

Westborough Board of Selectmen

Meeting Minutes

November 8, 2011

6:08 – 7:55 p.m.

Present: Chairman Goldblatt, Vice Chairman Dodd, Selectman Emery

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

Selectman Emery's motion to approve the minutes of September 13, 2011 was seconded by Selectman Dodd. Vote: 3-0

Selectman Emery's motion to approve the minutes of September 27, 2011 was seconded by Selectman Dodd. Vote: 3-0

Open Forum: None

Request to Appoint a Member to the Trustees of Trust Funds / Joanne Savignac, Kevin Cronin

Ms. Savignac appeared before the Board to request that Kevin Cronin be appointed as a member of the Trustees of Trust Funds. Mr. Cronin was delayed at work and could not attend. Mr. Malloy explained to the Board that according to the current Town Charter the Town Manager appoints these members subject to the Board's support, and after discussions with Ms. Savignac he would like to appoint Mr. Cronin with the Board's approval.

Selectman Dodd's motion that the Board confirms the Town Manager's appointment of Kevin Cronin to the Trustees of Trust Funds was seconded by Selectman Emery. Vote: 3-0

Request to Change Manager by Mandarin Westborough, Inc. / Xiu Ru "Tracy" Chen, Attorney Douglas Resnick

Attorney Resnick introduced Tracy Chen and informed the Board that she worked at the previous restaurant since 1996 and has been certified by Campbell Trent. Ms. Chen will be spending forty hours a week in the restaurant. All employees are trained according to the requirements.

Selectman Emery's motion to approve the change of Manager for the Mandarin Westborough at 132 Turnpike Road, Westborough was seconded by Selectman Dodd. Vote: 3-0

R & D Realty Site Plan Revocation / Tin Htway

Mr. Htway requested that the Board rescind a site plan approval that was given in the spring as it is no longer needed or warranted as explained in his memo. Mr. Perdone has gone forward with his tenant and occupied another space in the same development; Mr. Htway did not want the site plan open indefinitely as Mr. Perdone has not completed the engineering or permitting needed

for the approval of a building permit. Mr. Htway asked that the site plan approval be rescinded without prejudice should Mr. Perdone decide to reapply. The development is on Brigham Street. Mr. Malloy asked that the Board set a date for a public hearing at a future meeting and Mr. Perdone will be notified so that he can be present. Mr. Htway will make a presentation.

Selectman Emery's motion that the Board holds a public hearing on the issue at the next Selectmen's meeting and that Mr. Perdone be appropriately informed was seconded by Selectman Dodd. Vote: 3-0

Customer Service Initiative / Selectman Dodd

The Board agreed to postpone this discussion until Selectman Thompson and Johnson are present.

Cultural Council Grant / Town Manager

Mr. Malloy presented the Town's FY12 Cultural Grant in the amount of \$3,870, which he is required to sign and will need the Board's authorization to do so. He also received today an agreement that the Town will accept electronic fund transfers from the Department of Fire Services as they will no longer be sending paper checks. The Board has to authorize him to sign that as well. Mr. Malloy asked the Board if they are willing to authorize the Town Manager to sign documents of this type where the money is deposited into the General Fund/Grant Fund. The Board agreed to wait until a full Board is present to discuss granting blanket approval.

Selectman Emery's motion to approve the Town Manager to sign the Cultural Council Grant and the agreement to accept electronic fund transfers from the Department of Fire Services and that the discussion to give the Town Manager blanket approval will be held when a full Board is present was seconded by Selectman Dodd. Vote: 3-0

Conservation Commission Acceptance of Land / Town Manager

Mr. Malloy explained that earlier in the year the Conservation Commission had voted to accept a gift of land and had asked to include it on the Fall Town Meeting warrant. Attorney Franks and Mr. Malloy advised Conservation Commission that under MGL Chapter 40, Section 8C that they already have the authority to accept gifts of land and all that is needed in addition to their vote is the Board's approval of the acceptance of the land. The parcel is at 18 Nourse Street which is unbuildable as it is wetlands and the Conservation Commission wants to be able to protect it.

Selectman Emery's motion that the Board approve the Conservation Commission's acceptance of the parcel of land located at 18 Nourse Street (Assessor's Map 14, Parcel 114) as per their vote of September 9, 2011 was seconded by Selectman Dodd. Vote: 3-0

New Year's Eve Liquor Sales / Town Manager

Mr. Malloy explained that the Board addressed this issue last year and voted 4-1 to extend the hours to sell liquor on New Year's Eve to 2:00 a.m. The Police Chief stated that he has no issue with the extension. Mr. Malloy asked if the Board wished to vote this tonight as the policy for future years and the Board agreed to postpone that vote until a full Board is present.

