

**Westborough Board of Selectmen
Meeting Minutes
June 24, 2014**

6:30 p.m. – 8:39 p.m.

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

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

Open Forum

Earl Storey came before the Board and noted his concern and disappointment that no one from the Board attended the evening presentation by the Urban Land Institute on the State Hospital. Selectman Barrette informed the Board that he has the DVD of the presentation filmed by Westborough TV. He has viewed it and will provide it to the Board. Selectman Johnson explained that he was scheduled to participate in an interview and attend the presentation but a last minute work commitment prevented him from attending.

Stormwater Maintenance Project Update / Derek Saari

Mr. Saari came before the Board and reviewed his presentation on the 260 sites that are part of his storm water maintenance program. Mary Ann Depinto, from the Department of Environment Protection, who has worked with Mr. Saari, was also in attendance to view this presentation as Westborough is the only community in Massachusetts to have this program in place.

Insurance Advisory Committee / Interviews & Appointment

Ross Eldridge, who is retired from the Fire Department, came before the Board and reviewed his background and previous participation in the Committee.

Ann McCarthy, who is retired from the School Department, came before the Board and reviewed her background.

Selectman Emery's motion to appoint Lucy Whitin was seconded by Selectman Johnson.

Discussion: Selectman Emery noted that she is in favor of providing the opportunity to someone who is new; Selectman Johnson commented on each of the candidates and how they would contribute to the committee; and Selectman Dodd suggested reaching out to the candidates to see if they would have interest in another committee. Vote: 4-0-1 (Drewry)

Selectman Dodd's motion to send a letter to the four remaining candidates thanking them for their interest and asking if they would be interested in another committee was seconded by Selectman Johnson. Vote: 5-0

Public Hearing for Site Plan Review for 15 Connector Road, Westborough / Patrick Healy and Paresh Patel

Selectman Emery's motion to open the public hearing for site plan review for 15 Connector Road, Westborough was seconded by Selectman Johnson. Vote: 5-0

Mr. Healy, Project Manager, Mr. Patel, petitioner, and Bill Scully, from Green International Affiliates, came before the Board. Mr. Healy noted that Mr. Patel is planning to build a four-story, 106-room Hampton Inn & Suites hotel with a coffee shop with a drive-thru lane. Mr. Healy reviewed the site plan.

Selectman Emery's motion to approve site plan as per the attached decision and subject to the conditions A – H recommended by the departments as contained in the decision was seconded by Selectman Dodd. Discussion: Mr. Htway noted that Chief Gordon had a concern regarding the turning movements at the light. Mr. Scully informed the Board that he is working with Mass DOT and reviewed the actions that are being taken to address the concerns, which includes a re-evaluation based on real volumes once the hotel is open and operational as a condition of the special permit. Chief Perron has no issues with the plan. Selectman Emery expressed concern regarding water usage and the effect on the water table. Selectman Drewry noted that he is in favor of the project but was hesitant to approve it if there were going to be traffic issues that they would have to come back to address. Attorney Franks assured him that the special permit covers the issue and it is enforceable. Selectman Johnson asked for clarification regarding whether the Town or Mass DOT is responsible for the intersection at Connector Road and Computer Drive as it was not part of the traffic study and was an expressed concern in a letter from an abutter. Mr. Scully noted that Computer Drive, Connector Road and Research Drive are Mass DOT jurisdiction and the intersection in question was looked at and determined that there it is busy during peak hours but is light during the remainder of the day and evening.

Mr. Huang, business owner at 2 Connector Road, is in favor of the project and reviewed his concerns regarding the traffic as outlined in the June 17 and June 19, 2014 letters included in the Board's packet. He asked that the developer be required to implement any upgrades to this intersection as deemed necessary by the Town as is required by the special permit for the intersection at the proposed site. Kevin Gill, Owen O'Leary's manager, spoke in favor of the hotel and asked the developer not hinder his ability to continue operating and provide parking during construction. Vote: 4-0-1 (Drewry)

Selectman Emery's motion to close the public hearing for 15 Connector Road was seconded by Selectman Johnson. Vote: 5-0

Interview and Appointment for the Cultural Council / Tercia Jeans

Ms. Jeans came before the Board and reviewed her background in art and desire to serve the community and promote the Cultural Council.

Selectman Dodd's motion to appoint Tercia Jeans to serve on the Cultural Council for a term to expire on June 30, 2016 was seconded by Selectman Drewry. Vote: 5-0

Interviews and Appointments for the 300th Anniversary Committee

Jim Hatherley and Reese Hatherley came before the Board reviewed reasons for their interest in participating on the committee.

Selectman Dodd's motion to appoint Jim and Reese Hatherley to an indefinite term on the 300th Anniversary Committee was seconded by Selectman Johnson. Vote: 5-0

Request to Approve a Class II Dealer License for Westboro Auto City, 22 East Main Street / Dom Cucinotta, Manager

Mr. Cucinotta came before the Board.

