

**Westborough Board of Selectmen
Meeting Minutes
February 26, 2013**

6:00 p.m. –7:09 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

Open Forum – none.

Public Hearing for a Pole Petition / Install New Intermediate P11-5 / 40 Washington Street / Crystal Tognazzi

Ms. Tognazzi came before the Board and explained that the new pole will be jointly owned by National Grid and Verizon and will provide service to the new solar field installed by Carruth Capital. It will be placed approximately 35 feet north of the existing pole.

Paul Freeman, residing at 25 Washington Street, asked where the pole will be located and Ms. Tognazzi indicated on her plan the exact location for Mr. Freeman's benefit. It will be on the opposite side of the street from his house and he thanked Ms. Tognazzi for the information.

Selectman Barrette's motion to allow the pole petition of National Grid for the installation of Pole 11-5 approximately 35 feet north of Pole 11 on Washington Street was seconded by Selectman Drewry. Vote: 5-0

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

Request to Abate Taxes for 18 Nourse Street / Chief Assessor

Ms. Swadel appeared before the Board to request that the DOR abate the taxes on the property that was given to the Town on November 29, 2012 and accepted by the Conservation Commission and the Board of Selectmen. Because the Town now owns the parcel and the taxes have accrued since the transfer, Ms. Swadel has recommended that the Board approve an abatement request under the provisions of MGL Chapter 59 Section 72A.

Selectman Barrette's motion to request that the Board of Assessors abate the taxes on 18 Nourse Street (Assessor's Map #14, Parcel #114) for the period from the Town's acquisition through June 30, 2013 was seconded by Selectman Drewry. Vote: 5-0

Request to Appoint John Matson as a Registrar of Voters for a Term Ending April 1, 2016 / Town Clerk

Ms. Yendriga and Mr. Matson came before the Board. Ms. Yendriga informed the Board that Mr. Matson has held this position since April 28, 1998 and reviewed some of his duties.

Selectman Drewry's motion to appoint John Matson as a Registrar of Voters for a three year term to expire on April 1, 2016 was seconded by Selectman Barrette. Discussion: Selectman Johnson thanked Ms. Yendriga for including the Mass. General Law pertaining to the

requirement that the members of the Board of Registrars represent the two leading political parties. Vote: 5-0

Request to Approve the 4th Annual Lustgarten Foundation for Pancreatic Research Road Race on April 28, 2013 / Maria Rydelek

Ms. Rydelek requested approval for the 4th Annual Lustgarten Foundation for Pancreatic Cancer Research Road Race which will be held at the Westborough Office Park this year as they outgrew the Westborough Tennis and Swim Club. They have raised approximately \$180,000 to date. Ms. Rydelek reviewed the components of the event. Chief Gordon has no issues.

Selectman Barrette's motion to approve the 4th Annual 5K/10K race to benefit the Lustgarten Foundation for Pancreatic Cancer Research on April 28, 2013 subject to final review and approval by the Chief of Police was seconded by Selectman Drewry. Vote: 5-0

Request to Approve Site Plan Review for E. L. Harvey's Photovoltaic Generation at 120 South Street (a.k.a. 7 Maple Avenue) / Jim Harvey / Attorney Adam Braillard

Jim Harvey, Emily Harvey, Charles Jenkins, Mark Kyla, Tin Htway, and Adam Braillard appeared before Board. Mr. Htway sent a letter to the Board dated February 19, 2013 and recommended that the Board approve the site plan review subject to the review and written comments and responses from the various Town departments, boards and agents for the new ground mounted photovoltaic system. Selectman Emery explained that it was not approved at the last meeting as final responses were not received until late that afternoon and there was not enough time to draft the decision.

Selectman Barrette's motion to approve site plan for Harvey's Farm LLC Photovoltaic Generation at 7 Maple Avenue as per the attached decision and subject to the conditions recommended by the departments as contained in the decision dated February 26, 2013 was seconded by Selectman Drewry. Vote: 5-0

Request to Appoint Jeffrey Bakstran as a Reserve Intermittent Police Officer / Chief Gordon

Chief Gordon and Mr. Bakstran appeared before the Board to request the immediate appointment of Mr. Bakstran. Chief Gordon reviewed Mr. Bakstran's background which included his recent graduation from the Reserve Intermittent Academy. Mr. Bakstran's appointment is for the purpose of detail work only and does not increase the size of the force.

Selectman Johnson's motion to appoint Jeffrey Bakstran as a Reserve Intermittent Police Officer was seconded by Selectman Barrette. Vote: 5-0.

