

**Westborough Board of Selectmen  
Meeting Minutes  
February 14, 2012  
6:00 p.m. – 8:50 p.m.**

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

Also Present: Jim Malloy, Town Manager; Kristi Williams, Assistant Town Manager; Gregory Franks, Town Counsel

**Open Forum**

Derek Saari and Andrew Koenigsberg came before the Board to provide an update on the timber harvesting project. The cutting activities are done and the fire roads are complete. The three primary functions of the project were to promote forest health, meet the needs of Veolia Water and the needs of the dams. The area officially opens on Saturday, February 18, 2012. Veolia Water has offered to contribute financially for new signage for the area.

**Request to Appoint Election Officers with a Term to Expire August 31, 2012 / Nancy Yendriga**

Mrs. Yendriga requested the appointment of additional Election Officers for the combined Presidential Primary and Town Election being held on March 6, 2012. February 15, 2012 is the last day to register to vote and the Town Clerk's office will be open until 8:00 p.m.

Selectman Emery's motion to appoint the following nine people as Election Officials with terms to expire August 31, 2012, Paul Baptiste, Michael Gillis, Linda Haines, Nancy G. Koroski, William Lynch, Richard MacDonald, Janice Parise, Richard Reilly, and Linda Strand was seconded by Selectman Thompson. Vote: 5-0

**Request to Approve "SAFE ID CHECK", Alcohol Training Program, Provided by J.B.S. Services LLC / Jim Staples**

Mr. Staples introduced himself, provided the Board with a handout, and reviewed his background and the alcohol training program. Chief Gordon has reviewed the paperwork and this company does provide what the Town requires for training. The Town will now have four choices for training.

Selectman Emery's motion to approve the amendment to the Training Requirements for Liquor License Holders and Employees by amending Section B to include the following: "Safe ID Check Program offered by JBS Professional Services LLC" to the list was seconded by Selectman Dodd.

Vote: 5-0

**Request to Approve a New Wine & Malt Package Store Liquor License by LD Wines, Inc. d/b/a LD Wines at 290 Turnpike Road / Atty. Joe Devlin, Leslie Downey**

Atty. Joe Devlin and Leslie Downey, owner came before the Board to request a new Wine and Malt Liquor License to be located within the Stop & Shop on Route 9 as a self contained unit. Attorney Devlin explained the benefits, where the 1,500 square foot unit will be located, how it will be constructed and the hours that it will operate. He also reviewed the layout with regards to entering

and exiting and both will be located at the front and controlled by the cashier. Four additional employees will be needed and they will be trained by JBS Professional Services. Attorney Devlin pointed out that the public need is the same as it was for BJ's, servicing people in the western part of town, and it will draw more customers to Stop & Shop.

Selectman Goldblatt stated that this is a public hearing that was posted in the Westborough News.

Selectman Emery's motion to approve the Wine and Malt License for LD Wines to be located at 290 Turnpike Road (inside the Stop & Shop) and to name Leslie Downey as the Manager of Record was seconded by Selectman Thompson. Discussion: Chief Gordon's concern was addressed regarding LD Wines' checkout counter, and it will not be in proximity to the underage Stop & Shop cashiers. Other concerns expressed and addressed were that she has not worked at a liquor store within a grocery store, that there could be challenges, but Ms. Downey agreed to work with Stop & Shop regarding training and security; Ms. Downey was questioned a couple of times about the number of hours she would be working and agreed that she would be there minimally 30 hours per week or more; there was clarification regarding the number of package stores and entity can allow within its store, which is 3-5 in Massachusetts, this one will not put Stop & Shop over the limit; and the license belongs to the package store owner not Stop & Shop.

Attorney William Bloom expressed concern on behalf of the owner's of Top Shelf Wine & Spirits, located in the shopping plaza next door, that they made a large investment by transferring the BJ's license and that they will be heavily impacted. His concerns are that there is support for the small business owners in Town, the location of the package store is in the middle of Stop & Shop as opposed to off to one side, and security. Attorney Bloom pointed out that there is significant support for the Board to exercise discretion on the side of the small business owners in Town and presented to the Board a petition signed by six other package stores that are opposed to the application. Selectman Goldblatt read the list of businesses that signed the petition.

Selectman Goldblatt has concerns with the issue of it being located within a grocery store, that it will be in the center aisle and the hours that Ms. Downey will not be there, therefore she is not in favor of the application. Selectmen Thompson, Emery, Johnson and Dodd were in support of the application.

