

**Westborough Board of Selectmen  
Meeting Minutes  
August 17, 2010  
7:00 p.m. – 9:10 p.m.**

Present: Chairman Jané, Vice Chairman Goldblatt, Selectmen Emery and Thompson

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

**Absent: Selectman Dodd**

Vice Chairman Jané move to enter into executive session under MGL Ch. 30A, §21(3) for the purposes of discussing strategy with respect to collective bargaining since discussions in an open meeting would be detrimental to the position of the Board of Selectmen. Selectman Emery seconded. The Board voted unanimously in favor of the motion by roll call vote. 4-0

**Pledge of Allegiance/Open Forum**

Police Chief Gordon requested that the Board support writing a letter opposing the consolidation of the Westborough District Court with the Worcester Court House or the closing of the Westborough District Court and to authorize the Town Manager to sign the letter on the Board's behalf.

He said that he attend the Trial Court Consolidation meeting a week in half ago and was informed that they are looking to consolidate the Westborough District Court which encompasses the five surrounding town and three state barracks to the Worcester Court House. Police Chief Gordon said that having this consolidation done would be a detriment for the residents of Westborough, Police Officers and the police department's overtime budget.

Selectman Emery moved to approve Police Chief Gordon's request. Selectman Thompson seconded.

Selectman Emery requested that the letter include the Policed Chief's deficit amount of his overtime budget in the letter and to also copy the State Representatives. Mr. Malloy acknowledged the request. 4-0

Police Chief Gordon informed the Board that the boat ramp at Mill Pond will be closed from the middle of September until early next summer. He said that the Federal Government will be reconstructing the dam at the beginning of the Assabet River and dropping the water level by one foot. Police Chief Gordon said that people with items that are able to be taking in by hand will be permitted while the reconstruction is taking place.

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**Committee Vacancies:**

Central Massachusetts Regional Planning Committee- (Alt)  
Conservation Commission- (2 Non-Voting Associates)  
Country Club Operating Committee- (1 Non-Voting Associate)  
Historical Commission- (1 Member/2 Non-Voting Associates)  
Housing Partnership Committee- (1)  
Open Space Preservation Committee- (2)  
Youth Commission- (1)

**Approval of Board of Selectmen's Meeting Minutes**

- July 20, 2010

Selectman Emery moved to approve the Board of Selectmen Meeting Minutes of July 20, 2010. Vice Chairman Goldblatt seconded. 3-1 (Selectman Thompson abstained he was absent)

**Request to Alter Premises/Sapporo Restaurant Liquor License/Finding of No Detriment/Jay & Deborah Wong**

Mr. and Mrs. Wong requested that the Board approve the Altering of Premises and the Finding of No Detriment for Sapporo Restaurant located at 50 East Main Street.

Selectman Emery moved to approve the Request to Alter Premises for Sapporo Restaurant Liquor License located at 50 East Main Street. Vice Chairman Goldblatt seconded. 4-0

Vice Chairman moved to approve the Finding of No Detriment to the E-bridge Montessori School per Massachusetts General License 138, Section 16C. Selectman Emery seconded. 4-0

**Request for a Change of Manager/Ruby Tuesday Restaurant/Kathryn Anne Mckiernan**

Ms. Mckiernan requested that the Board approve the Change of Manager for Ruby Tuesday Restaurant from Michael Belley to herself.

Vice Chairman Goldblatt moved to approve the Change of Manager from Michael Belley to Kathryn Mckiernan for the Ruby Tuesday Restaurant located at 34 Lyman Street. Selectman Emery seconded. 4-0

**Recognition of Individuals Regarding Mill Pond Incident**

Police Chief Gordon informed the Board that on July 4<sup>th</sup> three individuals were fishing at Mill Pond and did not have life vests on. Two of the individuals were saved but one was not. There were a number of people that responded from the police and fire departments. A section of Mill Pond was closed.

