

**Westborough Board of Selectmen
Meeting Minutes
April 10, 2012
6:00 p.m. – 8:01 p.m.**

Present: Chairman Emery, Vice Chairman Johnson, Selectmen Dodd, Barrette (left at 7:05 p.m.), and Drewry

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 Johnson's motion to approve the minutes of January 24, 2012 and February 14, 2012 was seconded by Selectman Dodd. Vote: 3-0-2 (Barrette, Drewry)

Open Forum

Selectman Barrette recognized and congratulated Chief Nick Perron and Capt. Calvin Lawrence who celebrated forty years with Westborough Fire Department on Sunday, April 8, 2012.

Post Town Meeting Discussion / Town Moderator

Mr. Harrington informed the Board that there has been one resignation from the Advisory Finance Committee and one member has chosen not to be reappointed. He asked the Board for recommendations/suggestions and will advertise the openings on the website if necessary.

Mr. Harrington relayed to the Board Paul George's appreciation for the support that Assabet Valley Regional School received at Town Meeting.

Mr. Harrington's purpose tonight is to get the Board's feedback on Town Meeting procedure. He circulated an email which included ideas for limiting debate, but they did not receive much favor. A four-minute time limit was discussed, but having to monitor the time using a clock would be difficult. Mr. Harrington reviewed options that other towns use. There is a bylaw in effect, which has not been enforced typically, and it would require him to keep track of who speaks and for how long.

Mr. Malloy reviewed his summary, included in the Board's packets, of who spoke and how long, which included Town officials and residents. He did not calculate how many times individuals spoke on Articles. Mr. Malloy received comments from residents who come to Town Meeting to vote, not to listen to a few individuals speak for lengthy periods of time. Mr. Harrington explained that he does not want to keep an individual from speaking if they are the only one raising their hand. The motion to end debate is underutilized and he suggested that it be automatic after thirty minutes.

Comments/suggestions from the Board:

- The process works well overall, hesitant to change the rules.
- Possibly limiting the amount of times a person can speak on an Article.

- Some people have an issue voting in front of others on major issues. The downside of a secret ballot is that it would take approximately twenty minutes which would extend Town Meeting even longer.
- Limitations to the amount of time for presentations.
- Opinions expressed were that using a clock for time limits may hinder those who have a difficult time speaking in public and did not agree with it; another agreed with the four-minute time limit.
- Residents were given a second chance to speak on budget items before the unquestioned block was voted.
- Put the Warrant in the local newspapers in advance as some people are seeing it for the first time at Town Meeting; hold a mock Town Meeting with presentations only; the Warrant and Town Manager's presentation are posted on the Town's website
- Against moving the question as that is what Town Meeting is about.
- Setting a time limit and expectations for presentations; not in favor of time limit for residents who wish to speak, there will always be individuals who are seeing the Warrant for the first time at Town Meeting.
- It is the Moderator's purview to determine when arguments become repetitive and to separate the philosophical comments from new points of view.
- Enforce that no person shall speak more than once on one question and that all points of view receive the same amount of time.

Mr. Harrington will continue to approach the budget the same way, will learn more about presentation times and setting limits and will consider the Board's comments and suggestions.

Committee Liaison Program / Selectman Emery

As not all Board members were able to submit their interests before tonight, Selectman Emery asked to that the discussion is postponed to the next meeting.

Veteran's Freedom Park Use / Earl Storey / John Keefe

Earl Storey, John Keefe and Rick Hebert, WHS Cross Country Coach, expressed their concern regarding the issue with people not picking up after their in the park. There is a posted sign, the Animal Control Officer has recorded license plate numbers of offenders and found that one out of five is not a resident. People have thrown their bags in the woods instead of using the available receptacles. Mr. Hebert thanked the Town for the use of the trails in the park for the Cross Country team and he carries a shovel to clean up the trail. He has also asked people to put their dogs on leashes and to pick up after them. The Animal Control Officer checks the park about three times a day and the increase in use began once Tufts required dog owners to register before they could use their property. Mr. Storey suggested limiting the use to Westborough residents.

Attorney Franks researched the applicable laws and reviewed them. There are various restrictions that towns have tried to implement in parks, but did not succeed; a park is different than recreation. The Board could impose reasonable regulations and request that they register their dogs, issuing tags with numbers, as Tufts did, and post a sign asking that any inappropriate activity be reported.

Suggestions by the Board included posting a sign that states if people do not pick up the park will be closed to dogs and that dogs have to be on leashes; use voluntary wardens to patrol the park and install signs to that effect.

