

**Westborough Board of Selectmen
Meeting Minutes
November 16, 2010
7:00 p.m. – 8:50 p.m.**

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

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

Absent: Selectman Leigh Emery

Request to Approve the Board of Selectmen's Meeting Minutes

- October 26, 2010

Vice Chairman Goldblatt moved to approved the October 26, 2010 Board of Selectmen's Meeting Minutes with minor corrections from Chairman Jané as submitted. Selectman Dodd seconded. 3-1 (Selectman Thompson abstained. He was absent on October 26, 2010)

Open Forum

Police Chief Gordon requested that the Board a member(s) to individually negotiate the Fire Chief, DPW Manager and his own employment contract that ends June 30, 2011. Chairman Jané requested that this request be placed on the Board's November 30th meeting agenda.

Mr. Walden, DPW Manager, announced that the Town had a major water main break early afternoon today on Flanders Road and lost about 2-3 thousand gallons of water. He said that this was a sudden water burst break which pulls sediments up from the pipe floor and recommends that residents allow their water to flow until it is clear. Mr. Walden said that this was created by someone who opened a hydrate somewhere and shut it down quickly without notifying the Department of Public Works (surge in the system). The residents were notified by the reserve 911 system and the electronic message board. The main pipe is now repaired.

Mr. and Mrs. Malone, 200 East Main Street, voiced their concerns regarding the traffic issues that Zaara Garden will bring to Route 30 and Haskell Street. Their also voiced their concerns regarding the drainage issues that have not been discussed on her property. The Board informed Mr. and Mrs. Malone that Mr. Ansari the developer of Zaara Gardens will be presenting his updated changes to the Board later on tonight and requested that might be interested in hearing those changes and maybe meeting with Mr. Ansari to discuss their concerns.

Request to Appoint Members to the 911-10th Anniversary Committee, Ad Hoc

Selectman Thompson moved to appoint Marianne O'Connor and Kate Kelleher to the 911-10th Anniversary Committee, Ad Hoc. Selectman Dodd seconded. 4-0

Request for an All Alcohol Package Store Liquor License and a Finding of No Detriment/Sunshine Convenience Food Store/Attorney Matson

Mr. Matson requested that the Board approve an All Alcohol Package Store Liquor License and a Finding of No Detriment for Sunshine Convenience Food Store, located at 65 East Main Street.

Vice Chairman Goldblatt moved to approve the All Alcohol Package Store License and a Finding of No Detriment for Sunshine Convenience Food Store located at 65 East Main Street. Selectman Thompson seconded. 4-0

Tax Classification Hearing/Board of Assessors

Present: Linda Swadel, Chief Assessor; Mark Silverberg, Board Member

Ms. Swadel requested that the Board vote for either a single tax rate or a double tax rate. Ms. Swadel said that for Fiscal Year (FY) 2011 the tax rate will be \$18.24 per thousand which is an increase over last year's tax rate of \$16.98 (\$1.26). For FY2011 the total valuation of the Town of Westborough decreased by approximately \$158.1 million.

The Town had \$45 million in total new growth valuation, with the bulk of the growth coming from the personal property class at \$29.4 million. Ms. Swadel said that by using last year's tax rate of \$16.98/thousand, this gives an additional \$767,497 in tax dollars which may be added to the tax levy. (Chief Assessor's letter attached).

Chairman Janè noted that the Board received a letter of support for a single tax rate from the Corridor 9 Chamber of Commerce and thanked them for their letter.

Vice Chairman Goldblatt moved to approve a residential factor of 1.0 (single tax rate). Selectman Thompson seconded. 4-0

The Board thanked Linda Swadel and Mark Silverberg for their presentation.

Request for a Common Victualler Permit/Honey Dew Donuts/Maryann Silva

Ms. Silva requested that the Board approve a Common Victualler Permit for Honey Dew Donuts, located at 65 East Main Street. Ms. Silva said that the request for a new common victualler permit is needed because she is now the new owner of Honey Dew Donuts.

Selectman Thompson moved to approve the Common Victualler Permit for Honey Dew Donuts located at 65 East Main Street. Vice Chairman Goldblatt seconded. 4-0

Request to Reappoint Two Members to the Westborough T.V. Board of Directors/Catie Foertsch

Ms. Foertsch requested that the Board reappoint Joe MacDonough and herself to the Westborough T.V. Board of Directors.

