

**Westborough Board of Selectmen  
Meeting Minutes  
April 5, 2011  
6:00 p.m. – 9:05 p.m.**

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

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

**Late Arrival:** Selectman Thompson (arrived at 6:15 p.m.)

**Request to Change Officer/Director/Bertucci's Restaurant Corp/160 Turnpike Road**

Selectman Emery moved to approve the Change of Officer/Director application for Bertucci's Restaurant located at 160 Turnpike Road as submitted. Vice Chairman Goldblatt seconded. 4-0

**Request to Use Town Roads/Kids Pan Mass Challenge Bike-a-thon Fundraiser (May 22, 2011)/Corinne McCabe**

Mr. Patrick McCabe requested that the Board approve the Use of Town Roads to conduct the 3<sup>rd</sup> Annual Kids Pan Mass Challenge Bike-a-thon Fundraiser event to be held on May 22<sup>nd</sup> at 10:00 a.m. with a set-up time of 6:00 a.m. at Westborough High School. He noted that the route is the same as last year's and that Police Chief Gordon has approved the route.

Vice Chairman Goldblatt moved to approve the Use of Town Roads for the Kids Pan Mass Challenge Bike-a-thon Fundraiser event on May 22<sup>nd</sup> as per the route approved by the Chief of Police, subject to any safety requirements of the Police Chief. Selectman Emery seconded. 4-0

**Request to Use Town Roads/Little League Parade (April 23, 2011)/Deborah Penta**

Ms. Penta requested that the Board approve the Use of Town Roads for the Little League Parade that will be held on April 23, 2011 at 10:00 a.m. at Bay State Commons and will proceed to West Main Street on to the Westborough High School grounds. She said that Police Chief Gordon has reviewed and approved the route and that Main Street will be temporarily shut down during the procession.

Vice Chairman Goldblatt moved to approve the Use of Town Roads for the Little League Parade to be held on April 23<sup>rd</sup> as per the route approved by the Chief of Police, subject to any safety requirements of the Chief of Police. Selectman Emery seconded. 4-0

*Selectman Thompson arrived at 6:15 p.m.*

**Request to Use Town Roads/Bicycles Battling Cancer (June 12, 2011)/American Cancer Society/Holly Maki**

Mr. Charlie Roberts requested that the Board approve the Use of Town Roads for the American Cancer Society's fundraiser, Bicycles Battling Cancer Ride, on June 12, 2011 between the hours of 10:00 a.m. and noon.

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He said that they will enter the Town of Westborough on South Street coming from the Town of Northborough ride on several Westborough streets and continue on to Grafton, MA. Mr. Roberts said that Police Chief Gordon has reviewed the route and has approved it with the addition of hiring a detail officer.

Vice Chairman Goldblatt moved to approve the Use of Town Roads for the Bicycles Battling Cancer Ride to be held on June 12<sup>th</sup> as per the route approved by the Police Chief Gordon, subject to any safety requirements of the Chief of Police. Selectman Thompson seconded. 5-0

**Vote to Create a Deputy Chief of Police Position/Police Chief**

*This item was delayed until the fall of 2011 per Chairman Jané*

**Request to Ratify the SEIU 888 Clerical Union Contract/Town Manager**

Mr. Malloy requested that the Board approve the Collective Bargaining Agreement between the Town of Westborough and SEIU Local 888, Clerical Unit, for the period of fiscal year 2011 thru fiscal year 2013, as negotiated.

Vice Chairman Goldblatt moved to approve the Collective Bargaining Agreement between the Town of Westborough and SEIU Local 888, Clerical Unit for the period FY11-FY13 as negotiated. Selectman Emery seconded.

Selectman Emery thanked everyone involved for negotiating the contract in good faith and noted that the town employees are now paying 25% of the health insurance premiums. 5-0

**Request to Approve the Mark Altman & Associates Real Estate, Personal Property, Water & Sewer Bill Printing and Mailing Contract/Town Collector/Treasurer**

Ms. Savignac requested that the Board approve the Mark Altman & Associates Contract who was the low bidder of three bids for the outsource of real estate, personal property, water and sewer bill printing and mailing contract. She said that by having this job outsourced to a company will enable her staff to free up their time to concentrate on other responsibilities that her department handles. Ms. Savignac also informed that Board that this is a step on the right direction to e-billing that will be required at a future date.

