

**Westborough Board of Selectmen  
Meeting Minutes  
March 12, 2013**

**6:00 p.m. – 6:58 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**

Dominic Capriole came before the Board to discuss participation at Town Meeting. In speaking with residents he learned that some people are uncomfortable participating or voting in front of others and it is a privacy issue. Mr. Capriole suggested electronic voting, which is being used in other towns. The voting devices and the cost can be shared with other towns as well. He also suggested having the devices on hand to test the system at fall Town Meeting with an Article to approve them if they are successful. Selectman Drewry agreed with Mr. Capriole comments regarding residents' reluctance to attend Town Meeting and vote publicly as he has heard the same concerns. The Board agreed to further investigate the issue and place it on a future agenda.

**Board of Selectmen Reorganization**

Selectman Barrette's nomination of Selectman Johnson for Chairman for the next year was seconded by Selectman Drewry. Selectman Johnson accepted the nomination. Vote: 5-0

Selectman Emery's nomination of Selectman Barrette for vice Chairman was seconded by Selectman Dodd. Selectman Barrette accepted the nomination. Vote: 5-0

**Request to Approve Change of Manager for Outback Steakhouse, 227 Turnpike Road / Alex Brench**

Mr. Brench appeared before the Board and introduced himself.

Selectman Barrette's motion to approve the Change of Manager naming Alex Brench the Manager of Record for Outback Steakhouse at 227 Turnpike Road, Westborough was seconded by Selectman Drewry. Discussion: Mr. Brench provided his experience and certification regarding alcohol server training. Vote: 5-0

**Request to Approve Earth Day Annual Litter Cleanup, Saturday, April 20, 2013 / Bruce Tretter**

Mr. Tretter, Coordinator of the Earth Day Cleanup for the Westborough Community Land Trust, appeared before the Board. Earth Day Cleanup on Saturday, April 20, 2013, beginning at 6:30 a.m. at Bellows Road and Westmeadow Plaza. The general cleanup will begin at 9:30 a.m. in the Lake Chauncy parking lot, where trash bags provided by the DPW and maps of sites for cleanup will be distributed. Mr. Tretter explained they are hoping to increase business participation and that there is flexibility in scheduling times. Religious organizations and Explorer Post 85 will also participate.

Selectman Barrette's motion to approve the litter cleanup for the Land Trust on April 20, 2013 was seconded by Selectman Drewry. Discussion: The Board thanked the Land Trust and Mr. Tretter thanked the DPW for their participation and bag donation. Vote: 5-0

**Request to Approve Mass Dash Relay, July 13 & 14, 2013 / Bruce Leshine**

Mr. Leshine came before the Board as the representative of the event on July 13 and 14, 2013. He explained that it is a fundraising event for the Jimmy Fund and Dana Farber Cancer Institute. The team relay race begins at Mt. Greylock and ends at Carson Beach on Dorchester Bay in Boston. This is the fourth year for the event and they have raised approximately \$325,000.

Selectman Emery's motion to approve the Mass Dash Relay on July 13 and July 14, 2013 subject to any final approvals by the Chief of Police was seconded by Selectman Barrette. Discussion: Chief Gordon was not able to attend, but has approved the event. There are no changes from the previous years and runners are expected to arrive at the High School at 5:00 a.m. Vote: 5-0

**Request to Approve a One-Day Bingo License, Beth Tikvah Synagogue, 45 Oak Street / Benita Amsden**

Ms. Amsden, the Vice President in charge of fundraising for Beth Tikvah, came before the Board to request approval for the one-day bingo license. It will be held on April 27, 2013 from 7:00 p.m. to 11:00 p.m.

Selectman Emery's motion to approve the one-day Bingo license for April 27, 2013 from 7:00 p.m. to 11:00 p.m. for the Beth Tikvah Synagogue at 45 Oak Street was seconded by Selectmen Drewry. Discussion: Chief Gordon has approved the event and the Board signed the approved license. Vote: 5-0

**Request to Approve Common Victualer Permit, Spices India, 166 Milk Street / Amar Jit Dhanjal**

Mr. Dhanjal explained that due to a decrease in business he is adding 30 seats for dining at the existing store and has approvals from the Building Commission, Town Engineer and Health Department.

