

**Westborough Board of Selectmen  
Meeting Minutes  
April 8, 2014**

**6:30 p.m. – 9:00 p.m.**

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

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 Drewry's motion to approve the minutes of March 25, 2014 was seconded by Selectman Emery. Vote: 5-0

**Continuation of Site Plan Review Public Hearing for Spectrum Health Oak Street / Attorney Marshall Gould, Michael Scott, Chuck Faris**

Selectman Johnson's motion to continue the public hearing for Spectrum Health to April 22, 2014 at 6:50 p.m. was seconded by Selectman Drewry. Vote: 5-0

**Electronic Voting RFP/Committee Reorganization / Joe Harrington**

Selectman Barrette recommended dissolving the committee as they have completed their task. The responsibilities will be transferred to the Town Clerk's office.

Selectman Dodd's motion to dissolve the Ad Hoc Electronic Voting Committee was seconded by Selectman Emery. Vote: 5-0

**Public Hearing for Site Plan Review for 25 West Main Street / Jonathan Thomas**

Selectman Johnson's motion to open the public hearing for 25 West Main Street was seconded by Selectman Dodd. Vote: 5-0

Mr. Thomas, proponent, and Josh Swerling, from Bohler Engineering, came before the Board. Mr. Thomas informed the Board that the project will consist of a four-story building, with retail on the first floor and twenty-eight apartments units. He also noted that the Historical Commission approved the demolition permit and approval of the overall project was received by them and the Design Review Board as well. Mr. Swerling noted that the original site layout is being preserved, sidewalks will be replaced and utilities will be upgraded.

Selectman Johnson's motion to approve the site plan as per the attached decision and subject to the conditions recommended by the departments as contained in the decision was seconded by Selectman Emery. Discussion: Mr. Malloy noted that the only difference in the decision is that it included the April 8, 2014 memo from the Town Engineer with additional requirements, which Mr. Thomas and Mr. Swerling agreed with. Selectman Drewry expressed concern regarding parking spaces relevant to the number of apartments. Mr. Thomas explained that they have complied with the Planning Board's requirements, and there is sufficient parking on site for businesses during the day and the residents at night, in the lot behind the building which is predominantly owned by the proponent. Mr. Thomas reviewed the demolition and construction process in relation to public safety. The project will begin in May with occupancy in ten months.

Chief Gordon noted that the sidewalk has to remain open or an alternative provided to keep people away from the building. Vote: 5-0

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

**Request to Approve Little League Parade on April 26, 2014 / Robert Nagi**

Mr. Nagi came before the Board to request approval for the annual parade, which will require some road closures.

Selectman Johnson's motion to approve the Little League Parade on April 26, 2014 starting at 10 AM, subject to any requirements of the Westborough Police and Fire Departments was seconded by Selectman Drewry. Vote: 5-0

**Request to Approve the Spring Festival 5K Road Race / Jessica Thomas**

Ms. Thomas, who is chairing the road race for the sixth year in a row, came before the Board and reviewed the route. There will be assistance from the Police Department and volunteers along the route.

Selectman Johnson's motion to approve the Rotary Club's Spring Festival 5K on Sunday May 4, 2014, subject to any requirements of the Police and Fire Chiefs was seconded by Selectman Emery. Vote: 5-0

**Request to Approve the 5<sup>th</sup> Annual 5k/10k Road Race for the Lustgarten Foundation for Pancreatic Research / Maria Rydelek**

As Ms. Rydelek was not present, Chief Gordon spoke on her behalf, and assured the Board that he has approved the route and there are no issues with the plans they have submitted.