Vice Chairman Goldblatt moved to approve the Lease Agreement between the Town of Westborough and Mark Altman & Associates as per their proposal and further to authorize the Town Manager to execute all contract documents. Selectman Emery seconded. 5-0

**Request to Approve the Hayes Pump Incorporated Contract for the Wireless Monitoring and Control System Sewer Alarm/DPW Manager**

Carl Balduf, Town Engineer, requested that the Board approve the Hayes Pump Incorporated Contract for the Town's wireless monitoring and control system sewer alarm in the amount of \$87,265 which is the original appropriation for this project. Mr. Balduf noted that having this wireless monitoring will enable the DPW to be alerted of overflows, underwater/overwater tables and trespassers at the Department of Public Works office for immediate assistance.

Vice Chairman Goldblatt moved to award the Bid to Hayes Pump, Inc. in the amount of \$87,265 as per their bid and further to authorize the Town Manager to execute all contract documents related to this project. Selectman Emery seconded. 5-0

**Request to Approve the CDW Consultant Control Contract for the Geotechnical Investigation/DPW Manager**

Carl Balduf, Town Engineer, requested that the Board approve the CDW Consultant Control Contract for the Geotechnical Investigation (soil borings) for the properties located at Oak Street, Bridle Lane, Adams Street, and Crown Ridge to receive sewers in the future in the amount not to exceed \$15,550.

Selectman Emery moved to approve the Contract between the Town of Westborough and CDW Consultants in the amount of \$15,550 for geotechnical investigation on various streets planned for future sewer installation and further to authorize the Town Manager to sign all contract documents related to this project. Vice Chairman Goldblatt seconded. 5-0

**Request to Approve the Konica Minolta Business Solutions Town Copiers Contract/Town Manager**

Selectman Emery moved to approve the Lease Agreement between the Town of Westborough and Konica Minolta for the five year lease/maintenance agreement as per their proposal and further to authorize the Town Manager to execute all contract documents related to the purchase. Vice Chairman Goldblatt seconded.

Vice Chairman Goldblatt asked Mr. Malloy for the yearly cost of the proposal and recommended that it be inserted into Selectman Emery's motion. Mr. Malloy said that the yearly amount is \$9,745 and agreed with Vice Chairman Goldblatt's recommendation.

**Motion Amended:**

Selectman Emery moved to approve the Lease Agreement between the Town of Westborough and Konica Minolta for the five year lease/maintenance agreement as per their proposal of \$9,745 per year and further to authorize the Town Manager to execute all contract documents related to the purchase. Vice Chairman Goldblatt seconded. 5-0

**Request to Establish a Sewer Fee Sub-Committee to review Article 17 of the Sewer Fees Bylaw/Town Manager**

Mr. Malloy requested that the Board create a Sewer Fee Sub-Committee to review the fees the Town charges in Article 17 of the town's bylaw with the following members:

Board of Selectman  
Town Manager  
Town Engineer  
Town Planner  
DPW Manager  
Finance Team Member  
One Resident/Business Member

Mr. Malloy explained that the goal of this sub-committee is to review the fees established by Article 17 of the Massachusetts General Laws and to make recommendations to the Board of Selectmen for any future Town Meeting changes to the bylaw and to have this goal accomplished in time for the Fall Town Meeting, if any recommendations are made.

Selectman Thompson moved to establish a Sewer Cost Apportionment Sub-Committee to consist of a member of the Board of Selectmen, Town Manager, DPW Manager, Town Engineer, Town Planner, a member of the Finance Team and one Business person. The goal of the Committee is to review the fees established by Article 17 of the General Bylaws and to make recommendations to the Board of Selectmen for any future Town Meeting changes to the bylaw. The goal would be to have this accomplished in time for any changes to be considered at the Fall Town Meeting. Selectman Dodd seconded.