Selectman Thompson moved to reappoint Joe MacDonough and Catie Foertsch to the Board of Directors. Vice Chairman Goldblatt seconded. 4-0

Request to Appoint a Member to the Housing Partnership Committee/Committee Steven Liedell

Mr. Liedell requested that the Board appoint Jody Hensley to the Housing Partnership Committee with a term ending June 30, 2011.

Vice Chairman Goldblatt moved to appoint Jody Hensley to the Housing Partnership Committee for a term ending June 30, 2011. Selectman Thompson seconded. 4-0

Request to Appoint a Conservation Commission Representative to the Walk-Up Robinson Fund Committee/Board of Selectmen

Vice Chairman Goldblatt moved to appoint Vivian Kimball as the Conservation Commission Representative to the Walk-up Robinson Fund Committee for a term ending June 30, 2013. Selectman Thompson seconded. 4-0

Request to Appoint Jeff Kimball from Voting Member to a Non-Voting Member and to also Appoint Philip Buxton from a Non-Voting Member to a Voting Member to the Cultural Council/Chairman Watts

Vice Chairman Goldblatt moved to appoint Jeff Kimball from a Voting Member to a Non-Voting Member with a term ending June 30, 2011 and also to appoint Philip Buxton from a Non-Voting Member to a Voting Member with a term ending June 30, 2012 to the Cultural Council Committee.

Vice Chairman Goldblatt moved to appoint Jeff Kimball from a Voting Member to a Non-Voting Member with a term ending June 30, 2011 and also to appoint Philip Buxton from a Non-Voting Member to a Voting Member with a term ending June 30, 2012 to the Cultural Council Committee. Selectman Dodd seconded. 4-0

Zaara Gardens Update of Previously Approved Site Plan and Selectmen's Determination Whether New Approval of LIP is Required/Farooq Ansari

Mr. Ansari informed the Board of the following substantial changes to the previously approved August 18, 2009 site plan review and requests that the Board support these changes under the LIP process:

- Proposing to terminate Zaara Drive in cul-de-sac
- Proposing 12 units (3 units to be affordable housing) to be built instead of the original 14 units

Mr. Ansari said that these changes are being proposed based on the Granger Road neighborhood's input during the hearing process to eliminate the burden of any traffic concerns that maybe generated due to the configuration of roadways as proposed in the approved plans. The elimination of the cul-de-sac will eliminate the traffic use of Granger Road completely.

Police Chief Gordon said that he has not seen nor reviewed Mr. Ansari's changes but will review it and submit his traffic concerns to the Board before their meeting of November 30th for their review.

The Board requested that Mr. Ansari meet with Mr. & Mrs. Malone to try to rectify their traffic concerns and drainage issues prior to coming back to the Board on November 30th and also requested that a copy of the traffic study report and the updated materials for this site plan be given to the Fire Chief, Police Chief, John Walden, Board of Selectmen and the Town Engineer. Mr. Ansari acknowledged the Board's request.

The Board requested that the Police Chief, DPW Manager and Town Engineer submit their reports with their concerns before the Board's November 30th meeting for the Board's review.

The Board thanked Mr. Ansari for coming before them to explain the substantial changes to his site plan.

Request to Approve the 2011 Liquor License Renewal Applications

Mr. Malloy requested that the Board approve the 2011 Liquor License Renewal Applications (list attached).

Vice Chairman Goldblatt moved to approve the 2011 Liquor License Renewal list as submitted. Selectman Thompson seconded. 4-0

Change of Board of Selectmen's Meeting Time/Vice Chairman Goldblatt

Postpone to the Board's November 30th meeting

Town Counsel Report

Site Plan Review: Vote an Extension/Dunkin Donuts-East Main Street

Town Counsel informed the Board that Waterman Design who represents the Dunkin Donuts Drive Thru Site Plan has requested a 90 day extension for the Board of Selectmen to hear the Site Plan Review. Town Counsel recommends that the Board approve the 90 day extension.