Mr. Patel, owner of Top Shelf Wine & Spirits, expressed concern that his business, which is new, will be impacted and Selectman Thompson pointed out that it is a chance that business owners take, and there are several package stores in the center of Town that are in very close proximity to each other. Karen Bain-Morgado read the language on the license regarding hours of operation and the hours of operation for LD Wines was briefly discussed and Ms. Downey confirmed that she would be there at least 30 hours per week.

Vote: 4-1 (Goldblatt)

**Request to Approve the Application for a Gas Storage License at MM 104.4 MA Turnpike, Service Area #6AW / Marc Belanger**

Motion:                      Second:                      Vote:

Lucien DiStefano, Bohler Engineering, came before the Board to request approval for a fuel storage permit application for a fuel tank and gasoline dispensers at the MA Turnpike Service Plaza. He has met with State authorities and the tank will meet or exceed all requirements. Mr. DiStefano

spoke with Derek Saari earlier this evening who had received a letter dated January 18, 2012 from CDM Smith, Exxon Mobil's environmental services company, addressing Mr. Saari's concern regarding ongoing remediation at the site. The letter assured Mr. Saari that there would be no adverse impact to the remediation at the site. Mr. DiStefano informed the Board that Mr. Saari verbally informed him earlier this evening that he could represent him and that the letter satisfied Mr. Saari's concern.

Capt. Bob Rand, on behalf of Chief Perron, informed the Board that they have reviewed all the documentation and there was a concern regarding the ongoing remediation. They spoke with Mr. Saari about possible impediments to any future remediation and as a result CDM Smith sent the letter addressing the concerns and the Fire Department is comfortable with the license amendment.

Selectman Goldblatt's motion to approve the amendment to the underground storage permit for Mass DOT as per the attached application dated 10/28/11 as per the plan dated 11/15/11 was seconded by Selectman Thompson. Discussion: Board members expressed their concern that there is no formal approval from the Conservation Commission and Mr. DiStefano stated that they did not receive a request to appear before the Conservation Commission. Mr. Malloy suggested adding an amendment to the motion to that effect.

Selectman Emery's motion to amend the original motion to include that the approval is subject to the review and approval from the Conservation Commission was seconded by Selectman Thompson. Vote: 5-0

Mr. Malloy will contact Mr. Saari and request written approval.

#### **Request to Approve the Application for a Gas Storage License at 183 Turnpike Road / Ronald Fortune**

This item will be heard at the March 13, 2012 along with the Site Plan Review and the Special Permit request.

#### **Request to Amend the Conditions of Existing Class I License for Westboro Motors, Inc., 271 Turnpike Road and the Waiver of the \$100 Fee / Rick Tonelli**

Mr. Tonelli appeared before the Board requesting to store an additional fifty-three vehicles at a second location at 45 Oak Street and to waive the \$100 fee as the annual permit was just renewed as of January 1. Mr. Malloy pointed out that the Board approved secondary storage previously for Westborough Volkswagen in 2011 and did not waive the fee.

Selectman Emery's motion to approve the amendment to the Class I License for Westborough Toyota to allow storage of 53 unlicensed, new vehicles at 45 Oak Street was seconded by Selectman Thompson. Discussion: Tin Htway, Building Commission, pointed out that he is still waiting for additional document for the storage site and that Mr. Tonelli should not be storing cars there yet. Selectman Emery withdrew the motion. Mr. Tonelli will come back to a future meeting once the paperwork is complete.

#### **Request to Approve the Mass Dash Relay, July 14 and 15, 2012 / Ila Shebar**

There was no one present as they were unable to attend and approval had been given in the past without representation as this event has been held before.

Selectman Emery's motion to approve the Mass Dash Relay proposal for July 14<sup>th</sup> and 15<sup>th</sup> approving the proposed route through Westborough as long as the Police Chief is in accordance was seconded by Selectman Johnson. Discussion: Chief Gordon has spoken with the East Longmeadow Police Chief who is one of the organizers, reviewed the route and has no issues with the event. Selectman Thompson had concerns that they were not in attendance to support the event and will vote against the motion, not for the substance but for the process, as other fundraising event coordinators are present for their requests. Vote: 4-1 (Thompson)

**Request to Approve a Closing for an Interim Loan on the Waste Water Treatment Plant / Joanne Savignac**

Ms. Savignac appeared before the Board to request approval on loan documents. As the Vote Certificate, which is the motion, is lengthy it will not be read, but entered as part of the meeting minutes.