The following day the weather was very hot and people from Roche Brothers and residents from the area donated various drinks and food to the public safety people. A list of the public safety individuals was submitted (Fire, Police and Roche Brothers Manager) and Police Chief Gordon requested that a letter of appreciation from the Board would be greatly appreciated.

Chairman Janè noted that the Board will draft a letter of appreciation and will also sign them and publicly thanked the people involved in the rescue and also thanked the individuals who supplied food and refreshments.

**Request to Appoint Member to the Youth Commission (3 year term)/Youth Commission Members**

Mr. Badenhause, Chairman, requested that the Board appoint Ms. Judith Tully to the Youth Commission for a three year term.

Vice Chairman Goldblatt moved to appoint Judith Tully to the Youth Commission for a three year term ending on June 2013. Selectman Emery seconded. 4-0

**Request to Appoint Member to the Cultural Council (3 year term)/Chairman of the Cultural Council**

Ms. Watts, Chairman, requested that the Board appoint Betheda Shuman as a voting member to the Cultural Council Committee for a three year term. She noted that Ms. Shuman is currently a non-voting member and would like to be voting member.

Vice Chairman Goldblatt moved to appoint Betheda Shuman as a Voting Member for a three year term ending on June 30, 2013. Selectman seconded. 4-0

Ms. Watts informed the Board that the “Arts on the Commons” 2<sup>nd</sup> annual festival will be held on Saturday, October 2<sup>nd</sup> at the Bay State Green.

**Request to Appoint Election Officers (1 year term)/Town Clerk**

Ms. Yendriga, Town Clerk, requested that the Board appoint the Election Officers as presented for a one year term ending on August 30, 2011.

Vice Chairman Goldblatt moved to appoint the Election Officers as presented for a one year term ending on June 30, 2011. Selectman Emery seconded. 4-0

**Request to Approve Notes and Bonds/Town Manager**

Vice Chairman Goldblatt moved to approve the sale of \$11,834,909 General Obligation Municipal Purpose Loan of 2010 Bonds of the Town dated August 15, 2010 (the “Bonds”), to Robert W. Baird & Co., Inc., at the price of \$12,473,885.75 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and the principal amounts and bear interest at the respective rates, as follows (sheet attached). Selectman Emery seconded. 4-0 The Town Clerk witnessed the Board’s signatures.

**Request to Appoint Planning Board Representative to the Bay State Green Committee (1 year term)/Selectmen Emery**

Selectman Emery requested that Mark Silverberg, Planning Board Representative, be appointed to the Bay State Green Committee for a one year term ending on June 30, 2011.

Vice Chairman Goldblatt moved to appoint Mark Silverberg as the Planning Board Representative to the Bay State Green Committee, Ad Hoc for a one year term ending on June 30, 2011. Selectman Emery seconded. 4-0

**Request to Appoint Two (2) Members to the Economic Development Committee (EDC) (1 year term)/EDC Chairman**

Selectman Emery moved to appoint Debra Penta as a Voting Member to the Economic Development Committee for a one year term ending on June 30, 2011. Selectman Thompson seconded. 4-0

Selectman Thompson moved to appoint Herbert Alexander as a Non-Voting Member to the Economic Development Committee for a one year term ending on June 30, 2011. Selectman Emery seconded. 4-0

**Request to Appoint (1) Representative to the Capital Expenditures Committee (3 year term)/Board of Selectmen**

Selectman Emery moved to reappoint Lydia Goldblatt as the Board's Representative to the Capital Expenditures Committee for a three year term ending on June 30, 2013. Chairman Janè seconded. 3-1 (Vice Chairman Goldblatt abstained)

**Request to Reappoint a Member to the Treatment Plant Board/Board of Selectmen**

Selectman Emery moved to reappoint Thomas Burke to the Treatment Plant Board for a three year term ending on September 30, 2013. Vice Chairman Goldblatt seconded. 4-0

