

**Westborough Board of Selectmen
Meeting Minutes
April 23, 2013**

6:00 p.m. – 7:37 p.m.

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

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

Request to Approve the Board of Selectmen's Meeting Minutes

The minutes will be approved at the next meeting.

Open Forum

Mr. Storey and Mr. DeSiata came before the Board and reported that a recycling program has been installed in all the Town fields with Jim Harvey's assistance. The sports committees were informed in February and Ms. Phillips emailed them to inform them that are currently in place. The DPW picks up three times per week at the fields and the expectation is to reduce it to once per week. Mr. Harvey provided the containers at an affordable price. Mr. DeSiata commended Mr. Storey and thanked Mr. Harvey for the special pricing on the containers. The recycling containers are located next to the regular trash containers and have decals identifying their purpose. Selectman Emery pointed out that this project is timely as The Patch had printed an article regarding the decision to not pursue the "Pay as You Throw" program and that Westborough was not proactive in its recycling. The Board thanked them all for their efforts.

Chief Perron came before the Board and explained that John Zimka's estate donated money to a gift fund in 2010 designated for Fire Department equipment and training that is not included in the budget or an Article. The new piece of medical equipment, a Physio Control Lucas Chest Compression System, is a very effective tool and endorsed by UMass Medical Center. The cost is \$13,000 each and Chief Perron would like to purchase two to start using the gift fund, which has an approximate balance of \$107,000. Chief Perron reviewed what the money has been used for in the past. When there is a need for equipment or training he notifies the Town Manager and Town Counsel and a purchase order is generated for the Town Accountant. Chief Perron explained that Mr. Zimka was an elderly resident of the Town who had a small family and when he passed away, generously left money to the Fire Department, Library and the Senior Center.

Public Hearing for Site Plan Review for Cumberland Farms, 165 Flanders Road, Westborough, MA / Michael Tierney / Steve DeCoursey / Luke DiStefano

Selectman Barrette's motion to open the public hearing for the site plan review for Cumberland Farms, 165 Flanders Road was seconded by Selectman Emery. Vote: 5-0

Mr. DeCoursey, of Bohler Engineering, and Mr. DiStefano, Cumberland Farms' Director of Construction came before the Board. Mr. DeCoursey reviewed the site plan, the location of the building, the access to the site from Flanders Road and the location of the 42,000 square foot expansion. The parking area will also be reworked to accommodate the new addition. They are proposing to relocate a portion of the access drive to allow the circulation to function properly and there will minor lighting and landscaping improvements and significant improvement with

the installation of storm water facilities. Mr. DeCoursey explained that they have met with the Conservation Commission, were issued their Order of Conditions, and they also met with the Planning Board and will again tonight for the approval of the Earth Moving Special Permit. They have accommodated requests from the Fire Department and the Town Engineer of which there are only a few items remaining. They will be addressed during the building permit process.

Selectman Emery asked the Building Commissioner, Fire Chief and Conservation Commissioner for their comments. Mr. Htway informed the Board that he is comfortable with the project, the documentation is in order, there are a few items that are still open that will be resolved prior to building permit issuance, and he recommended approval of the project. Mr. Saari explained that while it was not required, Cumberland Farms had a costly wetland delineation performed for the ninety-eight acres, which was a benefit for them as well as the Town. He informed the Board that regarding storm water management, they provided the Town with the best design and thanked Cumberland Farms for the phased improvements on Flanders Road over the past five to six years where they have spent \$100,000 or more. They have also performed work, at their own expense, on the Massachusetts Highway layout. Chief Perron is satisfied with the project.

Selectman Barrette's motion to approve the Site Plan as per the attached decision and subject to the conditions recommended by the departments as contained in the decision was seconded by Selectman Emery. Discussion: Selectman Emery expressed her appreciation to Cumberland Farms for the extensive work that have done regarding storm water management. Vote: 5-0

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

Request to Appoint to Kathleen Theoharides as a Non-voting Associate to the Conservation Commission for a Term Ending June 30, 2014 / Andrew Koenigsberg / Kathleen Theoharides

Mr. Koenigsberg and Ms. Theoharides came before the Board and Mr. Koenigsberg informed the Board that the Commission met with Ms. Theoharides in March and voted to recommend her appointment as a non-voting associate.

Selectman Emery's motion to appoint Kathleen Theoharides as an Associate Member of the Conservation Commission for a term ending June 30, 2014 was seconded by Selectman Drewry. Discussion: Selectman Barrette confirmed that Ms. Theoharides will be a non-voting associate as there currently is a full Commission and if an opening should become available she would be willing fill it. He asked Ms. Theoharides what taxonomy is and she explained that it is naming plants. Selectman Emery asked how she learned of the position and Ms. Theoharides saw it posted on the Westborough Patch and she has been interested in serving on a Conservation Commission for some time. Vote: 5-0

Request to Reappoint John Keefe as Animal Control Officer/Inspector of Animals and Leslie Boardman as Assistant Animal Control Officer/Inspector of Animals for Terms ending April 30, 2014 / Town Manager

Mr. Malloy explained that the Animal Control positions are appointed by the State and the Board nominates these appointments after consultation with the Town Manager.