Selectman Dodd's motion to approve the list on the attached memorandum to have extended hours on New Year's Eve 2011 to all for alcohol sales until 2:00 a.m. on January 1, 2012 was seconded by Selectman Emery. Vote: 3-0

Day After Thanksgiving / Town Manager

Mr. Malloy proposed providing an additional benefit to non-union staff in the Town Hall, Forbes Municipal Building, Library and Senior Center by granting them the day after Thanksgiving off as the new SEIU Clerical Unit contract provides the benefit for the union staff. It is typically a slow day and it is a half day as well. It would be appropriate at this time as the non-union staff have received a 0% and a 1% increase in the past two years. Department heads have been asking if the offices are going to be open as their staff has the day off. Mr. Malloy's policy has been that department heads post a sign the week before informing the public if their department was going to be closed and they would use a vacation/personal day. The Library's clerical union employees' contract states that if they work the day after Thanksgiving they receive equal time off at a later date and the Library Board of Trustees is waiting to make their decision about closing after the Board's vote tonight.

Selectman Emery expressed concern regarding equity across the departments. Mr. Malloy explained that the Selectmen's office staff is non-union and if one person wanted to work the office would be open, and if all four were to take it off, a notice would be posted a week before that it will be closed and personal/vacation time would have to be used. The Board agreed to keep the policy as is and if non-union employees take the day off they will use personal/vacation time and if the whole office is out a notice will be posted the week before. No motion was made.

Joint Meeting of the Advisory Finance Committee & Board of Selectmen

Present for the joint meeting were Advisory Finance Committee (AFC) members John Arnold, Chair, Ed Behn, Vice Chair, Kathy Rosenblum, Peter Allen, Bill Linnane, and Jim Tepper. Also present was Town Moderator, Joe Harrington.

Mr. Arnold explained that the purpose of the meeting is to discuss the budget process as it begins, which is earlier this year due to the March 17, 2012 Annual Town Meeting date. The AFC's joint meeting with the Capital Expenditure Committee is January 10, 2012. The AFC will have reviewed the budget books and will begin their Monday/Thursday meeting schedule on January 9, 2012 in order to be prepared as a Committee. The report will be ready two weeks before Town Meeting and the public will be encouraged to print it out from the website to reduce printing costs. Mr. Arnold explained that the expectation of the outcome of the joint meeting with the Board, Capital Expenditure Committee and AFC will include more of a presentation of the capital expending process and that there will be the output needed to draft Articles. In a meeting last year with Mr. Malloy, Mr. Jane, Mr. Harrington and Mr. Arnold, it was agreed that Mr. Malloy would include some of the narrative of the budget changes that resulted from the AFC's questionnaire last year into the budget booklet as part of the cohesive process. Mr. Arnold suggested that as residents are feeling pressure from the taxes, the booklet should contain information, not only for each budget line item, but on the bottom line as well and the impact on the tax bill.

Mr. Malloy pointed out that in the AFC's foreword in the STM booklet the message was that they wanted to maintain the budget within the 2 ½ % and how the various components of the budget affect the bottom line. Regarding those calculations, Mr. Malloy suggested that the AFC rely on the Town Hall staff to do the work and that they should feel free to ask for help. It is easier to do it in house and Mr. Malloy is willing to send the AFC electronically the budget summaries and detail in their required format.

Mr. Arnold explained that last year they prepared their information to include comparisons with previous years, which Mr. Malloy's did not contain, but agreed to work together this year by providing those numbers to him to incorporate in his report. Mr. Malloy obtained information at Department Head meetings regarding the changes that have been made to keep services as they are without increasing costs and will provide a report to that effect. Ms. Williams is taking on the responsibility of the Capital Expenditure Planning Committee and it is process. Mr. Malloy has sent a final draft of the Fiscal Policies to Mr. Arnold and awaits their comments.

Selectman Emery pointed out that at the last two Town Meetings the public was asking for an increase in details, and that the Town should provide the necessary backup information and rationale. Regarding each Article's impact on the tax bill, she expressed concern that because the meeting is early in the year the Town will not have the necessary information from the State and that she does not want to mislead the public as it can be difficult to present the information in context without the knowing what is coming from the State.

Selectman Dodd thanked the AFC for including the information and creating more transparency in the booklet.

