

**Westborough Board of Selectmen
Meeting Minutes
June 11, 2013**

6:00 p.m. – 8:13 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

Open Forum

Mr. Harrington informed the Board that there will be an opening on the Advisory Finance Committee (AFC) in about a month. There are individuals he is considering and asked the Board for their suggestions. The term is for one year which provides a good opportunity for someone to step in.

Chief Perron explained to the Board that he had advised the AFC in February that he had a budget deficit. He distributed an outline of the line items with shortfalls and reviewed them. Chief Perron will be asking the AFC to transfer approximately \$75,000 from the Reserve Fund. The Board will be meeting the day after the AFC and will be approving budget transfers then.

Form of Government/Charter Discussion

Hans Larsen, Executive Director of the Town of Wellesley, Jeff Nutting, Town Administrator for the Town of Franklin, and Marilyn Contreas, Program and Policy Analyst for the Dept. of Housing & Community Development came before the Board to provide input and discuss the Town's Charter. Mr. Larsen, Mr. Nutting and Ms. Contreas provided information on representative Town Meeting, council form of government and specific issues respective to the Town's Charter.

Some issues of concern that were pointed out and discussed were:

- The document reads as half Charter, half operations manual, and is missing connections and the guidance needed to move forward.
- Inconsistencies with formatting and terminology.
- Information to set a foundation is missing.
- The personnel management function is not all-encompassing.
- Home Rule in Massachusetts limits discretion, however the Charter removes all discretion as it is so specific; it impedes the Board's and Town Manager's ability to manage.
- There are too many centers of responsibility and authority.

Some suggestions offered to the Board were:

- Review other Town Charters and develop a vision of what is fundamentally important.

- Structure the Charter so that it is consistent and denotes accountability.
- Make amendments to the Charter before deciding what type of government is the best fit for the Town.

The Selectmen provided information on the mechanics of Town Meeting, expressed their concerns and asked about consulting services to assist with the process. Ms. Contreas offered to provide an outline of the concerns and contact information for further assistance.

Request to Approve the Westborough Rotary Sprint Triathlon on August 18, 2013 / Gerry Gross

Jerry Gross, Bill Domings, and Mark Walter came before the Board to provide more information and to finalize the paperwork for the Triathlon in August.

Selectman Barrette's motion to approve the Rotary Sprint Triathlon using Town roads on August 18, 2013 as proposed, subject to any conditions of the Police Chief and Fire Chief was seconded by Selectman Drewry. Discussion: Both Chief Gordon and Chief Perron have no concerns. The surrounding towns do participate and complete the same forms. The public can register to participate or volunteer on the website. Vote: 5-0

Request to Appoint Kiley Fitzgerald as a Non-Voting Associate Member to the Cultural Council / Cliff Watts

Mr. Watts informed the Board that Ms. Fitzgerald was unable to attend and that she has been endorsed by the Council.

Selectman Barrette's motion to appoint Kiley Fitzgerald as an Associate Member of the Cultural Council for a term to expire in 2014 was seconded by Selectman Drewry. Vote: 5-0

Request to Approve the Westborough Youth Football & Cheer Casino Night Fundraiser / Anthony Calderone

This item was removed from the agenda by the proponent.

Storm Water Management Recognition Award for Carruth Capital / Derek Saari and Chris Egan

Mr. Saari informed the Board that he has been working to make Westborough a leader in storm water management since 2005. He will be giving an award every year and Chris Egan is the first to receive it. Mr. Egan has put much effort into his own properties and Mass DOT properties as well. Mr. Saari presented Mr. Egan with the award. Mr. Egan noted that he considers storm water management a serious issue as it is important to protect tenants, property and neighbors. It requires constant vigilance and he will continue to put pressure on the State. Mr. Egan was proud to accept the award on behalf of Carruth Capital.

Request to Approve the Kids' Pan Mass Challenge on June 23, 2013 / Corinne McCabe
Corrine McCabe, Challenge Coordinator, noted that they raised over \$60,000 last year for the Jimmy Fund.

Selectman Drewry's motion to approve the Kids Pan Mass Challenge event to be held on Sunday, June 23 and allow them to use West Main Street, Charles Street and Ruggles Street subject to any conditions of the Chief of Police was seconded by Selectman Barrette. Discussion: Chief Gordon has no issues. Ms. McCabe informed the Board that the children raise most of money along with raffles and a silent auction. Vote: 5-0

Request to Approve a Seasonal Liquor License for Still River Winery for the Westborough Farmers' Market / Wade Holtzman

Ms. Holtzman, owner of Still River Winery, came before the Board to request approval to participate in the Farmer's Market. They will be there every other week.

Selectman Dodd's motion to approve the Farmers Market Special Liquor License for Still River Winery to participate in the Westborough Farmers Market at the Congregational Church property from June 13, 2013 through September 26, 2013, subject to the \$50 fee was seconded by Selectman Barrette. Discussion: Chief Gordon has no issues and they do have their Hawker's Peddlers license. Vote: 5-0

Request to Sign Notes for Short-Term Borrowing / Joanne Savignac

Mr. Malloy explained that the short term borrowing is to close out the internal borrowing and needs to be done by the end of the fiscal year. The amounts are \$100,000 for Flanders Road Sewer and \$10,000 for Crownridge Water. Bids were accepted until 11:00 a.m. on June 5, 2013 and the low bid was 0.6%.