Chairman Jané requested to amend the motion and composition of the committee to say that the Board of Selectmen member be a member of the Economic Development Committee. Mr. Malloy agreed with Chairman Jané's request.

**Motion Amended:**

Selectman Thompson moved to establish a Sewer Cost Apportionment Sub-Committee to consist of a member of the Board of Selectmen who is an Economic Development Committee member, Town Manager, DPW Manager, Town Engineer, Town Planner, a member of the Finance Team and one Business person. The goal of the Committee is to review the fees established by Article 17 of the General Bylaws and to make recommendations to the Board of Selectmen for any future Town Meeting changes to the bylaw. The goal would be to have this accomplished in time for any changes to be considered at the Fall Town Meeting. Vice Chairman Goldblatt seconded. 5-0

**Request to establish the Town Manager Goals for July 2010-June 2011/Town Manager**

Mr. Malloy presented the Board the following Town Manager Goals for July 2010-June 2011 (goals attached):

Chairman Jané read the attached Town Manager Goals for July 2010-June 2011 and requested to add two new ones. Chairman Jané noted that he has spoken with Mr. Malloy and he agrees with the two additions to his goal list.

- Attend conference training programs related to performance measurement and investigate Westborough participating in the ICMA Center for Performance Measurement or the National Citizen Survey (both independent survey options) to begin a long-term goal of improving reporting to citizens related to level of services being provided and the goal of improving overall services as measured against other similar communities and measured year to year.
- Work with the DPW Manager to develop an in-house Road Management System to be included in the Town's budget process to identify overall condition of the Town's road infrastructure and to prioritize road construction projects.

- Follow through the consolidation study and include the departments involved in the study and communicate the results to the department heads and include recommendations for any organizational changes in for the fall 2011 Town Meeting.
- Work with the Board of Selectmen to review the Town Charter and Bylaws and determine areas where there is a need for clarification or reorganization to improve town management.
- Review the overall working of the Selectmen/Town Manager's Office and make appropriate changes to improve the department's operation, including reassigning work among the staff and to see that the staff is cross-trained (right now, they are not – i.e. when our Administrative Assistant Karen Bain-Morgado who is the Parking Clerk is out of the office no one is able to assist with parking tickets).

Mr. Malloy noted a clarification in regards to “no one is able to assist with parking tickets”. He noted that anyone in the office is able to handle payment of parking tickets but is not able to handle a disputed ticket. The Parking Clerk is the only one that would be able to waive a contested ticket and research information of a ticket if the patron is questioning the violation.

- Establish regular monthly Finance Team meetings (added after performance evaluation meeting on March 1, 2011).

Chairman Jané said that the following are the added goals as discussed and agreed by Mr. Malloy.

- Develop and manage town budgets cost effectively
- Continue to actually work as a member of the Economic Development Committee (EDC) on any EDC project.

Vice Chairman Goldblatt moved to approve the suggested goals for Town Manager Malloy for the period of July 1, 2010-June 30, 2011. Selectman Thompson seconded. 5-0

### **Wastewater Treatment Plant Fiscal Year 2012 Budget Discussion/Administrator Jack Goodhall and Member Mike Stanton**

Mr. Goodhall, Administrator Engineer, informed the Board that this upcoming fiscal year is very difficult for their budget. He said that the bulk of the expenses and increase is due to all of the contractors hired to upgrade the plant and the electric cost increase of usage for the plant to run while under construction. Mr. Goodhall said that one of the primary focus beside the upgrade of the plant is the phosphorus treatment control and building which is a non-funded mandate and needs to be complied with or the town will be fined. He said that the budget also includes one staff person to man the phosphorus building and treatment once that project is completed.

Mr. Goodhall voiced his concern on the change that imposed midstream from the Department Environmental Protection Agency and asked is the Board would support writing a letter to our congressmen and senators regarding the additional costs and changes being imposed midstream by DEP.

