

**Westborough Board of Selectmen
Meeting Minutes
October 1, 2013**

6:00 p.m. – 8:58 p.m.

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

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 minutes of September 10, 2013 was seconded by Selectman Emery. Vote: 5-0

Open Forum

Kathie Rosenblum Senie came before the Board to express concerns regarding Article 14 and that it bundles together important and unrelated issues. She noted her reasons why they should be considered on their own separate merits. Ms. Senie had also received comments and concerns from residents about the timber harvesting last year and suggested that there are other ways to manage the forestry plan. Ms. Senie read a letter for the record from resident Scott Shumway with similar concerns and requested that the Article be removed and more information be provided.

Mr. Harrington came before the Board to follow up on the post Annual Town Meeting discussion. He will encourage the Scouts to sit in front and look out at the audience and will also encourage people in the balcony to use the standing mikes. He provided a brief update on the electronic voting for the Fall Town Meeting.

Public Hearing for New Liquor License for Taste of Andhra, LLC, 291 Turnpike Road / Suneeta Rednam

Mr. Rednam provided information on his new restaurant, which will serve authentic southern Indian cuisine. The liquor license is being transferred from the previous restaurant and Mr. Rednam will be on the premises as he is alcohol awareness trained.

Selectman motion Barrette's motion to approve the New Wine and Malt License for Taste of Andhra d/b/a Mirchi at 291 Turnpike Road and naming Bhasker Rednam as the Manager of Record, as per their application was seconded by Selectman Emery. Vote: 5-0

Purple Heart Community Presentation by the State Commander

State Commander Leo Agnew, a recipient of three Purple Hearts, Senator Jamie Eldridge and Representative Matt Beaton were in attendance to honor and present citations recognizing Westborough as the second in the State to receive the Purple Heart Community award. Selectman Dodd presented the citation received by Governor Patrick.

Public Hearing for Alteration of Licensed Premises for Tenka Grill, Inc., 153 Turnpike Road / Attorney William Pezzoni / Kevin Shi

Attorney Pezzoni and Kevin Shi appeared before the Board and Attorney Pezzoni explained Mr. Shi's request to extend their food and liquor sales to the space upstairs from the restaurant next to the new "Fore! Golf Entertainment" facility. The food will be prepared in the restaurant and brought upstairs. Brian Nutting, owner of the golf facility, reviewed the simulated golf portion and the hours of operation. The restaurants area upstairs can be cordoned off and secured. Chief Gordon has no issues and Mr. Nutting is TIPs certified as well.

Selectman Barrette's motion to approve the Alteration of Premises License for Tenka Grill at 153 Turnpike Road, as per their application was seconded by Selectman Drewry. Vote: 5-0

Request to Approve the Firefighters' Muscular Dystrophy Boot Drive on October 5, 2013 / Firefighters Richard Golden and Carl Roche came before the Board and provided details on the Boot Drive fundraiser for Muscular Dystrophy which will take place on Saturday from 10:00 a.m. to 2:00 p.m. Chief Gordon has no issues.

Selectman Emery's motion to approve the use of the Rotary for the MDA Boot Drive Fundraiser on October 5, 2013 from 10:00 a.m. to 2:00 p.m. was seconded by Selectman Barrette. Vote: 5-0

Request to Approve Taxi and Vehicles for Hire Regulations / Karl Connolly

Mr. Connolly, Attorney Franks' intern, provided a review of taxi regulations, the statute that allows the Board to pass the regulations and the application process. The Board's role is to vote to approve licenses at a meeting. Chief Gordon noted that there is an unlicensed taxi in Town that is taking business away from licensed taxis and a mechanism is needed to deal with the issues. He has had no issues with the two licensed taxi businesses. The Town can have a maximum of twenty licensed taxis and the ones currently operating will keep their license and then renew when they expire.

Selectman Emery's motion to adopt the Town of Westborough Regulations for the Licensing of Taxicabs and Vehicles for Hire, dated October 1, 2013, as attached was seconded by Selectman Barrette. Vote: 5-0

School Committee Candidate Interview and Appointment

School Committee Members Present: Ilyse Levine-Kanji, Steve Doret, Nicole Sullivan.

