

**Westborough Board of Selectmen
Meeting Minutes
October 26, 2010
7:00 p.m. – 8:40 p.m.**

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

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

Absent: Selectman Thompson

Open Forum

Earl Storey, 238 Main Street, requested that the Board reconsider placing the Breast Cancer Ribbon display at the Rotary for the remainder of October instead of in front of the Forbes Municipal Building. He explained that he feels that people are able to see it better at the Rotary verses where it stands currently and is in honor of October being the Breast Cancer Awareness Month.

Mr. Malloy presented the Board with a 1992 policy regarding signs on the Rotary which was voted back on November 26, 1991 by its then Board which outlines what is allowable at the Rotary (policy attached) which says the following: “Signs on the rotary to be limited to notices for Town Meeting Election Day and Water Conservation Ban”.

The Board’s consensus is that they have concerns about opening up “Pandora’s Box” but will consider discussing the option/s of dedicating a location for national sponsors at the board’s next meeting. The Board thanked Mr. Storey for the wonderful job and hard work that went into making the cancer ribbon and requested that if possible he attend the Board’s next meeting to discuss this concern.

Mr. Storey thanked the Board of Selectmen for their time and consideration and acknowledged their request.

Mr. Arthur Monroe, 51 Church St, voiced his concerns regarding his water and sewer bill. He said that he is being charged 80% for sewer and would like to suggest charging town residents a lower fee during the summer months.

Mr. Malloy explained that lowering the fee would not give anyone any relief because the rate per 100 cubic feet would have to be increased to offset the flow calculation if the percent was lowered.

The Board empathized with Mr. Monroe’s concern and thanked him for coming before the Board. Mr. Monroe thanked the Board for their time and consideration.

Request to Approve the Board of Selectmen's Meeting Minutes

- September 14, 2010
- September 28, 2010

Selectman Emery moved to approve the Board of Selectmen's Meeting Minutes of September 14, 2010. Vice Chairman Goldblatt seconded. 4-0

Selectman Emery moved to approve the Board of Selectmen's Meeting Minutes of September 28, 2010. Vice Chairman Goldblatt seconded. 4-0

Request to Transfer of Stock/Uno Restaurant/Attorney Skene

Mr. George Herbs requested that the Board approve the Transfer of Stock for Uno Restaurant located at 225 Turnpike Road.

Vice Chairman Goldblatt moved to approve the Transfer of Stock for Uno Restaurant located at 225 Turnpike Road. Selectman Emery seconded. 4-0

Request for a Pole Petition/Irving Street/National Grid/Barbara Romasco

(Request withdrawn by National Grid)

Request to Approve a Secured Performance Agreement/Westwood Associates (Park Place)/Town Counsel

Town Counsel Franks requested that the Board approve the Secured Performance Agreement for Westwood Associates, Inc., for their Comprehensive Permit.

Selectman Emery moved to approve the Secured Performance Agreement for Westwood Associates, Inc., for their Comprehensive Permit. Selectman Dodd seconded. 4-0

Nancy Yendriga, Town Clerk, witnessed the Chairman's signature.

Request for a Pole Petition/Milk Street/National Grid/Barbara Romasco

Mr. Bruce Scott requested that that Board approve the Pole Petition of installing new Poles #36-50 and Poles #36-584 to provide service to the proposed solar panel farm at 133 Milk Street.

Vice Chairman Goldblatt moved to approve the Pole Petition to install new Poles #36-50 and Poles #36-584 to provide service to the proposed solar panel farm at 133 Milk Street. Selectman Emery seconded. 4-0

Request to Waive the Sewer and Water Fee for Park Place/Westwood Associates/Sotir Papalilo

Mr. Papalilo requested the Board's reconsideration, under the new "Section C" addition to the Sewer and Water Waiver Policy, to approve the sewer and water fee for Park Place/Westwood Associates for the three affordable units in his development for a combined total of \$35,000.

Vice Goldblatt noted that she will not support this request and voiced her concerns.

Selectman Emery moved that the sewer and water privilege fees for Park Place Condominium located at 24 Park Street in Westborough be waived for each of the three approved affordable units, on the condition that the recorded deed riders for each of the affordable units contain a restriction that the unit will remain affordable in perpetuity. Selectman Dodd seconded. 2-2 (Chairman Janè and Vice Chairman Goldblatt).

Chairman Janè suggested because of the tied vote that Mr. Papalilo come before a full member (5 members instead of 4 members) Board. Mr. Papalilo acknowledged the request.

Selectman Emery asked Town Counsel if the Board may rescind the Board's prior vote on the Sewer and Water Waiver Fee Policy. Town Counsel said that he believes that Selectman Emery's request is legal but unusual.

Chairman Janè asked Town Counsel does the policy state that the request must be granted or eligible that it is for consideration. Town Counsel said that the wording voted was "shall be granted for any project that has the appropriate deed restriction".