Selectman Emery's motion to approve the short term borrowing as per the terms and conditions presented by the Town Treasurer/Collector was seconded by Selectman Barrette. Vote: 5-0

Request to Approve 2013 Reappointments

Selectman Emery's motion to reappoint the Reserve Intermittent Police Officers, the Special Police Officers in the Fire Department and the Special Police Officers at Tufts University as listed was seconded by Selectman Barrette. Vote: 5-0

Selectman Emery's motion to approve the list of committee reappointments was seconded by Selectman Barrette. Vote: 5-0

Request to Approve DPW Annual Bid Awards / Town Manager

Mr. Walden read the date and times that the bids were opened for pavement markings, crack sealing treatment, equipment and labor and his recommendation for the awards.

Selectman Drewry's motion to award the contract for pavement marking to Markings, Inc. at \$7.31 per linear foot; crack sealing to Crack-Sealing, Inc. for \$7.71 per gallon and Equipment; and Labor to RB Johnson & Sons for mini excavator at \$74 per hour and 15 ton tracked excavator and operator at \$92 per hour; and Doug Uhlman Excavating for a 46,000 lb. tracked excavator and operator at \$185 per hour and to authorize the Town Manager to execute any necessary contracts related thereto was seconded by Selectman Barrette. Vote: 5-0

Request to Approve Contract Award to Whiteaker Controls for Replacement of Variable Frequency Drives & Miscellaneous Electrical Equipment / Town Manager

Mr. Walden informed the Board that five bids were opened on May 30, 2013 at 10:00 a.m. and the low bid received was Whiteaker Controls for \$73,350.

Selectman Barrette's motion to award contract #13-02 for replacement of variable frequency drives and miscellaneous electrical equipment to Whiteaker Controls for \$75,350 as per their bid and to authorize the Town Manager to execute any necessary contracts related thereto was seconded by Selectman Emery. Vote: 5-0

300th Anniversary Committee Discussion / Selectman Johnson

Mr. Malloy reviewed the process for the creation of the 300th Anniversary Committee at the 1991 Annual Town Meeting. There is approximately \$8,800 in funds leftover from the 275th Anniversary Committee. Mr. Malloy provided the Board with information from various towns regarding their 300th Anniversary Committees. He noted that the Town Accountant prefers that the existing funds be used first and a gift fund be created for new donations received. The Board discussed the length of the terms for members and it was also suggested that there be one member from the Historical Commission and one from the Historical Society. Mr. Malloy will advertise the openings for the Committee.

Selectman Barrette's motion to establish a 300th Anniversary Gift Account for the purpose of promoting and paying the costs of events and all other costs related to the 300th anniversary of the incorporation of the Town of Westborough was seconded by Selectman Drewry. Discussion: The Committee will make decisions on how the funds are spent and the Town Accountant will oversee the gift account. Vote: 5-0

Chapter 90 Discussion and Approval of the Letter to the Governor / Town Manager

Selectman Dodd excused himself from this discussion.

Mr. Malloy explained that the Town received a letter regarding the allocation of Chapter 90 funds for FY 2014. The Town was expecting to receive \$1.2 million from the \$300 million Transportation Bond Act passed and signed by the Governor. However the Governor has decided to release only \$150 million, his reason being that he has increased Chapter 90 funds during his administration much to the benefit of the communities. Mr. Malloy drafted a letter outlining the Town's objections and included a 10-year chart comparing paving costs and the number of miles that can be paved with the funds received. In 2004, 8.2 miles could be paved versus 5.7 in 2014. He recommended that the Chairman sign the letter and that it be sent to the Governor, Secretary & CEO of Mass DOT and the MMA.

Selectman Barrette's motion to send Ian Johnson's June 11, 2013 letter to the Governor regarding Chapter 90 funds was seconded by Selectman Drewry. Discussion: The Board briefly discussed the Telegram & Gazette article regarding this issue and the political aspect. Vote 4-0

Town Counsel Report

No report.

Town Manager Report

Mr. Malloy reminded residents that there is a public meeting next Monday, June 17, 2013 at 7:00 p.m. at the High School regarding the potential acquisition of the State Hospital property.

Issues and Correspondence of the Selectmen

Selectmen Dodd informed the Board that the Tax Relief Fund Review will be meeting tomorrow, June 12, 2013 at 8:00 a.m. in the Selectman's Office. He pointed out that June 1, 2013 was a day of civic hacking, where twenty various governments discussed government data sites and how to obtain information and make government more accessible.

Selectman Barrette congratulated the Westborough High School Class of 2013, who graduated on June 8. He questioned when the Board is going to address the Planning Board vacancy and Mr. Malloy informed the Board that the last two interviews will be held at the next meeting. The other committee vacancies will be discussed at the next meeting as well and Selectman Barrette suggested that the Board begin asking residents to consider volunteering. He informed the Board that he had used the application on the Town website to report a pothole and reviewed the steps to get to the correct location.

Selectman Johnson reiterated the importance of filling the committee vacancies, thanked Mr. Malloy for inviting the guests for the Charter discussion and asked to discuss the next steps for the Charter revision at the next meeting. The Board briefly discussed the difference between a Charter Commission, which is elected and a Charter Committee, which is appointed. Selectman Johnson noted that a letter was sent to Kristi Williams from the Professional Fellows Program for Pakistani Administration presenting the Town with a modest honorarium and he thanked Ms. Williams and all Town Departments for hosting the two Pakistani guests.

Executive Session

Selectman Barrette's motion that the Board enter into Executive Session for the following purposes:

- To discuss collective bargaining, as an Open Session would have a detrimental effect on the Town's bargaining 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 Drewry – yes; Selectman Emery – yes; Selectman Johnson – yes; Selectman Barrette – yes; Selectman Dodd – abstain.

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Barrette

Selectman Dodd

Selectman Emery

Selectman Drewry