

**Westborough Board of Selectmen  
Meeting Minutes  
March 13, 2012  
6:00 p.m. – 9:02 p.m.**

Present: Vice Chairman Dodd, Selectmen Emery, Johnson, Barrette and Drewry

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

**Open Forum**

Earl Storey appeared before the Board and congratulated Selectmen Barrette and Drewry on being elected to the Board. He requested that the Board add to the next meeting agenda the consideration of changing Veterans Freedom Park to residents only. Since Tufts has changed their policy there are many more people bringing their dogs to the park and there have been issues with unleashed dogs and people's lack of cleaning up after their dog. The Board thanked him for bringing the issue forward, briefly discussed how to monitor the site, and will put it on the next agenda.

Andrew Koenigsberg came before the Board asking that the Town provide better notice for public hearings as people do not attend. Selectman Dodd will look into the issue and Mr. Malloy explained that Mark Stockman is working with the Town Clerk's office to post all meetings on the Town website calendar.

Leah Talbot, Town Accountant, requested approval to include, for the fourth year, an informational insert on Fiscal Year 2012 in the tax bills.

Selectman Johnson's motion to include the insert in the tax bills was seconded by Selectman Barrette. Discussion: It was questioned whether it is necessary to come back each year for approval and Mr. Malloy stated that it was not. Selectman Emery amended the motion to permanently approve including the insert in the yearly tax bill. Selectman Johnson seconded the amendment. Joanne Savignac, Treasurer/Collector, pointed out the Massachusetts General Law that requires a vote from the Board to include a non-political informational insert. Attorney Franks explained that as long as it is the same item each year it can be a permanent approval; the law insures that Towns are not spending funds to make a political statement. Vote: 5-0

Ms. Savignac requested the Board's permission, in Paul McNulty's absence, to include the insert for transfer station stickers in the tax bills.

Selectman Johnson's motion to approve the inclusion of the insert for the new transfer station stickers in the tax bills was seconded by Selectman Barrette. Vote: 5-0

**Representative George Peterson**

Representative Peterson distributed the estimated cherry sheets from the DOR for local aid and charges based on the Governor's budget filed at the end of January. The House budget will be released April 11, 2012 and Rep. Peterson explained the process it goes through. As 50% of the

communities did not receive Chapter 70 funds because they were over foundation, Westborough was slightly above, he offered that the Board meet with Roger Hatch at the Department of Revenue in Boston for clarification on the formula. The Charter changes are expected to be reviewed this week. The Board's comments included their dissatisfaction with the Town's standing regarding Chapter 70 funds; how the Town is reimbursed for charter students and what the formula is; and Rep. Peterson explained the charges for the Worcester County Retirement Fund. The redistricting will not take place until January and Rep. Petersen will be representing Westborough until then.

#### **Timber Harvesting Project Closeout / Derek Saari**

Mr. Saari appeared before the Board and thanked the DPW and other participating Town departments for their support and assistance with the project. The project finished on February 14, 2012 and Mr. Saari read a letter that he wrote to the contractor, for the record, commending the contractor for the high level of quality and professionalism which was demonstrated throughout the project. Paul Davis, contractor, thanked the Town and mirrored Mr. Saari's praise for the Town departments, how well everyone worked together and how any difficulties were overcome in a professional manner. Mr. Koenigsberg pointed out that the contractor kept up with the clean up and there was little damage to the remaining trees. The Board also commended and congratulated them on the success of the project.

#### **Public Hearing for Xtramart Westborough / Site Plan Review and Approval**

Selectman Emery's motion to open the hearing for the Xtramart site plan review was seconded by Selectman Johnson.      Vote: 5-0

Attorney Marshall Gould outlined the reasons they are before the Board, approvals for the site plan, a special permit to sell gasoline and a fuel storage permit. Paula Thompson, of Waterman Design Associates, reviewed the plans at 183 & 185 Turnpike Road, a three and a half acre site. The Police and Fire Departments have reviewed the plans and the Fire Department drove a truck through to confirm that there is sufficient room. Attorney Gould informed the Board that the Planning Board has approved the special permit for a motor vehicle service station within an aquifer and watershed protection district, for retail sales, restaurant and motor vehicle service station within the highway business, and an earth moving special permit. Conrad Decker, Drake Petroleum's Director of Real Estate, explained their business and reviewed the locations of some of their recent developments. There were no comments from the public. Opportunities for gas on the westbound side were reviewed and the Dunkin' Donuts on the westbound side in Westborough will be moving to this location. The site will have 60% open space.