Selectman Barrette's motion to instruct the Town Manager to create a draft of a sign strictly enforcing the rules and bring it back to the next meeting for the Boards approval was seconded by Selectman Johnson. Vote: 5-0

Steward Healthcare Insurance / Asst. Town Manager/HR Director

Ms. Williams explained the current health insurance program for Town employees and the new proposed program, Fallon/Steward Community Care. This program will provide coverage to employees that live in the Boston Metro area or South Shore, which are outside of the Fallon network. Employees that live in Central MA can choose Fallon or Blue Cross. Fallon has signed an agreement with Steward Community Care that will provide another option that mirrors the Fallon Health Select insurance program at a competitive price. Ms. Williams has impact bargained with the unions and they have accepted the program.

Selectman Drewry's motion to authorize the Town Manager to execute the attached agreement between the Town of Westborough and Fallon Community Health Plan to include the Steward Community Care option was seconded by Selectman Johnson. Vote: 4-0

Request for a Vintner's Agricultural Event/Farmer's Market Special Liquor License / Zoll Cellars / Frank Zoll

Frank Zoll appeared before the Board to request a special liquor license for the sale of wine by the bottle from a farmer-winery at a certified agricultural event to be held at the Evangelical Church. A copy of the required documents is attached to the application which is included in the Board's packet. The Farmer's Market was held in Westborough last year and Zoll Cellars, from Shrewsbury, was granted a license. Chief Gordon has no concerns with granting one this year.

Selectman Johnson's motion to approve the Farmers Market Special Liquor License for Zoll Brothers Cellars LLC to participate in the Westborough Farmers Market at the First Evangelical Church property from June 14, 2012 through September 30, 2012, subject to the \$50 fee was seconded by Selectman Dodd. Discussion: There is a requirement that the wine has to be produced in Massachusetts. Vote: 4-0

Request to Appoint A. Gibbs Mitchell as a Registrar of Voters / Town Clerk

Selectman Drewry's motion to appoint A. Gibbs Mitchell as a Registrar of Voters for a three year term until April 1, 2015 was seconded by Selectman Dodd. Discussion: Ms. Yendriga explained the duties of the Registrar. Vote: 4-0

Request to Approve Common Victualer License for Maruti Subshop, Inc. d/b/a Subway, 18 Lyman Street / Niral Patel

Mr. Patel appeared before the Board to request a Common Victualer License as the new owner for the Subway at 18 Lyman Street. The applicant has provided all the necessary documentation.

Selectman Johnson's motion to approve the Common Victualer License for Maruti Subshop, Inc. d/b/a Subway #29919 at 18 Lyman Street seconded by Selectman Drewry. Vote: 4-0

Request to Use Town Roads / Little League Parade / April 28, 2012 / Deborah Penta

Ms. Penta appeared before the Board requesting permission to use Town roads for the parade. She reviewed the route which is slightly different this year. The opening ceremonies will be at the High School from which she has a permit.

Selectman Drewry's motion to approve the Little League Parade to be held on April 28, 2012 was seconded by Selectman Dodd. Discussion: Chief Gordon has no issues with the route. Vote: 4-0

Request to Appoint a Member to the Historical Commission / Hazel Nourse

Christine Kurtz and Nancy Strecker, Commission members, accompanied Ms. Nourse who was appointed as a non-voting associate a couple of months ago. The Commission is recommending that Ms. Nourse be appointed as a voting member to fill a vacancy.

Selectman Johnson's motion to appoint Hazel Nourse as voting member of the Westborough Historical Commission for a term ending June 30, 2014 was seconded by Selectman Dodd. Vote: 4-0

Charter Communications Franchise Renewal / Town Manager

Mr. Malloy explained that he met with Donna Kelly last week regarding the creation of a committee to for the purchase of capital equipment. The committee will be more administrative in nature and the Town Manager will appoint the members. It will be an Ad hoc committee and the process should take approximately six to nine months.

Selectman Drewry's motion to create the Charter Cable Franchise Negotiating Committee and to designate the Committee as an administrative Committee and authorizing the Town Manager to appoint Committee members and report back to the Board on the appointees, and that the term will expire at the completion of the contract was seconded by Selectman Johnson. Discussion: Mr. Malloy will inform the Board who the appointees are at the next meeting. Vote: 4-0

Town Counsel Report

Attorney Franks reported on what employees, board and committee members can do regarding the ballot question for the new Fire Station. He provided the Board with a copy of the section from the State Ethics Commission guide that addresses this issue and any questions with the exception of fundraising, which would require consulting him first. Attorney Franks reviewed the general rule which does not allow public employees to use their public position to engage in political activity as it is considered an unwarranted privilege; they cannot use work time or resources. He also reviewed the guidelines for policy making elected and appointed which allows them to speak about and provide information on the issue, they can vote on the issue and provide information on what it was based on, and they can use their name with the title, but cannot use "Member of the Board of Selectmen." Selectman Emery suggested a discussion at the next meeting and Mr. Malloy will coordinate the participation of the Fire Department, Municipal Building Committee and will provide a summary.