Selectman Emery's motion to approve the Common Victualer License for Spices India, 166 Milk Street, subject to the applicant meeting all of the requirements of the Building Commissioner, Town Engineer and Health Department was seconded by Selectman Barrette. Discussion: Selectman Barrette questioned whether they will be able to continue using the "Big Dipper Grease Trap" program and Mr. Htway explained that the Town Engineer has reviewed what is in place, will continue to monitor their usage and should the usage increase to a certain level they will have to convert to an external grease trap, which is Mr. Dhanjal's first choice. Mr. Htway informed the Board that there are a couple of items to complete for the Building Permit. Vote: 5-0

**Request to Approve the Designation of School Building Committee Chair as the Eligible Applicant on the Sarah Gibbons School Renovation Project / Town Manager**

Ms. Levine-Kanji had requested at the last meeting that the Board approve changing the "Eligible Applicant" on the Gibbons School Renovation Project for the MSBA from Irene Oliver to the Chair of the School Building Committee. It was not on the agenda at the last meeting and therefore could not be voted on.

Selectman Barrette's motion to approve designating the Chair of the School Building Committee as the Eligible Applicant for Sarah Gibbons Middle School Renovation Project was seconded by Selectman Drewry. Vote: 5-0

**Request to Approve a Designee for the Regional Veterans District / Town Manager**

In the discussion at the last meeting it was the intent of the four Town Managers (Westborough, Shrewsbury, Grafton, and Northborough) to serve as the town representatives on the Commission and the Board is required by law to designate their appointee.

Selectman Emery's motion to designate the Town Manager as their designee on the Central MA Regional Veterans District Commission was seconded by Selectman Dodd. Vote: 5-0

Mr. Malloy informed the Board that four towns have now approved the agreement.

**Budget Discussion and Vote / Town Manager**

Mr. Malloy explained that due to the future change to a Regional Veterans District, the Veterans' current Salaries and Expenses budget line items will become an Expenses account only effective July 1, 2013. Mr. Malloy consulted with the Town Accountant, met with the Advisory Finance Committee and recommended voting the budget as a single bottom line number so that there will be flexibility if something should go awry between now and June. The AFC and Town Moderator agreed with this recommendation and there is no change to what the Board previously voted. Selectman Dodd asked how the Expenses account would be managed once approval is received from the State and Mr. Malloy explained that Grafton will act as the fiduciary agent and we will pay an assessment to them.

Mr. Malloy had had reduced the landfill budget from \$657,000 to \$620,000 after reviewing Mr. McNulty's estimated rates over the past three years found there was less than the 5,800 tons of trash trucked to Wheelabrator. After discussion with the AFC and additional review, he discovered that the estimates were not what was actually paid for rates to Wheelabrator and when Mr. Malloy recalculated using the actual rates the new number was \$650,000, just under Mr. McNulty's original calculation. Mr. McNulty and the AFC are in agreement with this amount.

Selectman Emery's motion to approve the landfill budget line item at \$774,500 was seconded by Selectman Barrette. Vote: 5-0

**Request to Approve Job Descriptions / Assistant Town Manager**

Ms. Williams explained to the Board the process of updating job description which began almost two years ago. They were updated by each department and impact bargained with the unions and brought before the Personnel Board. Any changes went back to the department/union for their review and approval. The Personnel Board has approved them and the Town Manager is recommending that the Board approve them as well.

Selectman Barrette's motion to approve the revised job descriptions as presented was seconded by Selectman Dodd. Discussion: Selectman Emery commended Ms. Williams as it was a tedious project and the updated descriptions will support the hiring process as each position's qualifications are now clear. Selectman Dodd requested that an organizational chart be developed and Mr. Malloy will work on it after Town Meeting. Vote: 5-0

### **Request to Approve Adding Tufts Medicare Preferred HMO Partnership 2014 for Medicare Eligible Retirees / Assistant Town Manager**

Ms. Williams informed the Board that effective January 1, 2014 Reliant Medical Group, formally Fallon Clinic will no longer be accepting Fallon Senior Insurance and will partner exclusively with only one Medicare Advantage HMO plan, Tufts Medical Preferred HMO. The Tufts plan will be offered to retirees in addition to the other plans already offered, so that people do not have to change doctors. The Insurance Advisory Committee unanimously supported the addition of the plan in February. The plan will cost \$2.50 per month, and will be less than \$2.00 more per month for the subscriber. The Board discussed the advantages of retirees being able to continue to use Reliant Medical Group as it in Town and the senior bus will provide transportation.