Selectman Barrette'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 Drewry.      Vote: 5-0

Selectman Johnson's motion to approve the special permit as per Section 2300 in the highway business district under the same conditions as the site plan approval was seconded by Selectman Barrette.      Vote: 5-0

Selectman Barrette's motion to approve the fuel storage permit for 60,000 gallons total fuel storage as per the conditions of the Fire Department was seconded by Selectman Johnson.

Vote: 5-0

Selectman Barrette's motion to close the public hearing was seconded by Selectman Johnson.

Vote: 5-0

**Request to Amend the Conditions of Existing Class I License for Westboro Motors, Inc.,  
271 Turnpike Road / Rick Tonelli**

Mr. Tonelli came before the Board to request additional parking at 45 Oak Street. Mr. Tonelli was previously before the Board and was asked to come once he received the occupancy permit.

Selectman Emery's motion to amend the Class I Dealer's License of Westborough Motors d/b/a Westborough Toyota to allow storage, but not the sale of vehicles at 45 Oak Street as per their application was seconded by Selectman Drewry. Vote: 5-0

**Girl Scouts 100<sup>th</sup> Anniversary Proclamation / Judith Wilchynski**

Ms. Wilchynski, the Service Unit Manager for Westborough Girl Scouts, introduced the adult volunteers and Girl Scouts in attendance. March 12, 2012 was the 100<sup>th</sup> anniversary and Ms. Wilchynski explained that celebrations and activities were held all over the nation as well as one at Mill Pond School over the weekend. She invited the community to view the display at the library and reviewed what the Girl Scouts are doing for the community. The Board thanked the girls and leaders and Selectman Dodd read the proclamation and presented it to them.

**Arbor Day Proclamation / John Walden**

The Town was accepted into the Tree City USA program in 2009, which is sponsored by the Arbor Day Foundation. Selectman Johnson read the proclamation. This year the DPW will be distributing fifty tree saplings to residents on Friday, April 27, 2012 at the DPW from 8:00 a.m. to 4:30 p.m.

**Municipal Building Committee & Recreation Commission**

Frank Desiata reviewed the Community Recreation Center power point presentation, which included the department's budget, the self-funded programs, and their needs. The basketball program is the largest and the use of the Forbes gym is crucial to the program as there is no cost to the Recreation Department and use of the school gyms is at its maximum. Mr. Desiata explained what would have to be cut from the program if the gym is not replaced.

The Board's comments/questions included: Selectman Johnson's question regarding whether the Recreation Center is contingent on the renovations passing at Town Meeting and Mr. Desiata explained that it is and if renovations do not pass, his programs would continue as they are now; Selectman Barrette pointed out as a member of the Municipal Building Committee that the Police Department space is inadequate, the proposed plan is correct in that it needs to include the Recreation Center, and that he is in favor of it; Selectman Emery agreed with Selectman Barrette and, at her request, Mr. Desiata reviewed the gym schedules and reiterated that they are using the schools as much as possible. Selectman Drewry is concerned about taxes however he supports the Recreation Center and considering the need as well as what the cost will be in the

future to repair the buildings; Selectman Dodd echoed the Board's sentiments and that the projects are presented the correct way.

Mr. Malloy created a second pie chart as the original one may indicate that the Town is not performing proper maintenance on its municipal buildings. The second one includes the completion of the projects and it reflects a more even distribution, with 26.5% of the debt for municipal buildings and 61.1% for the schools in FY 2016. Mr. Malloy also added more slides to his presentation in response to questions received.