**Article 19 (Animal Control) Section 11 (Kennel) Discussion/Thalia Haseotes**

Ms. Haseotes, resident of Ashland Massachusetts and owner of Camp Canine, Inc., requested the Board's support in amending Article 19 (Animal Control) Section 11 (Annual Kennel License Fees) of the Town's By-law to increase the number of dogs allowed (currently maximum of 20 per kennel) to 60 per kennel. She said that she is very interested in bringing her business to Westborough but can't because of the small amount of dogs stated in the by-law. She said that there is a kennel that she knows of that is operating illegally with more than 20 dogs in Westborough and she would like the opportunity to set up her business here legally (Ms. Haseotes letter attached).

The Board directed the Town Manager to research the kennel in question and to update them as to what the findings are. The Board directed Ms. Haseotes to place a citizen's petition on the fall town meeting warrant and present her request to the town's residents.

They explained that the Board of Selectmen does not have authorization to amend any by-law or sponsor a citizen's petition from a resident of another town. Chairman Janè suggested that she contact the Selectmen's Office and request the citizen's petition paperwork to place on the warrant before it closes in September.

Ms. Haseotes thanked the Board for hearing her request and explaining the process.

**Request to Establish a Bay State Green Gift Account/Selectman Emery**

Selectman Emery requested the Board's approval to establishing a Gift Account for the Bay State Green authorizing expenditures to purchase the fountain and any park related items. She said that the developer gave the Town \$10,000 for a fountain but the Committee has been made aware that the fountain (a grinding stone instead of a Victorian iron fountain) will cost between \$10,000 and \$50,000.

Selectman Emery moved to establish a Gift Account for the Bay State Green authorizing expenditures to purchase the fountain and any park related items. Vice Chairman Goldblatt seconded. 4-0

**Department of Conservation & Recreation (DRC) Survey Discussion/Selectman Emery**

Selectman Emery requested the Board's support in asking the Recreation Commission and the Conservation Commission to take the DCR survey for their Forest Futures Visioning Program. She said that she believes the town should have some input for the long-term managing of the acres of land within DCR's State and Urban Parks. Selectman Emery also requested that Mr. Malloy coordinate this request.

The Board voiced their support of Selectman's Emery request.

Selectman Emery moved to have the Town Manager coordinate the survey responses of the Recreation Commission and the Conservation Commission and to reply back to DCR. Vice Chairman Goldblatt seconded. 4-0

**Request to Place Article on Town Warrant/Green Technology Advisory Committee (GTAC), Ad Hoc/Selectman Emery**

Selectman Emery requested the Board's approval of supporting the placement of the proposed Stretch Energy Code (SEC) on the fall town meeting warrant with the Board supporting the article and also to approve a public hearing to take place to inform the public of this article. She explained that the SEC will be a new building code bylaw that will be presented by the Board (if supported) to change the existing building codes to more "green and energy efficient" building for both developers and town residents. Selectman Emery said that the GTAC held a public open meeting with the contractors on Monday, August 16<sup>th</sup> to inform them of the introduction of this proposed article. The committee will be holding a public hearing on September 16<sup>th</sup> at 7:00 p.m. at the Westborough High School for the public's comments.

Selectman Emery moved to hold a Public Hearing on September 16<sup>th</sup> at 7:00 p.m. at the Westborough High School Auditorium for the proposed Stretch Energy Code article request. Selectman Thompson seconded. 4-0

Chairman Janè noted that he will work with Mr. Malloy regarding the public hearing announcement.

### **Eagle Scout Discussion/Chairman Jané (item taken off)**

#### **Vandalism at Bay State Commons Discussion**

Police Chief Gordon informed the Board of recent graffiti that has taken place at several areas at Bay State Commons and South Street and also informed the Board that his department is working diligently in trying to catch the culprit(s). Police Chief Gordon said that when the individual(s) is caught he/she would be charged with tagging, impose a fine, and could end up as a criminal charge on their record or on probation.