Chairman Jané requested that the Mr. Malloy draft a letter to Congressman McGovern and Senator Brown with the Town's concerns of their action of obligating additional costs and changes midstream from DEP for this unfunded mandated permit to towns in this economic situation. Mr. Malloy acknowledged the request.

The Board of Selectman thanked Mr. Goodhall and Mr. Stanton for their budget presentation.

Selectman Thompson moved to approve the Wastewater Treatment Plant Fiscal Year 2012 Budget. Selectman Emery seconded. 5-0

#### **Board of Health Fiscal Year 2012 Budget Discussion/Board of Health Director**

Mr. Paul McNulty, Board of Health Director, informed the Board that there were two reoccurring articles (Mosquito Control and Household Hazards Waste) that were placed on the town warrant by then former Town Manager Danis. In this year's budget Town Manger Malloy has added the Mosquito Control line item in the Board of Health's budget and the Household Hazards Waste item in the Sanitary Waste budget. He said that the Mosquito Control item increases the Board of Health's budget by \$5, 500. Mr. McNulty said that the slight increase in the wage portion is due to contractual increases.

Mr. McNulty informed the Board that the Sanitary Landfill budget is flat and the reason for it is because he has to estimate each year how much trash our town residents will throw away which is very difficult to do. He noted that the Hazards' Waste Day will be held in the fall.

The Board thanked Mr. McNulty for his budget presentation.

Selectman Thompson moved to approve the Board of Health Fiscal Year 2012 Budget. Selectman Emery seconded. 5-0

#### **Library Department Fiscal Year 2012 Budget Discussion/Library Director**

Ms. Maureen Ambrosino, Library Director, informed the Board that her budget for fiscal year 2012 is \$907, 625 less than 1% increase from last fiscal year's budget. She said that that there is a slight increase to the budget due to contractual step increases which equals to about \$21,000. Ms. Ambrosino noted that the library's budget is level funded as requested by the Town Manager.

Ms. Ambrosino explained in detail the Library Expense accounts and also informed the Board of a few new programs that the Library is now offering. Information may be obtained by logging onto the town's web site, section library department.

The Board thanked Ms. Ambrosino for her budget presentation.

Selectman Dodd moved to approve the Library Fiscal Year 2012 Budget. Vice Chairman Goldblatt seconded. 5-0

### **Building Department Fiscal Year 2012 Budget Discussion/Building Commissioner**

Mr. Tin Htway, Building Commissioner, noted that his fiscal year 2012 Budget flat funded and presented the Board of Selectmen with the attached paper presentation and gave an overview of each following section:

- Building Department Services
- Building Department Goals
- Building Department Needs
- What is Electronic Permitting?
- Broad Array of Task-Specific Tools
- Building Department Revenue & Expenses
- Building Department Revenues & Expenditures
- Request for One-Time Budget Item
- Proposed Permitting & Licensing Software Cost Breakdown
- Proposed Document Management System Software Cost Breakdown
- Communities with Electronic Permitting
- Renovation of Business Process-Site Plan Review

After the presentation Mr. Htway informed the Board that by installing the proposed software will reduce the department's expenses for next fiscal year.

The Board asked Mr. Malloy the status of the Site Plan Review Fee Structure. Mr. Malloy noted that he is at the final stages of the fee structure and will have those fees enacted within the next two weeks.

Selectman Emery moved to approve the Building Department's Fiscal Year 2012 Budget. Selectman Thompson seconded. 5-0

### **Vote on MASSPIRG .5 Cent "Bottle on the Go" Recycling Fee Support Letter/Selectman Dodd**

This item was discussed at the Board's meeting of March 22<sup>nd</sup> and is now before the Board for a vote. This Bill will expand the bottle .5 cent recycling fee to include water, sports drinks, flavored teas, juices and other on the go beverages. Selectman Dodd read the attached fact sheet to the public and requested that the Board vote in support of sending a letter to our legislators.

Selectman Emery moved to support the request for the purpose of discussion. Selectman Dodd seconded.

Selectman Thompson, Vice Chairman Goldblatt and Chairman Jané all voiced their concerns for various reasons regarding this bill and did not support the request.

