

**Westborough Board of Selectmen
Meeting Minutes
September 11, 2012
6:00 p.m. – 8:27 p.m.**

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

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

The Board held a moment of silence remembering those who lost their lives or loved ones and friends in the 9/11 attack, especially close to home, the two women, Linda George and Robin Kaplan who worked at TJ Max.

Request to Approve the Board of Selectmen's Meeting Minutes

Selectman Barrette's motion to approve the minutes of June 12, 2012 was seconded by Selectman Johnson. Vote: 5-0

Selectman Barrette's motion to approve the minutes of June 26, 2012 was seconded by Selectman Johnson. Vote: 5-0

Selectman Barrette's motion to approve the minutes of July 17, 2012 was seconded by Selectman Johnson. Vote: 5-0

Open Forum

None

Request to Reappoint Joseph Farrell to the Waste Water Treatment Plant Board / Mike Stanton

Mr. Stanton appeared before the Board endorsing Mr. Farrell's reappointment. Mr. Farrell informed the Board that he has been a member of the WWTP for six years and involved with the plant for forty years.

Selectman Barrette's motion to reappoint Joseph Farrell to the Waste Water Treatment Plant Board for a three year term ending September 30, 2015 was seconded by Selectman Johnson. Vote: 5-0

Request to Appoint Vincent Aquilino as a Non-voting Associate to the Westborough Country Club Operating Committee / Dexter Blois

Mr. Blois introduced himself and Mr. Aquilino and informed the Board that Mr. Aquilino has been a resident for thirty-four years, worked previously for the government, is a member of the Country Club and would be an asset to the Committee. The Board thanked him for serving the country and the Town.

Selectman Barrette's motion to appoint Vincent Aquilino to the Westborough Country Club Operating Committee for a term ending June 30, 2013 was seconded by Selectman Johnson. Vote: 5-0

Discussion of Board of Selectmen Representative to Attend CMMPO Information & Member Selection Meeting / Town Manager

Selectman Emery explained that the Central MA Regional Planning Commission is requesting that a Board member attend a CMMPO Information and Member Selection meeting on September 20, 2012. It could be beneficial for the Town to have representation as this subcommittee provides recommendations on how Federal Highway Funds are allocated. Selectman Barrette volunteered to represent the Board and Selectman Drewry does attend the meetings as well as part of his job.

Selectman Johnson's nomination of Selectman Barrette as the Board's representative at the meeting was seconded by Selectman Dodd. Vote: 5-0

Request to Approve Summer Street Alteration / Town Manager

Mr. Malloy explained that the Town Engineer is requesting that the Board take a specific vote regarding the layout alteration on Summer Street which is on the Fall Town Meeting Warrant.

Selectman Johnson's motion that the Board of Selectmen vote their intention to alter a portion of the layout of Summer Street from its intersection with West Main Street approximately 142'± westerly and said alteration will include both widening the existing right-of-way and abandoning a portion of right-of-way and the vote will take place at the next scheduled meeting on the 25th of September 2012 at 6:45 p.m. was seconded by Selectman Drewry. Vote: 5-0

Public Hearing for a Site Plan Review / 20 & 26 Walkup Drive Parking Lot Improvements / John Pauly, Alexandria Real Estate Equities / Brandon Li, Kelly Engineering

Selectman Johnson's motion to open the public hearing for Site Plan Review for 20 & 26 Walkup Drive parking lot improvements was seconded by Selectman Barrette. Vote: 5-0

Mr. Pauly, the owner's representative, Mr. Li, an engineer, and Mr. Htway appeared before the Board. Mr. Pauly informed the Board that this building has been vacant for six years and the new tenant, a filtration company that services the biotech/pharmaceutical community, will occupy the entire building. The parking lot improvements will change the constraints but will not increase the size. There will be storm water management and landscape improvements as well. Mr. Li reviewed the site plan and explained the upgrades to the parking lot, which will provide the tenant with forty-eight additional spaces and the significant improvements to the stormwater management plan. The Building Commissioner is in full agreement with the comments from the departments and supports the project.

Selectman Drewry's motion to approve the site plan for Alexandria Real Estate Equities, Inc. for property located at 20-26 Walkup Drive as per the attached decision and subject to the conditions recommended by the departments as contained in the decision was seconded by Selectman Barrette. Vote: 5-0

Selectman Johnson's motion to close the public hearing was seconded by Selectman Dodd. Vote: 5-0

Issues and Correspondence of the Selectmen

Selectman Emery asked the Board if they would be interested in attending a meeting for the Worcester County Selectman's Association on Friday, September 14, 2012 and Selectmen

Drewry and Barrette agreed to attend. There will be a meeting as well for the Association of Town Finance Committees on Saturday, October 20, 2012 and Selectmen are invited. Selectman Emery informed the Board that she was at Veteran's Freedom Park and five people did not have their dogs on a leash. Additional signs have been posted indicating the Board's request that all dogs in the park be leashed. Selectman Emery reviewed the "Rules and Regulations" voted by the Board in the fall of 2009 regarding animals in the park and that they should be leashed or caged.

