

**Westborough Board of Selectmen
Meeting Minutes
October 9, 2012
6:00 p.m. – 7:12 p.m.**

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

Also Present: Kristi Williams, Assistant Town Manager/HR Director; Gregory Franks, Town Counsel

Request to Approve the Board of Selectmen's Meeting Minutes

Selectman Barrette's motion to approve the minutes of September 25, 2012 with corrections (P.1, "Habitat for Humanity", line 8 – change "and" to "but"; P. 3, last line – insert "work" after "will") was seconded by Selectman Drewry. Vote: 4-0-1 (Johnson)

Open Forum None

Timber Harvesting Update / Derek Saari

Derek Saari appeared before the Board and informed them that he has completed his field work and submitted the plans to the State. The Division of Fisheries and Wildlife will walk the sites tomorrow and provide input from a forestry aspect on the benefits of timber harvesting for wildlife management. Mr. Saari explained that there was an issue that surfaced with the Sandra Pond parcel that is zoned conservation and is managed by the Conservation Commission. A bylaw was passed, which Mr. Saari utilizes, that states that the DPW Manager has preservation authority and the Police Chief enforces the bylaw. Mr. Saari keeps Mr. Walden informed and he signs any documentation that is related to projects in this area in keeping with the bylaw requirements. Mr. Saari consulted Town Counsel and determined that the conservation parcels adjacent to the Town water supply should be under the jurisdiction of the DPW Manager. As the bylaw does not apply to all the conservation parcels, Mr. Saari has to ensure that he is complying with the State requirements as well as what the bylaw requires. The Conservation Commission will be discussing this issue tonight. Selectman Emery asked Mr. Saari to inform the Board if there is confusion regarding approvals and jurisdiction.

Request to Appoint a Non-voting Associate to the Recreation Commission / Frank DeSiata

Beth Travis, Recreation Commission Chair, informed the Board that they have been looking for an Associate Member and Peter Casparriello sent a letter of interest to the Board. The Commission met with him on September 25, 2012 and voted unanimously to recommend his appointment. Mr. Casparriello was unable to attend due to a personal commitment.

Selectman Barrette's motion to appoint Peter Casparriello as a Non-voting Associate to the Recreation Commission was seconded by Selectman Drewry. Discussion: Mr. Casparriello has been involved with many of the Town recreation programs and is interested in devoting time to program administration as his children are starting to leave the programs and he will be transitioning out of coaching. Vote: 5-0

Request to Accept a Gift of 22 Laptops from Conservation Services Group, 50 Washington Street / Mark Stockman

Mark Stockman, MIS/GIS Director, informed the Board that Conservation Services Group is donating twenty two laptops that are five years old. The Dell Latitude laptops are business class, some will replace the older laptops and some will be used for new purposes. The DPW will use Panasonic Toughbook laptops that can be converted to a tablet and used in the field.

Selectman Barrette's motion to accept the gift of 14 Dell Latitude D520 laptops and 8 Panasonic Toughbook 19 convertible tablets and further to request that the Town Manager send a letter to Conservation Services Group on behalf of the Board thanking them for their generous donation was seconded by Selectman Drewry. Discussion: Mr. Stockman had spoken with their IT person and was told they were looking to dispose of some equipment. They are also involved with the Economic Development Committee. Vote: 5-0

Discussion of Property at 1 Upton Road / Selectman Emery

The Board discussed issuing a Request for Proposals for the parcels that Habitat for Humanity asked to be donated to their organization. Included in the discussion were suggestions that a Town official identify all Town parcels that are available or surplus, what their value is so that the Board can make a macro decision; check for deed restrictions and understand them; and assign a Selectman to work with a Town official on a list and add Town buildings as well, for example the Spurr House. The Board agreed to review an inventory and discuss at a later date.

Continuation of Public Hearing for Site Plan Review at Spectrum Health, 154 Oak Street / Frank Hight, Spectrum Health / Norman Hill, Land Planning, Inc.

Selectman Johnson's motion to open the continuation of the public hearing for site plan review at Spectrum Health, 154 Oak Street was seconded by Selectman Barrette. Vote: 5-0

Mr. Hill and Mr. Hight came before the Board. Mr. Hill reviewed the plan which is to add twenty-one parking spaces to the facility by expanding the existing parking lot. The plan is in compliance and Mr. Hill stated that they are not looking for any waivers, site plan approval only. Mr. Hight is in full agreement, they are in full compliance and there are some items that can be addressed during the building permit issuance. He recommended that the Board approve the site plan in his letter dated October 4, 2012.

Selectman Barrette's motion to approve the site plan for Spectrum Health Systems at 154 Oak Street as per the attached decision and subject to the conditions recommended by the departments as contained in the decision A through E was seconded by Selectman Drewry. Vote: 5-0

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

Special Town Meeting Article 29 / Explorer Post Lease Renewal / Town Counsel

Attorney Franks explained that the Selectman can lease a public building, but not land. As the Explorer Post owns the building, they lease the land only which means that the lease will require Town Meeting approval. The Board's action tonight would be to support the Article.

Selectman Barrette's motion to support Article 29 on the October 15, 2012 Town Meeting Warrant was seconded by Selectman Johnson. Discussion: Selectman Barrette informed the Board that the Municipal Building Committee voted unanimously to renew the lease for three years, with two one-year extensions. Vote: 5-0

Veteran's Tax Work-off Program Policy Approval / Selectman Dodd

Selectman Emery explained that the Board can vote to support the policy but will vote to adopt it at the next meeting after the Special Town Meeting vote. Selectman Dodd reviewed the changes, one being the addition of the language discussed at the last meeting regarding giving preference to applicants who have lived in Town five years or more. The Board briefly discussed the five year residency requirement and that it is a preference and not a minimum. Selectman Barrette explained that when the senior program began, positions were filled quickly and some people had moved to Town to take advantage of the program. The language for the senior program will be changed to reflect the five year preference as well.

