

**Westborough Board of Selectmen  
Meeting Minutes  
January 8, 2013**

**6:00 p.m. – 8:05 p.m.**

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

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

On behalf of the Town Clerk, Selectman Emery announced that the election will be on March 5, 2013 and encourage residents to vote. January 11, 2013 is the last day to take out nomination papers to run for an office in the March election and they can be obtained in the Town Clerk's office, which will be open from 7:30 a.m. to 5:00 p.m. that day. Fifty signatures are required to be placed on the ballot and the completed nomination papers are due on Tuesday, January 15, 2013 by 5:00 p.m. The open positions are: Selectmen – 2 terms; Planning Board – 1 five year term; School Committee 2 three year terms; Trustees of Public Library – 3 three year terms; Housing Authority – 1 three year term and 1 five year term. Questions should be directed to the Town Clerk's office.

Selectman Emery stated that Westborough TV is looking for volunteers to train to run the cameras and produce meetings for public access. There will be more information at the next Selectmen meeting as well as on their website and cable TV station.

**Request to Approve the Board of Selectmen's Meeting Minutes**

Selectman Barrette's motion to approve the minutes of December 11, 2012 was seconded by Selectman Drewry. Vote: 5-0

**Open Forum** None

**Request to Expand the Youth Commission Appointed Membership from Five to Nine Members / Michelle Grasso, Chair**

Ms. Grasso and the youth members of the Commission came before the Board. Ms. Grasso explained that the proposal is to expand the Commission from five adults with three year overlapping terms by adding four youth members, two juniors and two seniors with two year overlapping terms through an Article at Town Meeting. There have been four youth members participating for the past six years. Selectman Barrette expressed concern regarding the logistics and mechanics of the process and wording the Article correctly. Ms. Grasso explained what the process has been and that the first year two juniors would be appointed for two years and two seniors for one year. Ms. Grasso provided the Board with a draft Article.

Selectman Barrette's motion that the Board asks the Town Manager to work with the Youth Commission and Youth and Family Services to create a Warrant Article to expand the membership of the Youth Commission to nine appointed members from the current five was seconded by Selectman Johnson. Discussion: The Board thanked the Commission and the youth volunteers for their involvement, influence and contributions and that their participation may encourage more youth to volunteer. Concerns were also expressed regarding the process of the youth members voting on the Director's appointment by the Commission and the budget. Mr.

Malloy explained that the Director is appointed by the Commission with the confirmation of the Town Manager and Selectman Emery pointed out that the Board has the final vote on the budget. Mr. Badenhause informed the Board that several discussions have taken place regarding these appointments, he has reviewed the Town Charter and Bylaws and there are no limitations for an appointed board, only for elected positions. Ms. Tully, Commission member, explained that she understands the Board's concerns, that this is a mutual education process and the Commission requires feedback from the youth in the community in order to do their job and that is the positive part to the budgeting process. Ms. Grasso explained that they did consider the non-voting associate member option but wanted to pursue the full membership. The Board is voting to create an Article. Vote: 5-0

**Request to Appoint a Member to the Local Emergency Planning Committee / Capt. Robert Rand / John Beleda, CSX Transflo**

Capt. Rand and Mr. Beleda came before the Board. Capt. Rand introduced Mr. Beleda, of Savage Services as the manager of the Transflo facility in Westborough. He and his team came from the original operation in Allston, he has the experience required and this was a natural transition for his company. Mr. Beleda provided information on his background. The Local Emergency Planning Committee voted to recommend that the Board appoint Mr. Beleda.

Selectman Barrette's motion to appoint John Beleda to the Local Emergency Planning Committee for an indefinite term was seconded by Selectman Drewry. Vote: 5-0

**Request to Appoint a Non-voting Associate to the Cultural Council / Cliff Watts / Eveline Chan Mihaich**

Mr. Watts and Ms. Mihaich came before the Board. Mr. Watts invited the Board to a reception on February 6, 2013 at 7:00 p.m. in the Forbes Municipal Building honoring the recipients of the 2013 Westborough Cultural Council Grants. Ms. Mihaich has been contributing time to the Council sitting in on the grant deliberations and Arts in the Common.

Selectman Drewry's motion to appoint Eveline Chan Mihaich to the Cultural Council for a three year term ending June 30, 2015 was seconded by Selectman Johnson. Discussion: Ms. Mihaich informed the Board that this is her first formal volunteer position, she would like to give back to the community, and as the Cultural Council is a valuable asset to the Town she wants to ensure that it continues. Vote: 5-0

**Request to Extend the 12/31/2012 Site Plan Review Deadline for R&D Reality / 25 Brigham Street / Richard Pedone**

Mr. Pedone, Attorney Manoogian and Mr. Htway, Building Commissioner appeared before the Board. Attorney Manoogian had submitted a letter, dated December 4, 2012, to the Board requesting an extension of the December 31, 2012 deadline to March 1, 2013 in order to complete the 13 conditions in the agreement. He assured the Board that Mr. Pedone has made substantial progress and will be able to complete the final items by March 1, 2013. Mr. Htway has no issue with an extension and is comfortable with six months.