Selectman Emery's motion to approve a closing on an interim loan for the Waste Water Treatment Plant that Joanne Savignac has prepared for the Board dated February 14, 2012 of which all members of the Board were duly notified and a quorum was present the following vote was passed seconded by Selectman Johnson. Discussion: Ms. Savignac explained that it is a 0.3% interim note for the Waste Water Treatment Plant in the amount of \$27,766,314 for Phase I. Vote: 5-0

The loan documents were signed by the Board and the Vote Certificate was signed by the Clerk and witnessed by Mrs. Yendriga.

**Outreach Coordinator / Alma DeManche / Council on Aging**

Ms. DeManche and Mr. Barrette came before the Board to request their support for the increase in hours for the Council on Aging Outreach Coordinator from nineteen to thirty-five hours per week. The Town Manager supports this request. Ms. DeManche reviewed explained that she addresses the needs of seniors, which includes, but is not limited to housing and procuring the right services. They have not added any hours to staff or personnel in twenty-three years. Mr. Barrette spoke in support of this request and that this position is important as it reaches out to those in the community who are unable to come to the Senior Center. There was a discussion regarding the creation of another nineteen hour position instead, what the impact is on the taxpayer to increase the hours for the position, and it was pointed out that a single position promotes continuity and is the best scenario for the community. The Board will vote on this issue when reviewing the Articles for Town Meeting.

**Request to Approve the Lustgarten Foundation for Pancreatic Cancer Research 3<sup>rd</sup> Annual Road Race / Maria Rydelek**

Maria Rydelek and Debbie Silverman came before the Board and to request approval for the 3<sup>rd</sup> Annual 5k/10k. The event will take place along the same route as the past two years and Chief Gordon has approved the route. They are also sponsor a "Beating the Odds Vegas Night" which includes games, prizes, donations, and is a family friendly event. All money raised by these events will go to the foundation, which is all contributed to research.

Selectman Thompson's motion to approve the request for the Lustgarten Foundation for Pancreatic Cancer Research 3<sup>rd</sup> Annual Road Race was seconded by Selectman Emery. Discussion: Ms. Rydelek and Ms. Silverman spoke to the impact on the community and the support they have received and the Board thanked them for service to this cause. Vote: 5-0

The race is being held on Sunday, April 29, 2012 and information may be found on the Lustgarten Foundation website.

**Request to Approve the Lustgarten Foundation for Pancreatic Cancer “Vegas Night” Fundraiser, April 27, 2012 / Maria Rydelek and Debbie Silverman**

Selectman Emery’s motion to approve the Lustgarten Foundation for Pancreatic Cancer “Vegas Night” Fundraiser on April 27, 2012 was seconded by Selectman Johnson. Discussion: Chief Gordon informed the Board that he spoke with Karen Ross, who is organizing the event, and told her that the event must be sponsored by a Westborough organization.

Selectman Emery’s new motion to approve the request for “In Your Shoes” to fund a “Vegas Night” Fundraiser was seconded by Selectman Dodd. Terry Gavin, a board member of “In Your Shoes”, assured the Board that they will be sponsoring the event. Vote: 5-0

**Housing Authority Appointment / Town Manager**

There is a vacancy in the Housing Authority, which is an elected position, and Mr. Malloy explained the appointment process when there is a resignation before the end of the term. It is a joint appointment with the Board and the Housing Authority and the Board has the option to meet jointly or to have the Housing Authority make a recommendation. The Board agreed to conduct joint interviews prior to making a joint appointment.

**Annual Town Meeting Warrant / Town Manager**

The Board reviewed each Article for Draft #7 and those that were questioned were set aside for further discussion.

Articles questioned:

#4 – Chief Gordon asked that this Article be removed as he has to do more research and does not want to rush it through.

#8D - John Arnold and Ed Behn informed the Board that at the February 6<sup>th</sup> meeting the voted 9-0 to request a change to the wording of this Article to add in the first sentence after “raise and appropriate” the phrase “or transfer from available funds” to allow other options on Town Meeting floor.

Selectman Emery’s motion to add the wording “or transfer from available funds” was seconded by Selectman Johnson. Discussion: Mr. Malloy explained that it is better business management practice not to use free cash for ongoing operating expenses, last year was the first time the Town voted to do this, and no prior Articles to last year in the ten years previous provided this option and he recommended that the wording not be added. Vote: 3-2 (Emery, Thompson)

#5.1 – Selectman Emery’s motion to approve the change in the Classification Plan for the Outreach Case Manager from an S-12 to an N-12 and from “19” hours per week to “35” hours per week was seconded by Selectman Thompson. Vote: 5-0

#9I – Mr. Walden requested to reduce the amount of this Article from \$38,000 to \$15,000 for the evaluation of the roof and preparation of a bid proposal by an engineer before the funds are requested.

