

**Westborough Board of Selectmen
Meeting Minutes
March 27, 2012
6:00 p.m. – 7:50 p.m.**

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

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

Request to Approve the Board of Selectmen's Meeting Minutes

Selectman Dodd's motion to approve the minutes of January 10, 2012 was seconded by Selectman Johnson. Vote: 5-0

Open Forum: None.

Request to Approve the Inclusion of "Arts in the Common" Advertisement in Tax Bill Mailing / Lynn Watts

Lynn Watts, Cliff Watts, and Kay Hurley, members of the Cultural Council distributed a sample of the previous year's insert for the tax bill advertising the "Arts in the Common" event. Ms. Watts reviewed some of the activities and crafters that will be participating. The funds from this event helps to subsidize their budget for some of the State funding that they do not receive. The event will be held on September 29, 2012 from 10:00 a.m. to 4:00 p.m. and the flyer will be mailed with the tax bills at the end of June.

Selectman Barrette's motion to approve the inclusion of the "Arts in the Common" advertisement in the tax bill mailing in June was seconded by Selectman Dodd. Vote: 5-0

Request to Approve Earth Day Town Litter Clean-up / Bruce Tretter

Mr. Tretter informed the Board that the 14th Annual Earth Day Clean-up will be on April 21, 2012. It starts at 6:30 a.m. in the more dangerous traffic areas and at 9:30 a.m. in the Lake Chauncy parking lot volunteers will meet to receive maps and assignments to approximately twenty sites in Town. Mr. Tretter asked the public to suggest areas that need attention. There were about sixty volunteers last year. The DPW donates one-hundred bags and collects the filled ones.

Selectman Barrette's motion that the Board grant permission to the Westborough Community Land Trust to collect litter on Town properties including Lake Chauncy Beach, Bowman Conservation Area, Minuteman Park, and Sandra Pond Reservoir areas as well any areas deemed necessary by the DPW and the Land Trust was seconded by Selectman Johnson. Vote: 5-0

Request to Approve BAT Alcohol Awareness Training Program / Chief Alan Gordon

Chief Gordon received a proposal from Beverage Alcohol Training (BAT), another company that provides training. Chief Gordon has investigated BAT; they meet all the requirements and are recommended by the Massachusetts Package Stores Association.

Selectman Barrette's motion to approve Beverage Alcohol Training (BAT) was seconded by Selectman Drewry. Vote: 5-0

Request to Approve Common Victualer License for JVPS Subway LLC, 32 W. Main Street / Janai Venkitapathy / Venki Sivaswami

Venki Sivaswami, 87 Liberty Square Road, Boxborough, requested approval from the Board for a Common Victualer License for the purchase of the Subway at 32 West Main Street, Westborough. The proposed date for the purchase is April 4, 2012.

Selectman Johnson's motion to approve the Common Victualer Permit to JVPS Subway, LLC for operations effective April 4, 2012 was seconded by Selectman Barrette. Vote: 5-0

Westborough / Hopkinton Mass Pike Access to Rt. 135 / E. L. Harvey & Sons, Inc.

Selectman Emery explained that the Board had written a letter to the Massachusetts Department of Transportation (DOT) supporting E. L. Harvey's ability to use the Massachusetts Turnpike access road on Route 135. Mr. Robbins reviewed the members of the Traffic Study Committee, they began meeting a year ago and more recently in the past six months.

The Massachusetts Dept. of Transportation is focusing on making improvement to the 495 Interchange and Route 9. Mr. Robbins explained the areas that the study includes and the proposals that are being considered.

Mr. Robbins came before the Board tonight to discuss E. L. Harvey's access to the Mass. Turnpike service area directly across from their facility, which would eliminate their trucks from traveling through the center of Town. The access would be used on both the eastbound and westbound sides. The Board reviewed the map included in their packet which shows the access road for both sides.

As the Town is interested in pursuing this now, The Mass. Highway Dept. and Representative Dykema has suggested that the Town send a letter to the Mass. DOT, copying the State Representatives, requesting that they review this proposal. The town of Hopkinton is in favor of the proposal as 30% of the truck traffic travels east on Route 135. The Board is in favor and thanked Mr. Robbins.

