

**Westborough Board of Selectmen
Meeting Minutes
August 13, 2013**

6:00 p.m. – 8:30 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

Selectman Barrette's motion to approve the minutes of June 11, 2013 as printed was seconded by Selectman Drewry. Vote: 5-0

Selectman Barrette's motion to approve the minutes of June 25, 2013 as printed was seconded by Selectman Drewry. Vote: 5-0

Selectman Barrette's motion to approve the minutes of July 9, 2013 as printed was seconded by Selectman Drewry. Vote: 5-0

Public Hearing for Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante at 160 Turnpike Road to Approve the New Office/ Director, Issuance of Stock, Transfer of Stock and New Stockholder / Peter Lyford

Selectman Emery's motion to open the public hearing for Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante was seconded by Selectman Barrette. Vote: 5-0

Mr. Lyford came before the Board and noted that this is a corporate change only and there will be no impact to the local restaurant.

Selectman Barrette's motion to approve the New Officer/Director, Issuance of Stock, Transfer of Stock and New Stockholder for Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante at 160 Turnpike Road, as per their application was seconded by Selectman Drewry. Vote: 5-0

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

Public Hearing for Site Plan Review for SG2 Enterprise LLC for Site Improvements at 8 Church Street (Kirkside Building) / James Almonte, Waterman Design / Gail Hanson, SG2 Enterprise, LLC

Selectman Emery's motion to open the public hearing for Site Plan Review for SG2 Enterprise LLC for Site Improvements at 8 Church Street was seconded by Selectman Barrette. Vote: 5-0

Attorney Bloom introduced Gail Hanson and Shelby Marshall, principles of SG2 Enterprise, LLC and the organization "Right at Home", which provides in home services. Members of the Congregational Church, which owns 8 Church Street, were present as well.

Mr. Almonte reviewed the site plan, additions and changes to the parking area, drainage improvements, landscaping and renovations to the building interior to convert it to new office space for Right at Home. Mr. Htway will provide a copy of the August 7, 2013 response memo from the Town Planner, which was not included in the Board's packet, but will be included in the decision. Mr. Htway reviewed the departments' comments.

Selectman Barrette's motion to approve the site plan for SG2 Enterprise LLC for 8 Church Street as per the attached decision and subject to the conditions recommended by the departments as contained in the decision was seconded by Selectman Drewry. Discussion: Selectman Emery asked how many employees will be there on a normal workday and the response was twelve and she noted that the amount of parking available is not excessive, but will accommodate the employees. The Fire Chief has no issues and Jack Wilson, Chair of the Church's property task force, informed the Board that they strongly support the plan. Vote: 5-0

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

Fire Station Bid Award / Town Manager

Mr. Malloy reviewed the process for the Fire Station bid opening and G & R Construction, Inc. was the low bidder. There was a change in base bid as one bidder withdrew and it will increase by \$14,700 for a total of \$8,267,700. The amount for Alternate #1 is \$84,000. The Owner's Project Manager has completed their due diligence at DCAM. Mr. Carell, a member of the Municipal Building Committee (MBC) and architect, has worked with them previously and Mr. Malloy received good reviews from three other Town Managers. Their overall DCAM rating is a 94. The MBC unanimously voted before tonight's meeting to accept G & R Construction as the General Contractor for the Fire Station project.

Selectman Barrette's motion to award the bid on the Westborough Fire Station to G & R Construction, Inc. for the base bid of \$8,183,700 and Alternate #1 for \$84,000 for a total bid award of \$8,267,700 and further to authorize the Town Manager to execute all contracts related to this vote and this project was seconded by Selectman Drewry. Discussion: The project may possibly begin in late August or early September once all the documentation has been completed. The bid came in under what was authorized at Town Meeting. Zachary Schmaltz was introduced as the daily on-site coordinator for the Project Manager. Vote: 5-0

Request to Appoint Stephanie Kelley as a Voting Member to the Conservation Commission for a Term to Expire on June 30, 2016 / Derek Saari / Stephanie Kelley