Regional Veterans District / Discussion and Vote / Town Manager / George Perry

As Mr. Perry was unable to attend, Mr. Malloy explained that this discussion has been taking place with surrounding towns for some time. Grafton, Shrewsbury and Northborough have had an informal arrangement, but a formal district has not been formed. Westborough was approached and asked to be part of the four-town Regional Veterans District. Mr. Malloy, Mr. Perry, and Ms. Williams have met with the other three towns and as a result have developed a plan regarding how to staff the program and it will be submitted to the State. Mr. Malloy reviewed the benefits, providing Veterans increased services as they will be able to access services in any of the towns, and it will cost less. Mr. Perry, who is well respected by the State, will be very involved with the process.

Selectman Barrette's motion to join the Central Massachusetts Veterans Services District as per the attached proposal and further to authorize the Town Manager to execute any necessary intermunicipal agreements on behalf of the Board of Selectmen was seconded by Drewry.

Discussion: Selectman Drewry is in favor of the concept and is satisfied with the resulting proposal. Selectman Dodd asked to ensure that there is sufficient communication with veterans; confirmed the level of Mr. Perry's involvement as it is important to his vote; and emphasized the positive impact of maintaining/enhancing the delivery of services. He questioned how the structure of the district works and Mr. Malloy explained that the district commission consists of the four Town Managers and an evaluation is performed on a yearly basis. Vote: 5-0

Request to Approve the IBPO Patrol Officers Contract / Town Manager

Officer Tyson Delong and Chief Gordon came before the Board.

Selectman Barrette's motion to approve the collective bargaining agreement between the Town of Westborough and IBPO Local 439 for the period FY14 – FY16 as attached was seconded by Selectman Drewry. Selectman Emery thanked them for the good faith of the bargaining unit and efficient negotiations. Chief Gordon thanked Mr. Malloy. Vote: 5-0

Budget/Warrant Discussion and Action / Town Manager

The Board reviewed the Articles on the Warrant.

Articles 1, 2, 3, 5, 6, 14, 15 and 16: unquestioned.

Article 4, 7, 8, 9, 10, 11, 12, 13 and 17: questioned.

Selectman Barrette's motion to approve the unquestioned Articles was seconded by Selectman Drewry. Vote: 5-0

Article 4 (Budget Transfers): Mr. Malloy had provided the Board with motions and there currently is only one transfer which was discussed at the last meeting. The Warrant language will not change, which would allow additional transfers that may come forward between now and Town Meeting.

Selectman Drewry's motion to transfer \$24,000 from the Insurance Account to the Veterans' Expenses Account was seconded by Selectman Barrette. Vote: 5-0

Article 7H (Healthcare Reimbursement Account): Fran Sowa, who has been very involved with the Town's insurance, came before the Board and questioned whether retirees could participate in the Healthcare Reimbursement Account. His opinion is that it is discriminatory as the retirees along with employees made concessions when the changes were made to the insurance plans in order to save money for the Town. He questioned whether the Article language is too restrictive and the language "as agreed with the Town's Collective Bargaining Units" could be removed. Mr. Sowa stated that non-union employees receive the benefit even though it is not mentioned in the Article and has concerns about asking the Board for this benefit for retirees in the future due to the restrictive language. He also stated that they did give the same as everyone else and that the Town made money when the changes were made.

Selectman Barrette clarified that the Town did not make money on the health insurance changes, but that the money saved did not have to be raised and appropriated and the Town did not have

to include it when setting the tax rate. He pointed out that in his conversations with the Town Manager and Town Counsel, the Article is written as it has always been, does not exclude non-union employees and allows for the opportunity in the future to include retirees. Selectman Emery explained that when the Town is asked to raise and appropriate money an explanation is usually expected and part of the reason for this particular language is because the Town has agreed with its Collective Bargaining Units to raise this money.

Selectman Dodd's motion to support Article 7 A-H was seconded by Selectman Johnson.

Vote: 5-0

Article 8 (Mill Pond Gym Floor Replacement): Selectman Barrette's motion to support Article 8 A-I was seconded by Selectman Drewry. Discussion: Selectman Dodd questioned item I, the Mill Pond gym floor replacement. Selectman Barrette explained that it was discussed by the Capital Expenditure Committee and while it is a "new" school the floor is ten years old, there were installation and usage problems. The new floor that will be installed is the same as what is at Armstrong School and will have a life span of 15-20 years. The School Department did look into the warranty, but it had expired and they are trying daily to keep the floor safe for the students. Vote: 5-0

Article 9 (Town Hall Building Renovation): Mr. Malloy provided the Board with a spreadsheet that compares last year's cost estimates to renovate the Town Hall to recent calculations provided by the Owner's Project Manager. Due to the year delay in approving this project there is construction inflation that will affect the cost. Mr. Malloy reviewed the cost increases, which are \$469,000 to the construction portion, \$100,000 for the Owner's Project Manager's fee, and an additional \$15,000 for the moving costs. The total cost of the project is \$7,800,000, \$449,000 of which was appropriated last year at Town Meeting, for a final cost of \$7,354,063.