School Committee candidate, Charles Gammal, reviewed his background and reasons for his interest in the position. The Selectmen and School Committee members then conducted a fifteen-minute interview session with Mr. Gammal.

Selectman Barrette's motion to nominate Karen Henderson to fill the term until the Town election was seconded by Mr. Doret. Discussion: Selectmen and School Committee members noted their reasons for supporting Ms. Henderson. Vote: 8-0

Liquor License Revocation Hearing for Mulligan's Taverne-on-the Green / Town Manager

Selectman Emery's motion to open the hearing on the revocation of the liquor license for Mulligan's Taverne-on-the-Green was seconded by Selectman Barrette. Vote: 5-0

Attorney Franks informed the Board that the license holder has surrendered the license, no longer has control of the premises and the lease has expired. The license is needed for the new owner in order sell alcohol.

Selectman Emery's motion to revoke the liquor license issued to Mulligan's Tavern as the lease on the Town-owned Country Club building previously leased to Michael O'Regan due to the lease's expiration was seconded by Selectman Barrette. Vote: 5-0

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

Request to Approve In Your Shoes Polar Plunge Event on December 8, 2013 / Terry Gavin

Terry Gavin and Debi Ledoux, co-founders of In Your Shoes, appeared before the Board to request approval for the Polar Plunge event on December 8 from 1:00 to 3:00 p.m. This year they are extending the participation level to include youth ages 16 to 18. Their parents will be required to sign a waiver. Ms. Gavin reviewed the purpose of the organization and details of the Polar Plunge event.

Selectman Emery's motion that the Board approves the Polar Plunge to be held on December 8, 2013, subject to any requirements of the Police Chief and Fire Chief being met was seconded by Selectman Drewry. Vote: 5-0

HRA Benefits for Retirees / Fran Sowa

Mr. Sowa, retiree representative for the Insurance Advisory Committee, came before the Board. He distributed a copy of his statement to the Board, which he read for the record, requesting the extension of the Healthcare Reimbursement Account benefit to retirees.

The Board agreed with Selectman Barrette's suggestion that he work with Mr. Malloy to review the history of this issue, the direction going forward, and to report back to the Board. The Board thanked Mr. Sowa for bringing this to their attention.

Request to Appoint William McLoughlin and Linda Birch to the Council on Aging for Terms to Expire June 30, 2016 / Charlie Flood

Selectman Barrette's motion that the Board appoint William McLoughlin as a member of the Council on Aging for a term to expire on June 30, 2016 was seconded by Selectman Emery. Selectman Barrette's motion that the Board appoint Linda Birch as a member of the Council on Aging for a term to expire on June 30, 2016 was seconded by Selectman Emery. Discussion: Mr. Flood noted that all the candidates were invited to a Council meeting and those that attended were interviewed. They were impressed by all the candidates however the Council agreed that Mr. McLoughlin and Ms. Birch would be great additions to the Council. Vote: 5-0

Senior & Disability Tax Relief Committee Presentation on Draft Regulations and Award Process / Selectman Dodd

Selectman Dodd reviewed the purpose and process of the Tax Relief Committee established by the Board to study the acceptance of the law allowing for the establishment of a fund to assist seniors and disabled residents in meeting their tax obligations. He had provided the Board with a set of draft regulations and the application for their review. Once the law has been accepted at Town Meeting a committee will be appointed to implement the program beginning in the spring.

Request to Award Ambulance Billing Contract / Town Manager

Mr. Malloy informed the Board that two bids were received for the RFP for the ambulance billing contract. Comstar had the current contract and their bid was at 3% of collections while the second one came in at 4%. There have been no issues or concerns with Comstar.

Selectman Barrette's motion that the Board awards the bid to Comstar at 3% of collections as per their bid and authorizes the Town Manager to execute the agreement between the Town and Comstar was seconded by Selectman Emery. Vote: 5-0

Town Meeting Warrant / Town Manager

The Town Meeting Warrant will be closed tonight so that it can be officially posted. Mr. Malloy reviewed each of the Articles and the following were flagged for discussion/changes:

Article #10: Selectman Barrette brought up an issue that was discussed at the Finance Committee meeting the night before that the items are lumped together and asked for clarification on how they will be addressed at Town Meeting. Mr. Harrington explained that the Article is very specific and is not like the budget Article presented at Annual Town Meeting in that the amounts are caps and less could be voted, not more due to the way it is written. The Article would be considered line by line and if there was issue with an item a motion for an amendment would have to be made to change it. The Article will be voted as printed in the Warrant. Selectman Barrette noted that the second issue being questioned is with the Building and Grounds Salary/Wages line item reduction due to the retirement of the Senior Center custodian and the recommendation to contract out the custodial services for the building. He had previously questioned what the union ramifications might be. The Board had received a memo from Gail Silva and Selectman Barrette asked Mr. Malloy for his comments which he was unable to provide as he did not receive a copy and stated that any labor issue should come directly to him not to the Board. He noted that this is an issue that should be addressed with the SEIU Clerical Union. Mr. Malloy explained that the contract's Management Rights clause includes the right to contract out and privatize any services currently being provided and that he would send an impact bargaining letter the day after Town Meeting if it is approved.

Article #11: Mr. Malloy will change the wording in item 6 to "Volunteer Coordinator".

Article #14: Selectman Emery's concern about the Article is that it is very vague and encompassing and questioned why the Article was being presented by the DPW Manager and Conservation Officer and not the DPW Manager and Conservation Commission. She noted that she would like to know the Conservation Commission's position before including the Article in the Warrant. The Board was provided a detailed memo from Derek Saari on the Conservation Commission's letterhead and Selectman Emery has insisted in the past that memos from the Conservation Commission should come from the Chair as sometimes there are disagreements between the Commission and the Conservation Officer. The Board discussed the Article language, the procedure on Town Meeting floor for amendments or division of the question and the Town Manager's statement. The Board agreed to ask Mr. Saari, Mr. Walden and Mr. Koenigsberg to attend the next meeting to further discuss the issue.

Article #16: The words "and providing assistance to seniors" in line 3 will be struck and a period will be inserted after the word "cost". The words "and donations" in line 4 will be struck and in the Town Manager's Statement, the words "used for donations" will be removed.

Articles #22 - #27: Mr. Robbins and Mr. Hensley will be asked to attend the meeting next week to discuss the zoning Articles.

Selectman Barrette's motion that the Board closes the Warrant was seconded by Selectman Drewry. Vote: 5-0

The Board agreed to vote on the Articles at the October 8, 2013 meeting.

Town Manager Report

Mr. Malloy thanked the staff involved with the move and commended them for the hours that were expended to ensure a smooth transition. He also reviewed the process. Selectman Johnson requested that something be done as a thank you and the Board will try to attend as well.

Issues and Correspondence of the Selectmen

Selectman Barrette expressed condolences and recognized the loss of Brian Gatley, a retired teacher and currently a bus driver for the Senior Center. He suggested that the Board discuss some changes regarding agenda items and he agreed to prepare a draft of some ideas and present it to the Board at a future meeting. Selectman Barrette noted that there have been some comments regarding the new color of Westborough Package Store and Selectman Johnson explained that as it was not a structural change or sign it did not trigger a design review. The new owners did speak with the Design Review Board and it is a historical color.

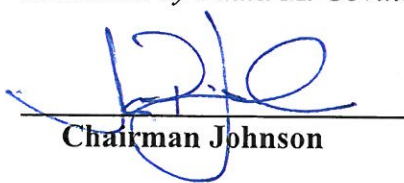
Selectman Dodd spoke with the Bicycle & Pedestrian Advisory Committee and Chief Gordon regarding pedestrian safety. It was agreed to purchase a set of flags, which are relatively inexpensive, and begin a pilot program now before the Farmers' Market in the spring. It was agreed to add this to a future meeting agenda and invite Mr. Tretter.

Selectman Johnson proposed changing the meeting time to 6:30 p.m. and the Board agreed to put it on the agenda so that it could be voted on.

Adjournment

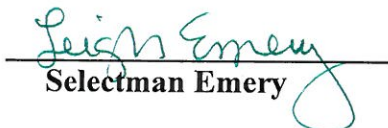
Selectman Dodd's motion to adjourn at 8:58 p.m. was seconded by Selectman Barrette. Vote: 5-0

Submitted by Paula M. Covino


Chairman Johnson


Vice Chairman Barrette


Selectman Dodd


Selectman Emery

Selectman Drewry