

**Westborough Board of Selectmen
Meeting Minutes
December 14, 2010
7:00 p.m. – 8:45 p.m.**

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

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

Request to Approve the Board of Selectmen's Meeting Minutes

- November 30, 2010

Vice Chairman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of November 30, 2010. Selectman Thompson seconded. 5-0

Open Forum

Chairman Jané introduced and welcomed Tin Htway the New Building Commissioner for the Town of Westborough. Mr. Htway said that he is originally from Southeast Asia and moved to California when he was three years old and now lives in Massachusetts. He said that he has twenty years of building experience in various areas (code enforcement..etc.). The Board welcomed Mr. Htway to his new position and also thanked Don Moquin for all he did while acting as interim Building Commissioner.

Karyn Polito/Matt Beaton State Representative Elect

Mr. Beaton, on behalf of State Representative Karyn Polito, informed that Board that Ms. Polito's grandfather pass away over the weekend so Ms. Polito is not able to be here tonight to thank the Westborough Board of Selectmen for having the opportunity to serve as their State Representative. Mr. Beaton read a departure letter from Ms. Polito and handed each board member a copy of it. The Board voiced their condolences to the Polito family and congratulated Mr. Beaton for his elected position.

Vice Chairman Goldblatt requested that the Board invite Ms. Polito at a later date to present her with a proclamation for all that she committed to the Town of Westborough. The Board agreed with Vice Chairman Goldblatt's request.

Selectman Thompson asked Mr. Beaton to express some of his thoughts in his newly elected position. Mr. Beaton said that he will continue to have an open door policy, continue hosting office hours at the Senior Center, and that he will advocate for Westborough to be under one district instead of three, as it currently is now (redistricting item). He acknowledged that there will be tough times ahead but is ready to fully commit himself to serve and represent the Town of Westborough. Mr. Beaton informed the board that at this time he does not have any contact information to hand out but will after his swearing in takes place on January 5, 2011.

The Board had a brief discussion of the redistricting issues and requested that this item be placed at the Board's January 11, 2011 agenda for discussion.

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1.

The Board once again congratulated Mr. Beaton and thanked him for coming before the Board tonight.

Request to Appoint a Member to the 911-10th Anniversary Committee, Ad Hoc/Vice Chairman Goldblatt

Ms. Smith requested that the Board appointment her to the 911-10th Anniversary Committee, Ad Hoc.

Vice Chairman Goldblatt moved to appoint Barbara Smith to the 911-10th Anniversary Committee, Ad Hoc for an indefinite term. Selectman Dodd seconded. 5-0

Request to Change Manager/Chipotle Mexican Grill/Nina DiPilato

Ms. Dipilato requested that the Board approve the Change of Manager from Todd Rutledge to herself.

Vice Chairman Goldblatt moved to approve the Change of Manger from Todd Rutledge to Nina Dipilato. Selectmen Thompson seconded. 5-0

Request to Use Town Roads and Lake Chauncy-Sprint Triathlon/Westborough Rotary Club/ Gerry Gross

Mr. Gross, Rotary Member, requested that the Board approve the Use of Town Roads and Lake Chauncy for the 2nd Annual Sprint Triathlon which is part of the Westborough Rotary Spring Festival to be held on Sunday, August 14, 2011, rain or shine, from 5:30 a.m. to 5:00 p.m.

Police Chief Gordon said that he has no concerns with the request and that everything went well last year.

Selectman Emery moved to approve the use of Town Roads and Lake Chauncy for the 2nd Annual Sprint Triathlon to be held on Sunday, August 14, 2011, rain or shine, from 5:30 am to 5:00 pm. Selectman Thompson seconded. 5-0

Request to Discuss Sewer Waiver/Steven Venicasa

Mr. Venicasa requested that the Board approve a partial waiver of the sewer connection privilege fee to connect the remaining lots of his Orchards at Quick Farm development for \$5,000 instead of \$10,000 per unit. He said that he feels that the increase from \$5,000 to \$10,000 of the sewer fee is unfair to anyone who has ran the line up to the street and has paid out of pocket for that line to be able to connected to town sewer and would like to work with the Town to achieve the goal of paying \$5,000 per unit and further voiced his concerns of paying the \$10,000 connection fee along with the way the formula is worded and used for any sewer connection waiver/sewer waiver fee requests. Mr. Venicasa presented the Emerson College v. Boston case law to the Board for their review.

