

**Westborough Board of Selectmen  
Meeting Minutes  
December 10, 2013**

**6:30 p.m. – 7:23 p.m.**

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

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

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

Selectman Barrette's motion to approve the minutes of November 12, 2013 was seconded by Selectman Drewry. Vote: 4-0

Selectman Emery's motion to approve the minutes of November 26, 2013 was seconded by Selectman Drewry. Vote: 4-0

**Open Forum**

Cosmo Casamassa came before the Board to express concerns regarding the construction project at Buick GMC. He reviewed the timeline for the process to obtain approval from the Fire Department for the permit. Since the process began in September he has yet to receive Fire Dept. approval and has had a crew set up to begin construction tomorrow. The Board agreed that Mr. Malloy, Attorney Franks and Chief Perron should meet with Mr. Casamassa tomorrow morning to address the issue.

**Public Hearing to Request Approval for Alteration of Premises, Tenka Grill, 153 Turnpike Road / Attorney William Pezzoni / Xue Qing Shi**

Selectman Barrette's motion to open the public hearing to approve the alteration of premises for Tenka Grill, 153 Turnpike Road was seconded by Selectman Emery. Vote: 4-0

Attorney Pezzoni explained that the ABCC returned the liquor license application requesting that the lease agreement between Tenka, the landlord and the Golf Business be amended to provide for a continuous lease right to Tenka so that they have complete control of the premises.

Selectman Barrette's motion to approve the Alter Premises application for Tenka Grill, Inc. at 153 Turnpike Road as per the attached application was seconded by Selectman Drewry. Vote: 4-0

Selectman Drewry's motion to close the public hearing for the alteration of premises for Tenka Grill, 153 Turnpike Road was seconded by Selectman Barrette. Vote: 4-0

**Interim Town Clerk Interview and Appointment / Wendy Mickel**

Ms. Mickel appeared before the Board and reviewed her background and reasons for her interest in the position. The Board provided comments of support and appreciation.

Selectman Barrette's motion to appoint Wendy Mickel to the interim Town Clerk's position through the March Town Election and further to authorize the Town Manager to sign the attached side letter agreement with the SEIU Union was seconded by Selectman Drewry. Vote: 4-0

**Open Space Preservation Committee Interview and Appointment / Don Seeley / Mark Silverberg**

Mr. Silverberg and Mr. Seely appeared before the Board. Mr. Seely reviewed his background and reasons for his interest.

Selectman Barrette's motion to appoint Don Seeley to serve on the Open Space Preservation Committee for a term to expire on June 30, 2014 was seconded by Selectman Drewry. Vote: 4-0

**Request to Place the Planning Board Vacancy (4 Year Term) on the March 4, 2014 Ballot / Town Manager**

Selectman Emery's motion to accept the resignation of Joanne Mallozzi and to request that the Town Clerk add a four year term for the Planning Board on the March ballot to fill the vacant seat was seconded by Selectman Drewry. Vote: 4-0

**Request to Approve Bid for a Foam Attack Trailer for the Fire Department / Town Manager**

Mr. Malloy explained that the Fire Dept. went out to bid for a foam trailer unit for chemical spills and chemical fires. The unit will be paid for from the CSX mitigation funds, which allotted \$100,000 for this purchase.

Selectman Barrette's motion to award the bid for the foam attack trailer for \$88,935 to United Plastic Fabricating as per their bid and further to authorize the Town Manager to execute any documents related to this purchase was seconded by Selectman Drewry. Vote: 4-0

**Request to Approve Proposal from Mullin Associates, Inc. for the Planning Charrette at the Westborough State Hospital / Town Manager**

Mr. Malloy explained that the purpose of the proposal from Mullin Associates is to hold a planning charrette to obtain input on the future use of the Westborough State Hospital property. Selectman Johnson, Lester Hensley and Jim Robbins interviewed Dr. Mullin with Mr. Malloy and they recommend moving forward with the proposal. Mr. Malloy noted that Finance Committee has approved the funds transfer. He pointed out that the timeframe to bring the results to the Annual Town Meeting may be too tight. He reviewed the planning charrette process.

Selectman Barrette's motion to approve the proposal for a planning charrette with Mullins Associates, Inc. for \$5,500 and further to authorize the Town Manager to execute any documents related to this proposal was seconded by Selectman Drewry. Discussion: Selectman Barrette explained the goal of the charrette. The site is on the National Register for Historic Places and the local Historical Commission had designated two buildings that should be saved, but after closer examination it was determined that the Talbot building could not be salvaged. Vote: 4-0

**Request to Approve a Net Metering Credit Agreement with Leicester One MA Solar LLC / Town Manager**

Mr. Malloy noted that this agreement is the same as the one executed with Jim Harvey to purchase Net Metering Credits for the solar farm at Harvey's Farm. The proposal is to purchase Net Metering Credits from a new solar farm in Leicester, a 75-acre site, and Mr. Malloy pointed out that it is not necessary for the solar farm to be in the same community that is purchasing the credits. The Town would receive \$5.3 million over a 20 year period, an average of \$265K per year.

Jim Harvey, Charles Jenkins and Mark Kyla came before the Board. Mr. Jenkins explained how the system works when purchasing the credits from another town. The Town Accountant is working with the Dept. of Revenue on a mechanism for receiving and paying out the funds. Selectman Barrette asked if businesses in the community were approached as large users of electricity and Mr. Jenkins explained that according to the regulations arrays of a certain size have to go to a municipal entity as it was realized that municipalities were not in a position to make these capital investments and this was a way for them take advantage of greener power.

Selectman Drewry's motion to approve the purchase of Net Metering Credits between the Town of Westborough and Leicester One MA Solar LLC as attached and further to authorize the Town Manager to execute any documents related to this proposal was seconded by Selectman Emery. Vote: 4-0

#### **Request to Re-affirm the Designation of Westborough TV, Inc. as the Recipient of PEG Access Support Payments / Town Counsel**

Attorney Franks explained that the Westborough TV receives checks from the providers in Town to support their programming, equipment, maintenance and studio. The issue currently is that Westborough TV has to take out a loan and there is no record of the Board of Selectmen's previous letter designating them as the recipient of these funds.

Selectman Barrette's motion to reaffirm the designation of Westborough TV, Inc. as the recipient of the PEG Access Support Payments to the Town of Westborough was seconded by Selectman Drewry. Vote: 4-0

#### **Town Manager Report**

Mr. Malloy noted that the Insurance Advisory Committee voted unanimously today to recommend to all the respective unions to agree to the change from Medex 3 to Medex 2, which will save the Town approximately \$385,000 per year in premium costs. Letters will be sent to each union with a summary and amendment to their contract. The savings is included in the FY 2015 budget.

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

Selectman Barrette noted that there was an article in the newspaper reporting that Westborough's population will only increase by 500 from 2010 to 2030, which is likely based on build out.

Selectman Johnson thanked Marianne O'Connor, Superintendent, for her years of service as she announced that she is retiring. He noted that he will be running for another three year term. Selectman Johnson informed the Board that he received an email from a resident whose 8<sup>th</sup> grader came home from school upset as he was told in school that he could not use the phrase "Christmas tree" and that he had to call it the "December 25<sup>th</sup> tree". He will look into the issue further by contacting the Superintendent and the School Committee Chair.

**Executive Session**

Selectman Barrette's moved to enter into Executive Session at 7:23 p.m. for the purpose of conferring with labor counsel, as an Open Session would defeat the Town's attorney/client privilege.

A Roll Call Vote was taken: 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**