Selectman Drewry's motion to approve the request for the 5K/10K for the Lustgarten Foundation for Pancreatic Research on May 18, 2014, subject to any requirements of the Police and Fire Chief was seconded by Selectman Johnson. Vote: 5-0

**Discussion and Approval of a Permanent Electronic Sign Board / John Walden**

Mr. Malloy informed the Board that the Rotary Club has offered to pay for a permanent electronic sign board and the proposed location is at the corner of East Main and Lyman Street. There is a budget, quotes and sample of signs in the Board's packet provided by the DPW Manager. A Boy Scout is involved in the process as it will be his Eagle Scout project. The temporary sign will only be used for emergencies once the sign is installed. Also involved are Chief Gordon, the Building Commissioner, the MIS/GIS Director, and Town Planner. The consensus of the Board was to continue with process, which would be to go out to bid for the permanent sign located at the corner of East Main and Lyman Street.

**Post Town Meeting Discussion / Town Moderator**

Mr. Arnold came before the Board and asked the Board for their comments. The Board commended him for the way the meeting was run and provided feedback. There were discussions regarding:

- The length of Town Meeting.

- Reaching out to residents beforehand to increase participation and to educate them about the process and the issues by holding pre-meetings and posting information on the website.
- The number of times and length of time that people speak.
- Microphone use, seating changes, and options for speeding up the process.
- Presentation length and answering residents' questions.

#### **Request to Nominate Animal Inspectors John Keefe and Boardman's Animal Control / Town Manager**

Mr. Malloy noted that the yearly appointment of the Animal Control Officers is required by Commonwealth's Dept. of Agricultural Resources and the Board is the appointing authority under the Town's Charter.

Selectman Emery's motion to nominate John Keefe and Boardman's Animal Control, Inc. as Animal Inspectors was seconded by Selectman Drewry. Discussion: Selectman Emery questioned whether special training is required and Mr. Malloy explained that the training requirements are outlined in MGL Chapter 129. Selectman Barrette asked if Boardman's Animal Control works for other towns as well and Mr. Malloy noted that he does and confirmed that even though he is in Maynard he does react accordingly when contacted. Vote: 5-0

#### **Discussion/Approval of Summer Meeting Schedule / Town Manager**

Mr. Malloy reviewed proposed meeting dates for the summer and the availability of Room 23.

Selectman Emery's motion to set a summer schedule for meetings on July 22, 2014 and August 26, 2014 was seconded by Selectman Dodd. Vote: 5-0

#### **Request to Approve Contracts with Frank DeSiata and Karen DeSiata / Town Manager**

Mr. Malloy explained the request by the Recreation Commission that Frank and Karen DeSiata fill in and work with the new Director during the transition.

Selectman Dodd's motion to approve the contracts between the Town of Westborough and Frank DeSiata and Karen DeSiata to provide consulting services to the Recreation Department during the transition to the new Recreation Director for an amount not to exceed \$10,000 for each contract and further to authorize the Town Manager to execute the contract was seconded by Selectman Johnson. Discussion: Board members expressed concern regarding why there is a need for the services, the cost and the delay in hiring replacements. Mr. Malloy explained there will be a period of time where no one will occupy the Director's position; this will compensate the DeSiata's for consulting and answering questions; the cost, which is expected to be less, is covered by the revolving fund; and the rate is based on their retirement rate. Ms. Williams noted that this was a unique situation and the delay in replacing the positions was due to the amount of notice given, the advertising period and the amount of applications received. Vote: 5-0

#### **Request to Approve Contract with Ron Muller & Associates / Town Manager**

Mr. Malloy noted that a traffic study is needed for the proposed hotel on Connector Road. The cost will be paid for by the applicant.

Selectman Drewry's motion to approve the contract between the Town of Westborough and Ron Muller & Associates in an amount not to exceed \$2,500 and further to authorize the Town Manager to execute the contract was seconded by Selectman Dodd. Vote: 5-0

**Request to Approve Contract for Summer Field Maintenance / Town Manager**

Mr. Malloy explained that the low bidder was not chosen as Chapter 30B requires that the low bid be “responsible” and in this case they were not considered responsible due to their poor performance and failure to perform according to the contract that they were awarded by the Town in October, 2013. The DPW Manager has requested that the contract be awarded to JB Sawmill, the second lowest bidder. Earl Storey and Joshua Brassard, President of JB Sawmill came before the Board.

