

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

Present: Chairman Emery, Vice Chairman Johnson (arrived at 6:05 p.m.),
Selectmen Dodd and Barrette

Absent: Selectman Drewry

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

Open Forum:

Selectman Dodd's motion to approve the minutes of February 28, 2012 was seconded by
Selectman Emery. Vote: 2-0-1 (Barrette)

Mr. Borkowski read a statement supporting the new fire station, but does not support the debt
exclusion vote. His opinion is that it should be done under the levy limit; he explained his
reasons and asked that the Board vote against it.

Information on the Debt Exclusion Process for the Fire Station / Town Manager

Selectman Emery explained that because of the way the Articles were presented at Town
Meeting, there was no other choice for the funding mechanism as the Warrant was written to
include the debt exclusion. The Town Moderator would not allow any motions from the floor to
change it. Selectman Emery pointed out that using the debt exclusion for the fire station does not
change how much more residents have to pay on their tax rate, nor does it if funded under the
levy limit; the fire station per tax bill will cost exactly the same for the twenty years that it is
funded. A debt exclusion makes the increase in what the Town can levy against the taxpayers
disappear at the end of the expense. Selectman Emery reviewed the limitations for Proposition 2
½ created by the Citizens for Limited Taxation, which states that a debt exclusion can be used to
raise additional funds only for capital purposes, such as public buildings, public works, land and
equipment acquisitions.

There was a public meeting last Tuesday and there will be another one tomorrow, May 9, 2012 at
1:00 p.m. at the Senior Center. There was an open house at the fire station last Saturday and
there will be another on Saturday, May 12, 2012. Selectman Barrette urged the public to take the
tour and look closely at the building to see that it cannot be renovated. It is a Class IV building,
which requires that it meets certain building codes, which could not be met by renovating.

Mr. Capriole addressed the Board and expressed his opinion regarding the debt exclusion vote,
that if the debt exclusion vote fails, the fire station could be done under the levy limit which
would maintain a lower limit on the spending availability.

Joan Pavolis informed the Board that the information for last week's public meeting was printed incorrectly in the Metro West Daily News. The correct information was provided, but the Town has no control over what the newspapers print.

Legislative Update

Senator Eldridge provided a handout listing his budget priorities that will be going before the Senate in two weeks and reviewed the list. Also included were the House and Governor's budget cherry sheets. Senator Eldridge reviewed the copy of the press release regarding the State Senate's approval of "The Valor Act", which provides expanded benefits for veterans, active-duty military and their families. An amendment was also passed that allows towns to create a tax relief program for veterans, similar to the Senior Citizen Tax Relief program that is currently in place. Selectman Barrette will contact Senator Eldridge about instituting the program.

Public Hearing for Site Plan Approval for Northstar Youth Forum, 15 Bridle Lane, Westborough / Attorney J. David Simmons

Selectman Dodd's motion to open the public hearing for the site plan review for Northstar Youth Forum was seconded by Selectman Johnson. Vote: 4-0

Wayne Hubbell, project architect and member of Northstar Youth Forum's Board of Director, Attorney Simmons, land use attorney & planner, Carleton Boardman, project engineer and executives from Northstar appeared before the Board to present the site plan for an additional skating rink and to increase parking from the current 193 to 301 spaces. The site plan was reviewed, indicating the location of the rink and new parking lot. Zoning relief was obtained to decrease the open space to 18%. Town department issues have been addressed. The main entrances have been reconfigured so that they are safer and more modern. A bus standing lane has been added in response the Police Chief's request, but it has yet to be discussed with other Town departments.

Mr. Boardman reviewed the site drainage, where the stormwater will be collected according to Westborough standards. The water will be treated prior to discharge and the flow and discharge have been reduced to less than what it is currently. He also reviewed the subsurface recharge field and the stormwater system and a maintenance program is included in the stormwater management report. They are addressing the list of comments received from the Town Engineer's office on May 4, 2012. The Conservation Commission responded to the comments indicating that they did not have jurisdiction.

Mr. Hubbell reviewed the building layout. The third rink is smaller than two existing rinks and it will be used for other programs. The demand time was explained and there will not be additional traffic nor will the number of people coming onto site increase. The space constraints and parking demand dictated the smaller size rink, but the use will not be limited as it will be utilized by younger teams and public skating; the motivation for the project was to provide ice time. The expansion allows Northstar to take on new business and fulfill the demands of the current business. They are a non-profit organization and have been open since 1972. The current and new programs were reviewed.

Attorney Simmons informed the Board of their process in obtaining approvals from the various Town departments, boards and committees and that they are confident that their site plan meets the design and procedural requirements for approval.

