

**Westborough Board of Selectmen  
Meeting Minutes  
November 12, 2013**

**6:30 p.m. – 8:35 p.m.**

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

Also Present: Jim Malloy, Town Manager; Greg Franks, Town Counsel

**Request to Approve the Board of Selectmen Minutes**

Selectman Barrette's motion to approve the minutes of October 8, 2013 was seconded by Selectman Emery. Vote: 4-0-1 (Drewry)

Selectman Barrette's motion to approve the minutes of October 21, 2013 was seconded by Selectman Emery. Vote: 4-0-1 (Drewry)

Selectman Emery's motion to approve the minutes of October 22, 2013 was seconded by Selectman Barrette. Vote: 4-0-1 (Drewry)

**Open Forum**

Joe Federici came before the Board and expressed his concerns regarding the recent disassociation of the Council on Aging from the Friends of the Senior Center, the effect it may have on the seniors and the status of the Friends' checking account. He requested that an audit be conducted on the account.

**Request to Approve Timber Harvesting Contract / Derek Saari**

Mr. Saari requested approval for the \$15,000 portion of the \$50,000 approved at Town Meeting. The contract is with Forward Enterprise, Inc. for forest cutting. Mr. Saari will provide bi-weekly updates to the Board in writing and by attending meetings. He reviewed the timing of the project.

Selectman Barrette's motion to approve the contract between the Town of Westborough and Forward Enterprise, Inc. for an amount not to exceed \$15,000 subject to the project being contained as presented at Town Meeting and that any expansion requires approval of the Conservation Commission and further to authorize the Town Manager to execute all contract documents related to this project was seconded by Selectman Drewry. Discussion: Mr. Saari's updates will be placed on the meeting agenda. Vote: 5-0

Mr. Saari informed the Board that for the third time, United Way will be sponsoring 70 volunteers from Boston Scientific to clean up the Bowman Conservation area.

**Site Plan Review for the Addition and Renovation of the Town Hall, 34 West Main Street / Brian Humes / Peter Collins**

Selectman Barrette's motion to open the hearing for the site plan review for the Town Hall, 34 West Main Street was seconded by Selectman Emery. Vote: 5-0

Mr. Humes reviewed the exterior improvements to the building, sidewalk and landscaping. He pointed out that the departments' comments focused on the new addition and noted the changes made from the original plan. They are continuing to address the handicap parking issue and

there was a discussion regarding what is required and finding an available space for general downtown parking. The State handicap requirement for the parking lot is one and a parallel parking space in front of the building does not satisfy code. Attorney Franks, who is working with the abutter and their attorney, questioned how the contractor will access the site for construction. Mr. Humes assured Attorney Franks that access will be through Town property only. Mr. Htway noted that a building permit will not be issued until the handicap parking issue is resolved.

Selectman Barrette's motion to approve the Site Plan for the Town Hall at 34 West Main 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: The motion is acceptable to the Building Commissioner to continue working on the parking issue. Vote: 5-0

Selectman Barrette's motion to close the hearing for the site plan review for 34 West Main Street was seconded by Selectman Emery. Vote: 5-0

### **Request to Approve Gift of Land, Map 21, Parcel 159 off Beachmont Street / Town Manager**

Mr. Malloy informed the Board that the Conservation Commission voted unanimously to accept the gift of land off Beachmont Street which is wetlands and has an approximate value of \$32,000. He explained the family's reasons for the donation.

Selectman Emery's motion to approve the Conservation Commission's acceptance of the land located at Map 21, Parcel 159 was seconded by Selectman Barrette. Discussion: The taxes are about \$600 per year and Board requested that a thank you be sent to the family. Vote: 5-0

### **Request to Approve Liquor License Change of Manager for Not Your Average Joe's, 291 Turnpike Road / Michael Belley**

Selectman Barrette's motion to approve the change of manager license application for not your average Joe's at 291 Turnpike Road naming Michael Belley as the Manager of Record was seconded by Selectman Drewry. Vote: 5-0

### **New Bus Routes in Westborough / Jonathan Church, Central Massachusetts Regional Planning Commission**

Mr. Church informed the Board that a new transit service is scheduled to begin on December 2, 2013 in Westborough. He reviewed the two routes, noted that the buses will be parked at the DPW, and drivers are being hired and trained. Mr. Robbins, Town Planner, noted that the service may be increased if the use warrants it. They have completed surveys with local businesses, are advertising through Penta Communications, and working with Grafton and Northbridge as well. There was a brief discussion regarding the McDonald's stop on East Main Street, which will be a turnaround, and potential safety issues. It will be a flag service, which means demand by waving at the bus, from anywhere along the designated routes. If the service is successful designated stops and signs may be installed in the future. The information will be posted on the Town website. Also discussed was the adding bike racks to the buses and the ability for passengers to use Charlie Cards in the future. Mr. Church will be collecting data and will provide feedback in five to six months.

