

**Westborough Board of Selectmen
Meeting Minutes
September 14, 2010
7:00 p.m. – 9:12p.m.**

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

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

Chairman Jané convened the meeting in open session. Ms. Emery moved to enter into executive session for the purposes of collective bargaining, as meeting in open session would have a detrimental effect on the Town's negotiating position; and to discuss the value of real estate, as meeting in open session would have a detrimental effect on the Town's negotiating position. The motion was seconded by George Thompson. Upon roll call vote, the Board voted unanimously to enter into executive session, and to reconvene in open session.

Approval of Board of Selectmen's Meeting Minutes

- August 17, 2010

Vice Chairman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of August 17, 2010. Selectman Thompson seconded. 5-0

Open Forum

Nancy Mckenney, 5 Whitney Street, requested the Board's reconsideration of the leash law at the Veterans Freedom Park. She said that she believes that the Town should accommodate animal owners to have an enclosed space (fenced in area) at the park for dogs to run free and that she believes that there is not enough leash enforcement at the park. Ms. Mckenney also noted that people are not picking up after their dogs and that also creates a problem. Town Manager Malloy explained the costs (fencing) involved in accommodating her request for dogs to roam free (without a leash) along with the public safety issue of individuals that fear dogs. He said that as far as the enforcement is concerned the Animal Control Office does periodically patrol the area but will request that he patrol more frequently. Mr. Malloy also noted that she or anyone encountering any type of altercation or notices dogs without leashes to contact the Police Station and they will contact the Animal Control Officer. He also said that the doggie station will be installed very soon and hopefully that will motivate dog owners to pick up after their dogs. Mr. Malloy and the Board of Selectmen suggested that she and other dog owners who would like to have their dogs run without a leash go to Tufts Veterinarian School Dog Park on the Grafton/Westborough line.

Mr. Harris, 28 Blake Street, asked if the Town has plans on having sidewalks installed on Ruggles Street and Mill Pond. Mr. Malloy said that there are no plans at this time to install sidewalks on Ruggles Street or Mill Pond. Mr. Harris also requested if the Town would cut some brush that is located at the right hand side of Ruggles Street, Eli Whitney Street and Mill Pond.

He said that he is a runner and often is not able to see oncoming cars around the bend on both these locates and believes that it is a public safety issue not only for himself but also for the country cross team that run through these locations. Mr. Malloy said that he would follow-up with the Department of Public Works (DPW) to confirm if these outgrown bushes are town or privately own. If town owned the DPW will take care of it; if privately own the owner will be notified with a request to cut these overgrown bushes.

Request for a Wine & Malt Restaurant Liquor License/Ming III/Rajan Mehtani

Mr. Mehtani requested that the Board approve a Wine & Malt Restaurant Liquor License for S & P Enterprises, LLC d/b/a Ming III, 291 Turnpike Road and hopes to open the restaurant on October 10, 2010.

Selectman Emery moved to approve the Wine and Malt Restaurant Liquor License to Ming II, located at 291 Turnpike Road. Selectman Thompson seconded. 4-1 (Vice Chairman Goldblatt opposed)

Request for a Change of Manager and Change of D/B/A/Bertucci's Italian Restaurant/Sandra Woodin/Peter Ferrari

Mr. Ferrari requested that the Board approve the Change of Manager from Todd Harrington to Peter Ferrari for Bertucci's Restaurant located at 160 Turnpike Rd and to also change the D/B/A from Bertucci's Restaurant to Bertucci's Italian Restaurant.