Vice Chairman Goldblatt moved to approve the 90 day extension request from Waterman Design. Selectman Thompson seconded. 4-0

Town Manager Report

Sewer Waiver Policy

Mr. Malloy said that at the last Selectmen's meeting during the discussion on the sewer waiver request for an affordable housing project, the Board approved the sewer waiver due to the recent policy amendment which states, "All housing units that are subject to an affordable housing deed restriction in perpetuity shall receive waivers of sewer and water connection fees." This policy requires the Board to approve all sewer waiver requests for affordable housing projects, whether they're considered beneficial or not. Mr. Malloy is recommending that the Board consider revising this policy to read, "All housing units that are subject to an affordable housing deed restriction in perpetuity may receive waivers of sewer and water connection fees."

Vice Chairman Goldblatt moved to amend the Policy Establishing Guidelines for the Waiver or Sewer Privilege Fees by amending the section relative to affordable housing to change the word "shall" to the word "**may**" as described above. Selectman Dodd seconded. 4-0

Reconsideration of Town Sewer Waiver Policy/Brossi Duplex-(Action Required)

Mr. Malloy informed that Board that attached to their packet is a request from Attorney Matson seeking a sewer waiver for his client Mr. Brossi for a duplex located at 45 Lyman Street for their approval.

Attorney Matson explained in detail his request to have the Board waive the sewer connection fee for the Brossi Duplex located at 45 Lyman Street.

After Attorney Matson's explanation the Board concluded that the current water and sewer policy needs to be rewritten to make sense and comprehensible. Selectman Thompson voiced his support for Attorney Matson's request and noted that he feels that it is unfair to the petitioner not to get a sewer waiver just because the current policy is understandable.

Mr. Malloy noted that he and the Town Engineer rated the formula and that Attorney Matson's request does not meet the criteria of the sewer waiver policy.

Chairman Janè noted his concerns with waiving the request and voiced his non-support for this item. Vice Chairman Goldblatt and Selectman Dodd also echoed what Chairman Janè noted.

Chairman Janè moved to waive half of the sewer fee for Brossi Duplex located at 45 Lyman Street. Selectman Thompson seconded. 1-3 (Chairman Janè, Vice Chairman Goldblatt and Selectman Dodd opposed).

Chairman Janè requested that the sewer waiver policy discussion be placed at the Board January meeting and for Mr. Malloy to present a draft rewritten sewer waiver policy.

New Year's Eve Liquor Sales-(Action Required)

Mr. Malloy requested that the Board approve the extended hours for New Year's Eve for licensed premises in Westborough to stay open until 2 AM (list attached).

Vice Chairman Goldblatt moved that the Board vote to approve extended hours on 12/31/10 for the licensed establishments listed on the attachment to stay open until 2 AM. Selectman Dodd seconded. 2-2 (Chairman Janè and Selectman Thompson opposed)

Chairman Janè requested that this item be place at the Board's November 30th meeting for a full member vote.

Temporary Extension of Work Hours – WWTP Project-(Action Required)

Mr. Malloy informed the Board that attached to their packets is a request from Jack Goodhall on behalf of the WWTP Board requesting that Methuen Construction be allowed to extend work hours until 11 PM during a period of time that the construction will require bypass pumps to be pumping 24/7. The purpose of this request is to shorten this period of construction as much as possible without affecting local residents.

Police Chief Gordon voiced his concerns regarding heavy equipment driving through Meadow Road and Indian Pond (a lot of residents and children) along with the level of noise.

Mr. Goodhall noted that the extended work hours request is for approximately two weeks. The Board requested that the Police Chief, Fire Chief, Mr. Good hall and Methuen Construction confer with each other as to what is the best method to run these pumps without interfering with the local residents.

Vice Chairman Goldblatt moved to allow extended work hours for Methuen Construction at the WWTP until 11 PM as per the 11/10/10 request from the WWTP Board with the stipulation that no heavy equipment be allowed to operate outside. Selectman Thompson seconded. 4-0

Mass Cultural Council-(Action Required)

Mr. Malloy informed the Board that attached to their packets is the standard contract form from the Commonwealth for the annual allocation from the MA Cultural Council (for the Westborough Cultural Council) in the amount of \$3,870 and requested that the Board approve his authorization to sign the forms.

Vice Chairman Goldblatt moved to authorize the Town Manager to execute the attached standard agreement between the Commonwealth and the Town of Westborough. Selectman Thompson seconded.

Requested to Sign Automatic License Grant-(Action Required)

Mr. Malloy requested that the Board authorize him to sign the Automatic License Grant for the Police Department.