**Request to Disband the Tax Relief Review Committee, Ad Hoc and to Appoint the Chief Assessor and Treasurer/Collector to the Taxation Aid Committee for Indefinite Terms / Selectman Dodd**

Selectman Dodd's motion to disband the Tax Relief Review Committee was seconded by Selectman Barrette. Vote: 5-0

Selectman Dodd's motion to appoint the Chief Assessor, Linda Swadel and Treasurer Collector, Joanne Savignac to the Taxation Aid Committee was seconded by Selectman Barrette.

Discussion: Selectman Dodd explained the process and requested placing a flyer in the next tax bill mailing. A donation has been received and the Committee is looking for three resident members. Vote: 5-0

**Request to Appoint Tom Morgan to the Westborough TV Board of Directors / Bill Linnane / Tom Morgan**

Selectman Barrette's motion to appoint Tom Morgan and reappoint Joseph MacDonough to three year terms on the Westborough TV Board of Directors was seconded by Selectman Drewry.

Discussion: Mr. Morgan reviewed his background and reasons for his interest in joining the Board. Vote: 5-0

**Request to Approve a Lodging House/Innkeeper License for the East American Inn, Inc. d/b/a Westborough Inn, 4 Boardman Street / Xiaonan Liu**

Xiaonan Liu, President, Zhengwei Su, Vice President, and Shaojun Xiein, co-owner came before the Board. Ms. Liu informed the Board that she is purchasing the current Westboro Inn. The innkeepers will be Dave and Jane Savage.

Selectman Barrette's motion to approve the Lodging House/Inn holder license for East American Inn, Inc. d/b/a Westborough Inn at 4 Boardman Street as per their application, subject to any other licenses/permits required was seconded by Selectman Drewry. Discussion: Ms. Liu was asked if there will be any renovations and she informed the Board that they are not needed at this point and that the inn has been successful as is. Vote: 5-0

**Request to Approve a Livery License for Dmitry Kovalev d/b/a/ Richards Car Service, 6 Robin Circle / Dmitry Kovalev**

Mr. Kovalev informed the Board that he is a limousine driver for a Hudson based company and is requesting a license to operate in Westborough.

Selectman Emery's motion to approve the Livery License for Dmitry Kovalev d/b/a Richard's Car Service as per his application was seconded by Selectman Barrette. Discussion: Chief Gordon informed the Board that he reviewed the application and has no issue with the Board approving the license, but there was an issue with his process where he obtained a livery plate from the Registry without the approved license. The Department of Motor Vehicles does not require proof that the applicant has an approved livery license and issues plates without it. Chief Gordon will be inspecting the vehicle. The Building Commissioner asked to confirm that Mr. Kovalev is in compliance with the Town Bylaw for operating a home business. The Board agreed to wait to approve the license at the next meeting. Vote: 0-5

**Request to Approve the Bid Award for Turf Maintenance to Steinman Landscaping / Town Manager**

Mr. Malloy noted that every year the turf maintenance for the Town and School fields is put out to bid. Four bids were received and the low bid was Alan Steiman's Landscaping for \$126,060.

Selectman Barrette's motion to award the turf maintenance bid to Alan Steiman's Landscaping, Inc. for \$126,060 as per their bid and further to authorize the Town Manager to execute any contracts related to this program was seconded by Selectman Emery. Discussion: The School Dept. pays for their portion from their budget. Vote: 5-0

**Request to Approve the Town's Participation in the Community Innovative Challenge Grant / Town Manager**

Mr. Malloy informed the Board that this is the Town's second year participating in the coalition to work on regional stormwater management with other communities. Continued participation will help the Town if grant funds are needed in the future should there be new requirements.

Selectman Barrette's motion to approve the continued participation in the CIC Grant Program for regional stormwater management solutions and further to authorize the Town Manager to execute any contracts related to this program was seconded by Selectman Drewry. Vote: 4-0-1 (Dodd)

**Request to Approve the Service of Alcohol until 2:00 a.m. on New Year's Eve / Town Manager**

Chief Gordon noted that he has no issues with the extension of hours to serve alcohol

Selectman Barrette's motion that the Board approves the list on the attached memorandum to have extended hours on New Year's Eve 2013 to all for alcohol sales until 2 AM on 01/01/2014 was seconded by Selectman Emery. Vote: 5-0

**Appointment Process Review and Discussion / Selectman Barrette**

Selectman Barrette explained that the purpose of the review is to ensure that the Board takes a more active role in the appointment of committee/board members. Concerns have been expressed recently regarding the appointment process and Selectman Barrette's proposed amendment returns the appointment responsibility back to the Board and will expedite the process as the Board meets regularly. He asked the Board to review the proposal and provide him with any comments or changes. It will be on the next meeting agenda for adoption. The Board provided comments of support and Selectman Dodd requested that the list of committee meeting times and a summary of the committees' responsibilities be placed on the website.