Vice Chairman Goldblatt moved to approve the D/B/A Change from Bertucci's Restaurant to Bertucci's Italian Restaurant. Selectman Emery seconded. 5-0

Vice Chairman Goldblatt moved to approve the Change of Manager from Todd Harrington to Peter Ferrari. Selectman Emery seconded. 5-0

Committee Liaison Reorganization/Board of Selectmen

Vice Chairman Goldblatt moved to approve the following Committee Liaison Reorganization as discussed. Selectman Emery seconded. 5-0

Rod Jane':

Lyman School, Affordable Housing Committee (ad hoc)
Board of Appeals
Recreation Commission

Tim Dodd:

Housing Partnership Committee
Historical Commission
Youth & Family Services

Leigh Emery:

Emergency Planning Committee
Water Resources Management Committee (ad hoc)
Treatment Plant Board

Lydia Goldblatt:

Country Club Operating Committee
Cultural Council
Veteran's Advisory Board

George Thompson:

Chapter 61A Study Committee
Council on Aging
Commissioner of Trust Funds
Conservation Commission

Volunteer Form Approval/Selectman Dodd

Selectman Emery moved to approve the attached Volunteer Form and replies as presented. Vice Chairman Goldblatt seconded. The volunteer form will be placed on the Town's Web site. 5-0

Westborough T.V. Host/Board of Selectmen

Selectman Dodd requested on behalf of Donna Kelly, General Manager of Westborough T.V., if the Board, as Committee Liaisons, would support the idea of hosting a cable show with the chairperson of the committees that are not televised. The Board member (Committee Liaison) will be interviewing the chairperson from their committee.

The Board supported Selectman Dodd's request on behalf of Donna Kelly to host a cable show with the committees that are not televised and to have the Town Manager write a letter requesting the Chairperson of each committee for their willingness to participate.

Donna Kelly, General Manager, arrived after this item was taken up and the Board verbally agreed to have her contact the committee chairperson's and the Board members for their availability and their interest to attend.

The Board thanked Ms. Kelly for this wonderful idea and opportunity.

Request to Establish a New Water and Sewer Connection Fee Policy/Housing Partnership Committee

Stephen Liedell, Chairman, and Kris Allen, Co-Chair of the Housing Partnership Committee, requested that the Board establish a New Water and Sewer Connection Fee Policy by adding the following language and new section that was not included (an oversight) back in 1993 when the policy was written. The suggested wording by Town Counsel Franks is as follows: Section C: "All housing units that are subject to an affordable housing deed restriction in perpetuity shall receive waivers of sewer and water connection fees." (Correspondence attached)

After a brief discussion the Board voted the following:

Selectman Emery moved to add the suggested language and new section to the Water and Sewer Connection Fee Policy as requested by the Housing Partnership Committee and to have Town Counsel revise the Water and Sewer Connection Fee Policy with his suggestion wording. Selectman Dodd seconded.

3-2 (Chairman Janè and Vice Chairman Goldblatt)

Request to Transfer Ambulance Ownership/Town Manager

Mr. Malloy requested that the Board approve the Transfer of a 2002 Ford Ambulance that was recently taken out of service from the Fire Department to the Explorer Post 85. Mr. Malloy said that this vehicle was worth very little toward a trade on the new Fire Department's ambulance and that the fire department is requesting that the vehicle be transferred to the Explore Post 85 for their use.

Vice Chairman Goldblatt moved to transfer ownership of a 2002 Ford Ambulance, VIN #1FDXE45FO2HB48640 from the Westborough Fire Department to the Explorer Post 85. Selectman Emery seconded. 5-0

Request to Waive Sewer Bill/Town Manager

Mr. Malloy informed the Board that attached to their packets they have correspondence from Bill Winner for a rental property he owns at 43 Summer Street, which had an excessive use of water (from a water leak) and is seeking an abatement. The total bill currently due is \$8,076.06. He said that both he and DPW Manager John Walden have reviewed this and the property owner indicates the water did go through their meter, but he is appealing it on the volume. Mr. Malloy said that either he or Mr. Walden was comfortable agreeing to abate any amount due to the dollar figure involved and they recommended that Mr. Winner appeal to the Board of Selectmen. Mr. Malloy said that he and Mr. Walden offered to allow for a payment plan (correspondence attached).

After listening to Mr. Winner's request the Board of Selectmen suggested that he exhaust all of his avenues of seeking liability insurance coverage from the plumber who worked on the project before coming back to the Board to discuss a payment plan.