John Badenhause came before the Board indicating that he has received input regarding the need for a Recreation Center and suggested that the building could use one or two more classrooms and that it could be used by teens on the weekends. Selectman Barrette pointed out that the Committee would have to go back to the architect as there is no room within the current footprint.

Mr. Malloy reviewed the additional slides, which included a timeline; the FY 2012 debt versus the estimated debt for FY 2016, which will be less than current debt due to retiring debt; a debt exclusion proposal where the Town Hall and Forbes Municipal Building projects could be done within Proposition 2 ½ and the Fire Station and Recreation Building would require a debt exclusion. There would be no increase in taxes due to the debt service for these projects. A debt exclusion vote would have to take place within ninety days of Town Meeting and the statute dictates the ballot language. The reconstruction of Adams Street, which is in the Capital Expenditure Plan, will be addressed when the debt is below 10% as there are 150+ easements to gain.

Steve Doret, School Committee Member, pointed out that the Gibbons School project is included in the Mr. Malloy's graph. In response to Mr. Arnold's question, Mr. Malloy explained the debt exclusion and borrowing process. Mr. Behn pointed out that there is the possibility of the purchase of State land in the future which would have to be considered in the Capital Expenditure Plan.

### **Sunshine Week Proclamation / Board of Selectman Dodd**

The Board discussed the Sunshine Week Proclamation which addresses transparency in government. Selectman Dodd reviewed the main points in the proclamation and the Board made suggestions and expressed concerns. The consensus was to review the proclamation and the Selectman Office Hours policy and continue the discussion at the next meeting. The Board will consider all suggestions made.

### **Town Meeting Issues**

The following Articles were not voted at the last meeting due to changes.

Article 3 – Transfers: Selectman Johnson's motion to recommend passing over Article 3 was seconded by Selectman Barrette. Vote: 5-0

Article 7D – Funding the AFC General Reserve through Raise and Appropriate: Selectman Barrette's motion that the Board support the raise and appropriate of \$300,000 under Article 7(D) for the AFC Reserve Fund was seconded by Selectman Drewry. Vote: 5-0

Article 8J – Street Sweeper purchase: Selectman Emery’s motion to recommend funding the street sweeper through free cash was seconded by Selectman Johnson. Vote: 5-0

Articles 11 & 12 – Fire Station and Municipal Building projects: Selectman Barrette’s motion to recommend passing over Articles 11 and 12 was seconded by Selectman Johnson. Discussion: The Moderator will skip over these Articles until after Special Town Meeting at 7:00 p.m. and they will be taken up again if necessary. Vote: 5-0

Article 18 – Charter Amendments: Mr. Malloy explained that the Advisory Finance Committee (AFC) had made some changes to their motion to which he did not object and they will agree upon the language for fall Town Meeting. Selectman Johnson’s motion to recommend that the Board support the proposed motion for Article 18 as voted by the AFC and recommended by the Town Manager was seconded by Selectman Barrette. Vote: 5-0

Article 25 - Non-Criminal Disposition Bylaw Amendment: Mr. Malloy distributed a Questions and Answers handout regarding this issue and stated that the AFC voted to not recommend the Article. The Board had voted to support the Article and Mr. Malloy asked that they continue to support it. The Board will wait until Town Meeting to take any further action.

Article 30 – Open Space Plan: Selectman Dodd reviewed the extensive public comment process that they have followed and while this does not need Town Meeting approval it has been a tradition to bring it before the Town. The plan will be valid for seven years. Selectman Emery’s motion that the Board support Article 30 was seconded by Selectman Barrette. Vote: 5-0