Selectman Thompson requested that Town Counsel research the option of the Town adopting an anti-vandalism or graffiti by-law. Town Counsel Franks acknowledged the request.

Town Manger Malloy informed the Board that the Department of Public Works is keeping records of the cost of removing the graffiti and will be requesting restitution.

#### **Order Taking of Town Ways/Town Counsel**

Town Counsel Franks requested that the Board move to accept the order of taking for the following town ways and to sign the orders.

*Bertis Adams Way*  
*Brigham and Cottage Streets*  
*Gable Ridge Road*  
*Olde Connecticut Path*

Selectman Emery moved to accept the order of taking for the above mentioned town ways as requested by Town Counsel. Selectman Thompson seconded. 4-0

The Town Clerk witness the Board's signatures.

\*At this point Chairman Janè requested a five (5) minutes recess (7:40 p.m.) The Board resumed the meeting at 7:45 p.m.

#### **Town Counsel Report**

*Park Place LIP (Waiver of sewer privilege fees)*

Town Counsel Franks noted that at the Board's previous meeting Chairman Janè requested that he research the LIP process of Park Place and whether the petitioner requested the Town to waive the sewer connection fees.

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Town Counsel Franks informed the Board that his research of the Park Place LIP request to waive the sewer connection fees has concluded based on the Zoning Board's of Appeals (ZBA) meeting minutes with the following:

On June 2, 2008, Mr. Rainey, Member of the ZBA, indicated that the petitioner of Park Place did not request a waiver of the sewer connection fees. On August 14, 2008, the ZBA minutes state: "Concerning Item 7, Mr. Rainey said there is no waiver of fees." The approval contains an updated/final list of requested waivers. The only request for a fee waiver concerned the water main extension fee. The ZBA states, on page 5, "Any waiver request not specifically shown is assumed to be denied except as specifically waived herein in accordance with the list of waivers." Town Counsel noted that the petitioner never requested the ZBA to waive the sewer connection fees. The Comprehensive Permit was approved by the ZBA on August 2008. The petitioner requested the sewer connection fees be waived to the Board of Selectmen one year after the Comprehensive Permit was approved (report attached).

### **Town Manager Report**

#### *Request for Sewer Connection Fee Waiver (action required)*

Mr. Malloy informed the Board that attached to their packet is a memorandum from John Walden, DPW Manager and a letter from William McLoughlin regarding connecting 1 Noponen Way to Town Sewer for the reduced connection fee (\$3,000 vs. \$10,000). Mr. Walden indicated that the letter from the town informing town residents would have been sent in late 1997 and that Mr. McLoughlin acknowledged receiving a letter for his house but not for his other property at 1 Noponen Way. Mr. Malloy also noted that he has attached Article 17 which indicated property owners had a one-year grace period to connect to town sewer at the reduce cost of \$3,000. Mr. Malloy noted that it is not a requirement that the town issue letters to town residents but did so out of courtesy (letters attached).

Mr. McLoughlin Jr. said that the South Street property was connected to town sewer when they purchased the property back in 1972 and did not receive any notification from the town regarding the town sewer connection fees option. He said that they have spoken to DPW as to whether 1 Noponen Way was ever paid to connect to town sewer and that DPW has no record of it being paid.

Chairman Janè asked Town Counsel if the Town is required to mail out notices to residents. Town Counsel said that the only notice that the Town is required to post is in the form of the annual town warrant. The Town has no other requirement other than that.

Vice Chairman Goldblatt moved to deny the request for a waiver of \$3,000 but to accept payment options for the \$10,000 sewer connection fee. Selectman Thompson seconded.

Vice Chairman Goldblatt noted that this motion is consistent with the previous motion made a couple of months ago when Ms. Beardsley came before the Board with the same request.

