

**Westborough Board of Selectmen
Meeting Minutes
April 9, 2013**

6:00 p.m. – 7:16 p.m.

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

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 February 26, 2013 was seconded by Selectman Drewry. Vote: 4-0

Selectman Barrette's motion to approve the minutes of March 12, 2013 was seconded by Selectman Drewry. Vote: 4-0

Open Forum

Request to Approve Contract 13-1 Flanders Road Sewer Rehabilitation / Carl Balduf

Mr. Walden came before the Board and explained that six different bids were received ranging from \$626,610 to \$966,300 and he is recommending that the Board award the contract to Aqua Line Utility in the amount of \$626,610.50.

Selectman Barrette's motion to approve the contract between the Town of Westborough and Aqua Line Utility, Inc. as per their bid and to authorize the Town Manager to execute the contract was seconded by Selectman Drewry. Discussion: The Town had originally appropriated \$800,000 for this project and there is a contract with AECOM for \$110,000. Selectman Barrette questioned what portion of the project cost is the basis for Hopkinton's 60% share. Mr. Malloy explained that it will be 60% of the total cost which is \$736,610.50. The contract provides the contractor with a start date and if there is a fail in the system after that it is their responsibility to repair it. The work will begin within a week of the paperwork completion. Selectman Emery commended the DPW on their quick reaction and long hours spent on the recent serious water main break on Flanders Road. Mr. Walden assured the Board that while they have not worked with Aqua Line previously, they did receive very positive references. Vote: 4-0

Request to Approve Contract 11-02 Sewer Construction and Water Improvements of Various Roads (Crownridge/Fox Lane Area) / Carl Balduf

Mr. Walden informed the Board that nine bids were opened on March 28, 2013 and they ranged from \$2,878,052 to \$5,145,314. He recommended that the Board award the contract to CJP and Sons Construction Co., Inc. for \$2,878,052.04. Selectman Johnson pointed out that this is under the \$3.5 million voted at Town Meeting.

Selectman Drewry's motion to approve the contract between the Town of Westborough and CJP Construction as per their bid and to authorize the Town Manager to execute the contract was seconded by Selectman Barrette. Discussion: Selectman Emery commended the bidding

process as this is a savings of \$700,000 from the amount appropriated. Town Counsel has reviewed all the documents and is comfortable with the bid. Vote: 4-0

Public Hearing for Pole Petition / Install New P1-50 at #5-7 Milk Street / Angela Birch
Selectman Barrette's motion to open the public hearing was seconded by Selectman Emery.
Vote: 4-0

Bruce Cutt, representing National Grid, came before the Board to request permission to install new P1-50 on Summer Street to provide new service to the building at #5-7 Milk Street.

Selectman Emery's motion to approve the new P1-50 Pole Location requested by MA Electric Company/National Grid as per their application dated March 25, 2013 was seconded by Selectman Drewry. Discussion: Mr. Walden informed the Board that there is still an issue regarding the many double poles in Town, which is not National Grid's problem. They replace the poles and the last one off the pole is responsible for connecting to the new pole and removing the old pole. Verizon is usually the last one off the pole, but it can also be the cable company. Per the Board's request at a previous meeting, Mr. Malloy sent a letter to The Department of Telecommunications and Energy asking them to address the issue. They informed him that other towns are having the same issue and he will follow up with the DTE and will report back to the Board. The double poles are more unsightly than a safety issue. Mr. Cutt reviewed the position of the new pole. Nick Hall, speaking on behalf of the owner, explained to the Board that they have been working with Mr. Cutt and have been waiting for this approval in order to provide power to the Arcade Building. The Board was invited to tour the building. Vote: 4-0

Selectman Emery's motion to close the public hearing on the pole petition was seconded by Selectman Barrette. Vote: 4-0

Request to Accept Trevor Beauregard's Resignation from the Planning Board /
Selectman Johnson explained that the process to appoint a vacated elected seat is the responsibility of the Selectmen and remaining members of the elected body. They would jointly appoint a candidate to serve until the next election when someone would run for the remainder of the term which expires in 2016. Mr. Malloy informed the Board that according to Mr. Robbins joint interviews have been conducted in the past and the Selectmen and Planning Board members vote. The opening will be posted. The appointment will be through the 2014 election and the election will determine who will fill the remainder of the term through 2016. Selectmen Johnson thanked Mr. Beauregard for his seven years of service on the Planning Board. If there are candidates to interview, the Board will put them on the agenda for the first meeting in May. Mr. Malloy will coordinate the joint interview with the Town Planner.

Request to Approve the Traffic Review Contract with Ron Müller & Associates for Chick-Fil-A at 270 Turnpike Road /

Mr. Malloy explained that services are needed for a peer review of the applicant's traffic engineering analysis. The proponent pays for the peer review so there is no cost to the Town. The cost is \$3,500, which is less expensive than vendors that were used in the past for this purpose.