Chairman Janè voiced his concern on having the word "shall" instead of "may" and made the following motion.

Chairman Janè moved to rescind the Board's earlier vote for this request. Selectman Dodd seconded. 3-1 (Vice Chairman Goldblatt)

Selectman Emery moved that the sewer and water privilege fees for Park Place Condominium located at 24 Park Street in Westborough be waived for each of the three approved affordable units, on the condition that the recorded deed riders for each of the affordable units contain a restriction that the unit will remain affordable in perpetuity. Selectman Dodd seconded. 3-1 (Vice Chairman Goldblatt opposed)

Request to Use Town Lake (Polar Plunge)/In Your Shoes/Debi Ledoux and Terry Gavin, Stephanie LeClaire

Ms. Ledoux requested that the Board approve the Use of Chauncy Lake for their 2nd annual Polar Plunge sponsored by In Your Shoes.

She said that the event will be held on Saturday, December 11, 2010 from Noon to 4:00 p.m. with the plunge taking place from 2:00 p.m. and 4:00 p.m. The funds raised will be split between In Your Shoes, the Westborough Food Pantry and the Westborough Youth and Family Services Department.

Vice Chairman Goldblatt moved to approve the Use of Chauncy Lake for the In Your Shoes “Polar Plunge” to be held on Saturday, December 11, 2010 from 2:00 p.m. and 4:00 p.m. Selectman Goldblatt seconded. 4-0

Request to Appoint a Member to the Council on Aging/Council on Aging Members

Mr. Povolis, Council on Aging Member, requested that Oscar Najarian be appointed to fill the current vacancy for a term ending June 30, 2013.

Vice Chairman Goldblatt moved to appoint Oscar Najarian to the Council on Aging for a term ending June 30, 2010. Selectman Emery seconded. 4-0

Site Plan Review# 3/2010/ Senior Center 4 Rogers Road-Parking Expansion/Town Engineer

Mr. Walden, DPW Manager, requested that the Board approve the parking expansion for the Senior Center located at 4 Rogers Road. He said that the existing parking lot is inadequate to fit our seniors who attend the center and that handicapped parking will be more advantageously located for better access to the Senior Center in the new plan.

Vice Chairman Goldblatt moved to approve Site Plan Review# 3/2010 Westborough Senior Center located at 4 Rogers Road subject to all written comments of the Town’s various boards and agents. Selectman Emery seconded. 4-0

Informal Presentation of Westboro Village T.O.V./Francis Zarette

Mr. Zarette informed the Board that he is here presenting an informal update of the Westborough Village T.O.V. site plan that was originally voted by the Board in 2007 before they hear it from the news media. He said that he has partnered with Toll Brothers in the construction of this development and outlined in detail the consistencies of the new plan verses the approved 2007 site plan (materials from original site plan request and new updated materials attached):

- Same roadway design pattern
- Same or lower density (number of units)
- Architectural theme (organizing building around park settings)
- Variety of architectural styles and floor plans
- Similar and added amenities, e.g., clubhouses
- Retention of commercial space

- Vernacular architectural style (clapboard exterior, etc.)
- Same connection to train stations and bike and pedestrian paths, etc.
- Same off-site improvements to be constructed for the Town
- Same phasing plan/schedule
- Same MEPA permit
- Same sewer extension permit

The Board thanked Mr. Zarette for his update and consideration for coming before the Board.

Placement of Election Signage Discussion/Board of Selectmen

The Board voiced their concern regarding the placement of election signs all over town and on town property and requested that the Town Manager assign the task of removing election signs from town property and notifying the appropriate campaign manger of the local Zoning Bylaw concerning size and placement and time frame.

Town Counsel recited the Town's Zoning Election Signage language:

“Signs naming political issues or political candidates shall not exceed six (6) square feet in area. Said signs shall be allowed only from sixty (60) days prior to an election until five (5) days following the election.”

Mr. Malloy acknowledged the request and informed the Board that the Building Department will inform the campaign mangers and will also remove any sign that do not meet the town's zoning requirements.

Town Permitting Process Discussion/Board of Selectmen

(Item taken off to be placed on a future Board's agenda)

CSX Rail Yard & Bridge Project Discussion/Board of Selectmen

Chairman Janè recommended that the Town hire a consultant at CSX's expense to conduct a public safety report in regard to the chemical transportation into Westborough prior to their Site Plan Review approval before the Board of Selectmen. Chairman Janè voiced his concern regarding the public safety in transporting the chemicals and also voiced his dissatisfaction with CSX for not being proactive in working with the Town to stop trucker trailers from hitting the bridge on East Main Street. John Walden, DPW Manager, noted that they still have not reimbursed the Town for the signage that they produced for them in regards to the East Main Street Bridge and that the Town has replaced the sidewalks and the railings underneath the bridge because of public safety concern which CSX neglected to repair which is CSX's responsibility not the Town's. Chairman Janè noted that this is the Town's opportunity to place conditions on their site plan regarding the Town's concerns of public safety, reimbursement and working with the Town regarding the bridge issues.