Selectman Barrette's motion to ask the Town Manager to draft a letter to Secretary Davie on the Board's behalf for their review and signatures and immediate delivery was seconded by Selectman Johnson. Vote: 5-0

Bay State Green Contract with Terrascaping and Construction / Town Manager

Mr. Malloy explained that the Bay State Green Committee developed a landscaping project instead of the originally planned fountain, using the \$10,000 gift account granted by the developer for this purpose. The plan is for a planting area with seating. The landscaping project was put out to bid late fall and Mr. Malloy recommended that the Board approve the contract with Terrascaping & Construction for the base amount of \$8,500 with an option for additional work valued at \$5,400 if the Committee can raise the difference of \$3,900.

Selectman Johnson's motion to approve the contract between the Town of Westborough and Terrascaping in the amount of \$8,500 for items (a) through (d) and an option for Item (e) at the Town's discretion for \$5,400 was seconded by Selectman Barrette. Discussion: Selectman Emery informed the Board that the Committee decided that a fountain would not make sense and the seating option was better. Vote: 5-0

Remote Voting Policy / Town Counsel

Attorney Franks reviewed the draft remote participation policy included in the Board's packet, the minimum requirements and that it requires a majority vote of the Board for approval. It would apply to all Town Boards and Committees. The drafted policy mirrors the regulations from the Attorney General. Attorney Franks also reviewed other stipulations included in the policy, the possible reasons, acceptable methods regarding technology, and the procedures.

Selectman Dodd has heard from other boards/committees that are in favor of it and the School Committee voted to support it. He is in favor of it and asked that the policy be sent to all boards/committees so that they are aware of it. Selectman Johnson suggested that it should be monitored as to when it is used and why as he does not want it to become more commonplace or a reason for members to not attend meetings. Selectman Drewry questioned whether there is a need or if there has a problem, such the failure to make decisions because of the lack of a quorum. He does not agree with the policy, it dilutes the process, and members who become elected or join should know there is a commitment to attend meetings.

Selectman Dodd's motion to accept the Remote Participation Policy was seconded by Selectman Johnson.

Discussion: Selectman Barrette pointed out that while it is done within companies all the time, Town government is not the place for it; if there is an issue with an important vote it could be moved to another meeting. He is not in favor as there are several committee/boards where the Chair would have to make the determination, there is too much interpretation and does not feel that it is necessary now. Selectman Emery read a portion and agreed with Selectmen Barrette Drewry. She pointed out that the personal physical presence is large part of Town government and that it is her responsibility to present and visible. Selectman Emery is not in favor as the issue has been introduced to quickly, it is too broad and could be abused and questioned whether any boards/committees are currently under a hardship. The public hearing process for a special permit, which may last over several meetings, was discussed and Mr. Robbins explained that the Planning Board has had an issue as a super majority is required for a special permit, and that they have used Mullen Rule.

Other comments/concerns/suggestions by the Board included the possibility of the policy being abused; the policy could be put in place for a period of time for administrative board/committees; exceptions could be considered if there is a real need; the obligation to travel for work is a realistic situation that commonly occurs and the policy would allow the member to participate; the Board does have the authority to adopt the policy or revoke it if it is being abused; and other communities have adopted the policy.

Mr. Malloy pointed out that since the exception to the Mullen Rule is allowed, it may be a rare occurrence that the policy would be needed. Selectman Emery requested that Mr. Malloy canvas the boards/committees to determine if there has been a problem and ask why they do or do not support.

Vote: 2-3 (Emery, Barrette, Drewry)

Sunshine Week Proclamation / Selectman Dodd

Selectman Dodd brought this issue forward at the last meeting and reviewed his reasons for doing so. He suggested that the Board could accept it as a proclamation, postpone a decision and revise it as list of goals to be adopted, or do nothing. Selectman Dodd added that the proclamation supports what the Town is already doing and provides ways to make it more transparent.

Board members commended Selectmen Dodd for providing the information and all are in favor of being transparent. The Board discussed the issue voicing some concerns and making suggestions, which included that the Town is already practicing transparency; office hours are an important concept, but difficult to do as all members work, it was not successful in the past and the Board is available to the public by phone, email, or in person; who would manage a new web page; an additional email address for the Board is not needed; convert some items to goals; avoid redundancy on the website; the tax bill insert was well received; and employee photos could be added to the website.

Selectman Dodd's motion to pass over this agenda item and the Board set goals and review transparency at another meeting was seconded by Selectman Drewry. Discussion: Selectman Emery suggested obtaining examples where there may be a need to make more documentation/explanations available. She asked the Board to provide four or five goals and objective to be discussed at the second meeting in April. Vote: 5-0

Board of Selectman Office Hours / Selectman Dodd

This was discussed in the previous agenda item.