Selectman Emery's motion to nominate John Keefe and Leslie Boardman as Inspector of Animals for the period May 1, 2013 through April 30, 2014 was seconded by Selectman Drewry.

Discussion: Selectman Emery pointed out that these are paid positions, that they both do a wonderful job and Mr. Keefe is calm, compassionate and thoughtful when dealing animals and owners. Vote: 5-0

Request to Accept Michelle Grasso's Resignation from the Youth Commission / Town Manager

Selectman Dodd, Youth Commission liaison, informed the Board that Ms. Grasso is not seeking reappointment and a vote is not needed to accept her resignation.

Selectman Dodd's motion to write a letter of thanking Ms. Grasso for her years of service on the Youth Commission was seconded by Selectman Barrette. Vote: 5-0

Request to Approve a Common Victualer License for Dunkin' Donuts at the New Xtra Mart, 185 Turnpike Road, Westborough / Peter Keenan

Attorney Peter Keenan and Brian Marino, owner of the Dunkin' Donuts at the new Xtra Mart, appeared before the Board. Mr. Marino currently operates the Dunkin' Donuts at 133 Turnpike Road and is closing this location and relocating. The new facility will operate in the same manner as the current one and all the documentation is in order.

Selectman Barrette's motion to approve the Common Victualer Permit for 185 Turnpike Road, Inc. d/b/a Dunkin' Donuts at 185 Turnpike Road was seconded by Selectman Drewry.

Discussion: Mr. Htway informed the Board that the new Xtra Mart does yet have a Certificate of Occupancy and Dunkin' Donuts cannot begin operating until it is issued. Selectman Barrette amended his motion to add that approval is subject to the issuance of the Certificate of Occupancy for the new Xtra Mart and Selectman Drewry seconded the amendment. Discussion: The Dunkin' Donuts will operate within the Xtra Mart and lease from them. The existing Dunkin' Donuts will be leased to another vendor. Vote on the amended motion: 5-0

Request to Approve the Change of Officer/Directors for Ruby Tuesday's, 34 Lyman Street, Westborough / Town Manager

Mr. Malloy explained that this is a typical application of a large chain restaurant for corporate changes to a liquor license. The change involves the Board of Directors and Officers and there is no change to the local staff. Corporate changes are sent directly to the ABCC but also require approval by the local licensing authority.

Selectman Barrette's motion to approve the Change of Officers/Directors for Ruby Tuesday, Inc. d/b/a/ Ruby Tuesday at 34 Lyman Street as per the attached application dated 1/30/13 was seconded by Selectman Emery. Vote: 5-0

Request to Approve the Little League Parade on April 27, 2013 / Rob Nagi

Mr. Nagi, President of Westborough Little League and Softball, came before the Board to request approval to hold the annual Little League parade and temporarily close the road from Bay State Commons to the High School. There will be approximately 400 children plus adult volunteers. The Police and Fire Chiefs have no issues and will provide escorts and traffic guidance. Mr. Nagi will also post signs in the two locations approved in the Board's policy which is monitored by the Police Dept.

Selectman Emery's motion to approve the Annual Little League Parade on April 27, 2013 at 10:00 a.m. was seconded by Selectman Drewry. Vote: 5-0

Re-vote Youth Appointments to the Youth Commission / Town Manager

Selectman Johnson explained that the Board's previous vote to appoint the new Youth Commission members was incorrect. The individuals are the same but the terms were wrong.

Selectman Barrette's motion to appoint Casey Collins and Matt Murch to the Youth Commission for terms to expire on June 30, 2013 and Jack Chuma and Pranit Lahoty to the Youth Commission for terms to expire on June 30, 2014 was seconded by Selectman Drewry.

Vote: 5-0

Request to Approve a One-Day Parking Ban per Week in Downtown Westborough for Street Sweeping / John Walden

Mr. Walden requested approval from the Board for a parking ban in the center of Town from 12:00 a.m. to 7:00 a.m. to allow the street sweeper to clean the roads in the downtown area. The Board discussed with Mr. Walden the start date and putting notices on cars to inform residents.