Mr. Saari came before the Board Selectman Barrette's motion to appoint Stephanie Kelley to the Conservation Commission for a three year term to expire on June 30, 2016 was seconded by Selectman Drewry. Discussion: There is still one non-voting position available. Vote: 5-0

Request to Appoint Meredith Wolpert and Corbin Whittaker to the Youth Committee for Terms to Expire June 30, 2015 / John Badenhausen / Meredith Wolpert and Corbin Whittaker

Selectman Dodd's motion to appoint Meredith Wolpert and Corbin Whittaker to the Youth Committee for terms to expire June 30, 2015 was seconded by Selectman Drewry. Discussion: Mr. Badenhausen noted that there has been an increase in interest since these positions have been approved. Vote: 5-0

Request to Appoint Matthew Chiott as an Alternate Member to the Zoning Board of Appeals for a Term to Expire on June 30, 2016 / David Lamothe / Matthew Chiott

Selectman Dodd's motion to appoint Matthew Chiott as an Alternate Member to the Zoning Board of Appeals for a term to expire on June 30, 2016 was seconded by Selectman Drewry. Vote: 5-0

Request to Approve the Exemption for Earl Storey as a Special Municipal Employee

Mr. Malloy explained that as a voting member of the Country Club Operating Committee it was recommended by the Ethics Commission that Mr. Storey seek an exemption as a Special Municipal Employee as he votes to award the Superintendent's contract and approves funds for his projects, and the Superintendent in turn occasionally hires Storey Landscaping to perform some of the work at the golf course. Attorney Franks further explained the exemption which is statement that must be filed with Town Clerk.

Selectman Barrette's motion to approve the exemption for Earl Storey as a Special Municipal Employee from Section 20D of Chapter 268A of the General Laws was seconded by Selectman Drewry. Vote: 5-0

Request to Award the Country Club Restaurant Lease to Golf Course Management, Inc. (d/b/a The Grille at Westborough Country Club) / Town Manager / Michael Hightower

Mr. Malloy noted that the current lease held with the Town ends on September 15, 2013 and that he worked with the Country Club Operating Committee to develop the RFP. The goal of the RFP was to provide an incentive to attract someone that would make an investment in the restaurant so that it would be successful. The lease was also changed so that it ends in March. Mr. Malloy and the Operating Committee both agreed to recommend that the contract be awarded to Golf Course Management.

Selectman Emery's motion to award the Country Club Restaurant Lease to Golf Course Management, Inc. (d/b/a "The Grille at Westborough Country Club") as per their bid received on July 30, 2013 and further to authorize the Town Manager to execute the lease agreement that was included in the RFP was seconded by Selectman Barrette. Discussion: Mr. Hightower explained that the management expertise will come from his brother, David Hightower, who will act as a consultant and will hire and train the staff. The intent is to hire a classically trained chef. Selectman Johnson pointed out that this contract better integrates the golf course with the restaurant, which is the key for success. Vote: 5-0

Request to Approve Removal of Lot 1A Chestnut Street from Chapter 61A / Marcus Emery

Selectman Emery asked if she would need to recuse herself as Mr. Emery is her cousin and Attorney Franks stated that it is not necessary. Mr. Emery explained that the intent is to sell this piece of property where a single family home will be built. Selectman Johnson explained the process for removal from Chapter 61A. The Conservation Commission responded to the Notice of Intent that they had no interest in the property.

Selectman Dodd's motion to not exercise the Town's right of first refusal from the property shown as Lot 1A Chestnut Street was seconded by Selectman Drewry. Vote: 5-0

Selectman Barrette noted that there was no response from the Open Space Preservation Committee the lack of a recommendation from them is doing a disservice to the Town. The

Board briefly discussed the Chapter 61A process and possibly revamping the Committee and agreed to discuss the issue further at a future meeting.

