

**Westborough Board of Selectmen
Meeting Minutes
October 22, 2013**

6:03 p.m. – 6:50 p.m.

Present: Chairman Johnson, Vice Chairman Barrette, Selectmen Emery and Dodd (Arrived at 6:20 p.m.)

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

The Board unanimously agreed to table Agenda Item #9.

Attorney Franks informed the Board that the Treasurer/Collector had to add bond issuance approval to the agenda and it was posted as an emergency item.

Request to Approve the Board of Selectmen's Meeting Minutes

Selectman Barrette's motion to approve the minutes of October 1, 2013 was seconded by Selectman Emery. Vote: 3-0

Public Hearing for the Request to Amend the Fuel/Petroleum Storage License at Cumberland Farms, 165 Flanders Road / Kathleen Sousa

Selectman Barrette's motion to open the public hearing for the Fuel/Petroleum Storage License at Cumberland Farms, 165 Flanders Road was seconded by Selectman Emery. Vote: 3-0

Mike Tierney came before the Board and explained that they are amending the license to ensure that it represents what is currently in place and that it is compliant. Chief Perron has endorsed the license and recommends approval.

Selectman Barrette's motion to approve the amendment to the license for Cumberland Farms at 165 Flanders Road to allow the storage of up to 22,045 gallons of flammable liquids as per their application was seconded by Selectman Emery. Vote: 3-0

Selectman Barrette's motion to close the public hearing was seconded by Selectman Emery. Vote: 3-0

Request to Award Contract 13-05 for the Ruggles Street Culvert Liner Pipe / Carl Balduf

Mr. Balduf requested that the Board award the contract to repair a corrugated metal drain near Mt. Pleasant and Valley Brook Road to N. Granese & Sons.

Selectman Emery's motion to award the bid for the Ruggles Street Culvert Liner Pipe to N. Granese & Sons, Inc. for \$42,950 as per their bid and the Town Engineer's recommendation and further to authorize the Town Manager to execute any contract related to this project was seconded by Selectman Barrette. Vote: 3-0

Request to Appoint Bill Linnane to the Charter Review Committee / Town Manager / Bill Linnane

Mr. Linnane reviewed his background and noted his reasons for his interest in his this Committee.

Selectman Barrette's motion to appoint Bill Linnane to the Ad Hoc Charter Review Committee for an indefinite term was seconded by Selectman Emery. Vote: 3-0

Request to Approve Common Victualer License for Paradise Biryani Pointe, 127 Turnpike Road / Vijaya Kattineni

Vijaya Kattineni and Prasad Lakkala, owners of the franchise restaurant located at the former Dunkin' Donuts on the westbound side of Route 9 provided their background and reviewed the restaurant's menu. This is their second restaurant and there is no liquor license, but the public can bring their own.

Selectman Barrette's motion to approve the Common Victualer License for Paradise Biryani Pointe at 127 Turnpike Road as per their application was seconded by Selectman Emery.

Discussion: The restaurant will be opening the first week of November. The Building Commissioner endorsed the issuance of the license. Vote: 3-0

Public Hearing for a Site Plan Review for Chick-Fil-A Restaurant, Speedway Shopping Plaza, 290 Turnpike Road / Attorney Mark Donahue / Josh Swerling, Bohler Engineering

Selectman Barrette's motion to open the public hearing for Chick-Fil-A, Speedway Shopping Plaza, 290 Turnpike Road was seconded by Selectman Dodd. Vote: 4-0

Attorney Donahue explained the project's process and progress to date. Mr. Swerling reviewed the site plans. As part of the special permit they will be providing access to the other plazas once the agreement between the involved parties is in place.

Selectman Barrette's motion to approve the Site Plan for Chick-Fil-A as presented conditioned on all of the recommendations of the various Town Departments as identified in the Conditions of Approval in the Decision date 10-22-13 was seconded by Selectman Emery. Discussion: Mr. Htway informed the Board that all issues were resolved with the Town Departments. Vote: 4-0

Selectman Barrette's motion to close the public hearing was seconded by Selectman Dodd. Vote: 4-0

Request to Appoint Bill Domings to the Westborough TV Board of Directors / Bill Linnane / Bill Domings

Selectman Barrette's motion to appoint Bill Domings to the Westborough TV Board of Directors beginning now and effective for a three year period was seconded by Selectman Dodd.

Discussion: Mr. Domings reviewed his background and reasons for his interest. Vote: 4-0

Request to Approve and Sign Deed for Property Behind Town Hall / Town Manager

The Board was provided a copy of the deed and Mr. Malloy explained that the Board will sign the formal document when it is ready. Shriver Nursing Services has offered to donate 1,864 square feet behind the Town Hall which is necessary for the addition.

Selectman Emery's motion to approve the deed and authorize the Board to execute the deed as attached was seconded by Selectman Barrette. Vote: 4-0

Mr. Malloy and Attorney Franks met with Attorney Tashjian, who represents Mrs. Welsh, the property owner behind the Town Hall, regarding the property dimension regulation and Town

zoning. The language in Article #31 was structured to be consistent with all other abutting property owners, which is 25 feet from the front, 0 from either side and 0 from the rear and there was a concern regarding the 0 setback from the rear. Mr. Tashjian and Attorney Franks agreed adding to the motion the exception that the rear property line would accommodate an addition on the rear of the Town Hall that would extend 24 feet from the building.

Selectman Emery's motion to support the change to Article 31 was seconded by Selectman Barrette. Discussion: Mr. Tashjian informed the Board that Mrs. Welsh accepts the change to the boundaries, has requested that an arrangement be made to ensure that her property be restored, and that once the addition is complete the Town conveys to her the ownership of the land where she currently has an easement. Vote: 4-0

Bond Issuance / Joanne Savignac

Ms. Savignac came before the Board to request signatures on a loan for the Waste Water Treatment Plant through the Water Pollution Abatement Trust. This is an additional loan due to contingencies that had to be paid. The interest rate is 0.11%. The motion is provided by bond counsel and the document will be attached to the minutes.

Selectman Barrette's motion to approve the document as provided by bond counsel regarding the issuance of bonds for the Waste Water Treatment Plant through the Water Pollution Abatement Trust dated Tuesday, October 22, 2013 was seconded by Selectman Emery. Vote: 3-0-1 (Dodd)

Issues and Correspondence of the Selectmen

Selectman Emery congratulated Mr. Htway, on behalf of the Board, who is now a fully certified Building Commissioner.

Executive Session

Selectman Barrette's motion to enter into Executive Session at 6:50 p.m. for the purpose of discussing the value of real estate as an Open Session would have a detrimental effect on the Town's negotiating position.

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