Mr. Htway explained that while it is a good project for the Town, it seems to be somewhat rushed, there are a few items that need to be addressed before he would issue an approval recommendation and he requested a continuance.

Selectman Barrette's motion to continue the public hearing on June 12, 2012 at 6:15 p. was seconded by Selectman Johnson. Vote: 4-0

Westborough Housing Authority Vacancy Interviews & Appointment / Charles Naples and Robert Hoover

Housing Authority members, Priscilla Federici, Joan Pavolis, Julie Pappazisis and Charles Anastas, the candidates for the vacancy, Charles Naples and Robert Hoover appeared before the Board. Selectman Emery explained that a joint appointment is needed to fill the elected position until the next election in 2013. The Housing Authority met, interviewed the candidates, voted and was unable to choose a candidate. Ms. Anastas, Chair, reviewed their mission statement, explained that they take the appointment seriously, and appreciate that the candidates have come forward to serve.

The Selectmen agreed that they are two excellent candidates and thanked them for their interest in the position. Mr. Hoover and Mr. Naples, who previously served on the Housing Authority for ten years, reviewed their backgrounds and reasons for wishing to serve.

In response to Selectman Dodd's question both candidates agreed that they would be interested in running in the election next spring and if not chosen tonight would consider other committee vacancies in Town. The candidates responded to Selectman Johnson's question regarding the most critical issue facing the Housing Authority currently.

Ms. Pavolis' motion to appoint Charles Naples to the Westborough Housing Authority was seconded by Selectman Dodd. Vote: 5-4

Request to Approve a Common Victualer License for Gourmet Pizza Bar, 2 Connector Road, Suite 15 / Alberto Ramos

Mr. Ramos, who is acquiring the Gourmet Pizza Bar, appeared before the Board to request a Common Victualer License.

Selectman Barrette's motion to approve a Common Victualer License for Central American Investments d/b/a Gourmet Pizza Bar, 2 Connector Road, Suite 15 was seconded by Selectman Johnson. Discussion: There are no issues with any Town departments and the Board of Health issues their own permit. Mr. Ramos is taking ownership of the existing restaurant, there is no liquor license, however the previous owner allowed BYOB. Vote: 4-0

Request to Approve Transfer of Funds / Historical Commission

Christine Kurtz, Co-chair of the Commission, explained that there is an overage in Salary/Wages this year due to an employee that took time off unpaid. The Commission is charged with protecting cemeteries and Ms. Kurtz reviewed issues that need to be addressed, which are more extensive than what was planned for in the budget.

Selectman Johnson's motion to approve the transfer of \$1,075 from the Historical Commission Salaries/Wages Account to the Historical Commission Expenses Account was seconded by Selectman Dodd. Discussion: These funds will provide the full amount needed for the gravestone preservation project. The Advisory Finance Committee has approved the transfer. Vote: 4-0

Request to Approve Interim Note Closing for Phase 2 Waste Water Treatment Plan / Joanne Savignac

Mr. Malloy explained that the ongoing Waste Water Treatment Plant project is completed, an interim is needed for work that has been completed and the permanent borrowing will be finalized after July 1, 2012. Mr. Malloy will have an Article for fall Town Meeting to reduce the debt service budget to reflect that there will be no principal payment this year.

Selectman Johnson's motion to take the Vote as required to issue the interim bonds for the Phase II borrowing for the Waste Water Treatment Plant as per the attached vote in the amount of \$29,358,537 was seconded by Selectman Barrette. Discussion: The full wording of the vote is included in the Board's packet. Vote: 4-0

Request to Approve the UMass Memorial Emergency Medical Services Proposal / Town Manager

Mr. Malloy explained that the State adopted new regulations (560 CMR 5.00) that require 911 call centers to follow standardized emergency medical dispatch protocols which would require additional staff and the purchase of new equipment. UMass is a certified EMD Resource and a proposal was developed to have the calls continue to come into Police Dispatch and that UMass will handle the EMD requirement.