Electronic Voting Update / Town Moderator / Selectman Drewry

Mr. Harrington came before the Board and provided an update on the Committee's progress. They received three responses from the RFP and one vendor proposed to provide the service at the fall and Annual Town Meetings at no cost. Their Committee voted unanimously on July 30, 2013 in favor of Options Technologies Interactive (OTI). If approved by the Board Mr. Harrington will draft Articles for fall Town Meeting. A publicity campaign will be launched after Labor Day and OTI will begin looking at the High School on September 30, 2013.

Selectman Barrette's motion to endorse the Electronic Voting Committee's choice of Options Technologies Interactive as the vendor for the testing of electron voting at the Town Meetings in the fall of 2013 and the spring of 2014 was seconded by Selectman Emery. Discussion: Mr. Harrington reviewed the process for accepting the electronic voting at Town Meeting. There will be Articles for the FY 2015 budget, one to include the cost in the budget and a bylaw change to allow it. There was a discussion of a Warrant Article that would allow for the option of the electronic voting in the fall and when the bylaw change would be voted on. Attorney Franks noted that there is no issue for conflict by using OTI at no cost as it will have to go out to bid if approved. Also discussed was the concern that the quote might be more than what it is budgeted and whether there should be firm bids in hand before asking for the appropriation. OTI has been informed that the Rule of the Meeting may be voted down. If there are more people than voting devices there will be a contingency plan in place. Vote: 5-0

Request to Appoint a Reserve Intermittent Police Officer / Chief Gordon

Chief Gordon informed the Board that Mr. Mastrogiovanni has paid for the academy training himself and is available during the day for duty as he has his own business.

Selectman Barrette's motion to appoint James Mastrogiovanni as a Reserve Intermittent Police Officer was seconded by Selectman Drewry. Vote: 5-0

Bicycle & Pedestrian Advisory Committee Update on Town Meeting Article for Survey Work Funding / Don Burn

Mr. Burn reviewed his presentation on the idea of building a bicycle trail in Town. This is separate from the Charm Bracelet Trail. The trail will begin at the Southborough line and continue to Park Street on the old trolley line and will be part of the trail from Framingham to Worcester. All the communities have been involved and all are in favor. The trail will be 5.5 miles of trail in Westborough. Mr. Burn explained the planned approach regarding easements and raising funds. Once there is interest and some funds are procured the Committee will request funding from the Mass. Dept. of Transportation. The Committee has received two quotes for a survey, for which they have the funds. Mr. Burn will work with Town Counsel on the Article.

Request to Approve Borrowings and Authorize the Treasurer to Issue Debt / Town Treasurer/Collector

Selectman Barrette's motion to approve the sale of \$34,504,439 General Obligation Municipal Purpose Loan of 2013 bonds of the Town dated August 23, 2013 the bonds due FTN Financial Capital Markets at the price of \$37,749,663.94 and accrued interest if any is hereby approved and confirmed. The bonds shall be payable on November 15th of the years in the principal

amounts and bear interest at the respective rates as follows as listed in the paperwork. And also move to approve the sale of a \$4,535,000 1.2% General Obligation Bond Anticipation Note of the Town dated August 23, 2013 and payable August 22, 2014 the notes due Jefferies LLC at par and accrued interest if any plus a premium of \$47,845 was seconded by Selectman Drewry. Discussion: Ms. Savignac reviewed the bids, the rates, what the debt is for and the savings. Vote: 5-0

Request to Appoint Election Officers for 2013-14 / Town Clerk

Selectman Emery's motion to approve the Election Officers for 2013-14 as presented in the 7/23/13 memo from the Town Clerk was seconded by Selectman Drewry. Vote: 5-0

Request to Reappoint Beth Ann Travis to the Open Space Preservation Committee as the Recreation Commission Representative / Town Manager

Selectman Dodd's motion to approve the reappointment of Beth Ann Travis to the Open Space Preservation Committee for a term to expire June 30, 2014 was seconded by Selectman Drewry. Vote: 5-0

Request to Approve the Proposal for the Westborough State Hospital Property Acquisition / Town Manager

Dodd removed himself from the discussion.