Selectmen Dodd and Emery voice their support in favor of this bill and commented that the benefit outweighs the cons.

Selectman Dodd and Selectmen Emery (2) in favor. Vice Chairman Goldblatt, Chairman Jané and Selectman Thompson (4) opposed.

### **3 Non-Binding Ballot Question Summary Discussion/Selectman Dodd**

Selectman Dodd asked that the Board support placing a neutral summary (meaning of votes for and against), written by Town Counsel, of the three non-binding questions that will be placed on the town's ballot for May 3<sup>rd</sup> and also requested that the summary be placed on the town's web site and copies be placed at the town clerk's office for the public's understanding of what these questions mean.

After a discussion on what type of summary should be placed on the web site the Board agreed to have these questions placed on the town's web site and at the town clerk's office with the definition of what a non-binding question means.

The Board also discussed the proposed guidelines of determining what the town's process would be for a state ballot question verses a federal ballot question and also agreed to place these guidelines on the Town's Web Site. Mr. Malloy noted that he would investigate the process and inform the Board at a later meeting.

Selectman Dodd moved to place the three non-binding questions and the definition of what non-binding means on the Town's Web Site and at the Town Clerk's office. Vice Chairman Goldblatt seconded. 5-0

### **Discussion of Establishing License Fee for Massachusetts Made Wines at Agricultural Events/Selectman Dodd**

Selectman Dodd informed the Board that the Farm Winery Bill would allow any certified agricultural events (farmers markets, fairs, and festivals) to sell wine locally produced in Massachusetts. He said that the certification will be done by the Department of Agricultural Resources and the permit will be issued by the town. If the town accepts this statute it would enable the town to charge for the permit and create some revenue.

After Selectman Dodd's information Chairman Jané requested that this item be placed at the Board's April 12<sup>th</sup> agenda for further discussion and vote. Selectman Dodd agreed with Chairman Jane's request. Vice Chairman Goldblatt noted that she has a question regarding bullet number 2 "in accordance with the provisions of Massachusetts Laws Chapter 138, Section 15F"

### **Town Counsel Report**

## **Town Manager Report**

The following were not verbal mentioned or discussed.

*House Bill-1456*

*Upton Road Mailboxes*

## **Issues and Correspondence of the Selectmen**

Vice Chairman Goldblatt requested that we keep our servicemen and women in our thoughts and prayers who are so far from home.

Selectman Emery thanked Mr. Hinting for filming the Board's meeting tonight. Selectman Emery requested that Mr. Malloy set up a Frequently Asked Questions (FAQ) on the Town's Web Site under the Town Manager's section regarding the Town's budget finances. The Board and Mr. Malloy agreed with Selectmen Emery's request.

Selectman Dodd also requested that the pie chart be placed under the Town Manager's web page. The Board and Mr. Malloy acknowledged Selectmen Dodd's request.

Selectman Thompson thanked everyone who attended the Westborough State Hospital Re-Use Hearing on March 29<sup>th</sup>.

Chairman Jané announced that Bank of New York Mellon will stay in the Town of Westborough and currently employs 1000 employees and will add another 200 new jobs. Chairman Jané noted that the Re-Use Hospital Hearing seemed to move to a more commercial direction verse having a residential development and requested that the Town Manager draft a letter with the Town's clear views and types of options on the reuse of this property for the upcoming June meeting. Town Manager Malloy acknowledged the request and noted that he will bring the draft letter at a future Board's meeting for discussion.

Selectman Emery moved to go into executive session for the purpose of discussing Labor Negotiations/Litigation and Value of Real-Estate. Selectman Thompson seconded. Chairman Jané declared that an open meeting would have a detrimental effect on the bargaining position of the Town. The Board voted unanimously in favor of the motion by roll call vote to go into Executive Session. Chairman Jané announced that the Board will not reconvene in Open Session after the Executive Session.

## **Adjourn Open Session**

Selectman Emery moved to adjourn the Board of Selectmen meeting at 9:05 p.m. Selectman Dodd seconded. 5-0.

*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**

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**Selectman George Thompson**