

**Westborough Board of Selectmen  
Meeting Minutes  
June 22, 2010  
7:00 p.m. – 8:45 p.m.**

Members Present: Chairman Jané, 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**

**Proclamations:**

*Edward (Ted) Brady*

Chairman Jané read Edward (Ted) Brady's retirement proclamation and thanked him for serving over 19 years on the Conservation Commission and proclaimed on behalf of the Board of Selectmen July 6, 2010 as Edward (Ted) Brady Day.

*Stephen Henry*

Chairman Jané read Stephen Henry's retirement proclamation and thanked him for serving over 21 years on the Conservation Commission and proclaimed on behalf of the Board of Selectmen July 6, 2010 as Stephen Henry Day.

*Carolyn Delude*

Chairman Jané read Carolyn Delude's retirement proclamation and thanked her for serving 30 years as the Town of Westborough's Library Director and proclaimed on behalf of the Board of Selectmen June 30, 2010 as Carolyn Delude Day.

**Committee Vacancies:**

Board of Assessor Member- (1)

Central Massachusetts Regional Planning Committee- (Alt)

Conservation Commission- (2 Non-Voting Associate)

Country Club Operating Committee- (1 Non-Voting Associate)

Historical Commission- (1 Members/1 Non-Voting Associate)

Housing Partnership Committee- (1)

Open Space Preservation Committee- (2)

Youth Commission-(1)

**Request for a Change of Manager/Piccadilly Pub/Attorney Sutherland**

This item was placed on the Board's July 20<sup>th</sup> meeting due to the proponents not being present for the hearing.

*Minutes: June 22, 2010*

*1.*

**Request to Appoint a Non-Voting Member to the Open Space Preservation Committee**

Vice Chairman Goldblatt moved to Appoint Donald Burns as a Non-Voting Member to the Open Space Preservation Committee with a term ending June 30, 2011. Selectman Emery seconded. 5-0

**Request to Appoint (2) Voting Members to the Conservation Commission**

Selectman Emery moved to Appoint Vivian Kimball and Justin Lundberg as Voting-Members to the Conservation Commission for a term ending June 30, 2013. Selectman Thompson seconded. 5-0

**Request to Appoint a Voting Member to the Historical Commission**

Selectman Thompson moved to Appoint Jason Nappa as a Voting-Member to the Historical Commission for a term ending June 30, 2013. Selectman Emery seconded. 5-0

**Request to Reappoint (1) Non-Voting Member to the Country Club Operating Committee**

Vice Chairman Goldblatt moved to Re-appoint David Hall as a Non-Voting Member to the Country Club Operating Committee for a term ending June 30, 2011. Selectman Emery seconded. 5-0

**Request to Appoint (1) Voting Member and (3) Non-Voting Associates to the Cultural Council/ Lynn Watts**

Vice Chairman Goldblatt moved to Appoint Carolyn Spring as a Voting Member for a term ending June 30, 2013 and also voted to Appoint Betheda Shuman, Phil Buxton and Gary Whittman as Non-Voting Members to the Cultural Council for a term ending June 30, 2011. Mr. Whittman is being moved from a voting member to a non-voting member. Selectman Thompson seconded. 5-0

**Animal Control Concern by Resident of South Street**

*Present: Animal Control Officer John Keefe, Laura Hajduk, Division of Fisheries and Wildlife, Annemarie Trebendis, Stacy Aragon, Ms. O'Toole*

Annemarie Trebendis, Cross Street resident and aunt of Ms. Stacy Aragon resident of South Street, voiced her and her nieces' concerns regarding the coyote situation that occur at her nieces' backyard. She informed the Board of her niece's small dog taken from her backyard by a coyote a few days ago and a couple of cats a couple of weeks ago. The Animal Control Officer John Keefe was called and after hearing her complaints he informed her that she needed to contact the Division of Fisheries and Wildlife to receive more information as to what she can do to keep this from happening again. Ms. Trebendis said that she is concern that this has become a public safety issue not only in Westborough but also in surrounding towns and cities. The coyotes have become very bold and do not deter from human contact and also voiced that the neighbors have fears of being outside in their own backyard and asked what the Town can do to help with this public safety issue.

