

**Westborough Board of Selectmen
Meeting Minutes
February 28, 2012
6:00 p.m. – 10:50 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

Selectman Dodd Tim addressed the Board and audience stating that this is the Selectmen Goldblatt and Thompson's last meeting and thanked them both for their service. State Representatives Carolyn Dykema and Matthew Beaton presented Selectmen Goldblatt and Thompson with citations from the House, thanking and congratulating them and extending Representative Peterson's sentiments as he could not attend. Citations from Governor Patrick were also presented and read. Selectman Goldblatt thanked for attending. Karyn Polito, former State Representative, and Superintendent O'Connor thanked Selectmen Goldblatt and Thompson for their years of service and dedication to the community.

Selectman Dodd's motion to adjourn for ten minutes was seconded by Selectman Johnson.

Vote: 5-0

The Board reconvened at 6:20 p.m. and State Senator Jamie Eldridge thanked Selectmen Goldblatt and Thompson for their years of service and presented them with citations from the Senate.

Selectman Thompson and Selectman Goldblatt expressed their gratitude to the Board, the public, and Town employees, as well as individuals that they have served and worked with over the years.

Request for a Pole Petition / East Main Street / Massachusetts Electric / Crystal Tognazzi

Ms. Tognazzi requested approval to install a new guy pole on East Main Street to replace a pole to tree guy wire as the tree is dead.

Selectman Emery's motion to approve the Pole Petition as shown on plan 1219427 for pole 69-84 on East Main Street as attached was seconded by Selectman Johnson. Vote: 5-0

Request for a Pole Petition / Gleason Street / Massachusetts Electric / Crystal Tognazzi

Ms. Tognazzi requested approval to relocate a pole on Gleason Street approximately twelve feet southeast of its current location as it is in a troublesome spot for the developer.

Selectman Emery's motion to approve the Pole Petition as shown on plan 12187616 for pole P-1 on Gleason Street as attached was seconded by Selectman Johnson. Vote: 5-0

Assabet Valley School Construction Project / Mary Jo Nawrocki

Mary Jo Nawrocki and Patrick Collins appeared before the Board to request support for a major renovation and repair project for the forty year old Assabet Valley Regional Technical High School. The Massachusetts School Building Authority approved the project in November. Ms. Nawrocki reviewed the elements of the project as outlined in the handout. The total project cost is \$62.4 million and the reimbursement rate is 53.48%. Seven communities will share the balance of \$29.3 million. Approval is needed from the participating communities by June.

Selectman Emery's motion that the Board vote to support the Assabet Valley Regional Technical High School repair and renovation project at the share given to Westborough represented in the presentation of 6.72% was seconded by Selectman Thompson.

Discussion: The Board discussed the borrowing, and commended Ms. Nawrocki and Mr. Collins on the school, its condition and its programs. Ms. Nawrocki provided more detail on what the students have been responsible for. The Treasure/Collector is in agreement with the borrowing.
Vote: 5-0

Mr. Malloy informed the Board there is no indication that this project would require a Proposition 2 ½ vote.

Prudential Spirit of Community Award Recipient / Rebecca Ackerman

Selectman Goldblatt received a letter from Prudential Financial naming Rebecca Ackerman of Westborough one of the top two youth volunteers in Massachusetts for 2012 in the 17th annual Prudential Spirit of Community Awards. Ms. Ackerman informed the Board that she began fundraising at age ten for autism due to a personal relationship and explained her involvement over the years. Selectman Goldblatt read the letter of congratulations from the Board and thanked Ms. Ackerman for her commitment to this cause.

Town Meeting Warrant Article(s) / School Committee / School Department

Present were: Marianne O'Connor, Irene Oliver, Karen Henderson, Bruce Tretter, Steve Doret, Jody Hensley, Ilyse Levine-Kanji.

Ms. Henderson thanked Selectmen Goldblatt and Thompson for their years of service. She explained that the more detailed presentation that was given at the meeting with the Advisory Finance Committee on February 16, 2012 was emailed to the Board. She presented an overview of the School Department budget as well as the budget history. The budget booklet will be available next week in the School Department office. Superintendent O'Connor reviewed staff changes, what funds have been reduced and that fees have been raised to increase revenue.

Article 14: Superintendent O'Connor explained that because of low borrowing and construction costs this would be the right time to move forward with the Gibbons Middle School repair project. After some investigation it was discovered that \$175,000 was voted for an Owner's Project Manager two years ago and the Massachusetts School Building Association (MSBA) now requires architectural services, which would be an additional cost. There are available funds remaining from the Hastings School project and an additional \$158,569 will have to be

transferred from free cash. In order to receive the funding from the MSBA Article 14 requires the Board's support for architectural services funding.