Vice Chairman Goldblatt moved to authorize the Town Manager to sign the Police Department's Automatic License Grant. Selectman Thompson seconded. 4-0

Subway Common Victuallers License-(Action Required)

Mr. Malloy informed that Board that attached to their packets is the common victualler's license application for the Subway Sandwich shop (next door to Town Hall) at 32 W. Main Street and requested that the Board approve the Common Victualler Permit for Subway Sandwich shop located at 32 West Main Street.

Vice Chairman Goldblatt moved to approve the Common Victualler's Permit for Subway, LLC operating the Subway Sandwich Shop at 32 W. Main Street. Selectman Thompson seconded.

Sunshine Convenience Store-(Action Required)

Item was approved earlier

Miscellaneous

Mr. Malloy presented the following for the Board's information:

Town Meeting approved the changes to the Personnel Bylaws and that the Board needs to adopt a Personnel Policy. Kristi Williams, Assistant Town Manager/H.R. Director and Mr. Malloy met with the Personnel Board on 11/10/10 to review the latest draft of the Personnel Policy and that the Personnel Board will be meeting again before the next Selectmen's meeting and will finalize their recommendation for the Board's consideration of the Personnel Policy at the Selectmen's meeting on 12/14/10. The goal is to have a policy adopted prior to the Attorney General's Office approving the bylaw change. As soon as the Personnel Board recommends the policy, Mr. Malloy will email it to the Board so that they can review an e-copy and will include a hard copy in his next report to the Board.

Issues and Correspondence of the Selectmen

Selectman Dodd requested that the Board hold a public hearing prior to the Site Plan Review on the Transflo/CSX project due to the impact that will have on the Town of Westborough. Selectman Dodd said that he believes that it is very important on the Town's behalf to work with Transflo and CSX to make public information regarding the project as easily accessible as possible and to have the public's input of their concerns, if any. He also suggested that the hearing be conducted a month before the project begins and also allow written comments from town residents who cannot attend the meeting.

Selectman Dodd also noted that the information that should be available to our town residents is the following:

- A list of all materials that will be transferred through the site.
- An explanation of environmental precautions made by Transflo, including how it will be the “greenest” of the 58 Transflo sites around the country.
- Contact information for a person from Transflo to answer specific questions from town residents.
- A short summary of the project (including information about the security plan and training).

Town Counsel clarified that a public hearing is a Board of Selectmen’s meeting.

The Board agreed with Selectman’s Dodd request and requested that the meeting be advertised on the Town’s Web Site and local newspaper.

After a brief discussion about notification of abutters for this meeting Chairman Janè requested a motion from a Board member to have the Town notified the abutters in regards to the complexity of this project. Selectman Thompson moved with an amendment as follows:

Selectman Thompson moved to have CSX and Transflo notify abutters and pay for the expense of notification and if they fail to pay for the expenses that the Town would pay. Selectman Dodd seconded. 4-0

Chairman Janè noted that the CSX public relations person contacted Mr. Malloy and have a meeting set for November 23rd at 1pm to discuss the town’s concerns regarding this project prior to CSX coming before the Board for their Site Plan Review approval. Chairman Janè requested the Board’s permission to have him and/or a designee attend the November 23rd meeting.

Selectman Thompson moved to authorize Chairman Janè and/or a designee to attend the CSX meeting on November 23. Selectman Dodd seconded. 4-0

Vice Chairman Goldblatt thanked the Fire Chief for his comments on CSX and thanked everyone who attended the Veteran Parade. Vice Chairman Goldblatt requested that all of the Town Manager action items be placed on the agenda as items not under the Town Manager’s Report. Mr. Malloy acknowledged the request. Vice Chairman Goldblatt also requested that we keep our servicemen and women in our thoughts and prayers who are so far from home.

Chairman Janè thanked Town Counsel for his clarification letters regarding the Site Plan Review process and also thanked Toll Brothers for submitting their economic analysis report to the Board. Chairman Janè thanked all the individuals involved in the coordination of the Veterans Parade.

Adjourn Open Session

Selectman Thompson moved to adjourn the Board of Selectmen meeting at 8:50 p.m.

Selectman Dodd seconded. 4-0.

Submitted by Nidia Ruberti

Chairman Jané

Vice Chairman Goldblatt

Selectman Leigh Emery

(Absent)

Selectman Timothy A. Dodd

Selectman George Thompson