Selectman Emery said that she is sympathetic to Mr. Venicasa's concerns and its complexity but does not feel comfortable making a decision tonight and suggested that the Board research the information further.

Vice Chairman Goldblatt noted that per Mr. Malloy's letter sent to Mr. Venicasa dated November 17, 2010 at the second paragraph Mr. Malloy makes it very clear "that the five year grace period in which the fee is reduced from \$10,000 to \$5,000 is part of the town's bylaw and the Board of Selectmen does not have the authority to override a bylaw. The bylaw uses the term "shall" which means that it is not discretionary on the part of the Selectmen." (letter and bylaw attached)

Selectman Thompson requested for an explanation, at a later date, from Mr. Malloy regarding the difference in the three tier formula along with an explanation of the why the incentive fee doubles up in five years. Mr. Malloy said that connecting to town sewer does not become more expensive; that is the established fee. The incentive is the lower fee to encourage more people to connect to town sewer earlier than later due to various reasons'; one of which is for the town's infrastructure projects.

Selectman Emery suggested putting together a working group with the DPW Manager, a Representative of the Economic Development Committee and the Town Manager to review the fees, waivers, and to better understand the structure and whether the process is fair.

Chairman Jané requested that a Working Group Discussion be placed at the Board January 11th agenda.

Mr. Venicasa thanked the Board for taking the time to hear his concerns.

Change of Board of Selectmen Meeting Time Vote/Vice Chairman Goldblatt

Vice Chairman Goldblatt moved to change the Board of Selectmen's Meeting time from 7:00 p.m. to 6:00 p.m. beginning with the Board's January 11, 2011 meeting. Selectman Emery seconded.

Selectman Emery suggested placing a survey on the Town's Web Site for the public's input of the Board's meeting time change. She said that she is concern as to how this change would affect the public. The Board did not have any comments to Selectmen's Emery suggestion but requested that an announcement be place on the town's web site.

Chairman Jané voiced his concerns of changing the time frame and does not support the request; however, Chairman Jané encouraged that if the Board has any Executive Sessions that they be placed at the end of the Board's meeting.

Motion Amended:

Selectman Thompson moved to change the Board of Selectmen's Meeting time from 7:00 p.m. to 6:00 p.m. beginning with the Board's January 11, 2011 meeting and to place any Executive Session at the end of the Board's open meeting. Selectman Dodd seconded.

4-1(Chairman Jané opposed)

Reservoir Study Committee Discussion/Approval/Town Manager

Mr. Malloy requested the Board's support regarding establishing an administrative Reservoir Study Committee to research the potential of increasing the size of the town's reservoir (no change to the footprint) to increase our water storage oppose to drilling another well and to have the committee come back to the Board with a report sometime in late 2011. Mr. Malloy said that if the Board votes to create an administrative committee then he would be appointing the following members:

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3.

Earl Storey
Town Manger
DPW Manager
Town Engineer
2 Residents at Large
Assistant Town Planner/Conservation Officer

Selectman Emery moved to create an administrative Reservoir Study Committee and to have the Town Manager appoint the members. Vice Chairman Goldblatt seconded.

After a brief conversation of voting this item tonight Selectmen Thompson and Chairman Jané requested that Mr. Malloy place this request with the committee's mission statement/proposal on the Board's January 11th meeting for a vote. Mr. Malloy acknowledged the request.

Motion was withdrawn.

Site Plan Review Process Update/Town Manager

Mr. Malloy updated the Board regarding the Site Plan Review Process and presented the attached materials for their information and review from the preliminary meeting with the development departments. He said that currently Westborough does not charge a fee for this review and has drafted a format which has been sent to the departments for their comments. Mr. Malloy also informed the Board that he is potentially looking into establishing a revolving account to outsource some of the site plan review work because the Town Engineer receives so many of them that it inundates the Engineer Department. Mr. Malloy said that he will provide a follow-up with recommendations at the next Selectmen's meeting.

The Board thanked Mr. Malloy for bringing this item forward and look forward to the follow-up and his recommendations.