Mr. Doret filed a request with the Town Manager for an Article to appoint a School Building Committee to be added to the Warrant for the possible Special Town Meeting to be held within Annual Town Meeting. He explained that this was the process used for the past School Building Committee. Mr. Doret reviewed the Article's language. As there is a difference of opinion between Town Counsel and the School Department's Counsel as to who appoints the Committee, Selectman Goldblatt suggested adding the Article to the Warrant and allowing Attorney Franks to speak with the school's counsel to determine the correct procedure. Mr. Harrington recommended that the Article's language be kept general and the specifics will be in the motion.

Article 15: Ms. O'Connor explained the need to hire an engineering consultant to review all the School Department's capital needs and provide recommendations. The amount requested to transfer from free cash is \$40,000.

Selectman Thompson's motion that the Board of Selectmen supports the School Committee budget as printed in the Annual Town Meeting Warrant was seconded by Selectman Johnson.
Vote: 5-0

Selectman Thompson's motion to approve the passage of Article 15 for the Gibbons School architectural services as printed in the warrant was seconded by Selectman Emery. Vote: 5-0

Selectman Thompson's motion to approve the proposed Warrant Article proposed to the Board tonight by the School Committee with the understanding that word "Moderator" will be stricken and the word "Town" will be inserted for inclusion in the Special Town Meeting and that Attorney Franks, the school attorney and the Moderator will consult was seconded by Selectman Emery. Vote: 5-0

Selectman Thompson's motion that the Board of Selectmen support Article 15 School Department engineering services as proposed in the Warrant was seconded by Selectman Dodd.
Vote: 5-0

Selectman Thompson questioned whether the "Race to the Top" program will be less of a cost to the Town than "No Child Left Behind", which the Town is no longer participating in. Ms. O'Connor explained that they are using their "Race to the Top" funds to support and train staff, where other towns are not, and Westborough is about a year ahead of other districts and will not need to use the school budget next year for the training.

Request to Approve Local Initiative Program Application / Westboro Village / Steve Liedell, Housing Partnership Committee / Shawn Nuckolls, Sr. Project Manager, Toll Brothers

Selectman Goldblatt explained that this project has already been approved; originally there were thirty-five affordable housing units, but it has been reduced to thirty-three. Attorney Christopher Senie, Shawn Nuckolls, Steve Liedell and Jim Robbins appeared before the Board. Also present were Maureen O'Hagen, who prepared the LIP Application and the members of the

Westborough Housing Partnership. The Housing Partnership has reviewed and approved the LIP Application and is requesting approval from the Board.

Selectman Johnson's motion to support the LIP Application for Westborough Village for 33 affordable units as per Special Permit T-OV #05-1 was seconded by Selectman Emery.

Discussion: In response to Selectman Dodd's question, the current affordable housing percentage in Town is 9.3%. Mr. Nuckolls informed the Board that just recently opened for sale, have broke ground and are pre-selling. Vote: 5-0

Request to Approve the Solicitation of Funds for the Fish Funding Gift Account / Gary Bowman / Paul Baptiste

Mr. Bowman explained what they are trying to do to revitalize the gift fund as they are currently low on funds. They have not solicited funds in the past, but recently spoke to Attorney Franks and were told that they are able to do so. He provided the Wardens with the Conflict of Interest memo. The Town Accountant confirmed that it is a separate fund and checks should be made out to the Town of Westborough, referencing the Fish Stocking Fund.

Selectman Emery's motion to approve the Fish Stocking Fund for fish stocking and that Leah Talbot will monitor the account was seconded by Selectman Thompson. Vote: 5-0

Town Meeting Warrant Article(s) / Jim Robbins

Mr. Robbins congratulated Selectmen Goldblatt and Thompson.

Article #16: Mr. Robbins distributed the scope of the traffic study and reviewed the process in response to Selectman Thompson's question regarding whether the amount requested is sufficient. The amount requested is \$4,500 for a specific vendor to develop traffic impact assessment guidelines. There will be input from the Planning Board and the Board of Selectmen before the guidelines are agreed to.

Selectman Dodd's motion to support Article 16 for a traffic consultant was seconded by Selectman Johnson. Vote: 5-0

Article #27: The parcel at 36 West Main Street, which is the Baptist Church, is surrounded by commercial properties and residential properties that are zoned commercial. The church is not zoned and when it is no longer used as a church it becomes single family residential. The Article request is to zone this parcel commercial, the church exterior would not be changed, nor would it be torn down, as it subject to design review.

