

**Westborough Board of Selectmen
Meeting minutes
September 27, 2011
6:00 p.m. – 8:27 p.m.**

Present: Chairman Goldblatt, Vice Chairman Dodd, Selectmen Emery, Thompson and Johnson (arrived at 6:23 p.m.)

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

Request to Approve the Board of Selectmen's Meeting Minutes of June 28, 2011

Selectman Dodd's motion to approve the minutes of June 28, 2011 was seconded by Selectman Emery.
Vote: 4-0

Open Forum

Adrianna Baltimore, who moved to Westborough from Somerville and is an active member of the community, read a statement regarding her concern that moved here from Somerville, concern that people without a car cannot get out of Westborough. Ms. Baltimore's suggestion was to open a second train stop at Bay State Commons as the senior van's hours of operation are not compatible with the schedule of the current train stop. Selectman Goldblatt thanked Ms. Baltimore for her letter and for coming before the Board and suggested that she contact the State Representatives and Senator who would then approach the Massachusetts Department of Transportation and CSX. Selectman Emery explained that there were significant reasons why the Bay State Commons location was not chosen and suggested that the senior van's schedule be looked at to determine if there could be better coverage to the train station. Selectman Thompson pointed out that there are plans to build a transit oriented village across from train station within walking distance.

Fuel Oil at Forbes Community Building / Kristi Williams

Ms. Williams informed the Board that the Forbes Community Building in the process of converting from oil to natural gas and the leftover oil, approximately 450+ gallons needs to be removed. The oil company that it was purchased from was contacted and they cannot remove it as it is determined to be waste oil once it is pumped. Citizens Energy was contacted as well for distribution to needy households and could not take it for the same reason. Before it can be removed the Board is required to declare it surplus property with no salvage or resale value.

Selectman Dodd's motion to declare the approximately 450 gallons of remaining oil in the two tanks located at the Forbes Community Building to be surplus property with no salvage or resale value was seconded by Selectman Emery. Discussion: Options for disposing of the oil were discussed and Mr. Walden was asked if knew of a company that could pump the oil out and transfer it to the DPW. Mr. Walden stated that the DPW has the ability to so and that it could be used in their waste oil heaters. Mr. Malloy suggested that the Board vote on the motion as is so that the oil would be declared surplus and it would not have to come back to the Board if the DPW could not use it. Vote: 5-0

Selectman Emery recommended that the Board take it under advisement by the DPW to determine if they can use the oil.

W2005 WYN Hotels, LP, d/b/a Doubletree Boston / Westborough Change of Officer and Change of Manager / Thomas Plunkett

Mr. Plunkett reviewed his background for the Board and that he has ensured that all employees have completed alcohol awareness training or that their certifications are up to date. He is TIPS trained and certified as well. Attorney Kathy Senie requested that the paperwork that is sent to the ABCC reflects both the Change of Manager and Change of Officer.

Selectman Emery's motion to approve the Change of Officer and Change of Manager application as per the attached was seconded by Selectman Thompson. Discussion: Mr. Plunkett informed the Board that business has been good, some aspects are better than others such as a slight drop in the occupancy rate. Vote: 4-0

Jackstraw Brook Project / Town Manager & DPW Manager

Mr. Malloy informed the Board that they have been reviewing the costs of the original design, which is to go through Mr. Cavaretta and Mr. Anderson's properties, the cost to obtain easements and comparing it to an alternative route, which Woodard & Curran has been asked to investigate. The alternative route runs between #48 (Rizzo) and #50 (formerly the Moore property, now owned by a realtor). Mr. Rizzo and the realtor are receptive to granting an easement, the alternative route costs less and would not impact Mr. Anderson's property. Mr. Malloy, Mr. Walden and Mr. Balduf agreed with the recommendation to have the engineer provide a scope of services to design the easement, legal descriptions for the easements and design a new drainage system for Warren Street. This option would cover the largest storm event that the Town has experienced in the last several years.