Vote to Close Fall Town Meeting Warrant/Town Manager**Article 1 FY2011 Debt Service Modifications (Town Treasurer/Collector)**

Town Manager's Summary – This article includes two decreases and one increase in the debt service obligations for the Town that differs from the budgets approved at the Annual Town Meeting. These changes are due to the timing of when the MA Water Pollution Abatement Trust closed the last funding round, which resulted in interest only payments in FY11 for certain accounts in which the Town had previously budgeted for both a principal and interest payment in FY11 (these need to be corrected since the Town will not be billing Shrewsbury and Hopkinton for their share of these amounts in FY11). There are also increases that are due to the timing of temporary debt being converted to permanent debt and the timing of the initial payment. The amounts included in the article are the net decreases in the General and Sewer Fund and net increase in the Water Fund.

Article 2 FY 2011 Police Budget Increase (Police Chief)

Article 2 withdrawn

Article 3 FY2011 Library Budget Transfer (Library Trustees)

Town Manager's Summary – The new Library Director is paid a lower salary than the former Library Director and the funds would be transferred to the Expenses Account to undertake minor repairs to the library building.

Article 4 Work on Town Water System (DPW Manager)

Town Manager's Summary – This article seeks to close out various Water Department projects that have been completed with permanent borrowing in place, and which have excess funds, and to transfer these amounts to the South Street Water Line Project which was approved at the 2010 Annual Town Meeting to replace the existing water line on South Street and to improve water quality and management by looping the Town's water system. The South Street Water Line Project debt was authorized based on cost estimates that were dated and the project came in substantially over the initial debt authorization. This article seeks to fully fund this project through the Water Fund by increasing the debt authorization less the amounts transferred. The project is currently underway with Ch. 90 funds earmarked for repaving at the completion of the project. If this article is not approved it will reduce Ch. 90 funds that will be available to maintain roads elsewhere in Town.

Article 5 DPW Facility Energy Improvements (DPW Manager)

Town Manager's Summary – The DPW Director needs to make repairs to the heating system for the DPW garage and reviewed replacing the existing system with a more energy efficient heating system. The new heating system is estimated to reduce heating costs by approximately \$5,000 per year for a six year payback. This article is being put forth at this time to have the heating system installed early in winter to gain the most savings.

Article 6 Facilities Study (Municipal Building Committee)

Town Manager's Summary – This article seeks to expand the use of the original funds for the facilities study to include ancillary services. For the past few years, the Municipal Building Committee has had an Owners Project Manager (OPM) to take minutes of meetings and follow-up. Under the study which is currently underway, the Committee has no clerical support to handle these duties and the OPM is no longer under contract. This article would allow the Committee to use a portion of the funds for wages for clerical support.

Article 7 Charter Amendment (Board of Selectmen)

Town Manager's Summary – Every week the Board of Selectmen needs to undertake the administrative duty of signing the payroll and accounts payable warrant in order for the Town to process payroll and pay the Town's bills. It is required that at least three Selectmen sign the warrant for the Town to legally pay payroll and bills. During off weeks when there are no Selectmen's meetings and during the summer months sometimes there are not three Selectmen in Town on Mondays or Tuesdays and it makes it difficult for the Town to legally pay payroll and bills on time. This change would allow the Town Manager to sign off on payroll and accounts payable so that timing would no longer be a concern.

Article 8 Timing of Time Meeting Bylaw (Town Moderator)

Town Manager's Summary – After the low turnout at the Annual Town Meeting this year, the Town conducted a survey, mailed out with property tax bills this year. The results of those surveys returned showed the following: This article requests that the Town Meeting be changed.