Selectman Barrette's motion to approve the contract between the Town of Westborough and Ron Müller & Associates for peer review of the traffic engineering report on the proposed Chick-Fil-A at 270 Turnpike Road and to authorize the Town Manager to execute the contract was

seconded by Selectman Drewry. Discussion: Mr. Robbins explained that Chick-Fil-A will be located at the entrance to Speedway Plaza on the left. The entry to the Plaza will remain as is. Vote: 4-0

Municipal Building Committee Update / Selectman Barrette

Selectman Barrette invited John Arnold, MBC member, to come before the Board. Selectman Barrette explained that the Committee is working on both the new Fire Station and the Town Hall renovation. The Committee worked with the architect and project manager to reduce the new Fire Station to 26,840 square feet through value engineering. According to the architect, any further reductions would cut into program space. Cost estimates are expected in May, the bid phase will begin in June and construction in late summer. The Committee will have a final meeting with the Design Review Board and the Historical Commission has provided a list of items that they want to keep when the demolition is complete. The expected completion date is January or February of 2015.

Regarding the Town Hall renovation, Selectman Barrette informed the Board that this project is currently in the design/bid phase, but the Fire Station is the priority. Leah Talbot, the Town Accountant, has been added to the Committee. She is not a voting member but is extremely knowledgeable regarding specific details concerning the Town Hall. The current plan is to move the Town Hall employees into Town buildings for the fourteen month renovation period. This will eliminate the cost to lease space and will facilitate the MIS/GIS Director's job during the move as they are already wired. The Committee is considering the FMB gymnasium and auditorium as well as other Town buildings for temporary space and possible future use.

Mr. Malloy explained that the architect is working on the FMB roof and elevator contracts so that they will go out to bid and completed by the summer before the Town Hall is vacated and employees move in. The elevator has to be working properly as the public meeting space will be located on the second floor.

Electronic Voting at Town Meeting / Selectmen Barrette and Drewry

Selectman Barrette explained that electronic voting is being used sporadically around the State, the closest town being Wayland where he and Selectman Drewry met with two members of their electronic voting committee. They provided background on their process and offered assistance. Ed Behn and Nancy Yendriga attended Wayland's Town Meeting last Thursday night and Selectmen Barrette and Drewry attended it on Sunday. Selectman Barrette reviewed the check-in process and that it went very smoothly. They met with Option Technologies Interactive, Wayland's vendor, and Wayland offered to provide the names of other vendors. Selectman Barrette explained the voting process and the use of a countdown clock. Overall, the process was efficient and well run and he suggested that a committee be formed to explore this option further. The main issue is the cost and Wayland leases the equipment with technical support present during the meeting. The Wayland residents were comfortable with the process, the tone of the meeting was very different and Selectman Barrette suggested a trial run for October Town Meeting.

Selectman Drewry thanked the Town of Wayland for their hospitality and assistance. He agrees that an outside vendor should be used to run the system and not the Town and that it is time to offer residents the privilege of voting privately. The tellers at the meeting spoke in favor of the system as it saves time and makes for a less contentious atmosphere. Selectman Drewry suggested forming a subcommittee and that the Board considers who would serve on it between

now and the next meeting. Selectman Johnson agreed with the concept of a subcommittee and that it should also be discussed with the Moderator as to who would be the appointing authority. Selectman Barrette suggested the subcommittee consist of one Selectman, the Town Clerk, and citizens who may be familiar with the process and have technical skills. Wayland held the Town Meeting in their field house, but the High School auditorium would suffice. There is more information on the Town of Wayland website.

Selectman Emery's motion to move forward and develop a small working group to look into this option and bring the issue to the fall Town Meeting was seconded by Selectman Barrette. Discussion: Selectman Emery asked the Town Manager to ensure that the Board is the appointing authority and that the openings for the subcommittee be advertised. Vote: 4-0

Request to Approve the Contract with Code Red / Town Manager

Mr. Malloy explained that Town Meeting voted to approve a contract with Code Red for a reverse emergency calling system. Northborough and Southborough are using them as well and Code Red is giving a 15% discount to the three towns. The three-year contract will begin on July 1, 2013 however there are grant funds available immediately that would allow initiation of the system in April at a prorated cost from now until June 30, 2013. The amount budgeted for next year is \$9,000 and Mr. Malloy pointed out that the cost is \$8,678.50 per year, not \$7,429 as stated in the Board's packet. There are three levels of service and the basic tier for \$7,429 provided a limited amount of emergency calling whereas the middle tier for \$8,678.50 provides unlimited calling. The system will be working in a couple of days.