Selectman Johnson's motion to place the discussion of the debt exclusion vote for the Fire Station on the next meeting agenda was seconded by Selectman Drewry. Vote: 4-0.

For the record, Selectman Johnson stated that the information Attorney Franks provided can be found on the State Ethics Commission's website under "Advisory 11-1: Public Employee Activity."

Town Manager Report

Mr. Malloy informed the Board that Westborough has been chosen as one of three communities to participate in the Economic Development Self Assessment Tool (EDSAT). It is survey tool that includes a written survey and facilitated, by the staff of the Dukakis Center, of businesses within the community. It will be held on May 2, 2012 from 9:00 a.m. until noon. There is no cost to the Town other than providing the space, lunch and snacks. The Board agreed that it will be an asset for the Town liked the concept of candidacy.

Mr. Malloy distributed and explained the two charts that gauge the water level of the Assabet River. Unless the levels change dramatically there will be an early outdoor watering ban, the earliest being Memorial Day under the water withdrawal permit.

Mr. Malloy informed the Board that there have been continuing issues with the Spurr House, which is owned by the Town. The water heater broke leaking water and steam in the house. As the building is used very infrequently, he suggested that the Board meet before the next meeting to tour the house before any more major repairs are done. Mr. Malloy pointed out that the American Legion should not be meeting there due the significant issues with the building. Selectman Drewry informed the Board that the VFW is sponsoring a golf tournament fundraiser on Monday, May 14, 2012 at a \$100 person, to make improvements to their building which could accommodate the American Legion as well. The Board will meet at 5:30 p.m. on April 24, 2012 to tour the building.

Selectman Emery explained that two Selectmen were concerned that the vote for a representative on the School Building Committee (SBC) tonight was too early and asked that it be postponed until the next meeting. Mr. Malloy contacted the Massachusetts School Building Authority (MSBA) and was told that it was completely reasonable to give the Town until April 25, 2012. The discussion and vote will be put on the April 24, 2012 agenda as the Town Manager or a designated representative from the Board has to be a member of the Board. Ms. Levine-Kanji was concerned that it was not on the agenda tonight, there was a discussion on whether to vote now and the Board agreed to respect the request of the Selectmen who wanted to wait and as there is no issue with the MSBA the vote will be postponed. Mr. Harrington can appoint the remaining members in meantime and hold a position for the Board's appointment. Ms. Levin-Kanji stated that the School Committee is comfortable with whoever is appointed from the Board.

Issues and Correspondence of the Selectmen

Selectman Drewry expressed condolences to the Lightbody family and asked that the men and women serving our country be remembered.

Selectman Dodd reported that he received a letter from the State Division of Conservation Services indicating that the Open Space Plan has been conditionally accepted, that they may apply for grant programs, but cannot receive their final allotment until the plan conditions are being met. Regarding inquiries he has received about the new street signs that were installed a couple of years ago, Mr. Malloy suggested that Mr. Walden come before the Board to address the issue of phasing. Selectman Dodd received an email from a resident regarding meeting times not posted on the website. Mr. Malloy informed the Board that all adopted policies are now posted on the Selectmen's web page. Selectman Dodd pointed out that the MBTA is increasing their rates by \$30 per month and the Town has a seat on the Advisory Committee, which is having a meeting on May 1, 2012. As it affects residents he suggested soliciting the community for someone to appoint as the representative or designate Mr. Malloy to attend to bring forward the Town's concerns. Unless someone comes forward, Selectman Dodd offered to attend.

Adjourn Open Session

Selectman Johnson's motion that the Board enter into Executive Session for the purpose of discussing a personal issue not relating to professional competence concerning an individual motion was seconded by Selectman Drewry. A Roll Call vote was taken: Selectman Drewry – yes; Selectman Emery – yes; Selectman Johnson – yes; Selectman Dodd – yes.

Executive Session

Submitted by Paula M. Covino

Chairman Emery

Vice Chairman Johnson

Selectman Dodd

Selectman Barrette

Selectman Drewry