Selectman motion that the Board approves the extension of the site plan approval through June 30, 2013 for R & D Realty LLP at 25 Brigham Street subject to the conditions outlined in the 12/18/12 memorandum from Tin Htway, Building Commissioner was seconded by Selectman Drewry. Vote: 5-0

Selectman Emery congratulated Mr. Htway on becoming a Certified Building Commissioner by passing the required rigorous exams.

**Request to Approve the Contract for Commonwealth Connect/See Click Fix Program / Town Manager**

Mr. Malloy explained that the Town will be one of 35 cities/towns to participate in the Commonwealth Connect program which provides municipalities with a smart phone application developed by the company, See Click Fix. The program is funded through a State grant and the application allows residents to submit an issue to the Town immediately, they will receive an auto-reply message that the report has been received and read, a work order will be generated, and the resident will receive a message when the issue is corrected. The Town will have access to the application for three years at no cost and if it is successful will have the option to renew it for \$4,000 - \$5,000 per year.

Selectman Drewry's motion that the Board authorizes the Town Manager to execute any and all contracts related to the Commonwealth Connect/See Click Fix Program was seconded by Selectman Barrette. Discussion: Attorney Franks has no issues with the contract. Vote: 5-0

**Harvey's Solar Farm / Chapter 61A / Town Manager**

Mr. Malloy explained that the letter in the Board's packet is a notice of intent to change the use of the Chapter 61A portion of the property to a solar farm. The property has to be taken out of Chapter 61A and the Town has the right of first refusal to acquire the property. Mr. Malloy presented this tonight for informational purposes and the Open Space Preservation Committee is reviewing the packet and will advise the Board by the January 22, 2013 meeting at which time the Board will vote. He also informed the Board that he is unaware of any intention to purchase the property and the Town does not have any access to the Chapter 61A parcel. There was brief discussion of the existence of the Chapter 61A Committee which was eventually absorbed by the Open Space Preservation Committee.

**FY 2014 Budget and Capital Plan / Town Manager**

Selectman Emery will take questions after Mr. Malloy finishes his presentation.

Mr. Malloy reviewed the budget process and timeline. The process was started in the summer as there were changes to some of the pages and new information was requested, which included successes from previous years, goals, and activity indicators for each department. The new format was presented to the department heads in September. He reviewed the Capital Expenditure Planning Committee's role and explained the road management plan and how the conditions were rated and prioritized.

Mr. Malloy reviewed the budget power point presentation (incorporated by reference).

Ms. Levine-Kanji, School Committee Chair, thanked Mr. Malloy and the Selectmen and affirmed that the Town is well run and has quality services and employees. She stated that this is the first year that detail has been provided regarding the school budget versus municipal services detail and pointed out that Westborough is not unique in the way resources are allocated. At a recent meeting she shared a link to a website that shows how towns allocate their funds and Westborough is 163 out of the 336 towns that report.

Mr. Behn, Advisory Finance Committee (AFC) Chair, echoed Ms. Levine-Kanji's comments, thanking the Board and Mr. Malloy. He had done research, developed his own analysis and provided further information on the Town's excess levy capacity, the impact of commercial, industrial, and personal property growth on the levy limit and how depreciation affects personal property growth and its valuation for taxing purposes. Mr. Behn also pointed out that that Town has never had to do a permanent override and that every town with a higher average family tax bill has had to one or more.

Selectman Drewry thanked Mr. Malloy the level of detail provided in the budget as he has been looking for this type of breakdown for some time. He stated that the Town should use caution when using the State numbers, and that looking at per pupil cost and comparing the year to year resident tax bill provides a better picture. Selectman Drewry also expressed concern that the tax bill will increase more than what is predicted.

In response to Selectman Barrette's question regarding unfunded pensions, Mr. Malloy pointed out that he is very supportive of the public retirement system. He explained that Massachusetts municipalities do not pay into the Social Security system; they have a defined benefit plan that is less costly to the taxpayers, provides better benefits, and is a secure system. Regarding the OPEB liability on health insurance, the Town is not required to fund it currently, only to identify what the liability is, which has been done.