Selectman Emery's motion to request Woodard & Curran to provide a scope of services to layout the easement and design the new drainage system for Warren Street based on the attached design was seconded by Selectman Thompson. Discussion: Mr. Walden pointed out the original plan did not have an option to replace the existing pipe, that the Division of Fisheries and Wildlife just informed him that they would not allow the replacement of the pipe and he recommended that the new option be implemented. Mr. Malloy explained that the original \$600,000 appropriated approximately \$10,000 has been spent. The cost estimate for the project is between \$452,000 for the two 48" pipes and \$600,000 for the box culvert, both with contingencies of 35%. The two alternatives would be put out to bid and the project would begin in the spring. Mr. Walden pointed out that the Division of Fisheries & Wildlife is looking for new box culvert and that would be an additional project and expense. Mr. Malloy and Mr. Walden will discuss this issue further. In response to Selectman Johnson's questions regarding the diversion of the flow, Mr. Malloy explained that this option would be dry most of the time and the overflow would flow on the west side of the brook and that this alternative would convey a 25-year storm. Vote: 5-0

There was a discussion regarding the Division of Fisheries & Wildlife's request for a new box culvert and whether a temporary fix should be considered. Mr. Walden explained that the plan was to replace in kind what was there but they are insisting on a gravel bottom pipe. Mr. Walden suggested that it be included in the bid for the main project and that the contractor will do it all at

once. Mr. Saari informed the Board that the Conservation Commission has issued an emergency order, has reached out to the Division of Fisheries & Wildlife and he does not agree that their standards are necessary. Mr. Saari is working with State officials to replace in kind and Mr. Malloy will contact them regarding the possibility of using grant money for the cost difference between what the Town is planning to do and what they are insisting upon.

Storm Water Runoff – Stephanie Kelley / John Walden / Rich Voutas

This item was removed from the agenda per the request of Ms. Kelley as she was unable to attend.

Fall Town Meeting – Vote on Articles & Close Warrant / Town Manager

Selectman Dodd's motion to close the fall Special Town Meeting for October 17, 2011 was seconded by Selectman Emery. Vote: 5-0

Selectman Goldblatt read each Article and the Articles that were questioned were 7, 9, 11, 12, 13 and 15.

Selectman Dodd's motion to support Articles 1, 2, 3, 4, 5, 6, 8, 10 and 14 was seconded by Selectman Thompson. Vote: 5-0

Discussion and votes on the questioned Articles:

- Article 7 – A new vehicle is needed by the Building Department, which would be purchased off the State bid list at a better price. In the past the Town purchased used vehicles, usually with poor gas mileage, at the lowest price. The current 1998 Mercury Sable that they are using has 138,000 miles and is not reliable. The Building Commissioner will be driving between Westborough and Ashland and will require a four-wheel drive vehicle to access construction sites. The car will be put on the auction list.

Selectman Thompson's motion to support Article 7 was seconded by Selectman Emery. Vote: 5-0

- Article 9 – Selectman Thompson does not support this Article because due to the low attendance at Town Meeting a scientific survey would not be helpful, that the Board in conjunction with all other Town committees and boards have a good feel for residents' level of satisfaction, and that it is not a necessary cost at this time. Selectman Emery had criticized the last survey and if another one is to be conducted it is important that it be done well and should be scientific. Mr. Malloy explained that as a result of his research he chose The National Citizen Survey in Boulder, CO, which will gauge the level of satisfaction for all services and benchmark it against similar cities in Massachusetts, New England and nationally. Participants are selected at random, it would measure the level of satisfaction and as there might be areas of low satisfaction the survey would be done every couple of years in order to determine where the Town should focus their attention. Selectman Emery supports the Article as it is important to have a nationally validated citizens' survey and that it should be part of the financial plan. Town Meeting may not want to spend the money now, but the Board, as advocates for good government, should have solid metrics in place for use on a regular basis. Selectman Dodd agreed with Selectman Emery, thanked Mr. Malloy, and pointed out that this survey is more scientific

than the one that he had proposed, would provide the desired results and he supports the Article. Selectman Johnson asked if the school department would be included and Mr. Malloy explained that three customized questions can be added and he will ask the School Committee to determine what they would be. Selectman Johnson raised the issue of whether to raise and appropriate the funds or transfer them from free cash and Mr. Malloy stated that it was the Board's decision. Selectman Johnson agrees that the survey will provide the Town with solid information and he also supports the Article.