Selectman Thompson's motion that the Board support and approve Article # 27 was seconded by Selectman Emery. Vote: 5-0

Article #28: The parcel at 44-46 East Main Street is currently a single lot with split zoning. The request is to change it to downtown business as it is being used as commercial property only, it would increase the value and increase the options for future use.

Selectman Thompson's motion to support Article #28 as printed in the warrant was seconded by Selectman Dodd. Discussion: A public hearing was held and there were no comments. According to State law, Abutters do not receive certified mail for a zoning Article and Selectman Emery requested that Mr. Robbins contact the abutters and he acknowledged the request.
Vote: 5-0

Article #29: The Article requests an extension to the Downtown Overlay District properties, which have vacancies and front on certain streets, which Mr. Robbins reviewed. It applies only to properties that are currently zoned Downtown Commercial and will allow mixed use for underutilized properties. Regarding the parking issue Mr. Robbins has spoken to building owners and they are able to support parking for vacancies that could be used as residential.

Selectman Thompson's motion to approve Article #29 for placement in the Warrant was seconded by Selectman Emery. Vote: 5-0

Town Meeting Warrant Article(s) / Linda Swadel

Article #17: Ms. Swadel informed the Board that the Department of Revenue requires that the property values are approved every three years and explained the process. The funds will pay for the required paperwork.

Selectman Johnson's motion to support Article #17 in the Warrant was seconded by Selectman Thompson. Vote: 5-0

Town Meeting Warrant Article(s) / Tin Htway

Article #25: Mr. Htway read the Article that will change the fines for non-criminal violations and these changes will encompass all the Zoning Bylaws.

Selectman Emery's motion to support Article #25 was seconded by Selectman Johnson.
Vote: 5-0

Article #26: Mr. Malloy reviewed the Sewer Cost Apportionment Bylaw change, the costs associated with sewer privileges and corrections to Bylaw language which formalizes the waiver process. A committee had been set up to study this issue and present an Article that addresses all the components.

Selectman Dodd's motion that the Board support Article #26 Sewer Cost Apportionment Bylaw was seconded by Selectman Emery. Discussion: Selectman Dodd suggested that the calculation to obtain a sewer connection be posted on the Town website. Vote: 5-0

Outstanding Budget Items & Town Meeting Articles

The remaining budget items to be voted on are the Council on Aging and Building & Grounds, which includes the custodial services for the Council on Aging, the Forbes Municipal Building (FMB) and the Library.

Selectman Emery's motion, for discussion purposes, to maintain the current system for custodial services was seconded by Selectman Dodd. Discussion: The Board thanked Mr. Malloy for

investigating the issue contracting custodial services to clean the building in the evening as the Board requested. The Board discussed the positions at the Senior Center and Library, their observations that there is a difference due to daily activities that require a custodian's presence and the Police Department's concerns regarding confidentiality and sanitation issues when the cells are occupied that would need to be addressed immediately. The custodians work 8:00 a.m. to 5:00 p.m. Monday through Friday and any issues at the Police Department on the weekend are dealt with on Monday, or in an extreme case the Building & Grounds Supervisor would be called in. The Town Hall currently is using a contracted custodial service. Vote: 4-1 (Johnson)

Selectman Dodd's motion that the Board supports the Council on Aging budget as printed was seconded by Selectman Johnson. Vote: 5-0

Selectman Johnson expressed concern regarding the snow removal bylaw change as a result of comments he has received from residents and questioned the consequences if the Article passes. Attorney Franks explained that if it passes property owners/tenants will be responsible for snow removal on their sidewalks and the Town will continue to be responsible for all public ways; owners are not subject to liability.

Selectman Dodd's motion to rescind the Board's support of Articles #22 and #23 was seconded by Selectman Johnson. Discussion: Selectman Thompson is not in favor of rescinding and it is his opinion that the Article should be debated and voted on Town Meeting floor with the newly elected Board members, who may or may not support it. Vote: 4-1 (Thompson).

Selectman Johnson's motion to not support the Article was seconded by Selectman Dodd. Discussion: Concerns expressed by the Board were making sure that downtown businesses take care of their sidewalk; the difficulties there would be in monitoring the bylaw and costs to enforce it. Mr. Malloy has asked Mr. Walden to calculate what the cost would be for the Town to maintain all the sidewalks in Town. Vote: 5-0

Project Presentation – Fire Station, Town Hall, Forbes Municipal Building, Recreation Center / Municipal Building Committee / Town Manager

Mr. Malloy reviewed his power point presentation that addressed the Municipal Building Committee's (MBC) decision to request approval to building a new Fire Station, Recreation Building and renovate the Town Hall and Forbes Municipal Building (FMB) at a Special Town Meeting within Town Meeting instead of the original Article request to fund the design and bid the projects. The presentation included all the issues in the buildings, such as code violations, HVAC inefficiencies, space needs lack of ADA compliance. Mr. Malloy reviewed the impact to the taxpayer, to the debt service and comparable projects in other towns where the construction and borrowing costs are more favorable currently.