Selectman Dodd thanked all the Town departments, boards and committees for the hours spent on the budget process. He also thanked Mr. Malloy for providing the five-year forecast, creating a performance management system with the department heads and maintaining transparency in the budget process. Selectman Dodd asked that there be a "one-click button" on the Town website for easier access to budget information. Mr. Malloy posted the budget and presentation on the website today with a link on the home page.

Selectman Johnson encouraged residents to look at the AFC's information on their website. Regarding the \$184/year increase in taxes for the next four years, he asked that the Selectmen's goal be to look at the numbers, get to a point where tax increases can be contained /restrained as he is concerned about residents that are suffering, especially seniors and new families.

Selectman Emery agreed with Board members and would like to consider, in depth, the personal property tax and excess levy capacity as they are complex issues. She also pointed out that no increase in taxes would mean a tremendous cut in services. Selectman Emery thanked those who participated in negotiating the union contracts, which settled positively. She also pointed out that it is not only difficult living in Westborough, but in Massachusetts and the United States as well.

Mr. Capriole came before the Board and pointed out that Mr. Malloy's calculation that the school budget is 77.4% of the Town's total budget differs from the School Committee's calculation of 55% and his opinion is that Mr. Malloy's figures are more correct. In answer to his question regarding the difference in the 5-year forecast tax rate and the FY14 estimated Mr. Malloy explained that his 5-year forecast in prepared in November before he receives the school budget information. Mr. Capriole also questioned whether the Board would be granting the School Committee a waiver for the 3.1% budget increase, which is more than the 2% goal and Selectman Emery explained that the budget is the work of the entire Board and they will deliberate on the entire budget between now and Town Meeting. The School Committee can present any budget they wish and the Board can make suggestions.

Mr. Faris came before the Board and questioned the rate of inflation (22%) over the past ten years versus Westborough's tax rate increase (60%) and Mr. Malloy explained that this was attributed to the High School and Mill Pond project and related operational expenses. Taxes will decrease when the debt is paid off in 2023. He commended the Board for the 2% goal and the quality services that the Town provides, but is concerned that residents are no longer able to afford the taxes anymore.

As he did not include the increases/decreases to the Water (-4.8%), Sewer (+0.5%), Treatment Plant Board (-4.5%) and Country Club (-7.0%) budgets in his presentation Mr. Malloy explained that while there is no impact to residents' tax rate users of Town water and sewer will see a reflection of decreases in water/sewer bills next year when the rates come down. The Country Club does not impact the tax rate as it is supported by membership and greens fees.

Mr. Malloy explained the changes to the departments' budget format, which now includes a Performance Management section. As an example, he reviewed the Fire Department's Activity Indicators, Goals and Accomplishments. This section provides a more comprehensive view of each department's budget along with the detail and line item pages. The Salary/Wages pages were eliminated and the total is included in the detail. The Town Accountant has each department's breakdown and it can be obtained by request as it is public record.

### **Town Counsel Report**

Attorney Franks provided the Board with an update on Charter and Bylaw changes:

- There is a request for special legislation that will allow Town Meeting to consider giving the Board of Selectmen the authority to issue an unlimited amount of liquor licenses.
- Abolishing the Chapter 61A Committee.
- The Attorney General is considering the bow hunting and large scale ground mounted solar photovoltaic facilities bylaws.

### **Town Manager Report**

Mr. Malloy informed the Board that the State Hospital Acquisition Committee received a proposal and he requested an Executive Session to discuss it.

### **Issues and Correspondence of the Selectmen**

Selectman Dodd thanked those in Town who participated in the process allowing Westborough to become the first Town in the State to implement the Veterans' Tax Work-Off Program, and the program will launch on January 22, 2013.

Selectman Barrette has received some negative feedback regarding the portable sign at the rotary that it is distracting and visibly displeasing. There is not a clear policy in place for its purpose and suggested working with John Walden within a small committee to develop a policy regarding the portable sign use and the possibility of a permanent sign. He provided some other options that he and Mr. Walden have discussed.

Selectman Drewry supports Selectman Barrette in the sign effort and asked that everyone remember the soldiers overseas in their thoughts and prayers.

Selectman Emery asked the reporters in the audience for the name of their colleague who was recently hit by a car and killed in Cambridge. His name is Chris Weigl, he has been writing for

the Community Advocate for the past year and was attending Boston University, and Selectman Emery extended the Board's condolences to his colleagues, family and friends.

**Executive Session**

Selectman Johnson's motion that the Board enters into Executive Session to consider the purchase, exchange, lease or value of real property, as an Open Meeting would have a detrimental effect on the Town's negotiating position.

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

*Submitted by Paula M. Covino*

---

**Chairman Emery**

---

**Vice Chairman Johnson**

---

**Selectman Dodd**

---

**Selectman Barrette**

---

**Selectman Drewry**