Selectman Johnson's motion that the Board supports the Article with it being a transfer from free cash and appropriates the \$10,000, as opposed to raise and appropriate, was seconded by Selectman Emery. Discussion: Mr. Malloy explained that the ICMA has a survey that is done internally and that some communities do that one year and the National Citizen Survey the next year. Comments from the Board included that there are places to hear from the public, such as the Westborough News, the election and that the money should be spent on more core services; the Town should be more prudent where they spend their money; the option of the Town creating its own survey was introduced, but the Town does not have the staff to do it; the public's comments are not quantifiably and scientifically valid methods and Town Meeting and elections are not ways of measuring services; if the Article passes the Board can make a decision later on if they want to repeat the survey in the future. Vote: 3-2 (Selectmen Goldblatt, Thompson)

- Article 11 – Regarding the library's HVAC system, the cost estimate of \$360,000 obtained in the spring addressed only the units, not the whole system, and there are other issues. The engineering firm was asked to make a recommendation to replace the entire system and they will provide three options with comparison costs, which will be available for the Board's October 11, 2011 meeting. The Board agreed to vote on this item at Town Meeting.

Selectman Emery's motion to place Article 11 on the Warrant was seconded by Selectman Dodd. Vote: 5-0

- Article 12 – The School Department did not submit any items for the Capital Expenditure Plan last year and this item cannot wait until next year. The new Finance Director has submitted a list of capital expenditure items for the next fiscal year's budget.

Selectman Dodd's motion that the Board of Selectmen support Article 12 was seconded by Selectman Emery. Vote: 5-0

- Article 13 – This is a bill from a prior year that has to be voted on by Town Meeting and Selectman Emery pointed out that once before there was a discussion on Town Meeting floor regarding paying employee benefits which was a misconception as it is for education reimbursement.

Selectman Emery's motion that the Board of Selectmen support Article 13 was seconded by Selectman Thompson. Vote: 5-0

- Article 15 – Selectman Emery questioned this article because of the national movement to revitalize the aquifers and continuing to allow residents to remain off the system is a contributing factor to this and could the Town be saving money by not putting everyone on Town sewer. Mr. Walden explained that individual septic systems cannot be controlled whereas the Town can create drainage areas to control groundwater infiltration. There are a couple of individuals in the proposed areas to connect to Town sewer that have failed septic systems and it would cost them \$40,000-\$50,000 to replace them with advanced systems that can operate in their type of soil. The extension of the sewer system will encompass approximately sixty-five homes. The deadline for the State Revolving Fund financing is October 18, 2011, which is why this Article cannot wait for Annual Town Meeting.

Selectman Emery's motion that the Board of Selectmen support Article 15 was seconded by Selectman Dodd. Discussion: This Article will have no impact on the General Fund debt service as it will come from water and sewer fees paid by users. Vote: 5-0

Mr. Malloy will make the change to Article #9 and the Board will sign the warrant tonight.

Town Counsel Report

Attorney Franks is working with Ned Bartlett, Carl Balduf and TRANSFLO regarding the agreement to secure the site work, which is a permitting requirement. He reported, for the Board's information, that Shrewsbury had a case in Appeals Court regarding their policy that they were not issuing Class II licenses anymore and the Court said that it was not allowed, that they have to at least allow hearings and only then can they deny.

Town Manager Report

At the last meeting the Board discussed the proposed purchase of the State Hospital property and it was agreed to enter into negotiations. Mr. Malloy recommended that the subcommittee consist of the current three members of State Hospital Reuse Commission, Selectman Thompson, Jim Robbins and Earl Storey, one other member of the Board of Selectmen and himself. Selectman Emery recommended that Gary Kessler, a member of the Conservation Commission and resident also participate.