Selectman Goldblatt agreed with Mr. Malloy that the AFC should rely on the Town Hall's assistance to eliminate any confusion and insure that the information is accurate. Mr. Arnold thanked the Board for the offer.

Mr. Malloy suggested that due to the timing of Town Meeting, the estimate for the impact on the tax bill should be based on the actual numbers for Fiscal 2012. Mr. Behn explained how last year's estimate was made and when the actual valuations were received it became much higher, which is why they added a disclaimer. The footnotes were helpful in clarifying the information.

There was a discussion regarding providing the Warrant information to the public before Town Meeting and options that were suggested were:

- Provide copies of the Warrant at the polls. This would increase the printing costs and there is the issue that it is still a moving target at that point.
- More people will be voting because it of the combined Presidential primary and Town Elections and providing the voters with a two page summary, one with the AFC's recommendations and one with the Selectmen's recommendations would cost less to print.
- Provide the voters with a list of Articles that include Mr. Malloy's summary.

Mr. Harrington suggested publicizing the date as it had changed. Mr. Linnane pointed out that the public is not using the open forum at meetings to ask questions and get information. Mr. Arnold will keep the Board informed as they progress.

Town Counsel Report

No report.

Town Manager Report

Mr. Malloy informed the Board that in order to send the tax bills out a tax classification hearing is needed at the next meeting, which is two days before Thanksgiving, and if the Board decides to cancel that meeting then it could be held at a meeting the week after on November 29, 2011. Selectman Dodd pointed out that the tax classification hearing is important, the public may want to attend but many people will be traveling as it is two days before the holiday. The Board briefly discussed whether to keep the regular meeting on November 22 and schedule an additional short meeting for the public hearing on November 29.

Selectman Emery's motion to cancel the meeting on November 22, 2011 and reschedule for Tuesday, November 29, 2011 was seconded by Selectman Dodd. Vote: 3-0

Issues and Correspondence of the Selectmen

Selectman Emery thanked Tim Novak for producing tonight's meeting. She asked if the Board would approve the replacement of signs at Bay State Green that specifically prohibit the use of skateboards and roller blades as have been taken down by vandals. Chief Gordon informed the Board that on school half days the students congregate there and there has been some minor vandalism in park. The rules are in place but signs are needed to enforce them. Chief Gordon has spoken with the Superintendent and the School Resource Officer is monitoring the situation. He does not think that it is a major issue and will require extra detail.

Selectman Emery's motion to ask that the DPW develop and install four signs on the entrances of Bay State Green listing things that are prohibited, most importantly skateboarding and rollerblading was seconded by Selectman Dodd. Vote: 3-0

Chief Gordon informed the Board and the public that FEMA is conducting a nationwide broadcast test on every television and radio tomorrow, November 9, 2011 at 2:00 p.m. It will last approximately thirty seconds to one minute.

Selectman Goldblatt asked that the people who have served the country be remembered on Veterans' Day, Friday, November 11, 2011. She also wished Selectman Emery a happy birthday.

Mr. Malloy informed the Board that he met with many people who were angry with National Grid after the snowstorm. There is a DPU hearing that is addressing their performance. Mr. Malloy will submit a letter with comments that National Grid is not maintaining the right of way, which is the problem that is causing the power outages will ask the DPU to investigate and compare what is being done currently as opposed to ten years ago. Mr. Malloy met several times

during that week with the DPW, Police and Fire Departments, Board of Health and a National Grid liaison and recognized the Town employees who worked many extra hours and did an excellent job. He also thanked Ms. DeManche and her staff at the Senior Center for providing the emergency shelter and those that spent the night staffing the shelter, Bob and Anna Sylvester who cooked food, Stan Giegucz, the Food Pantry, Westborough House of Pizza, Red Barn and the senior van drivers that checked in on people.

Selectman Emery thanked everyone as well, as did Selectman Goldblatt who also pointed out that the Town always steps up and provides the needed services. She was disappointed with National Grid's response and that they need to accept ownership as the Town was out of service for several days and there was no accurate answer. Selectman Goldblatt also thanked George Barrette who slept at the Senior Center for a couple days.

Executive Session

Selectman Emery's motion that the Board enters into Executive Session for the purpose of collective bargaining and contract negotiations with non-union personnel as open session would have a detrimental effect on the Town's bargaining and negotiating position was seconded by Selectman Dodd. A roll call vote was taken: Selectman Emery – yes; Selectman Goldblatt – yes; Selectman Dodd – yes.

Submitted by Paula M. Covino

Chairman Goldblatt

Vice Chairman Dodd

Selectman Emery

Selectman Thompson

Selectman Johnson