Selectman Emery’s motion to award the bid to JB Sawmill & Landscaping as per their bid proposal of \$136,840 and further to authorize the Town Manager to execute and contracts related to this bid was seconded by Selectman Drewry. Vote: 5-0

**Request to Approve Name Change for K & Z Corp. d/b/a Chef Sun to Three Gorges / Town Manager**

Mr. Malloy noted that the owner of Three Gorges, who purchased and relocated to Chef Sun, was issued a Common Victualer permit as Chef Sun at the previous meeting. As the public is not aware that the Three Gorges owner is now operating the restaurant he is requesting a name change on the permit.

Selectman Emery’s motion to approve the name change on the Common Victualer permit for K & Z Corp. d/b/a Chef Sun to Three Gorges was seconded by Selectman Drewry. Vote: 5-0

**Request to Approve Park Street Deed / Town Counsel**

Attorney Franks explained that when Park Street was being developed in the 1970’s a piece of land on the southeast corner of Route 9 and Park Street was set aside for abutters. It was split in three parts as a result of a Town Meeting vote, two of which were conveyed to the abutters in the 1970’s and nothing was done with the third parcel. It is now necessary for one of the abutters to obtain the parcel, which the Town does not need, and is related to the CarMax project. Attorney Gould came before the Board and provided a map of the area and a more detailed explanation.

Selectman Emery’s motion to approve the deed was seconded by Selectman Drewry. Vote: 5-0

**Town Counsel Report**

Attorney Frank’s informed the Board that the Attorney General’s office has already approved the Town Meeting Articles that require their review.

**Town Manager Report**

Mr. Malloy reviewed his updated 2011 power point presentation on the history of overrides/underrides as attached. The Board discussed the pros and cons of an underride, what other towns have done and what the effect was. It was agreed to take the issue under advisement and discuss it further at a future meeting. Steve Buttiglieri came before the Board and provided comments on the budget and his opinion on an underride.

**Issues and Correspondence of the Selectmen**

Selectman Drewry commended Deborah Penta for the renovation of the Bergson House and her contributions to the community. He recognized Gordon Dwyer, who recently passed away, for his years as a resident and Veterans’ Agent in Town.

Selectman Dodd informed the Board that the Valor Act II has passed and the Town can work on modifying and expanding the current veterans' tax work-off program. He requested ridership data for the shuttle program at a future meeting as it has been operating for four months.

Selectman Johnson reminded the public about the Charrette on April 12, 2014, from 9:00 a.m. to 12:00 p.m. at the High School. He noted that the legislation has been filed on the State Hospital property. Mr. Malloy informed the Board that a purchase and sale agreement has to be negotiated and DCAM cannot sign the document until the legislation has passed. In order to speed up the process they have begun negotiating the details of the purchase and sale agreement. Selectman Johnson requested that the Board discuss at a future meeting the Town Meeting preparations and process and the Hocomonco Pond Solar Article that was defeated. He noted that two businesses in Town made presentations at a recent Economic Development Committee meeting, one being Life Science, a new business and Clear Channel, that provides the electronic billboards.

Selectman Barrette reviewed the appointment process and emphasized the Board's adherence to the policy that was voted. He asked the Board to review the list of upcoming reappointments that was distributed. Selectman Barrette noted that the Charter Review Committee has been meeting regularly and interviewing department heads. He requested that the Board respond to him regarding their Committee liaisons preferences.

#### **Executive Session**

Selectman Dodd moved that the Board enter into Executive Session at 9:00 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; and
- 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;

And further that the Board adjourn in Executive Session.

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

*Submitted by Paula M. Covino*

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Chairman Barrette

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Vice Chairman Dodd

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Selectman Drewry

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Selectman Emery

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Selectman Johnson