Public Hearing for a Site Plan Review / St. Mary's Credit Union / 96 Turnpike Road / Michael Scott, Waterman Design Assoc. / Jim Petkwich, St. Mary's Credit Union / Attorney David Gadbois

Selectman Johnson's motion to open the public meeting for St. Mary's Credit Union was seconded by Selectman Barrette. Vote: 5-0

Mr. Petkwich informed the Board that the 100th anniversary of St. Mary's Credit will be next year and they are looking forward to opening a branch in Westborough. They have been working with Town Departments since last December. Mr. Scott reviewed the site plan, traffic circulation, landscaping, ingress and egress. Selectman Johnson asked what opportunities there are for St. Mary's in Westborough as there are already several banks in Town and Mr. Petkwich reviewed the neighboring towns that already have branches and how the Westborough location will tie them together. He also pointed out that the branch's location will be out of the traffic on Lyman Street and the center of Town.

Selectman Barrette's motion to approve the site plan for St. Mary's Credit Union at 96 Turnpike Road as per the attached decision and subject to the conditions recommended by the departments as contained in the decision was seconded by Selectman Drewry. Discussion: The branch is schedule to open in July 2013. Vote: 5-0

Selectman Johnson's motion to close the public hearing was seconded by Selectman Dodd. Vote: 5-0

Lodging House Code Violations / 8 East Main Street / Paul McNulty, Board of Health

Mr. McNulty informed the Board that an inspection was conducted at the rooming house and several violations were found. The owner was ordered to correct the violations within thirty (30) days at which time another inspection was performed and the work was not completed. Mr. McNulty explained that a court order was issued on Friday, September 7, 2012 requiring that the violations be corrected by October 31, 2012 and his presence before the Board tonight was for informational purposes. Mr. Malloy reviewed the statute that requires the Board to take action and revoke the license if certain provisions of MGL Ch. 140 are violated and he suggested that the Board inform the owner that a public hearing will be held at the September 25, 2012 meeting.

Selectman Barrette's motion to set a hearing on September 25, 2012 to consider the revocation of the lodging house license held by Rasheed Warab for 8 East Main Street was seconded by Selectman Drewry. Discussion: The Board agreed to discuss/comment at the September 25th meeting when Mr. Warab will be present. The impact to the residents if the license is revoked or during any construction will also be addressed then. Vote: 5-0

Request to Approve Change of Manager / Ruby Tuesday / Timothy Dolan

Selectman Barrette's motion to approve the application from Ruby Tuesday naming Timothy Dolan as the Manager of Ruby Tuesday located at 34 Lyman Street was seconded by Selectman Johnson. Discussion: Mr. Dolan has been a manager previously and is TIF certified. Vote: 5-0

Request to Approve Veteran's Freedom Park Designation Change to Allow Passive Recreations / Earl Storey

Earl Storey, Bill Linnane, and Kathy Wilfert, Rotary Club President appeared before the Board. Mr. Storey explained that due to the deed restriction structures are not allowed on the site and they are proposing a pavilion that mirrors the one at Bowman Conservation area and outside exercise equipment being donated and installed by the Rotary Club. Everything must be handicap accessible so it will be located close to the parking lot. The deed restriction and open space designation was voted at a Town Meeting and it will be on the Fall Town Meeting Warrant to remove the restriction and change the designation to passive recreation. There has to be a Town Meeting vote for every structure that is built on municipal property. Ms. Wilfert informed the Board that the Rotary Club has been looking for a place for the equipment and that there is a need for a playground in Town off school grounds.

The Board thanked Ms. Wilfert for the equipment donation and Mr. Storey and Mr. Linnane for enhancing the property for public use. The plan will be posted on the Town website.

Request to Appoint Jamie Ellison to the Housing Partnership Committee / Steven Liedell

Selectman Johnson's motion to appoint Jamie Ellison to the Westborough Housing Partnership for a term ending June 30, 2013 was seconded by Selectman Barrette. Discussion: Mr. Liedell informed the Board that Mr. Ellison expressed interest in joining the Housing Partnership a couple of months ago and subsequently met with them where it was determined that he would be an asset to the committee. The Board thanked Mr. Ellison for volunteering and he reviewed his background for the Board. Vote: 5-0

Request to Approve Affordable Housing Refinancing / 11 Indian Pond Road / Steven Liedell

Mr. Liedell explained that the homeowner purchased the home through a lottery and would like to refinance and lower the interest rate. He meets all the guidelines and a vote by the Board is required.