Discussion/Approval of the Personnel Policy Employee Handbook/Town Manager

Mr. Malloy requested that the Board adopt the Personnel Policy/Employee Handbook prior to the Attorney General's Office approving the bylaw change from the last Town Meeting. He said that he has attached a copy of the proposed Personnel Policy which was approved by the Personnel Board on 12/8/10. The Policy as drafted reflects all of the Town's current policies and former bylaws, with the following exceptions:

- Vacation Leave – Presently, employees work a full year and then during their second year, receive pro-rated vacation leave based on the month the employee started (for example, an employee that starts halfway through the fiscal year would work one full year and then in the second year would receive ½ of the two week vacation period, in this case, the employee would receive one week of vacation leave over a two year period. The policy approved by the Personnel Board would provide pro-rated vacation leave during the first year based on the month the employee begins and then the second through fifth year would receive two weeks.

- Sick Leave – Currently new employees accrue no sick leave until they have completed four months, at which time, they accrue sick leave the same as other employees and may use it as they accrue it. The policy approved by the Personnel Board provides that employees would accrue sick time starting in the first month, but would not be eligible to use any sick time until they have completed six months of work.

Selectman Thompson moved to approve the Personnel Policy Employee Handbook as written with the exception of sections: 5.1C2. Selectman Emery seconded. 5-0
Police Chief Gordon asked if these changes would affect the collective bargaining union salary administration plan. Mr. Malloy said that these changes will not affect the union salary administration plan.

Selectman Thompson requested that Mr. Malloy submit a list of proposed word definitions at the Board's January 11th meeting to explain some of the words written in the Personnel Policy Employee Handbook. Mr. Malloy acknowledged the request.

Request to Award the Phase II Engineering Services Design Work Contract/Nourse Street Cemetery and to Authorize Town Manager to Sign Contract/Town Manager

Mr. Malloy requested that the Board award the Phase II Engineering Services Design Work for the Nourse Street Cemetery project to Mill Road Engineering Services for an amount not to exceed \$18,300 and further to authorize the Town Manager to sign all contract documents related to this project.

Vice Chairman Goldblatt moved to award the Phase II Engineering Services Design Work Contract for the Nourse Street Cemetery project to Mill Road Engineering for an amount not to exceed \$18,300 and further vote to authorize the Town Manager to sign all contract documents related to this project. Selectman Thompson seconded. 4-1 (Selectman Emery abstained)

Town Counsel Report

Town Counsel Franks informed the Board that the Personnel, the Timing of Annual Town Meeting and the Elimination of the Quorum bylaws that were approved at the Special Town Meeting has been approved by the Attorney General and that the change of annual town meeting date and time will take effect a year from today (2012).

Town Manager Report

Personnel Policy Update

Item taken up earlier

Site Plan Review Update

Item taken up earlier

Issues and Correspondence of the Selectmen

Vice Chairman Goldblatt requested that we keep our servicemen and women in our thoughts and prayers so far from home and wished everyone a Very Merry Christmas.

Selectman Emery thanked Tim Reiter for filming the Board's meeting tonight and also expressed her gratitude to our public safety personnel.

Selectman Thompson said that he has spoken to Representative Peterson regarding the Westborough's redistricting and said that he said that the State will not have any formal plans until November or December of 2011. Selectman Thompson noted that the Patrick Administration has formally announced that the State has a budget deficit of 2 billion dollars. Selectman Thompson wished everyone a Merry Christmas and Happy Holidays.

Chairman Jané noted that the Board has received a letter of support from the Housing Partnership Committee in regards to Zaara Gardens and the CMPRC traffic report but notice that Route 135 (N) was omitted (where the bridge project is to take place) and asked Mr. Malloy if he would follow-up with CMPRC as to why that was omitted from the report. Chairman Jané wished everyone a Merry Christmas and Happy Holidays and announced that the Board's next meeting will be held on January 11, 2011 at 6:00 p.m.

Adjourn Open Session

Selectman Emery moved to adjourn the Board of Selectmen meeting at 8:45 p.m.
Selectman Thompson seconded. 5-0.

Submitted by Nidia Ruberti

Chairman Jané

Vice Chairman Goldblatt

Selectman Leigh Emery

Selectman Timothy A. Dodd

Selectman George Thompson