Board of Selectmen Liaison Program / Selectman Emery

The Board discussed the Liaison Program that was adopted January 6, 2008, a copy of which was in the packets. The program does have value, but it was pointed out that there is some difficulty associated with attending other meetings and its usefulness as the program is time consuming. The Board took no action and agreed to assess the program further to determine the necessity, how helpful it is to other boards/committees, and that there may only be a need for some boards and not others. The program can also be conducted informally.

Selectman Barrette asked to be liaison to the Council on Aging to replace Mr. Thompson on the State Hospital Reuse Committee. Selectman Dodd pointed out that the result of the survey taken before the policy was adopted, was that the boards/committee were in favor of the program and it was helpful to have a point person to contact.

Selectman Emery asked Ms. Covino to provide the Board with an updated Committee list that includes meeting days and times. The Board will provide Selectman Emery with those boards/committees that they are interested in being the liaison to and it will be discussed at the next meeting.

Town Counsel Report

No report.

Town Manager Report

Mr. Malloy informed the Board that Special Election for the Fire Station project will be held on May 15, 2012, which is within ninety days of Annual Town Meeting and was coordinated with the Town Clerk.

Selectman Barrette's motion to set a Special Election for May 15, 2012 for the following question: "Shall the Town of Westborough be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to construct a new Fire Station" was seconded by Selectman Johnson. Discussion: Selectman Emery requested suggestions on how to proactively advocate and educate the public on the critical need for a new fire station and that the information is quantified and qualified. Mr. Malloy will present the options for doing so at the next meeting and the Municipal Building Committee (MBC), Fire Chief, Police Chief and Building Commissioner will be asked for input as well. The MBC is meeting tomorrow to discuss the next steps. Also suggested was asking Corridor Nine for a possible volunteer to help with publicizing the information. Town Counsel will be involved and informed the Board that they are free to speak but cannot use Town resources to promote. Vote: 5-0

Issues and Correspondence of the Selectmen

Selectman Drewry stated that the Boards' thoughts and prayers are with our troops. The VFW is creating a building improvement fund and will be holding golf tournament on May 14, 2012 to raise funds. The cost is \$100 per person and it will be a 9:00 shotgun start. Interested parties should contact Selectman Drewry and he is also distributing flyers.

Selectman Johnson thanked the residents who attended Town Meeting. There were good discussions, comments, and the Board will seriously consider throughout the year what was said. For those who felt that they did not hear about certain issues, Selectman Johnson pointed out that all meetings are open to the public, encouraged residents to utilize the Town's resources for information and invited residents to attend the Selectmen meetings during Open Forum

Selectman Dodd agreed with Selectman Johnson's comments. He informed the Board that Article 30 passed, a draft of the Open Space 2012 Plan has been sent to State Division of Conservation Services, and they should receive an answer in three to four weeks. Selectman Dodd thanked all those who worked on the data for the plan. He pointed out that in the Annual Town Report the Legislative Liaison Committee members are either no longer in service or have a different role the Board may want to address whether it is still needed gone or how it should be structured at another meeting.

Selectman Emery also thanked the public for attending Town Meeting, invited the small group who seemed to be suspicious of Town government to get more involved proactively and responsibly in the long preparation process, and that information is available, not only on the computer, but in many other ways. She would be appreciative if they would also put some effort into researching their grievances. The Town Moderator will attend the next meeting to discuss what went well at Town Meeting and what may need to be improved. Selectman Emery requested that the Department Heads who presented at Town Meeting be invited as well to provide input.

Executive Session

Selectman Johnson moved that the Board enter into Executive Session for three purposes:

1. To discuss litigation strategy, as an open session would be detrimental to the Town's litigation position;
2. To discuss the deployment of security personnel; and
3. To discuss private issues, not related to professional competence, regarding an employee.

The motion was seconded by Selectman Barrette and a roll call vote was taken: Selectman Drewry – yes; Selectman Barrette – yes; Selectman Emery – yes; Selectman Johnson – yes; Selectman Dodd – yes.

Submitted by Paula M. Covino

Chairman Emery

Vice Chairman Johnson

Selectman Dodd

Selectman Barrette

Selectman Drewry