Selectman Emery's motion to put a one day parking ban per week in downtown Westborough for street sweeping purposes between the hours of 12:01 a.m. and 7:00 a.m. on Friday's starting the second Friday in May was seconded by Selectman Barrette. Discussion: Mr. Walden explained that the area affected would from the flagpole to School Street on West Main Street, to the railroad bridge on East Main Street, to Phillips Street on Milk Street, and to Cross Street on South Street. The Board discussed the concern of businesses that open earlier than 7:00 a.m. Selectman Emery accepted an amendment to the motion that the parking ban would end at 6:00 a.m. Permanent signs will be posted on the existing "1 Hour" parking signs. Chief Gordon informed the Board that before a ticket is issued they would contact the owner and give them the opportunity to move the car before the ban begins. There is enough parking available in the South Street Municipal Parking Lot. The Police Dept. will be somewhat lenient with parking tickets in the beginning. Vote: 5-0

Request to Create a Committee to Investigate the Establishment of a Tax Relief Fund / Selectman Dodd

Selectman Dodd explained that the committee was created at a previous Board meeting and they are now investigating the State statute that has to be adopted at Town Meeting allowing the committee to create a tax relief fund that the Treasurer could invest. The fund would be managed by the committee consisting of three appointments by the Board and the Treasurer and Assessor. The fund will provide tax relief to the disabled/seniors and contributions can be made by indicating a donation on a tax bill or from the community, such as businesses, residents or non-profit groups. The committee will set the criteria to determine the qualification of applicants. Selectman Dodd pointed out that the committee's charge included the appointment of two Selectmen, the Council on Aging Director, the Assessor, Treasurer and a member-at-large. The program will be modeled after the Veteran's Tax Work-Off policy.

Selectmen Emery's motion to appoint Selectmen Dodd and Barrette, Town Treasurer, Chief Assessor, Senior Center Director and member-at-large to investigate the establishment of a tax relief fund was seconded by Selectman Drewry. Discussion: Selectman Johnson expressed concern that advertising to fill the at-large position would cause a delay in moving forward quickly to be ready for fall Town Meeting immediately after which the committee would be dissolved. Selectman Johnson's amendment to the motion to replace the member-at-large position with the Town Manager or his designee was seconded by Selectman Drewry. Vote: 5-0

Selectman Drewry asked if there were any programs to provide a discount on taxes for senior citizens so that they are able to remain in Town. Selectman Barrette is looking into programs; he does have some information and will be ready to present it in the summer. Selectman Dodd suggested looking at specifically what the State allows and what other towns have developed and implemented.

Clear Channel Billboards / Town Manager

Mr. Malloy had presented the option of digital billboards to the Board about a year ago. Billboard companies have been working with the State, who undertook an independent study to determine if there is an increase in accidents due to the changing advertisements. The conclusion was that they did not increase the number of accidents and the State began the process of setting regulations. The Board's initial concerns were how quickly they would change, what they would look like and how dynamic they would be. Mr. Malloy, Town Counsel and the Building Commissioner videoed existing digital billboards on Interstate 93. The Building Commissioner determined that there is no need for a permitting process as the only change is to the face of the billboard and the size remains the same. There are five billboards in Town and Clear Channel originally offered \$5,000 for each per year and five hours of monthly public service announcements for each as well. Mike Morella, from Clear Channel, introduced himself. Mr. Malloy played the video and explained that the billboards are not flashing or animated and the advertisement changes every ten seconds.

Mr. Morella informed the Board that they have increased their offer to \$10,000 per billboard per year. Selectman Johnson reviewed the five billboard locations in Town. Selectman Emery asked about posting urgent messages and Mr. Morella explained that posting message takes up to fifteen minutes, a half hour at the most. Selectman Drewry questioned the timing of the Town's messages and advertisements and Mr. Morella explained that the messages continuously repeat every ten seconds. He also expressed concern regarding the type of advertising and Mr. Morella informed the Board that they have a strict code of ethics. The Town can contact Clear Channel if they are receiving complaints about certain advertisements and they would remove it. Chief Gordon has dealt with Clear Channel in the past and assured the Board that they will follow through with request to remove objectionable ads.

Selectman Emery's motion to authorize the Town Manager to execute an agreement (after review/approval by Town Counsel) with Clear Channel to include a fee of \$10,000 per digital billboard and five hours of public service announcements per month on each billboard was seconded by Selectman Drewry. Vote: 5-0

Mr. Malloy informed the Board that the Economic Development Committee was originally given an appropriation of \$10,000 and they are currently working to create a part-time position for an assistant. An option that is being considered is that some or all of the funds from Clear Channel be appropriated to the EDC and they will be making a request to the Board to set up a revolving fund to be voted at a future Town Meeting.

Request to Approve the DPW Sign Policy / Town Manager

Selectman Barrette explained that Mr. Malloy drafted a policy for the portable sign at the rotary as significant time and money is being spent to move it on and off the rotary when there are events to post. There have been many requests from private groups to post events and messages in addition to the Town messages. Selectman Barrette stated that the intent is for the Board to

adopt a policy for the electronic sign board to determine what would be allowed. He explained that he is investigating a more permanent location, to be determined, and a more attractive electronic board to display these types of messages. Selectman Barrette read the policy.