Animal Control Officer John Keefe said that when Ms. Aragon's dog was taken by the coyote he was unavailable to go to the location but called the Police Department and requested that a cruiser be sent to investigate the complaint. Mr. Keefe said that when he arrived and retrieved the officer's report the coyote was gone.

Division of Fisheries and Wildlife Representative Ms. Hajduck confirmed that attacks from coyotes (predators) have and will continue to occur state wide and that you would never be able to eliminate them from a town or city. She confirmed that coyotes are opportunistic eaters and will take what is easiest for them to catch. She noted that cats are the coyotes prey animal and also noted that they usually do not attack unless they are securing food for their family or are rabid. Ms. Hajduck noted that some coyotes are becoming habituated; therefore, are not afraid of humans due to them establishing a relationship with them such as feeding them. She explained several things that a person can do to scare them from your property such as; harassing the coyote by making loud noises with pots and pans and/or squirting the coyote with your water hose. It is very important to do this when you come in contact with a coyote along with keeping your trash bins secure and always keep your pets on leashes. The box trap is a metal case 5ft long foot trap used to catch coyotes but the likelihood of that occurring is very rare and the likelihood of catching the offending coyote is every lower.

Ms. Hajduck noted that shooting (removal) a coyote will only solve that one time problem for that one time and that there will be other coyotes in the area. In terms of removing the coyotes you may have someone come in and shoot the coyotes in your property; however, even that poses problems if the property is not yours and also discharging issues associated with that too. She said that removal of a coyote is a last resort. The level of aggression that constitutes the removal of animals are those that approach people for food, won't respond to harassment by a person(s), are aggressively in the face of harassment and coming close to people with animals on leashes.

Chairman Jané asked what the Town can do to help our residents. Ms. Hajduck said that in terms of coyote/animal issues; the Town Police need to determine whether or not the coyote/animal is a public safety threat and if so they need to contact the Division of Fisheries and Wildlife to confirm the public safety threat and if so they are removed by the Fisheries and Wildlife Division or by the Town's Animal Control Officer. Ms. Hajduck said that awareness of incidents (public news letter) and information of what to do to deter a coyote from your property or a web site where to obtain information is the best anyone can do. Ms. Hajduck noted that the Division of Fisheries & Wildlife's web site is [www.mass.gov/masswildlife](http://www.mass.gov/masswildlife) and the email address is [mass.wildlife@state.ma.us](mailto:mass.wildlife@state.ma.us), phone number for the local Field Headquarters in Westborough is (508) 389-6300. They are located at 1 Rabbit Hill Road, Westborough, MA. The Central District Office number is (508) 835-3607 and they are located at 211 Temple Street, West Boylston, MA.

Chairman Jané suggested that the Animal Control Officer, Police Chief Gordon, Ms. Hajduck, Ms. Trebendis, Ms. Aragon and Ms. O'Toole meet to coordinate a couple of plans to try to deter the coyotes from entering their property. Chairman Jané asked Mr. Malloy to place the awareness information on the Town's Web Site. Mr. Malloy noted that Police Chief Gordon is on vacation and will not return until July 12<sup>th</sup>. Ms. Trebendis left her phone number with the Board and Chairman Jané asked Mr. Malloy to notify Police Chief Gordon of the Board's suggestion when he returns from his vacation. Mr. Malloy acknowledged Chairman Jane's request.

### **Town Counsel Report**

Town Counsel Franks informed the Board of new changes to the Open Meeting Law (OPML) and a new requirement. He said that the new requirement in the OPML is to have an agenda that lists all of the items that are to be discussed. Mr. Franks said that one issue that he sees that could become a problem is that if an issue comes up under *Issues and Correspondences of the Selectmen* and needs a vote you will not be able to vote on it that night. The item will need to be placed on the next's Board's meeting agenda as a voting item.