Selectman Dodd's motion that the Board support the Veteran Tax Work-Off Program Policy as written and that the policy may go into effect if and when Section 8A of Chapter 108 of the Acts of 2012 is accepted by a majority vote of Town Meeting was seconded by Selectman Barrette. Discussion: The ability of the Board to modify the policy at any time was discussed as well as the State's definition of the word "veteran" as Selectman Drewry had some concerns regarding the language and the questions that may be asked at Town Meeting. The definition is not included in the Article. Selectman Dodd agreed to speak with the State Department of Veterans' Services regarding the definition and to see if there is any language that interprets this law in a specific way that can be used by Towns, which he will communicate to the Board. Vote: 5-0

Affordable Housing Application / Hawthorne Development / 129 East Main Street / Assistant Town Manager

Ms. Williams explained that the development at 129 East Main Street could qualify for affordable housing and Mr. Htway, Mr. Robbins and Mr. Liedell worked with the developer to create the application. This will allow the units to be counted toward the Town's 10% goal for affordable housing, which is currently at 9.3%. The approval of the application will increase it to 10.8%.

Selectman Dodd's motion that the Board approves the Local Initiative Program Application and authorizes the Chair to execute and submit the application form to the Department of Housing and Community Development was seconded by Selectman Johnson. Discussion: Mr. Robbins provided background on the process for the application. In response to the question about the possibility of rents being raised and the impact on the affordability rentals, Mr. Robbins explained that the units do not have full kitchens and they do not appraise at the same level as market rate apartments. The units are certified by the Department of Housing and Community Development based on the values that were sent to them. The Board discussed adding "in perpetuity" to the language as in the past there have been units that went out of affordable housing status, and waiting until the next meeting to vote until the question of "in perpetuity" is cleared up. Mr. Robbins explained that the local bylaw does not require "in perpetuity" and the application would not change. Vote: 4-0-1 (Emery)

Route 9 Pump Station Acceptance Agreement / Town Counsel

Attorney Franks explained that the pump station is located on Route 9 near Target and was built in connection with the development on Boston Hill. The pump station is tied into the public sewer system and should be owned by the Town, but is owned by a private company that owns the Boston Hill development and no one can tie into it without their permission. The new Transient Oriented Village development could use this pump station and an agreement has been made between all parties that the Town will receive title to the pump station at no cost and further connections will be allowed. A moratorium has been placed on any connections to this pump station by the DEP until the Town owns it. All regulations and fees will apply to new connections.

Selectman Barrette's motion that the Board approve the attached agreement between NuTime LLC (Massad), 346 Turnpike LLC (Zarette) and the Town of Westborough to transfer ownership of the pump station and easement rights at 336 Turnpike Road to the Town of Westborough and further to authorize the Chair of the Board of Selectmen to execute the agreement was seconded by Selectman Drewry. Discussion: The Town has been maintaining the pump station as the owner has not been doing it. Vote: 5-0

Town Counsel Report

Attorney Franks explained that Dunkin' Donuts sent a plan that is different than previous plans the Board has seen. The difference is there are four lanes on Colonial Drive, a condition requested by the Town, which makes the turning radius more difficult and could result in bottlenecks. The proposal is to move the sidewalk that is located across Colonial Drive along the plaza parking lot to the Dunkin' Donuts side and add a crosswalk. Attorney Franks asked the Board for direction as the sidewalk will not be moved without the Board's permission. The new plan was submitted to the Town on September 26, 2012 and Carl Balduf provided his input to Mr. Malloy on October 2, 2012, which was that he does not support the plan mostly due to the sidewalk relocation. Chief Gordon does not support this plan due to the pedestrian traffic from the nursing home that uses the sidewalk and will now have to cross the street. The Board agreed that more input was needed from Town Departments.

Selectman Barrette's motion to delay this decision to a future meeting was seconded by Selectman Drewry. Discussion: Attorney Franks encouraged the Board to look at the site before making a decision. The Board agreed to walk the site with Mr. Balduf and Mr. Htway on Tuesday, October 16, 2012 at 5:00 p.m.

Town Manager Report None

Issues and Correspondence of the Selectmen

Selectman Drewry asked to keep the men and women overseas in everyone's thought and prayers. Selectman Barrette reminded the public that Fall Town Meeting will be held on Monday, October 15, 2012 at 7:00 in the High School auditorium. Selectman Johnson stated that the Good Scout Award Dinner will take place on November 7, 2012 in honor of Ryan Maloney, owner of Julio's Liquors. The proceeds support Knox Trail Council and the Board will provide a citation to present that evening. On November 5, 2012 the Westborough Education Foundation will hold a Trivia Bee and there may be the opportunity for a Selectmen team of three.

Selectman Dodd echoed Selectman Barrett's comments regarding Town Meeting. Selectman Emery informed the Board that they will be responsible for more of the Articles than usual and that each Selectman should let her know which Articles they prefer to present. She attended The Arts in the Common and it was very successful.

Adjourn Open Session

Selectman Drewry's motion to adjourn at 7:12 p.m. was seconded by Selectman Johnson.
Vote 5-0

Executive Session

Submitted by Paula M. Covino

Chairman Emery

Vice Chairman Johnson

Selectman Dodd

Selectman Barrette

Selectman Drewry