**Water Resource Review Committee**

Mr. Malloy explained that this committee, which would be administrative and advisory in nature, will work on the next step in the process before approaching regulatory bodies in the State with a proposal to expand Sandra Pond. The committee will review all other water studies to demonstrate what alternative solutions there are to expanding the Town's water sources, other than expanding the Sandra Pond Reservoir.

Selectman Barrette's motion to determine that the Water Resources Review Committee is administrative and advisory in nature as per Section 5-3(e) of the Town Charter and authorize the Town Manager to appoint such a Committee was seconded by Selectman Dodd. Discussion:

Selectman Emery pointed out that the suggestion to make the reservoir deeper so that it would hold more water is not considered a simple answer by the DEP and asked if there is another way to save the excess water that runs off the reservoir. Mr. Malloy explained that the Review Committee will investigate options, their costs and if they are environmentally feasible. There will be 5-7 members. Vote: 5-0

### **Town Counsel Report**

Attorney Franks provided an update regarding Dr. Ghaly's sign on the corner of Lyman Street and East Main Street. There is a second lawsuit about lighting the sign. Due to the specific language in a special permit provision he was prevented from lighting the sign from the inside with interior gaseous tube elimination and Dr. Ghaly has now applied to light the sign from the inside with an LED fixture. Attorney Franks noted that it is likely that he will be approved to light the sign from the inside and that throughout the process there was a lack of cooperation regarding the Town's design standards. Selectmen Drewry and Emery noted that the property looks much better than it did previously. The Board discussed the Historical District versus the Design Review District. Attorney Franks explained the lawsuits in detail.

### **Town Manager Report**

Mr. Malloy informed the Board that he is dropping his recommendation to contract out the custodial services at the Senior Center due to the overwhelming vote not to transfer money and the tone at Town Meeting.

Selectman Barrette's motion that the Board support hiring another full-time custodian as per the wishes of Town Meeting was seconded by Selectman Dodd. Discussion: Selectman Emery acknowledged the individual handwritten notes to the Selectmen from Anna Kung supporting the hiring of a custodian for the Senior Center. Vote: 5-0

Mr. Malloy noted that he took issue and was offended by with Mr. Federici's comment that the Town Manager shook his fist and demanded that the Senior Center separate from the Friends of the Senior Center as it never occurred. Mr. Malloy was asked by the Council on Aging (COA) what their options were and he and Attorney Franks provided them with the option of separating. Selectman Barrette supported Mr. Malloy's statement and agreed to speak with the Town Accountant and Executive Director of the COA regarding the process and status of the account and will put it in letter form. The account was audited and the Board will respond to Mr. Federici's request.

### **Issues and Correspondence of the Selectmen**

Selectman Drewry commented on what should be discussed in open forum and the inappropriateness of Mr. Federici's comments. He also noted that the Veteran's luncheon held today at the Senior Center was a success.

Selectman Emery asked about the Warren Street and High Street properties that Habitat for Humanity inquired about for donation. She asked that the Board investigate their value and if there is a list is available of similar properties as well. Attorney Franks agreed to look into the process to declare properties surplus and whether it needs to go before Town Meeting. Selectman Barrette pointed out that the Open Space Preservation Committee has a list of surplus properties.

Selectman Dodd noted that the legislature passed a bill that allows for more assistance that can be given to those applying for the Taxation Relief Fund and he reviewed the additional services. Selectman Dodd suggested that he and Selectman Drewry review the changes to the bill and recommend any amendments to the current program at the December meeting.

Selectman Johnson commented on the successfulness of the Sixth Annual Trivia Bee held by the Westborough Education Foundation and that the Selectmen's team won. He informed the Board that they are invited to the Northstar Rink grand opening celebration on Saturday, November 30, 2013 at 9:30 a.m. Selectman Johnson noted that the Board received a letter from Westborough GMC thanking the various departments involved in their recent project. He announced that Nancy Yendriga, Town Clerk, is retiring effective December 31, 2013 and thanked her for her 20 years of service. There will be an interim appointment until the election in March.

### **Executive Session**

Selectman Barrette's motion that the Board enter into Executive Session at 8:35 p.m. for the following purposes:

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

*Submitted by Paula M. Covino*

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**Chairman Johnson**

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**Vice Chairman Barrette**

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**Selectman Dodd**

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**Selectman Emery**

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**Selectman Drewry**