

**Westborough Board of Selectmen
Meeting Minutes
November 13, 2012
6:00 p.m. – 7:00 p.m.**

Present: Chairman Emery, Selectmen Dodd (arrived at 6:25 p.m.), Barrette and Drewry

Also Present: Jim Malloy, Town Manager; 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 October 23, 2012 was seconded by Selectman Drewry. Vote: 3-0

Open Forum

Lynn Watts, Cliff Watts, and Jacqueline Eagen came before the Board and presented a petition from the residents in their neighborhood regarding the recent non-performance of National Grid during Hurricane Sandy. The reviewed the issues they had with the outages and National Grid's lack of response. Mr. Malloy has a meeting planned with the President of National Grid and will include the petition and concerns presented tonight. He will also be discussing the issues the Town has with their reporting service, placement of crews and tree trimming schedule. The Board thanked Mr. and Mrs. Watts and Ms. Eagan assured them the information will be used constructively.

Chief Perron came before the Board to report that some progress has been made at 57 East Main Street, but they are not ready for an inspection as of yet and it is not the Town that is holding it up. Chief Perron requested time on a future agenda for a discussion of the Fire Department's inspection program and the importance of complying with the Massachusetts State Fire Code. Selectman Emery will review the upcoming agendas with the Town Manager and will respond to the Chief. Selectman Emery thanked the entire Fire Department and command center for their efforts during Hurricane Sandy.

Request to Approve Westborough Rotary Club Triathlon Date / Gerry Gross

Gerry Gross and Jim O'Connor, co-chairs of the event and Mark Walters, the event promoter appeared before the Board to secure a date for the Rotary Club's fourth annual triathlon. Both Chief Gordon and Chief Perron have agreed to the date. Mr. Walters explained the reasons why that need to get approval for the date this early. It will be held on the third weekend in August 17 and 18, 2013. There were 378 registered participants last year and over 117 volunteers represented by many local groups and resident.

Selectman Barrette's motion to approve the date for the Rotary Club Triathlon was seconded by Selectman Drewry. Discussion: Mr. Walters asked if the Board could provide overall approval for the event, as well as the date, tonight. Both Chiefs were comfortable with the Board doing so as the event route will be the same as last year and previous events were successful. The Board asked them to come back with more information about the event and to promote the event.

Vote: 3-0

Mr. Gross provided information on the Festival of Lights which will be held on Sunday, November 25, 2012 at 5:00 p.m. There will be the tree lighting and an appearance by Santa Claus. The Rotary will be selling buttons for \$1 to help defray the electricity costs.

Request to Approve Agreement with CSX/Transflo for the Terminal Report System / Town Manager

Mr. Malloy explained that the agreement provides the Fire Department with access to the webcams that have been installed at the facility. The cameras provide the Fire Dept. with the ability to obtain visual confirmation of any issues that may occur on the site through a secure website and Chief Perron agreed that this will be an effective program.

Selectman Barrette's motion that the Board vote to authorize the Town to enter into an agreement with Transflo to allow access to the security cameras via a remote website and to authorize the Town Manager to execute the agreement was seconded by Selectman Drewry. Discussion: In response to Selectman Barrette's question, Attorney Franks assured the Board that the item of concern mentioned in the second paragraph of his September 24, 2012 memo has been changed. Vote: 3-0

Public Hearing for Site Plan Approval at 9 Old Flanders Road / Gary Garner / Larry Gomes

Selectman Barrette's motion to open the public hearing for Midnight Wind Realty Trust at 9 Old Flanders Road was seconded by Selectman Drewry. Vote: 3-0

Gary Garner, applicant, Larry Gomes, property owner and Tin Htway, Building Commissioner appeared before the Board. Mr. Gomes explained the process that he has been through with the Town Departments. Mr. Garner informed the Board that it is a brand new portable mill with a very low decibel levels. The hours of operation will be 8:00 a.m. to 5:00 p.m. six days per week.

Selectman Drewry's motion to approve the site plan for Midnight Wind Realty Trust at 9 Old Flanders Road as per the attached decision and subject to the conditions recommended by the departments as contained in the decision was seconded by Selectman Barrette. Discussion: Mr. Htway reviewed the comments from Town Departments. Mr. Htway is in agreement with all the departments' recommendations. Vote: 4-0

Selectman Barrette's motion to close the public hearing was seconded by Selectman Dodd. Vote: 4-0

Fall Town Meeting Discussion / Town Moderator

Mr. Harrington came before the Board and reviewed the changes that were made from the last Town Meeting, which included financial presentations by the Town Manager and Advisory Finance Committee. The Board's comments were that the two-speech rule had positive results as residents, when they spoke, seemed to be more concise; overall the system works; at future meetings encourage people, who are able, to use the two standing microphones, which would

enable Mr. Harrington to see how many people want to speak pro and con. Mr. Harrington received a suggestion to not offer microphone service in the balcony, which he will take under consideration. As residents may be hearing about some of the Articles for the first time it was suggested to investigate how other towns disseminate information ahead of the meeting. Mr. Harrington take this into consideration will encourage people to use handouts or other forms of publicity. Selectman Emery pointed out that the local newspapers do a good job of researching and providing information. She thanked Mrs. Yendriga and her staff for their wonderful efforts on Election Day and that there was an 80% turnout.