Special Town Meeting Article 1: Selectman Barrette’s motion that the Board support Article 1 as written in the Warrant was seconded by Selectman Emery. Discussion: The Board discussed the wording of the Articles, the debt exclusion vote and how to present the Articles. John Arnold, AFC Chairman, explained that they have not yet made a recommendation in order to make sure it will be allowed by the Moderator, to understand what the ramifications might be and to not to complicate the issue. They hope to make a recommendation on Thursday. The Board of Selectmen did vote to support Article 2 to build a new Fire Station. Selectman Barrette withdrew his motion and will attend the AFC meeting on Thursday and report back to the Board. Selectman Emery’s motion to recommend that the Board of Selectmen vote at Town Meeting was seconded by Selectman Dodd: Vote: 5-0

Selectman Emery’s motion to recommend that the Board not vote to pass over Articles 11 and 12 at this point was seconded by Selectman Dodd. Discussion: Selectman Emery expressed concern regarding the Board’s flexibility and the debt exclusion issue. Selectman Johnson requested the motion be amended that the Board vote at Town Meeting. Selectman Emery’s motion to recommend that the Board vote on Articles 11 and 12 at Town Meeting was seconded by Selectman Dodd. Vote: 5-0

### **Town Counsel Report**

None

### **Town Manager Report**

The Rotary Club requested approval to place signs at Lyman Street/Route 30 and Ward’s Corner advertising the Spring Festival.

Selectman Emery’s motion to recommend that the Board approve placement of signs for the Rotary Club Spring Festival was seconded by Selectman Drewry. Vote: 5-0

Mr. Malloy distributed information regarding the Town's water levels. Currently the levels are fine and unless there is a lot of rain there most likely will be an outdoor watering ban in the summer.

Mr. Malloy informed the Board that he received notification that Traveler's Insurance is closing the Westborough office in the University of Phoenix building, laying off 120 employees and moving elsewhere in order to consolidate operations.

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

Selectman Drewry informed the Board that Carl Temple passed away and expressed condolences to the family. He wished the veterans well and that the soldiers come home safely.

Selectman Barrette thanked Selectman Drewry and Andy Reinach for an enjoyable and fair campaign.

Selectman Emery welcomed Selectmen Barrette and Drewry, thanked Tim Novak for producing the meeting and spoke about Carl Temple's influence in the community and his work as a master gardener.

Selectman Johnson pointed out that he has heard from community members regarding the need for a better system for tracking meetings, which is in the process of being updated. The meeting that was supposed to take place today with the State regarding the State Hospital was postponed at the last minute and they are looking to reschedule at the end of the month. The Westborough Community Land Trust is holding a 15<sup>th</sup> Anniversary wine tasting celebration at Arturo's on March 25, 2012 from 4:00 p.m. to 7:00 p.m. and tickets can be purchased through the Land Trust or at Arturo's.

Selectman Dodd received correspondence from the Foundation for Metro West regarding poverty in Westborough and surrounding communities. In addition to Traveler's Insurance leaving, a letter was received informing the Board that the Piccadilly Pub has closed. Selectman Dodd requested that the Board discuss the remote voting policy, which the School Committee voted to support, at the next meeting as well as updating the Board's liaison policy, which will include the committees that have vacancies for Selectmen representation.

### **Reorganization of the Board of Selectmen**

Selectman Drewry's motion to nominate Selectman Emery as Chairperson was seconded by Selectman Johnson. Vote 4-0-1 (Emery)

Selectman Barrette's motion to nominate Selectman Johnson as Vice Chair was seconded by Selectman Emery. Vote: 4-0-1 (Johnson)

Selectman Drewry commented that he had made a commitment to Selectman Dodd that he would support him if he was nominated as Vice Chair.

Selectman Drewry's motion that the Board enter into Executive Session for the purpose of collective bargaining and negotiations as an Open Session would have a detrimental effect on the Town's bargaining position and discussing the deployment of security personnel. The Board will not reconvene Open Session.

A roll call vote was taken: Selectman Drewry – yes; Selectman Emery – yes; Selectman Dodd – yes; Selectman Johnson – yes; Selectman Barrette – yes.

*Submitted by Paula M. Covino*

---

**Chairman Emery**

---

**Vice Chairman Johnson**

---

**Selectman Dodd**

---

**Selectman Barrette**

---

**Selectman Drewry**