

**Westborough Board of Selectmen
Meeting Minutes
October 8, 2013**

6:00 p.m. – 8:32 p.m.

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

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

Public Hearing for a New Liquor License for The Grille at Westborough Country Club, 121 West Main Street / Mike Hightower

Selectman Barrette's motion to open the public hearing for The Grille at Westborough Country Club, 121 West Main Street was seconded by Selectman Emery. Vote: 4-0

Selectman motion to approve the All Alcohol License for The Grille at Westborough Country Club at 121 West Main Street and naming Michael Hightower as the Manager of Record, as per their application and further finding that there is no detriment to the issuance of this license for a premises located within 500 feet of a church since there has been an existing restaurant and license at the location for a substantial period was seconded by Selectman Emery. Discussion: Abutter notices were sent and there are no issues with the Methodist Church or the school behind the property. Mr. Hightower plans to open in mid-November. Vote: 4-0

Selectman Emery's motion to close the public hearing for The Grille at Westborough Country Club was seconded by Selectman Barrette. Vote: 4-0

Request to Approve a Class II License for Westboro Auto Exchange, 3 Union Street / Mark Alden

Mr. Alden informed the Board that he currently occupies 22 East Main Street and because the property is for sale he needs to relocate his business.

Selectman Emery's motion to approve the Application for Westborough Auto Exchange at 3 Union Street to be licensed for the sale of up to 6 used vehicles at 3 Union Street was seconded by Selectman Barrette. Discussion: Chief Gordon has no issues as long as the parking is off Union Street. Mr. Malloy noted that a late comment was received from Don Moquin on Friday requesting a limit of 4 vehicles due to the congestion in the area. Selectman Emery stated that she understands Mr. Moquin's concerns but would prefer to allow the 6 vehicles and revisit the issue if there is a problem. Vote: 4-0

Article 10 – Building & Grounds Reduction in Work Force / Gail Silva

Gail Silva, Chapter Chair and Brenda Rodriguez, Executive Director of SEIU 888 came before the Board. Ms. Silva read a statement regarding their disappointment regarding the process followed to place the outsourcing of custodial services on the Town Meeting Warrant. It also outlined the negotiation process that took place beginning in July 2011. The union has filed charges with the Massachusetts Division of Labor Relations protesting management's repudiation of the March 2012 settlement agreement in an attempt to unilaterally outsource important Town jobs. Ms. Silva thanked the Board for their time.

Pedestrian Safety Pilot Flag Program / Selectman Dodd

Selectman Dodd provided a brief review of the program and Chief Gordon came before the Board and explained that while the cone in the intersection during the Farmers' Market worked somewhat, the flag program could be implemented in addition to the cone. He has spoken to the Civic Club and they could be approached for financial assistance. A trial process was discussed and it was agreed to test the program sooner at school crossings and in front of the churches. Selectman Johnson asked about educating the public as to what the flags are for and Selectman Dodd suggested looking at other towns and asked Chief Gordon to talk about it on his show. He will work with the Chief to implement the program.

Board of Selectmen Meeting Time Change / Selectman Johnson

Selectman Johnson's motion to change the beginning time of the Board of Selectmen meetings from 6:00 p.m. to 6:30 p.m. was seconded by Selectman Emery. Discussion: It is difficult for Selectman Johnson and Dodd to make the 6:00 p.m. start time due to work locations. It will be implemented at the first meeting in November due to posted public hearings. There was a discussion regarding the Board's October 22nd meeting and what would happen if Town Meeting continues. Mr. Malloy is checking with the School Department to see if Wednesday night is available for Town Meeting and if not the Board's meeting may have to be cancelled and the hearings rescheduled. Vote: 4-0

Town Meeting Warrant / Town Manager

Article #14: Derek Saari came before the Board and noted that the memo dated December 2002 that he gave the Board was the final at that time and outlines seven or eight areas he wanted to focus on in the entire watershed. The work specified in Article 14 has been in place for 10 years and the material in the 2002 memo is still relevant.

Mr. Saari reviewed the power point presentation which outlined the purpose of the Article, the history of the area, the cost breakdown of the \$50,000 request and how the funds will be spent. The presentation also depicted issues that are affecting the reservoir, which provides 40-50% of the Town's total water supply, and the need to locate and get access to the Mass Turnpike stormwater headwalls. Mr. Saari noted that there is the opinion that the project should be approached differently by splitting the work and doing it piecemeal which he will not do as the cost will increase significantly.

Selectman Emery noted that the Article is somewhat vague and asked Mr. Koenigsberg, Chair of the Conservation Commission, if they are supporting the all the work that is included in the Article. Mr. Koenigsberg replied that they held a public hearing a year ago, where there was public input, and there the Commission addressed the forest management plan and decided to limit the amount of plant removal in Bowman West. The Commission's opinion is consistent with the area Mr. Saari has outlined to be addressed. Mr. Koenigsberg reviewed the areas that the Commission is responsible for and the areas that are the responsibility of the DPW. He informed the Board that the Commission is supportive of Article 14 as it is written. Selectman Johnson received comments regarding the vagueness of the Article and asked for assurance that tonight's presentation with its full disclosure of information will be shown at Town Meeting as well. Mr. Saari assured the Board that it will be the same.

Ed Thompson, 3 Bowman Street, expressed concerns regarding the safety hazards on the trail; that the Mass Turnpike should be maintaining their stormwater headwalls; and the unattractive

cleared area across the street from his property which initially the forester said to leave alone and upon second review instructed it to be cleared.