Selectman Emery's motion that the Town Manager organizes the subcommittee consisting of Selectmen Thompson and Johnson, Jim Robbins, Earl Storey, Gary Kessler and himself was seconded by Selectman Dodd. Discussion: Selectman Dodd suggested adding two members of the general public and a non-voting youth seat as the decision about this will affect Westborough's future. Mr. Malloy explained that the purpose of the committee is to meet with DCAM and negotiate the purchase of the State Hospital and the meetings will be during the day, mostly in Boston, which would be difficult for a working resident and students as well. It was agreed that the committee should remain as is and Selectman Dodd's suggestion will be considered after the negotiations are complete. Vote: 5-0

Executive Session

Selectman Emery's motion to enter into Executive Session to discuss issues related to collective bargaining as an open session would have a detrimental effect on the Town's bargaining position was seconded by Selectman Dodd. A Roll Call vote was taken: Selectman Thompson – yes; Selectman Emery – yes; Selectman Goldblatt – yes; Selectman Dodd – yes; Selectman Johnson – yes. The Board will reconvene by 8:00 p.m.

Open Session was reconvened at 8:00 p.m.

Issues and Correspondence of the Selectmen

Selectman Johnson reminded the public of Arts on the Common taking place on Saturday, October 1, 2011. The Board received a copy of a commendation letter to Explorer Post 85 thanking them for their assistance during Hurricane Irene. A note from the Board thanking them as well will be sent. Former Selectman Rod Jané will be the recipient of the Good Scout Award at Double Tree Hotel on November 2, 2011 and Selectman Johnson asked for the communities' support.

Selectman Dodd reminded the public about Town Meeting on Monday, October 17, 2011 and that he wanted residents to know that the survey is worth spending the money. He also thanked Mark Stockman, MIS/GIS Director for the new website.

In response to Selectman Emery's request Selectman Johnson reported on the Greg Montalbano Golf Tournament, it was very successful and thanked everyone for their support.

Selectman Goldblatt reminded the public as well about Arts in the Common and welcomed Paula Covino as the new Administrative Assistant. Selectman Goldblatt attended the E. L. Harvey's 100th Anniversary celebration and informed the Board that it was well attended and repeated the comment that it is unusual for a company to be in business for 100 years with the same family.

Sikh Temple Site Plan Review / Marshall Gould

Marshall Gould appeared before the Board. He distributed an informational packet and the four members that were present introduced themselves. The members are all part of the New England Sikh Study Circle and their church is currently in Milford, which they have outgrown. The property for the temple is adjacent to the Chapel of the Cross property. Attorney Gould explained that the previous issues regarding the pond have been addressed with the Town Engineer and all the deeds have been signed. He reviewed the building and other aspects of the site plan; the pastor's residence will be attached to the temple and there will be someone on site every day. The driveway is off Flanders Road, there is parking for 145 cars, have met the zoning requirements and traffic and site lines have been agreed on. The church is being built for 400, the maximum average crowd for their busiest day is approximately 300 and services are on Sunday. Members begin arriving in the hour before the service and leave at various times after the service.

Selectman Emery's motion to approve the site plan as per the attached decision and subject to the conditions recommended by the departments as contained in the decision was seconded by Selectman Dodd. Discussion: Mike Scott from Waterman Design Associates reviewed the site plan (as incorporated by reference). The number of parking spaces has been changed to 127. Attorney Gould, at the request of Mr. Balduf, had provided the Board, Mr. Malloy and Attorney

Franks with a copy of the easement deed to allow emergency access to and from the pond outlet in the spillway. Attorney Gould asked that the Board also approve the easement deed. Attorney Franks is comfortable with the document. Selectman Thompson wished the Sikh members success. Mr. Malloy reviewed all the materials and documents that Board has considered in their decision. While there are no plans for the remainder of the site there is a possibility of developing walking trails which would be open to the public for passive recreation. It was suggested that the Westborough Community Land Trust be involved in that process. Vote: 5-0

Selectman Emery's motion that the Town approves the easement deed dated September 26, 2011 was seconded by Selectman Thompson. Vote: 5-0.

The Sikh community has had to do all the fundraising themselves, that the community comes from other states as well and the Westborough temple will be their largest church. Mr. Malloy complimented them on the proposed solar panels and it is positive to see this on a new building.

Adjourn Open Session

Selectman Thompson's motion to adjourn at 8:27 p.m. was seconded by Selectman Dodd.
Vote: 5-0

Submitted by Paula M. Covino

Chairman Goldblatt

Vice Chairman Dodd

Selectman Emery

Selectman Thompson

Selectman Johnson