Selectman Barrette's motion to approve the addition of Tufts Medicare Preferred HMO to the Town's current insurance plan offerings for Medicare Eligible retirees and to allow the Town Manager to execute any related contracts was seconded by Selectman Drewry. Discussion: Selectman Emery expressed her appreciation of Ms. Williams' expertise in the insurance area. Ms. Williams informed the Board that letters will be sent to retirees informing them of the change. Mr. Malloy commended Ms. Williams as she has done a great job explaining to and comforting the many retirees that have come into the office confused about the situation, and the great job she did working with the Town's healthcare providers to reduce the rates. Vote: 5-0

### **Town Counsel Report**

Attorney Franks informed the Board that the bylaws from October Town Meeting were reviewed and they were all approved by the Attorney General's office. Article 19, the ground mounted solar photovoltaic Zoning Bylaw was challenged, and Attorney Franks explained that there was a question regarding the process that the Town uses, which he did not have an issue with, and the concern was that it exceeded the authority granted by the Zoning Act, which protects solar installation from unreasonable regulations. The Attorney General ultimately decided that this was not an unreasonable regulation and the challenge was not upheld.

### **Town Manager Report**

Regarding Mr. Capriole's open forum issue, Mr. Malloy sent an email to the Town Manager in Wayland at the beginning of the meeting as they use the system. His response was that the cost is approximately \$15,000 to \$18,000 per Town Meeting and not a one-time expense. The Board agreed that this issue is worth further investigation to find out what vendors are being used by other towns and what the State bid is.

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

It was brought to Selectman Dodd's attention that there is local law allowing towns to create a voluntary fund to assist people who are disabled and elderly and the tax bill would be designed to include a place to check off to voluntarily donate to the fund. It has to be managed by the Chief Assessor, Treasurer and three residents appointed by the Board. Selectman Dodd distributed a copy of the proposal. Mr. Malloy explained that this was done in Sturbridge and many people donated. The committee reviews applications for assistance and distributes the funds. The consensus of the Board was to put this on a future agenda for discussion.

Selectman Emery thanked Tim Novak for producing the meeting and all the people who ran for office and those who voted. She encouraged residents to attend Town Meeting.

Selectman Barrette pointed out that the Arcade building is beginning to look much better and the owners are doing a great job renovating. On behalf of the Board Selectman Barrette expressed condolences to Craig Hillier's family. He was admired as a great cop and a good saxophone player as well. The calling hours are today and the funeral is tomorrow.

Selectman Drewry agreed with Selectman Barrette's comments and offered his thoughts and prayers to his family and to the men and women overseas protecting our country.

Selectman Johnson pointed out the AFC has posted their recommendations for Town Meeting, thanked them for the work they do. He encouraged people to review their recommendations and attend Town Meeting. Selectman Johnson received correspondence from DCAM regarding the surplus property at 171 Milk Street, which is the boarded up property north of Route 9. Mr. Malloy explained that the State previously sold the property and there was a problem with the description of the property bounds and it had to be put back out. Mr. Malloy is meeting with the Housing Authority to see if they have any interest. The Town Planner also has someone interested as well. Jim Robbins has someone interested. The Board also received a letter from Rep. Dykema regarding the proposed Milford casino development where she asked the proponent to include Westborough and its Representatives as recipients of their correspondence.

#### **Adjourn Open Session**

Selectman Barrette's motion to adjourn at 6:58 p.m. was seconded by Selectman Dodd.

Vote: 5-0

*Submitted by Paula M. Covino*

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**Chairman Emery**

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**Vice Chairman Johnson**

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**Selectman Dodd**

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**Selectman Barrette**

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**Selectman Drewry**