The Board of Selectmen agreed with Chairman Janè recommendation and concerns.

The Town Planner Jim Robbins noted that CSX has agreed to have the Town's traffic consultant for the traffic mitigation at the entrance of Walk-up Drive. Mr. Robbins said that he will need to contact the Fire Chief and will discuss who he recommends as a chemical consultant for the Town.

Mr. Walden noted that he will research what Worcester is getting for their mitigation with CSX.

The Board thanked Mr. Robbins and Mr. Walden for their concerns and updates regarding CSX and requested that this item be placed at the Board next meeting.

9/11 Tenth Anniversary Discussion/Vice Chairman Goldblatt

Vice Chairman Goldblatt requested that the Board approve the creation of a 9/11 Anniversary Committee to honor the tenth anniversary of the September 11th tragedy to be performed next year in front of the town hall, if possible.

Selectman Emery moved to create the 9/11 Anniversary Committee, Ad Hoc to honor the tenth anniversary of September 11th next year and to appoint Lydia Goldblatt to the committee. Selectman Dodd seconded. 4-0

Town Counsel Report

Town Manager Report

GASB 43 & 45 Update

Mr. Malloy informed the Board that they have, in their packets, a copy of the report from the actuarial on the Town's "Other Post-Employment Benefits" (OPEB) liability. The bottom line of the report is that due to the changes made in the Town's health insurance plans last year, the Town's Unfunded Accrued Liability (UAL) has decreased from \$79.1 million to \$49.1 million. The Town established a fund at this year's Annual Town Meeting but has not funded the projected liability.

CMMPO MOU

Mr. Malloy informed the Board that they have, in their packets, the draft Memorandum of Understanding for the Central Massachusetts Metropolitan Planning Organization (CMMPO). The CMMPO is responsible for developing the Transportation Improvement Plan (TIP) for the use of federal highway dollars. The changes are mostly corrections to reflect correct statutes and the change from MassHighway to Mass DOT. Mr. Malloy said that he has no concerns regarding the agreement, but recommend that moving forward that the Town become more involved in the development of the TIP to ensure that our infrastructure needs are being met in comparison to neighboring communities.

The Board had no objection to the Central Massachusetts Metropolitan Planning Organization (CMMPO) Memorandum of Understanding and noted that the Town Manager move forward.

495 Development Compact

Mr. Malloy informed the Board that they have in their packets the overview of the 495/Metrowest Development Compact description, map and minutes of an initial meeting held on October 1st (Jim Robbins, Town Planner and Mr. Malloy attended). There is an initial meeting with Greg Bialecki, Secretary of Housing and Economic Development on October 27th at 1 PM. Jim Robbins, Town Planner and Mr. Malloy will plan on attending; all of the Board members are invited to attend. Mr. Malloy noted that he and the Town Planner will continue to keep the Board updated as this initiative moves forward.

Miscellaneous

Mr. Malloy informed the Board that in their packets is the Board's adopted policy on false alarms. There have been some issues lately regarding payment of excessive false alarm fees; Section 1.6 on page four deals with the process of charging after three false alarms (so that anyone that is charged is not charged until they have had four false alarms in one year).

Issues and Correspondence of the Selectmen

Chairman Janè requested that the Board reschedule their board meeting to the following due to the holiday season:

- November 16th and 30th
- December 14th.

Vice Chairman Goldblatt moved to reschedule the Board of Selectmen's meeting dates to November 16th and 30th and December 14th. Selectman Emery seconded. 4-0

Vice Chairman Goldblatt noted that Polly Howard's acknowledgment party was a wonderful event for a person who has dedicated so much of her time and ability to the Town of Westborough. Vice Chairman Goldblatt suggested that the Board discuss moving the Board of Selectmen's meetings from 7:00 p.m. to 6:00 p.m. Chairman Janè requested that this item be placed at the Board's November 16th meeting. Vice Chairman Goldblatt requested that we keep our servicemen and women so far from home in our thoughts and prayers

Selectman Emery thanked all the people that came and helped in coordinating Polly Howard's party.

Selectman Dodd 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. The motion was seconded by Selectmen Emery. Upon roll call vote, the Board voted unanimously to enter into executive session, and not to reconvene in open session.

Adjourn Open Session

Selectman Emery moved to adjourn the Board of Selectmen meeting at 8:40 p.m.
Selectman Dodd seconded. 4-0.

Submitted by Nidia Ruberti

Chairman Jané

Vice Chairman Goldblatt

Selectman Leigh Emery

Selectman Timothy A. Dodd

Selectman George Thompson

(Absent)