Selectman Barrette's motion to approve the proposal between the Town of Westborough and UMass Memorial Emergency Medical Services for Emergency Medical Dispatch as per the attached proposal and to authorize the Town Manager to execute an agreement with UMass was seconded by Selectman Dodd. Discussion: Chief Perron is comfortable with this process as it will provide better EMS services. It would be impossible for either department to comply with the new regulations with their current staff. UMass has an excellent program, the Town already works closely with them and residents will not notice any difference in services. A dispatcher will remain on the phone with the caller and will dispatch the Town's police and fire staff. The Board commended the Town Manager and Chiefs. The contract can be broken by either party if they are not happy with the service. A grant will be written by the Police Department for the funding for UMass. Vote: 4-0

Request to Approve the Contract with ICMA RC as a Second Option for Deferred Compensation / Town Manager

Mr. Malloy explained that the Town currently offers the “Smart Plan”, administered through the State’s treasurer’s office and in an effort to provide all Town employees with greater choices without adding any cost, Mr. Malloy, Ms. Williams, and Ms. Savignac interviewed a representative from the current plan and two others. ICMA RC plan, as opposed to the Nationwide plan, offers a lower cost to the employee and better options. Ms. Williams spoke with other towns and received positive comments on the ICMA RC plan.

Selectman Barrette’s motion to authorize the Treasurer/Collector to sign a contract with ICMA RC to provide a second option for deferred compensation for employees was seconded by Selectman Johnson. Discussion: The administrative cost is supported by the employees, there is no cost to the Town, and employees can change their plan during open enrollment. An ICMA representative will be available either by phone or personal appointments and will visit departments as well to assist employees. All union presidents will be informed and a letter will be attached to employees’ payroll stub. Vote: 4-0

Board of Selectmen Liaison Program Policy / Selectman Emery

The Board discussed the previously approved and adopted Committee Liaison Program dated January 6, 2008 whether any members had changes. Section II will be amended to reflect the Board members’ current liaison positions. At Selectman Johnson’s request, Mr. Malloy agreed to review the proposal, make changes and updates for the Board’s approval at the next meeting.

Discussion on State and Federal Mandates / Town Manager

Selectmen Drewry, Dodd and the Town Manager attended the Shrewsbury’s Selectmen’s meeting on April 28, 2012 where state and federal mandates were discussed. Each town in attendance was asked to identify, in priority order, the top five mandates that need to be addressed by the legislature. Selectman Drewry and Mr. Malloy offered to represent the Town in this process. The items on the list were reviewed and the Board discussed how to choose the top priorities. The School Department will be consulted for their input before the final five are decided. Mr. Malloy pointed out that storm water management is the biggest issue for the towns.

Selectman Dodd’s motion to send Town Manager, Jim Malloy and Selectman Denny Drewry to be the Town’s representatives was seconded by Selectman Johnson. Discussion: Mr. Malloy and Selectman Drewry will consult with the Town departments and develop the prioritized list. Vote: 4-0

Town Counsel Report – no report.

Town Manager Report – no report.

Issues and Correspondence of the Selectmen

Selectman Barrette received an anonymous letter and stated that he will not respond to an unsigned letter and the Board agreed as well. The Board is available to the public and is willing to meet or speak with residents and can be reached through the Town Hall or by email.

Selectman Johnson informed the Board that Elizabeth Papp contributed an article and picture highlighting the Town to the AAA newsletter. He thanked Mr. Malloy for his factual level headed responses on the Westborough Patch to residents' comments, some of which were negative and derogatory, and also for inviting residents to come in a talk to him or view the information on the Town website. Selectman Johnson asked for information on the history and role of the Board in the site plan review process, if it is a requirement, and what process other towns use. Mr. Malloy will research the process, add the information to his manager's report for the Board to review and it will be added as a future agenda item.

Selectman Dodd will attend the School Committee tomorrow night to discuss the liaison program and he will ask them to contact Mr. Malloy or Selectman Drewry with their mandate priorities. He distributed copies of an article regarding the Valor Act. The ultimate goal is to have it signed by Memorial Day. Selectman Dodd emailed the Veterans' Agent today regarding the implementation of the tax work off program for Veterans. In response to his request, Mr. Malloy will draft a letter to the State Representatives indicating that the Board supports the program. The Central Mass Regional Planning Committee performed an audit of downtown in 2009 and as a result a Bicycle and Pedestrian Advisory Committee was suggested. The idea of a rail trail has been considered as well and it was agreed that the concept is too large for the Open Space Committee to focus on. Bruce Tretter and Ellen Gugel are interested in starting the committee, already have a mission statement and would like to come before the Board. Selectman Emery has seen a more visible and cautionary way to mark crosswalks and will email the Board a picture and it can be discussed at the next meeting.

Executive Session

Selectman Johnson's motion to enter into Executive Session for the purpose of discussing collective bargaining, as an open session would have a detrimental effect on the Town's bargaining position; and for the purpose of discussing litigation strategy, as an open session would have a detrimental effect on the Town's litigating position was seconded by Selectman Dodd.

A roll call vote was taken: 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