Selectman Barrette's motion to approve the contract between the Town of Westborough and Code Red as attached and to authorize the Town Manager to execute the contract was seconded by Selectman Drewry. Vote: 4-0

Request to Approve the Intermunicipal Agreement for the CIC Grant for Stormwater Management / Town Manager

Mr. Malloy informed the Board that the Community Innovation Challenge Grant contract is for a regional stormwater management plan that has been coordinated by the Town of Spencer and Mr. Balduf, Town Engineer, has been involved in the application process. There are approximately twenty-three towns participating and the purpose is to develop best management practices on stormwater management. A small financial contribution of \$2,833 is required which is available in the DPW budget.

Selectman Emery's motion to approve the intermunicipal agreement between the Town of Westborough and the Town of Spencer for the CIC Grant and authorize the Town Manager to execute the agreement was seconded by Selectman Drewry. Discussion: Selectman Barrette questioned why Spencer coordinated this and Mr. Malloy explained that the Town Administrator was a former Town Planner who had experience, had also organized the same type of project for a smaller group of communities, and stepped up to manage another one on a larger scale. Selectman Emery asked what the benefit would be as the Town has solid stormwater management policies and while Mr. Malloy did not have the information readily available to answer he did point out that Mr. Balduf feels that the Town would receive new information regarding improvements and revisions. Attorney Franks reviewed the contract and it includes everything an intermunicipal agreement requires and he has no concerns. Vote: 4-0

Town Counsel Report – No report.

Town Manager Report

Organizational Chart and Town Charter

Mr. Malloy provided an organizational chart in the Board's packet for their review. The Board agreed to review it, provide Mr. Malloy with comments/questions and it will be added to the next meeting's agenda.

Chapter 90 Fund

Mr. Malloy informed the Board that the Town received \$824,000 per year in Chapter 90 funds for Town road construction. There are two proposals currently, the Governor's, which allocates more money to Mass Transit, and the House proposal, which allocates more funds to Chapter 90. The proposed amount for Westborough is \$1.2 million, and according to our road management plan the Town would require a minimum of \$1.1 million to adequately maintain the roads on an ongoing basis. The Governor is going to veto the House bill passed last night and Mr. Malloy recommended that the Board authorize him to send a letter to the Legislators, State Senator and Governor's office stressing the importance of this issue and encouraging them to work together toward a compromise. Selectmen Johnson, Barrette and Drewry attended the Regional Selectmen's meeting last week and this issue was discussed. Towns were encouraged to send a letter stating what Mr. Malloy had suggested and there was also some concern that the Governor has some stall tactics based on his statement that there is not enough revenue. The Board supported Mr. Malloy's recommendation to send a letter.

Issues and Correspondence of the Selectmen

Selectman Emery informed the Board that the Green Technology Advisory Committee will begin meeting again. They will be looking at the Town's potential for solar fields, Town composting and reconsideration of the Green Community designation as that can have an impact on funding resources. Also on their agenda is to reactivate the Community Preservation Action Group, which will look at adopting the Community Preservation Act as there is potential for funding from that as well. Selectman Emery thanked Tim Novak for producing the meeting.

Selectman Drewry, liaison for the Country Club Operating Committee, attended their meeting last night and reported that memberships are available, there is no wait list and encouraged people to join. There is tournament availability and offers for discounted rates. He asked that the men and women overseas protecting our country be remembered in everyone's thoughts and prayers.

Selectman Barrette congratulated Phil Kittredge on his retirement and wished him well. The newspaper published a wonderful article about Captain Kittredge and in his retirement he will be running the Food Pantry.

Selectman Johnson reported that the Regional Selectmen's meeting was informative, well attended and thanked Northborough for hosting it. The Executive Director of the MMA and Senator Eldridge were in attendance. Senator Eldridge is sponsoring a bill to change the liquor license laws giving towns more control/authority. Selectman Johnson reported that on Friday, April 12, 2013 the Food Pantry will celebrate their 25th anniversary with an open house at the Forbes Community Building from 12:00 p.m. to 7:00 p.m. He pointed out the great job that the volunteers do, that the need increases each year, and that there is tremendous support from the community with donations. Selectman Johnson updated the Board on the progress of the Economic Development Committee (EDC) and the EDSAT survey. They are beginning to act

on the recommendations that were a result of the survey, such as a review of the bylaws by the Planning Board. The EDC would also like to come before the Board more often, providing updates as there are at least twenty active products taking place in Town currently. The goal is to attract and maintain businesses and encourage their growth in order to stabilize or decrease the tax rate. Selectman Johnson informed the Board that Michelle Grasso has chosen to not be reappointed to the Youth Commission. She has served on the Commission for twelve years and the Board thanked her for her service.

Executive Session

Selectman Barrette's moved to enter 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.

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

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Barrette

Selectman Dodd

Selectman Emery

Selectman Drewry