Before the next presentation there was a brief discussion regarding the new Recreation building, which would replace the gym that is being taken out of the FMB and that is not necessarily a need as is the Fire Station, Town Hall and FMB. Mr. Barrette pointed out that the MBC did have those same concerns but leaving it out would be a disservice to the Recreation Department, the location would benefit the Senior Center, and some of the ground work could be done by the Town to save money.

Brian Humes, of Jacunski Humes Architects, who was the architect for the public safety complex, reviewed his presentation which summarized the tasks that they were asked to perform and how they accomplished them. The presentation included the feasibility study and the results of the space needs assessment, the current building plans, the new proposed plans, the costs and “green” building initiatives.

Mr. Malloy requested that the Board add a Special Town Meeting in the Annual Town Meeting including proposed Articles 1 and 2, which are in the Board’s informational packet and vote to close the Warrant for Special Town Meeting. It will also include the Article voted earlier this evening for the appointment of a School Building Committee. The Recreation Building could be removed from the Article on Town Meeting floor according to Moderator Harrington.

Selectman Emery’s motion to set a Special Town Meeting on March 17, 2102 and to further close the Special Town Meeting Warrant as attached, adding Articles 1, 2 was seconded by Selectman Johnson. Discussion: The Special Town Meeting will take place at 7:00 p.m. on Saturday night. Concerns were expressed and discussed regarding the Recreation Building, the need and its cost, voting on it separately, and the Board asked to see more information on the basketball schedule. Vote: 3-2 (Thompson, Dodd)

Selectman Emery’s motion to support Special Town Meeting Article 1 as written was seconded by Selectman Johnson. Discussion: A discussion ensued on whether or not there is enough information on the need for the Recreation Building for the Board to vote tonight; that the Recreation Director has expressed a need for additional gym space for several years; there may be the option to reduce the cost by the Town performing some of the work. Selectman Emery withdrew her motion. The Board agreed to invite the Recreation Commission to the next meeting and that the Board will vote on Town Meeting floor whether or not to support the Article.

Selectman Johnson’s motion to support Special Town Meeting Article 2 was seconded by Selectman Emery. Vote: 5-0

Selectman Johnson’s motion to close the Special Town Meeting Warrant was seconded by Selectman Emery. Vote: 5-0

Request to Approve the Amendment to the Ashland Intermunicipal Agreement / Town Manager

The Town of Ashland decided to hire a building inspector therefore decreasing the number of hours that Westborough will need to provide them.

Selectman Thompson’s motion to approve Amendment #1 dated 02-28-12 to the Intermunicipal Agreement for Building Inspector Services between the Town of Westborough and Town of Ashland was seconded by Selectman Emery. Vote: 5-0

Town Counsel Report

Nothing to report

Town Manager Report

Mr. Malloy thanked Selectman Goldblatt and Selectman Thompson for the opportunity to work for the Town and that he has enjoyed working with them.

Issues and Correspondence of the Selectmen

Selectmen Johnson thanked Selectmen Goldblatt and Thompson and wished them well.

Selectman Dodd requested that the information on the new Fire Station proposal be provided through public meetings, on the website and with tours of the station. Mr. Malloy explained that there will be public meetings and information will be placed on the Town website. He also thanked Selectmen Goldblatt and Thompson for their years of service and dedication.

Selectman Thompson thanked everyone for their support.

Selectman Emery also thanked Selectmen Goldblatt and Thompson for their service and the contributions they brought to the Board. She also thanked the Fire Department, Police Department, DPW and Building Department for their coordinated efforts dealing with the fire at Park Village apartments.

Selectman Goldblatt reiterated her sentiments and thanks to the Board and community for their support and asked that everyone remember the men and women so far from home in their thoughts and prayers.

Adjourn Open Session

Selectman Thompson’s motion to adjourn at 10:50 p.m. was seconded by Selectman Emery.

Vote: 5-0

Submitted by Paula M. Covino

Chairman Emery

Vice Chairman Johnson

Selectman Dodd

Selectman Barrette

Selectman Drewry