Kathie Rosenblum Senie came before the Board and noted her concerns regarding the confusion between what needs to be done for watershed maintenance and the protection of the water and the other parts of the project, which includes tree cutting. She also disagrees with the concept of the forestry management plan and questioned the plans in general as well as the process for approving and signing documentation. Ms. Senie's opinion was that there was not enough adequate information and opportunity for public input and that the Town should not be harvesting timber for profit.

Mr. Walden noted that the focus of this project is maintenance and is not about harvesting timber for money. Mr. Koenigsberg confirmed that they are removing invasive species and dead trees and that a public hearing was held and there was input from residents.

Articles #22 - #27: Mr. Robbins and Mr. Bush provided a handout to the Board which contained talking points for Articles #22 - #27. These Articles are a result of the Zoning Review Committee efforts and were approved by the Planning Board. They either provide some economic benefit to the Town or they are redundant and/or antiquated. Mr. Robbins and Mr. Bush reviewed each of the Articles and explained the changes as outlined in the handout.

The Town Meeting Warrant was addressed. Mr. Malloy pointed out that the Economic Development Committee voted to support Article #2 (TIF Plan) and Articles #3 - #7 (State Hospital). He then reviewed each Article and Articles #5 and #10 were called out for discussion and Articles #28 and #29 will be voted by the Board on Town Meeting floor.

Selectman Barrette's motion to support all the Articles on the Warrant with the exception of those called out (#5, #10, #28 and #29) was seconded by Selectman Emery. Vote: 4-0

Article #5: The Board discussed the concerns received regarding their ability to dispose of pieces of the State Hospital property without a master plan and agreed on the importance of having a plan in place. Selectman Barrette asked if the Article is necessary from DCAM's perspective to continue with the process and Mr. Malloy noted that there is nothing contained in the agreements that requires the Town to sell any of the property. Selectman Barrette suggested forming a committee of citizens to develop a mini master plan to guide the Board with a well-defined charge and a time limit. The Board then discussed approving Article #5 as is and if it passes forming a committee to report back with a State Hospital reuse master plan.

Selectman Barrette's motion to support Article #5 was seconded by Selectman Emery. Vote: 4-0

Article #10: The Board discussed the Building & Grounds portion of this Article. Selectman Dodd noted that he does not support this portion of the Article. He does agree with contracting out the cleaning but feels there is need for someone to be present during the day due to the activities and functions that are held. Selectman Barrette pointed out that the Council on Aging voted against contracting the services and noted that this Article does not eliminate a person's job, but a vacant position. Mr. Cornine, Building & Grounds Supervisor supports this request and is certain that he and his current staff can address the Senior Center's daily needs.

Selectman Johnson noted that the Board needs to continue to make these cost reduction attempts in order to lower the tax bills.

Selectman Barrette's motion to support Article #10 was seconded by Selectman Emery.
Vote: 3-1 (Dodd)

The Board reviewed the list of motions for Town Meeting and confirmed those that they will present.

Town Charter Review Committee Interview and Appointments

Robert Deysher came before the Board and reviewed his background and reasons for applying for the member-at-large vacancy. Selectman Barrette provided more detail about Mr. Deysher's background and how his experience will benefit the committee.

Selectman Barrette's motion to appoint Robert Deysher as a member of the Charter Review Committee was seconded by Selectman Emery. Vote: 4-0

Selectman Emery's motion that Selectman Barrette be the Board's representative to the Charter Review Committee was seconded by Selectman Dodd. 3-0-1 (Barrette)

Selectman Dodd's motion to appoint the following representatives to the Charter Review Committee, Steve Doret – School Committee, Brian Bush – Planning Board, and John Arnold – Advisory Finance Committee was seconded by Selectman Emery. Vote: 4-0

Town Counsel Report

The Nathan Fisher House hearing scheduled for tomorrow with the Massachusetts Historical Commission has been postponed until next month due to the lack of a quorum. At the 2012 Fall Town Meeting an additional liquor license for Bay State Commons was approved but the State disagreed with some of the language and Attorney Franks resubmitted using the language on the recent licenses that were issued to the Town. Mr. Malloy will follow up with Representative Dykema on the status of the license.

Town Manager Report

Due to the difficulty of finding a feasible place for the Board to pick up their binders Mr. Malloy is investigating the option of going paperless. He reviewed some options and will try to have something for the Board to try at the next meeting.

Issues and Correspondence of the Selectmen

Selectman Emery questioned the progress of deepening the reservoir and removing the gravel and Mr. Malloy will ask the Committee to report on it at the next meeting.

Selectman Barrette noted that the Dunkin' Donuts drive-thru does not seem to be an issue and Chief Gordon agreed and pointed out that the only issue is the parking. The Board received a thank you letter from the firefighters for the use of the rotary for the Muscular Dystrophy Boot Drive. Selectman Barrette informed the Board that there was an article the Worcester Telegram & Gazette commending the Town and Chief Gordon for proposing the bylaw to reduce the deer population in Town in order to decrease the number of accidents involving deer.

Selectman Johnson reminded the Board about the retirement event for Calvin Lawrence and Joe Lawrence on October 19, 2013. The Board has been asked to create a team to participate in the Trivia Bee which benefits the Education Foundation. The Good Scout Award Dinner honoring Lester Hensley will be held on November 6, 2013 and Selectman Johnson asked to have a citation prepared for presentation at the event. The Board is planning to meet on October 22, 2013 and Town Meeting will be continued to Wednesday if needed. The discussion and vote on the appointment process will be addressed at the next meeting.

Executive Session

Selectman Barrette's motion to enter into Executive Session at 8:32 p.m. for the purpose of discussing a litigation strategy as an Open Session would have a detrimental effect on the Town's litigation position and for the purpose of conducting a strategy session in preparation for negotiations with non-union personnel.

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

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Barrette

Selectman Dodd

Selectman Emery

Selectman Drewry