Selectman Barrette's motion to adopt the Electronic Sign Policy as written in the Board's binders was seconded by Selectman Emery. Discussion: Selectman Drewry questioned whether a "welcome home" message to a returning veteran would be included and Selectman Barrette pointed out that #4 and #5 would provide for that option. Selectman Dodd thanked Selectman Barrette and Mr. Malloy and asked that when the policy is posted on the website that residents requests be directed to the Selectmen's email. Vote: 5-0

Organizational Chart Discussion

Mr. Malloy explained that the organizational chart he prepared was reviewed by Town Counsel to ensure that it follows the Town Charter. He reviewed the chart, which included appointments by the Selectmen, elected officials and Town Manager appointments.

Selectman Emery pointed out that the according to the chart the Town Manager appoints the Building Commissioner and the inspectors, however it does not indicate that the inspectors report directly to the Commissioner and Mr. Malloy will insert another line connecting those positions to the Commissioner. Selectman Barrette pointed out that the Health Director is appointed by the Board of Health and the Board of Health is appointed by the Town Manager and the issue in the chart is that the Health Director should be linked with that Board. He also questioned who appoints the Buildings & Ground Supervisor and Mr. Malloy stated that it was most likely the previous Town Coordinator. According to the Charter there is no appointing authority designated for that position and Selectman Barrette pointed out that he should report to the Town Manager. This would require a Charter change but Attorney Franks explained that if there is no designated appointing authority a default clause gives the authority to the Board of Selectmen. The position will be placed on the chart under the Board of Selectmen with a note that it is by default and a charter change would only be considered if there were several others to bring forward.

Mr. Malloy's main issue with the Charter, from his perspective, is that only the financial departments report directly to him and no others. In looking at other town charters, most of the full-time staff report to the Town Manager. With regard to this issue, the language in the Town's Charter is very odd and not like the language in any model charter that Mr. Malloy has seen. Selectman Dodd's concern is that the Organizational Chart needs to be more streamlined and pointed out some areas where it is confusing as well. He suggested investigating the MMA's resources to assist the Town and take a holistic approach. Mr. Malloy suggested that the MMA review our Charter and then meet with the Board to make recommendations for changes and depending on the changes a decision would be made whether to form a committee.

Town Counsel Report

Attorney Franks has begun reviewing the construction contract for the Fire Station project.

Town Manager Report

No report.

Issues and Correspondence of the Selectmen

Selectman Dodd attended the Food Pantry Open House and thanked the volunteers past and present for creating and maintaining the Food Pantry and for opening it up to the community. A draft of the Pay as You Throw Committee's report was included in the Board's packet and Selectman Dodd asked Mr. Malloy to add the Pay as You Throw Committee's final report to a future agenda.

Selectman Barrette contacted the Town Moderator regarding electronic voting and asked to add it to the next meeting agenda to discuss working with the Moderator and the establishment of an ad hoc committee. He suggested using the same name as Wayland, "ELVIS" which is Electronic Voting Information System. Mr. Harrington, Mr. Behn and Ms. Yendriga will be invited to the meeting as well.

Selectman Drewry asked that the men and women overseas protecting our country be remembered in everyone's thoughts and prayers.

Selectman Emery thanked Tim Novak for producing the meeting. She asked the Town Manager to send a thank you note to Mr. Harvey for his assistance with providing recycling containers for the recreation fields. In order to provide aide to the Boston Marathon bombing victims, the Board is planning a blood drive, which the Senior Center Director and Mr. Malloy are organizing. It will be held on May 24, 2013, the hours to be determined. The Spring Festival will take place in two weeks and the Selectmen are invited to attend the dedication ceremony at 12:45 p.m. for the new terrascaped area on the corner near the shopping center.

Selectman Johnson asked that the Building Commissioner attend the next meeting to provide an update on the status and the next steps regarding the implementation of the permitting software that has been purchased.

Mr. Malloy informed the Board that there is an opportunity to tour the Arcade Building and the Board agreed on Tuesday, April 30, 2013 at 6:00 p.m. The Town will be hosting two women from Pakistan for one week beginning next Monday. One woman works in the education system and the other works in a department that addresses gender equality issues. Their second week will be spent in Wellesley. Mr. Malloy will keep the Board informed of their schedule.

Selectman Johnson reminded the public of the election on Tuesday, May 1, 2013 and encouraged people to vote. The polls will be open from 8:00 a.m. to 8:00 p.m.

Adjourn Open Session

Selectman Drewry's motion to adjourn at 7:37 p.m. was seconded by Selectman Dodd.

Vote: 5-0

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Barrette

Selectman Dodd

Selectman Emery

Selectman Drewry