1. Are you more likely to attend the Annual Town Meeting if the date were in:

March	(235)	62.7%
April	(72)	19.2%
May	(68)	18.1%

2. Would you be more likely to attend Town Meeting if the day of the week it began was:

Saturday	(169)	37.0%
Monday	(143)	31.3%
Tuesday	(82)	17.9%
Wednesday	(63)	13.8%

3. If the Annual Town Meeting were to continue to be held on Saturday would you be more likely to attend if it were to start at:

10 AM	(167)	53.0%
1 PM	(148)	47.0%

After a brief discussion the Board suggested that Article 8 be rewritten to be more choice specific and stated that the motion will have a recommendation at town meeting when presented.

Vice Chairman Goldblatt moved to have Article 8 rewritten to reflect a recommendation from the Board of having the Town Meeting held on the seconded Saturday, in March at 10:00 a.m. Selectman Thompson seconded. 3-2 (Selectmen Emery and Thompson)

Article 9 Town Meeting Zero Quorum Bylaw (Town Moderator)

Town Manager's Summary – The Town Meeting currently has a 100 person quorum requirement and the start of this year's Town Meeting was delayed while waiting for a quorum. This article would allow Town Meeting to start at the posted time but would not allow any action until 50 voters were present.

Article 10 Town Meeting Quorum Bylaw (Town Moderator)

Town Manager's Summary – The Town Meeting currently has a 100 person quorum requirement and the start of this year's Town Meeting was delayed while waiting for a quorum. This article would allow Town Meeting to start at the posted time but would not allow any action until 50 voters were present.

Vice Chairman Goldblatt moved to Change the Quorum to 50 voters instead of a zero quorum. Selectman Emery seconded. 4-0

Article 11 Water Use Restrictions Bylaw (Board of Selectmen)

Town Manager's Summary – During the drought this summer, the Town has had to institute two levels of water restrictions and in both instances it would have required the Selectmen to hold an emergency meeting. Water restrictions are triggered by water levels as determined in the Town's Water Management Act Permit and is an administrative matter. During the summer months while the Selectmen are on a once per month meeting schedule is the most likely time that a water restriction will need to be placed and as demonstrated this summer, these did not occur on the date of a Selectmen's meeting. This article would allow the Town Manager to declare the water supply restriction.

Selectman Emery moved to add "or the DPW Manager". Vice Chairman Goldblatt seconded. 5-

Article 12 Municipal Relief Act (Town Treasurer)

Town Manager's Summary – This article seeks to address a change made by the Municipal Relief Act which did not change the process used to dispose of abandoned funds of the previous law, but required the adoption by Town Meeting of this statute to continue the process used in the past.

Article 13 Stretch Energy Code Bylaw (Board of Selectmen)

There will be a Public Hearing on the Stretch Energy Code Bylaw held at the Westborough High School Auditorium on Thursday, September 16th at 7:00 p.m.

Town Manager's Summary – The adoption of the Stretch Energy Code is required for the Town to be eligible and apply for the Green Communities Act. It would put in place additional energy efficiency requirements for both residential and commercial building.

Article 14 Veterans Freedom Park Signage (Town Manager)

Town Manager's Summary – The Town is seeking to install signage and an appropriate flag pole at the new Veteran's Freedom Park on West Main Street. This article seeks to appropriate the funds necessary to purchase/install the flag pole and to have the sign designed and installed.

Article 15 Water Conduit Exemption Application - Engineering (DPW Manager)

Town Manager's Summary – The DPW Manager is proposing that the Town apply for a exemption to the licensing requirement to install an "in-line" hydroelectric generator using the head in the water mains to generate electricity to offset the cost of operating the water plant. It is estimated that the payback on such a system would be less than two years. The funds being appropriated would be used for a private engineering firm to file all necessary paperwork with the Federal Government for this project.

Article 16 Appropriate into Stabilization Fund (Advisory Finance Committee)

Town Manager's Summary – The Finance Committee has asked to include a regular transfer to the Stabilization Fund to build the Town's reserves. This article would allow for a minimum transfer of \$0 and a maximum transfer of \$50,000.