Selectman Thompson asked Mr. McLoughlin, Jr. and Sr. for clarification on his statement of the South Street property already having sewer connection prior to 1997 when the town adopted Article 17. Mr. McLoughlin, Jr. said that he would have wanted the Town to send notices informing the residents of the sewer connection fee option so he would have been able to connect to town sewer for \$3,000. Selectman Thompson confirmed that Mr. McLoughlin, Sr. concern is that he should have received a notification letter from the Town. Mr. McLoughlin, Sr. acknowledged Selectman Thompson's comment.

Selectman Emery voiced her view regarding the Town helping the senior citizens with their financial hardships with the sewer connection fee and requested that the Board consider her request.

Mr. F. Brown, 18 Forbes Street, noted that the he clearly remembers the Town issuing notification letters to the residents regarding the sewer connection fee option because he pursued it.

3-1 (Selectman Emery abstained)

*Request from Chief Gordon to accept a gift (action required)*

Police Chief Gordon requested that the Board accept a donation of a Dodge Challenger police cruiser from Dan's Jeep for three years. He said that this will not increase the fleet and will be retiring a 2004 Crown Victoria police cruiser because of safety issues. Police Chief Gordon said that there will be an opportunity to buy the Dodge Challenger at the end of the three years.

Selectman Emery moved to accept the gift of a new Dodge Challenger Police Cruiser from Dan's Jeep of Westborough. Vice Chairman Goldblatt seconded. 4-0

*Municipal Building Study (action required)*

Mr. Malloy informed the Board that the Municipal Building Committee issued a request for proposals for architectural services to conduct a Municipal Building Study on the Fire Station, Town Hall and Forbes Municipal Building. The committee received 11 submissions from qualified firms and through a rating system, selected Jacunski Humes Architects LLC from Berlin CT. This is the same firm that had completed the earlier space needs analysis and design for the Public Safety Complex. Town Meeting this year appropriated \$100,000 for this study and the goal is to have the study completed so that if the Town is moving forward with the project that the committee can put it before Town Meeting in 2011 to consider. The Municipal Building Committee has met with Jacunski Humes and negotiated a fee of \$75,000 to complete the scope of services included in the Request For Proposal.



Selectman Thompson moved to award the Feasibility Study and Conceptual Design for the Fire Station, Town Hall and Forbes Municipal Building to Jacunski Humes Architects, LLC for a price not to exceed \$75,000, subject to Town Counsel's review of the contract documents; and further to authorize the Town Manager to execute all contract documents related to this project. Selectman Emery seconded. 4-0

*Request to Sign Notes and Bonds (action required)*

Item was taken up earlier.

*Miscellaneous*

Mr. Malloy said that the following is for the Board's information:

- Attached please find the new Moody's bond rating for Westborough which was upgraded from AA to AA+ - the summary report contains their rationale and explains Moody's opinion of the Town's overall financial position.
- Mark Stockman, MIS/GIS Coordinator and Mr. Malloy have met with Virtual Town Hall, our website provider about making several upgrades to the site to update and improve its content. We are also considering having a photo contest to obtain new photos for the website. I'll keep the Board informed as we progress.

**Issues and Correspondence of the Selectmen**

Vice Chairman Goldblatt sends the Board's sympathies to the Alden family for their loss and requested that we remember our servicemen and women so far from home and keep them in our thoughts and prayers.

Selectman Emery sends the Board's condolences to the Furloff family for their loss. She said that Dr. Furloff was a physician at the Fallon Clinic located at East Main Street.

Selectman Thompson asked Mr. Malloy if the Town has an operations disaster plan if the Town Hall or any other town building would burn down. Fire Chief Perron came forth and noted that the Town does have an operations disaster plan for town buildings which is under Lt. Robert Rand preview under the Local Emergency Preparedness Committee and will request that a copy of the plan be sent to Mr. Malloy. Fire Chief Perron said that the plan may be updated and/or modified after reviewing it.

**Adjourn Open Session**

Selectman Goldblatt moved to adjourn the Board of Selectmen meeting at 9:10 p.m.  
Selectman Dodd seconded. 4-0.

*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**

*(Absent)*

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**Selectman George Thompson**