Selectman Barrette's motion to support Article 9 was seconded by Selectman Drewry. Discussion: Selectman Dodd research how other towns have paid for their Town Hall renovations and discovered that Hopkinton paid for their renovation with Massachusetts Historical Commission grant. He questioned whether the Town Hall project would qualify for the same and Mr. Malloy explained that it might qualify, but it is a maximum amount of \$100,000, a preservation restriction is placed on the deed, and they dictate future use. Selectman Dodd questioned the extent of the floor plan changes and Mr. Malloy explained that they are minor and as a result of the phasing of the Town Hall and Forbes Municipal Building projects. He asked how temporary space would be found and Mr. Malloy informed the Board that the relocation would go out to bid and the plan would be to stay in the center of Town. The project will take less time by moving the offices out as opposed to remaining open during construction. Vote: 5-0

Article 10 (Forbes Roof Repairs): Mr. Malloy informed the Board that the estimate for the Forbes Municipal Building repairs is better than expected at an additional \$85,000 more than what was appropriated last year and recommended appropriating the funds from free cash. This amount covers the removal of the rotted wood decking, the copper that is attached to it, and the installation of aluminum which can be directly attached to the concrete without installing wood.

Selectman Johnson's motion to support Article 10 at the sum of \$85,000 was seconded by Selectman Barrette. Vote: 5-0

Article 11 (Installation of High Visibility Pedestrian Safety Crosswalk Signs): The change to this Article was to include the installation of high visibility reflectors as well.

Selectman Barrette's motion to support Article 11 was seconded by Selectman Johnson.
Vote: 5-0

Article 12: Selectman Barrette's motion to support Article 12 was seconded by Selectman Drewry. Vote: 5-0

Article 17: This Article is a citizen's petition to limit the tax for FY15 and FY16 and if the Town were able to vote this it would restrict future Town Meetings, which according to Town Counsel cannot be done. Attorney Franks has explained to the proponents that this Article is persuasion rather than anything binding upon the Town boards and committees. They cannot dictate to the Board what to do with the budget; they can vote against it at Town Meeting or vote not to reelect the Selectmen. Selectman Drewry pointed out that there may some misunderstanding regarding the tax rate, that the Board cannot control the tax rate but can control spending. Selectman Dodd asked what would happen if the Article passed and Attorney Franks explained that there would be no resulting action. Mr. Harrington came before the Board to discuss the correct language for the Board's vote. He spoke with the proponent this morning and the main motion will be the first sentence only and he advised the Board to move to defeat the Article as opposed to passing over.

Selectmen Barrette's motion to not support, but to defeat the Article was seconded by Selectman Johnson. Discussion: The Board discussed the irrelevancy and structure of the Article, which would not achieve what is being proposed, but that it had to be placed on the Warrant as it is a citizen's petition. Vote: 5-0

Selectman Barrette's motion to close the Town Meeting Warrant was seconded by Selectman Johnson. Vote: 5-0

Ms. Levine-Kanji asked the Board to change the original designation by the Board of Selectmen of Irene Oliver as the Eligible Applicant to the Chair of School Building Committee as this was what the School Committee voted. The MSBA is asking for clarification and the Board will vote on it at the next meeting.

Town Counsel Report – no report.

Town Manager Report – no report, but is requesting Executive Session.

Issues and Correspondence of the Selectmen

Selectman Dodd informed the Board that the Bike and Pedestrian Advisory Committee is charged to provide the Board with bi-annual reports and Mr. Tretter has asked to do so at the end of March or beginning of April.

Selectman Barrette reminded residents to vote on March 5, 2013 in the Town Elections. The polls will be open from 8:00 a.m. to 8:00 p.m.

Selectman Drewry asked that everyone remember the soldiers overseas in their thoughts and prayers.

Selectman Emery thanked Tim Novak for producing the meeting.

Executive Session

Selectman Johnson's motion to enter into Executive Session for the purpose of discussing litigation strategy as an Open Session would have a detrimental effect on the Town's litigating position and 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 Emery – yes; Selectman Johnson – yes; Selectman Barrette – yes; Selectman Drewry – yes; Selectman Dodd – abstain.

Submitted by Paula M. Covino

Chairman Emery

Vice Chairman Johnson

Selectman Dodd

Selectman Barrette

Selectman Drewry