Selectman Dodd moved to close the warrant with the amendments as adopted. Selectman Thompson seconded. 5-0

Town Manager Report

Miscellaneous:

Housing Partnership Committee regarding the request to establish a new policy of waiving sewer and water connection fees for affordable housing units that are deed restricted in perpetuity. (*This item was taken up earlier*)

Issues and Correspondence of the Selectmen

Vice Chairman Goldblatt requested that a discussion agenda item be place at the Board's October agenda of holding a memorial service in front of town hall to acknowledge the tenth anniversary of the 9/11 tragedy. Chairman Janè requested that this item be placed at the Board's October meeting. Vice Chairman Goldblatt requested that we keep our servicemen and women in our thoughts and prayers so far from home.

Selectman Emery thanked Tim Reiter for filming the Board's meeting tonight. Selectman Emery asked if anyone is interested in attending the Marlborough Innovation meeting and also suggested that maybe the Economic Development Committee might be interested in holding a meeting like this in Westborough next year. Selectman Thompson said that he might be interested in attending the Marlborough Innovation meeting with her and will let her know later on.

Selectman Thompson sends his condolences to the Danis' family for their loss this past weekend. Selectman Thompson requested that a "streamlining permitting process" be place on the Board's agenda for discussion and also requested that the Board discuss the placement of election signage on public ways.

Chairman Janè requested that Mr. Malloy coordinate comments with the appropriate town departments regarding the reconstruction of the Milk Street Bridge over the CSX railroad (FST Engineers letter attached). Chairman Janè requested that the Police Chief explain the process of this reconstruction and any concerns he might have.

Police Chief Gordon said that he has several major concerns regarding this project which is outlined below:

- Redirecting of south bound traffic onto Maynard Street
- Maynard Street is a residential neighborhood
- No sidewalks and many driveways
- The impact on the residents would be substantial and would create a very dangerous situation for the residents and their children
- A bridge over the Assabet River which has a weigh restriction
- A bridge under the CSX tracks which would not allow trailer trucks to travel through and it is also very narrow allowing only one lane of travel at a time for motor vehicles.

Police Chief Gordon said that he has mailed a letter with his concerns to the FST Engineers and will be meeting with the Town Engineer (Carl Balduf) and the contractor for this project sometime this week. He also said that he will be meeting with the FST Engineers at a later date to discuss the concerns. Police Chief Gordon noted that this project is a State issued project and length of time for this job is estimated to be 12-18 months long with a proposed date of work beginning on September 28th.

Police Chief Gordon also said that this project is also in conjunction to the CSX Walkup Drive property (rail yard). CSX will be using their Westborough site to transport hazards chemicals. Chairman Janè requested that the transportation of chemicals be placed on a future Board's agenda.

Nick Perron, Fire Chief, informed the Board that his department is currently working with CSX and the DOT in regards to the transport of chemical into CSX Westborough rail yard and that any chemical that is not permitted at CSX's rail yard in Boston will not be permitted in Westborough rail yard. He said that the Board will have the opportunity under Site Plan Review to hold them accountable as to what to bring to their Westborough rail yard. Fire Chief Perron said that anything other than what is approved under the Site Plan Review will need to be approved by the Selectmen at a subsequent meeting. He said that his department is one of many that have very serious concerns about this project.

Chairman Janè announced that he received a letter from the Executive Office of Housing Economic Regional Development informing the Town that they will be placing a regional economic plan for the metro-west to define priority preservation, development and transportation improvement and will be finalize in 2011. He requested whether the Board has any concerns if the Economic Development Committee represent Westborough in the meetings. The Board requested that Chairman Janè gather more information because of the three different distinct areas that they believe one person to represent the Town will not be enough. Chairman Janè acknowledged the request.

Adjourn Open Session

Vice Chairman Goldblatt moved to adjourn the Board of Selectmen meeting at 9:12 p.m. Selectman Dodd seconded. 5-0.

Submitted by Nidia Ruberti

Chairman Jané

Vice Chairman Goldblatt

Selectman Leigh Emery

Selectman Timothy A. Dodd

Selectman George Thompson