#9J – The cost of leasing the street sweeper versus buying outright and borrowing was investigated and there is a savings of \$17,100 to borrow short term. The Article will be rewritten to purchase and borrow the amount of \$227,000.

#12 & #13 – The Municipal Building Committee will come before the Board on February 28<sup>th</sup>.

#14 – Assabet Regional Vocational School will be asked to come in.

#17 – The Town Planner will be asked to come in.

#18 – The Chief Assessor will be asked to come in.

#20 – The Article will be removed and studied further until fall Town Meeting.

#22 & #23 – These two Articles will be combined.

#25 & #26 – There was a discussion and clarification regarding the bylaw amendment for snow removal.

#28 – The Building Commissioner will be asked to come in.

#29 – The Board will discuss this Article further.

#30, #31 & #32 – The Town Planner will be asked to come in.

#33 – Selectman Dodd explained the Open Space Preservation Committee's process, reviewed the press release and a Committee member will be asked to come in.

Selectman Emery's motion to close the warrant with the additions and changes as stated this evening was seconded by Selectman Dodd.                      Vote: 5-0

### **Town Counsel Report**

The discussion regarding advertising on Town vehicles was postponed.

### **Town Manager Report**

Mr. Malloy reviewed his position on contracting out the custodial services as outlined in the attached Manager's Report dated February 14, 2012 and that this would be a way to cut costs without cutting public services. He explained in detail where the savings could be used and included in his report updated job descriptions that have been given to the Personnel Board and have not yet been approved. Mr. Malloy reviewed the remaining budgets that have not been voted on by the Board.

Selectman Johnson's motion to approve the insurance budget of \$10,291,200 was seconded by Selectman Dodd.                      Vote: 5-0

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

Selectman Johnson thanked Mr. Malloy for the email sent to the Town's Representatives regarding an unfunded State-wide mandate in the amount of \$11,000,000 for the transportation of certain homeless students living out of district to their school district. He gave the Board a copy of the State Treasurer's letter stating her conclusion that it should be funded by the State. Selectman Emery informed the Board that there are homeless student living in Westborough. Selectman Johnson thanked Mr. Malloy for sending a letter to the Representatives regarding proposed requirements for building permits that are more involved than those required for special permits. The Selectmen received an email from Phil Evangelous regarding the barbershop pole that is blocking a fire escape and Selectman Goldblatt and Mr. Malloy will work with him to relocate it.

Selectman Dodd thanked Mr. Robbins, Mr. Stockman and Mr. Burn for their assistance with the preparation of the Open Space plan. There are two hard copies in the Town Clerk's office, it is on

the Town website and there is an email address available for comments. Selectman Dodd reviewed the plan's contents and there will be a public hearing on February 27, 2012.

In response to Selectman Thompson's concern regarding a contingency plan for a possible water issue, Mr. Malloy informed the Board that he will speak to Mr. Walden and that he Assabet River flow determines if there will be a ban. A public information plan will be put in place if needed. Selectman Emery suggested looking at well levels and the Reservoir Study Committee has been reinstated to research digging out the reservoir so that it could hold more water.

Selectman Goldblatt stated that the Board will vote on the custodial issue when they vote on the budget. She extended condolences to the Healy family. Rebecca Ackerman was named one of two Massachusetts' top volunteers and Selectman Goldblatt invited her to attend a meeting. Gordon Johnson sent a letter of appreciation in honor of George Perry, Veteran's Agent, regarding his presentation to U.S. Veterans on February 1<sup>st</sup> and Selectman Goldblatt informed Mr. Perry that the letter was received. Selectman Emery extended condolences to the Hero family. Selectman Goldblatt attended the Boston Interiors' grand opening with Mr. Malloy and Mr. Htway and asked to remember the men and women far from home.

Selectman Emery's motion to enter into Executive Session at 8:52 p.m. for considering the purchase, exchange or value of real estate as an open meeting will have a detrimental effect on the Town's negotiating 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.

*Submitted by Paula M. Covino*

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**Chairman Goldblatt**

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**Vice Chairman Dodd**

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**Selectman Emery**

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**Selectman Thompson**

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**Selectman Johnson**