Zaara Gardens Comprehensive Permit Application / Farooq Ansari

Mr. Ansari and Mr. Htway came before the Board.

Selectman Barrette's motion to approve an amendment to the Selectmen's original 8/18/09 approval on the LIP Application and to indicate to the ZBA that the first, fourth and sixth bullets in that approval in the 9/15/09 letter to Tina Brooks, Undersecretary of DHCD from Leigh Emery have either been addressed or are no longer applicable and that all other bullets continue to be a concern to the Board of Selectmen to be addressed by the ZBA and further that all outstanding issues identified in the 1/6/11 memo from Carl Balduf to Rod Jané and the 1/6/11 memo from Robert Duff to Carl Balduf be addressed by the applicant to the Town Engineer's satisfaction was seconded by Selectman Drewry. Discussion: Mr. Htway's concern is that their permit is about to expire, there is unusual language and he will bring this to the attention of the ZBA as Mr. Htway wants to insure that Mr. Ansari is protected. Mr. Balduf informed the Board that he recently provided correspondence and if the Board's vote reflects what was in his memo he would be in agreement. Mr. Malloy explained that the vote approve the storm water management to Mr. Balduf's satisfaction. Vote: 4-0. The Board will send a letter to the State.

Request to Approve Solar Energy Initiative / Harvey's Farm / Town Manager

Mr. Malloy explained to the Board that he has received proposals from solar farms all over the State and was not completely comfortable purchasing net metering credits from them. Because this proposal is from a local business he is in favor of going forward with the proposal. Mr. Malloy explained that the Town would be credited for the excess electricity generated by Harvey's, then sell it back and keep 20%, which would be worth \$100,000 to the Town per year. Mr. Malloy is meeting with the installation company on November 15, 2012 and will have more information in the next couple of meetings.

Stormwater Grant Approval / Carl Balduf

Selectman Dodd informed the Board that he is managing this program as part of his full-time job with the State and is unable to participate in this discussion and when it is reviewed by the State. He contacted the Ethics Commission and has filed a letter with his supervisor and the Town Clerk.

Mr. Balduf explained that the Central Massachusetts Regional Stormwater Coalition (CMRSC) had received a grant from the Community Innovation Challenge (CIC) to develop and implement ten stormwater tasks in three categories, data management, policies and procedures, and education and training, in order to meet the Phase II stormwater requirements in thirteen

communities. Mr. Balduf and Ms. Papadopoulos attended the November 8, 2012 informational session and agreed that it would be a beneficial for the Town to participate. There is no cost to participate and only requires a small amount of staff time.

Selectman Drewry's motion to authorize the Town Manager to submit the paperwork and sign the grant application was seconded by Selectman Barrette. Discussion: Mr. Balduf explained how he became aware of the grant. Vote: 3-0

Town Counsel Report - No report.

Town Manager Report

Mr. Malloy explained, for the Board's information that in order for the Town to qualify for 0% instead of 2% on the loan for the SRF the Town must have a growth control regulation in place for the sewer system. The DEP recently accepted Shrewsbury's changes to their regulations which had a more simplified format and it was used to develop Westborough's changes. The amendment includes that the Town will not exceed its flow capacity and sewers will only be extended to the areas in the Comprehensive Water Management Plan identified as areas of need. This qualifies the Town for the 0% loan and the savings will be \$10 million.

Issues and Correspondence of the Selectmen

Selectman Dodd attended opening of the Transflo Terminal and it was well attended by local businesses and Town Departments. The Saturday after Thanksgiving has become "Small Business Saturday" and asked for support of small businesses in Town. The Mass. DOT is holding an open meeting in the Framingham Town Hall, Wednesday, November 14, 2012 at 6:00 p.m. to gain input from the public on various projects. Selectman Dodd thanked the Town Clerk and her staff s for a well managed Election Day. He suggested that the Board invite the Representatives and Senator to a meeting to thank them for their service and welcome those newly elected. The Board agreed to hold one meeting in December on Tuesday, December 11, 2012 and will invite them to attend that meeting at 5:30 p.m. for refreshments. Selectman Barrette reported that Veterans' Day was very well attended, respectful, and admirably done. Selectman Drewry thanked George Perry for his efforts organizing the Veterans' Day events and asked to remember the service personnel overseas. Selectman Emery thanked Tim Novak for producing the meeting.

Executive Session

Selectman Barrette's motion to enter into Executive Session at 7:00 p.m. for the following purposes:

- To discuss collective bargaining, as an Open Session would have a detrimental effect on the Town's bargaining position; and
- To discuss litigation strategy, as an Open Session would have a detrimental effect on the Town's litigation position.

A Roll Call vote was taken: Selectman Barrette – yes; Selectman Drewry – yes; Selectman Emery – yes; Selectman Dodd – yes.

Submitted by Paula M. Covino

Chairman Emery

Vice Chairman Johnson

Selectman Dodd

Selectman Barrette

Selectman Drewry