### **Town Manager Report**

#### *Westwood Associates Sewer Fee Waiver Request*

Mr. Malloy said that the attached is a request to waive a portion of the sewer and water fees from Sotir Papalilo (Westwood Associates) for the Park Place development. Mr. Papalilo is seeking to have the fees waived for three (of 12) units. He along with John Walden, DPW Manager, Greg Franks, Town Counsel, reviewed the policy for waiving sewer fees and Carl Balduf, Town Engineer, has provided an estimate that the value of the waiver request is \$35,000. Mr. Malloy attached a policy adopted by the Board of Selectmen setting the standard for reviewing such requests. Based upon this policy, the points necessary to consider a waiver are supposed to be between 0 and 15. Under this policy, the points that would accrue for Westwood Associates is -10 and therefore the request does not meet the guidelines of this policy. Mr. Malloy is recommending that the Board deny the request.

*Selectman Emery moved to deny Mr. Papalilo's (Westwood Associates) request to waive a portion of the sewer and water fees for the Park Place development. Selectman Thompson seconded. 5-0*

#### *Veterans Freedom Park (action required)*

Mr. Malloy said that at the last meeting the Board asked for the original charge of the Lee Property Committee which is described in the attached 4/22/2008 memo and the vote from the Board of Selectmen in 2008. He has also attached a 6/15/10 email from Tim Dodd suggesting additional charges for the Committee and the Veterans Freedom Park Rules and Regulations for the Board's consideration.

*Selectman Thompson moved to adopt the Veterans Freedom Park Rules and Regulations dated June 22, 2010, as attached. Selectman Emery seconded. 5-0*

Minutes: June 22, 2010

Selectman Dodd spoke in regards to the Veterans Freedom Park (formally Lee Property) and mission statement and suggested that the Board continue to have the committee in existence to continue with the following tasks:

1. To work in conjunction with the Trustees of Soldiers Memorials on establishing a plan of action for the official naming of the parcel. This may include signage, and event and anything else that the committee feels is necessary,
2. To work in conjunction with the Town Manager and Town Accountant, to create a gift fund for the naming of the parcel, and
3. To continue to work on phase II of the report to the Board of Selectmen

Chairman Jané asked Mr. Malloy if he thought there is a compelling reason to keep the committee active and if the administrative items can be done by the Town. Mr. Malloy said that he believes that the original charge has been completed and that the rest could be handled administratively by his office.

Selectman Dodd moved to extend the Veterans Freedom Park, Ad Hoc (Lee Property Committee, Ad Hoc) for about five months to allow the committee to complete the administrative items. Selectman Emery seconded.

After a discussion regarding the pros and cons of extending the Committee and what it's original charge said and who would conduct the administrative and managerial duties left of the committee the Board of Selectmen's vote to extend the Committee was denied by a vote of 2-3 (Chairman Jané, Vice Chairman Goldblatt and Selectman Thompson).

The Veterans Freedom Park, Ad Hoc (formerly the Lee Property Committee, Ad Hoc) will dissolve on June 30, 2010.

#### *Year End Transfers (action required)*

Mr. Malloy informed the Board of the year-end transfers as follows:

- \$300 to be transferred from the health insurance budget to the Planning Board Expenses Account to cover travel expenses for the Town Planner that were not budgeted.
- \$94 to be transferred from the health insurance budget to the Selectmen – Wages Account to cover wages for one meeting last year that Nidia Ruberti was out and Karen Bain Morgado was not available for backup and Paula Covino filled in.
- \$7,500 to be transferred from health insurance to the Street Light Account to cover the costs of street lights for FY10. Mr. Malloy noted that it appears that the new rates were factored into changes we made in the Fall (at the Fall Town Meeting we increased this budget from \$55,000 to \$70,712) in which we estimated based on the new rates and past usage, but are still going to be short in this fiscal year. Based on the year-end cost, it looks as though this line item will be an issue in FY11 as well that will need to be addressed at the Fall Town Meeting.

- \$680 to be transferred from health insurance to the Finance Committee Wages Account to cover the period when they were training the new Administrative Assistant and the former Administrative Assistant was providing training.

