day and to keep our servicemen and women in our prayers and thoughts.

**Adjourn Open Session**

Selectman Thompson moved to adjourn the Board of Selectmen meeting at 8:55 p.m. Selectmen Dodd seconded. 5-0.

*Submitted by Nidia Ruberti*

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**Chairman Jané**

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**Vice Chairman Goldblatt**

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**Selectman Leigh Emery**

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**Selectman Timothy A. Dodd**

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**Selectman George Thompson**