Mr. Malloy reviewed the agreement to purchase the Westborough State Hospital property for \$2.2 million with the Commonwealth financing the acquisition over a ten-year period at 0% interest. He also reviewed the process and possible options for the redevelopment and resale which is without restrictions as to the future use. A more detailed purchase and sale agreement will be developed and it will require special legislation to enact the terms of the agreement.

Selectman Barrette's motion to approve the proposal to sell the Westborough State Hospital Property to the Town under the terms outlined in the attached July 29, 2013 letter from Carole Cornelison, Commissioner of MA DCAM was seconded by Selectman Drewry. Vote: 4-0-1 (Abstain – Dodd)

Board of Selectmen Liaison Program

Selectman Johnson asked the Board to review the Liaison list and send any changes to Ms. Covino.

Volunteer Interest Form / Selectman Dodd

Selectman Dodd explained that due to increased vacancies a form was developed years ago to assist with resolving the issue. He reviewed the components of letter. Selectman Dodd suggested that the website should include when each committee meets and a short explanation of their function. The wording "for 30 days" on the second page of the handout will be removed and "kept on file" added. The Board discussed the policy to bring in new board and committee members and agreed to discuss it further at a future meeting to develop a policy and include the forms as a component.

Town Charter Discussion and Request to Create a Charter Review Committee

Mr. Malloy worked on vision statement with Selectmen Johnson and Barrette in order to provide direction to the Charter Committee. The committee will include a member from the Board of Selectmen, Planning Board, School Committee, and Advisory Finance Committee.

Selectman Barrette's motion to create a Charter Review Committee (Ad Hoc) consisting of seven members appointed by the Board of Selectmen to include one member from the Board of Selectmen, the Planning Board, the School Committee, the Advisory Finance Committee and three residents and further to adopt the following vision statement to establish the general purpose of the Committee: "To improve the Town's organizational structure by providing improved accountability and appropriate day to day management authority through the Town Manager, while allowing Boards and Committees to focus on policy setting, statutory, planning and regulatory responsibilities, all within the current form of government" was seconded by Selectman Drewry. Discussion: Selectman Barrette will be the Selectmen's representative. The Board briefly discussed recruiting for the committee. Vote: 5-0

Town Counsel Report

Attorney Franks reviewed the Attorney General's ruling on the medical marijuana bylaw, what was accepted and that very little was stricken.

Issues and Correspondence of the Selectmen

Selectman Dodd noted that due to pedestrian and traffic issues during the Farmers' Market the Board had briefly discussed the idea of a pedestrian flag pilot program at the last meeting. The Bicycle & Pedestrian Committee members are interested in this issue and could provide assistance with investigating solutions to the issue. Mr. Malloy noted that the electronic sign board was posted across the street from the Town Hall to alert drivers. The Senior/Disabled Tax Relief Committee will have proposal for fall town meeting.

Selectman Barrette commended the "See Click Fix". He also noted that the Planning Board is meeting tonight, which is a conflict if the Selectmen would like to attend and suggested that a policy be developed in the future for the scheduling of meetings.

Selectman Emery asked if there is any interest in the Tot Lot Committee and Mr. Malloy has interviewed the three people who have volunteered and will send letters to them this week. Selectman Johnson provided an update on the Planning Board and School Committee vacancies.

Selectman Drewry reminded the public of Rotary Triathlon this coming Sunday.

Selectman Johnson noted that he will be out of town for the September 10th meeting and also asked for the Board's thoughts about moving the meeting time forward to discuss at a future agenda.

Executive Session

Selectman Barrette's motion that the Board enters 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.

A Roll Call Vote was taken: Selectman Drewry – yes; Selectman Emery – yes; Selectman Johnson – yes; Selectman Barrette – yes; Selectman Dodd – yes.

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Barrette

Selectman Dodd

Selectman Emery

Selectman Drewry