Vice Chairman Goldblatt moved to approve the interdepartmental budget transfers as presented. Selectman Emery seconded. 5-0

*Bid Award (action required)*

Mr. Malloy requested that the Board approve the attached request from John Walden, DPW Manager to award the bid for sidewalk and granite curbing to the low bidder, K.B. Aruda Construction, Inc., for \$145,400.

Vice Chairman Goldblatt moved to award the bid for sidewalk and granite curb construction to K. B. Aruda Construction, Inc. for \$145,400 as per their bid. Selectman Emery seconded. 5-0

*Miscellaneous*

Mr. Malloy informed the Board of the following miscellaneous information:

- The Bay State Common Committee's original charge is up on 6/30/10 unless extended by the Board. This Selectmen's meeting will be the last one before this Committee is scheduled to terminate.
- The lease for the Westborough Community Chorus and Players Club is due and they have indicated that they are interested in exercising the renewal option for another five years. Town Counsel and I will be working on this and will present an updated lease for the Selectmen's approval at the 7/20/10 meeting.
- Attached is a copy of the Town Meeting survey that we discussed a few weeks ago (after the Town Moderator Joe Harrington's Post Town Meeting). Mr. Harrington, Ms. Jo Lown and Chairman Jané have all reviewed and provided comments. It will be in the tax bills this week.

Selectman Emery noted that the Baystate Green Committee still has a couple of items outstanding such as the design for the fountain and the fountain itself and requested that the Committee be extended until the fountain is completed.

Selectman Emery moved to approve the extension of the Baystate Green Committee until the fountain item is completed. Vice Chairman Goldblatt seconded. 5-0

Mr. Malloy informed the Board that his annual performance evaluation is due July 1, 2010 and requested that a couple of members conduct the review. Chairman Jané noted that he and the Vice Chairman Goldblatt would discuss who would conduct Mr. Malloy's evaluation and will proceed with the process as soon as possible.

Mr. Malloy informed the Board that he has reappointed Leah Talbot as the Town Accountant for a term ending June 30, 2013. Mr. Malloy apologized for his late announcement of this appointment. The Board agreed with Mr. Malloy's reappointment of Leah Talbot as Town Accountant for the Town of Westborough and also thanked her for the super job she does for the Town.

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

Selectman Thompson said that the Westborough State Hospital Commission had its initial meeting last Wednesday and discussed their charge and hopefully the Commission will submit a draft report this coming fall. Selectman Thompson thanked Judy Lucas and Michael Meachen for their commitment and dedication in serving on the Finance Committee and wished them good luck in their future endeavors and congratulated Selectman Dodd for obtaining his Doctorate.

Selectman Emery thanked Tim Novak for filming the Board's meeting tonight. Selectman Emery informed the Board that the Sewer Treatment Plant project is on budget and will start prior to the estimated start date. She also noted that a letter from Joan Fallon was mailed to the Board complementing Robert Cunningham and Donald Moquin both from the Building Department for their outstanding help dealing with an issue that she was having at the Baystate Common condos and thanked Ms. Fallon for acknowledging Mr. Moquin and Mr. Cunningham for their good work. Selectman Emery also noted that the Board received another note from a person who voiced her disappointment for the Lee Property Naming survey and stated that answering the survey was a waste of her time and that she will think twice before taking part in any survey that the Town offers.

Selectman Dodd congratulated Mr. Malloy for his one year anniversary with the Town of Westborough.

Vice Chairman Goldblatt requested that the Change of Manger for the Piccadilly Pub be placed on the Board's June 20<sup>th</sup> meeting and also noted that the date on their letter was April 9<sup>th</sup> and would like to know what happened in the interim. Mr. Malloy noted that they were called and advised of the Board's meeting and time frame. Vice Chairman Goldblatt said that she attended Greg Montalbano's memorial dedication and that it was wonderful and also attended and represented the Board of Selectmen at the Mill Pond's School grand assembly for their national recognition of being awarded the School of Character Award. Vice Chairman Goldblatt requested that we keep our servicemen and women in our prayers and in our thoughts that are so far from home.

**Adjourn Open Session**

Selectman Thompson moved to adjourn the Board of Selectmen meeting at 8:40 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**