Selectman Barrette's motion to approve the refinancing of the mortgage at 11 Indian Pond Road for Sangun Lee was seconded by Selectman Johnson. A letter confirming the Board's vote from the Town Manager will be sent to Mr. Liedell. Vote: 5-0

Special Town Meeting Warrant / Town Manager

The Board will review the Warrant Articles tonight and vote at the next meeting, which will allow time for further consideration and input. Mr. Malloy read each of the Warrant Articles. Articles which were discussed/changed:

Article 7 – The Board discussed whether the elevator in the Forbes Municipal Building should be replaced for \$56,000 or repaired for \$30,000 as it failed inspection last week. The Board agreed to replace the elevator, which will fix it permanently, as the FMB will be renovated in the near future.

Article 14 – Chief Gordon informed the Board that this is a public safety issue as there is an overpopulation of deer, they are being forced out of their habitat and there are over 60 deer struck by cars yearly. This Article will allow bow hunting during deer hunting season.

Article 16 – The word “written” will be added to “warning” for the first offense.

Article 18 – The Board discussed their authority to remove an Article from the Warrant, this Article is premature, restrictive and there are alternatives that could be investigated and brought forward at the Annual Town Meeting. The Planning Board is meeting to vote on this Article next week. Mr. Malloy will discuss the Article with the Town Planner and Selectman Emery asked Mr. Malloy to communicate to the Town Planner the Board’s lack of support at this time.

Request to Appoint Kelly Donley to the Conservation Commission / Derek Saari

Mr. Saari and Ms. Donley appeared before the Board and Mr. Saari reviewed Ms. Donley’s background and that she has a different set of strengths that will be an asset to the Commission.

Selectman Barrette’s motion to appoint Kelly Donley for a three year term to the Conservation Commission ending June 30, 2015 was seconded by Selectman Drewry. Discussion: The Board thanked Ms. Donley for volunteering to serve on the Commission and recognized her skills.

Vote: 5-0

Mr. Saari will hold an information work session on October 23, 2012 at 6:30 p.m. in the FMB on the timber harvesting that will be done in 2012 and 2013. The areas that will be addressed are in extreme decline and the areas that are being marked are in accordance with the dredging analysis. The Board will add this to the agenda in October.

Public Hearing for Site Plan Review / Spectrum Health, 154 Oak Street / Frank Hight, Spectrum Health / Norman Hill, Land Planning, Inc. / Tin Htway, Building Commissioner

Mr. Hill introduced himself and Mr. Hight and reviewed the plan, pointing out the location of the property and the vacant lot next to it that the some of the employees are using for parking. As the vacant lot has been sold Spectrum Health is requesting approval to expand the parking to accommodate all employees. They will also make drainage improvements on Oak Street and the sidewalk will be handicap accessible. There are outstanding issues from the Planning Board and Town Engineer that have to be addressed and Mr. Htway confirmed that the issues can be taken care of but they require additional time. Mr. Malloy recommended continuing the hearing as he was not comfortable with the Board approving a plan with some conditions that the applicant is not aware of at this time.

Selectman Barrette’s motion to continue the public hearing on the site plan review for 154 Oak Street until September 25, 2012 at 6:30 p.m. was seconded by Selectman Johnson. Vote: 5-0

Continuation of Special Town Meeting Warrant / Town Manager

Article 19 – The Board will review the update policy, make comments/changes and send them to Mr. Malloy and will then approve the policy at the next meeting.

Article 24 – Mr. Malloy explained that this Article was a result of a citizen petition and is not in the proper format, but is required to be included in the Warrant as worded. No action should be taken on this Article and according to the Town Moderator the intent should be honored and an Article with the proper wording, Article 25, will be voted.

Board of Selectmen Goals / Selectman Emery

Selectman Emery asked the Board to review the goals in the grid format and decide on those they want to take responsibility for and assume a more active role in budget process.

Mr. Malloy asked the Board for direction as he prepares the Town Departments' budget memo whether they agree that the budgets should be targeted to stay within 2½% of the previous year's levy limit, excluding new growth. The Board then discussed the message that will be sent to the departments and the suggestion that the number be lowered to 2%, which would include the School Committee budget as well, as all departments should work together as team to achieve this goal. Level funding salaries/wages and expenses was also discussed and the Board agreed that department budgets should target the 2% and level fund expenses. The Board requested a list from the departments what services are mandated and those that are not mandated and that Mr. Malloy provide the overall Town's mandates. Mr. Malloy was also asked to provide an example of how the change may affect the capital expenditure plan.

Town Counsel Report

None

Town Manager Report

Mr. Malloy reminded residents about the Public Meeting tomorrow night, September 12, 2012 at 7:00 p.m. in Room #23 in the Forbes Municipal Building.

Issues and Correspondence of the Selectmen

Selectman Dodd thanked the Town Departments and Department Heads for their efforts to be fiscally responsible. The Bicycle and Pedestrian Committee will hold their first meeting on Tuesday, September 18, 2012 at 7:00 p.m. in Room 24 in the Forbes Municipal Building.

Executive Session

Selectman Johnson moved that the Board 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.

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