Selectman Drewry's motion to approve the Class II Used Vehicle License for Westboro Auto City as per their application with a maximum of 24 vehicles was seconded by Selectman Johnson. Discussion: Mr. Malloy noted that he spoke with Chief Gordon and there are no issues. The owner of the business has changed but Mr. Cucinotta will remain as the manager. He will use the Mobile Station as the repair facility. Vote: 5-0

Request to Appoint Election Officers / Town Clerk

Ms. Mickel came before the Board with a request to appoint additional election workers.

Selectman Johnson's motion to appoint Jane Domings as a substitute election worker for a term to expire in August 2014, to appoint William Domings as a substitute election worker for a term to expire in August 2014, to appoint Douglas MacLeod as an election worker for a term to expire in August 2014, and to appoint Dominic Caprioli as an election worker for a term to expire in August 2014 was seconded by Selectman Emery. Vote: 5-0

Request to Approve an Indemnification for 3 Whispering Pine Drive / John Walden

Mr. Malloy explained that the owner installed a pool and due to the slope of the property the filter pad, heat pump and electric pad are located within a utility easement owned by the Town and Mr. Walden is requesting the homeowner to indemnify the Town against any damage to their equipment that may be caused by the Town when accessing the easement.

Selectman Emery's motion to approve and sign the Utility Easement Indemnification Agreement with the owners of 3 Whispering Pine Drive was seconded by Selectman Johnson. Vote: 5-0

Request to Approve the Bituminous Concrete in Place and Chip Seal Award to J. H. Lynch & Sons / John Walden

Mr. Walden came before the Board and explained that this the annual bid for materials.

Selectman Emery's motion to award the bituminous pavement in place bid to J.H. Lynch as per their per unit prices included in the attached spreadsheet for a total estimated amount of \$275,100 and to award the Oil/Chip Seal for Items 1 & 2 to Comer Contracting Inc. for \$115,000 and Items 3 & 4 to All States Asphalt for \$213,750 was seconded by Selectman Johnson. Vote: 5-0

Yearly Reappointments Effective July 1, 2014 / Town Manager

Selectman Dodd's motion to appoint the individuals listed on the attached sheet to the Boards and Committees and for the terms identified on the list, which he read aloud as part of the motion, was seconded by Selectman Johnson. Vote: 5-0

Budget Transfers / Town Manager

Mr. Malloy reviewed the reasons for the budget transfers.

Selectman Johnson's motion to approve the transfer from the Insurance Account (11933-5706) of \$20,000 to the Town Counsel Expense Account (11513-5219A); the transfer from the

Insurance Account (11933-5706) of \$1,387.84 to the Personnel Board Training and Education Account (11523-5218); the transfer from the Town Clerk Salaries & Wages Account (11611-5103) of \$2,000 to the Election & Registration Expenses – Printing & Copying Account (11513-5219A) was seconded by Selectman Drewry. Vote: 5-0

Request to Declare Surplus Property for the Fire Department / Town Manager

Mr. Malloy explained that new building will be furnished mostly with new items and in order to sell/throw away the items that will not be needed they have to be declared surplus.

Selectman Drewry's motion to declare the items in the existing fire department that are not being used in the new fire station surplus property was seconded by Selectman Johnson. Vote: 5-0

Remote Participation Policy Discussion

Selectman Dodd's motion to request that Town Counsel draft for the next meeting in July a remote participation policy for consideration by the Board and further that this policy 1) requires the use of a standard telephone system and 2) requires from the participants to bear any costs associated with calling it, was seconded by Selectman Johnson. Discussion: The Board was in agreement that the policy may be necessary for committee members who travel for business or for other reasonable situations. There was a discussion of the components of the policy and their concerns including that a quorum must be physically present; items a – e in the draft policy should be included and it is the chairman's decision, who must also be present, to determine if the reason is adequate; this policy should be the exception not the rule; the participant is responsible for the cost/equipment when there are circumstances where the telephone will not be adequate and the participant must use technology that allows them to see a presentation in order to vote. Attorney Franks understands the Board's concerns and will address them in his draft for discussion in July. The Board briefly discussed notifying the chair of the boards/committees when the policy is drafted. Vote: 5-0

Town Counsel Report

Attorney Franks informed the Board that a notice was received from Comcast that they are taking over Charter Communication and they are required under Federal law that to inform the Town that they will be assuming the license. If the Board wants to have to have a hearing, which would be to determine if Comcast is a suitable organization or to ask questions, it must be held within 60 days. Selectman Barrette will speak with the Cable Negotiating Committee and there will be a placeholder on the July agenda for this item.

Town Manager Report

Mr. Malloy informed the Board that the Urban Land Institute will be submitting a written report in approximately eight weeks. He reviewed the items that they addressed that Dr. Mullen did not. Mr. Malloy noted that he has begun investigating "E-Packets" and Ms. Williams and Mr. Stockman will be meeting with another town to review their process. He informed the Board that the legislation on the State Hospital property is just waiting for Senate approval.

Issues and Correspondence of the Selectmen

Selectman Dodd noted that once the Board has the platform for the "E-Packets" they could be used by other Committees. He also asked to post the electronic packet information on the Town website, which Mr. Malloy agreed to do.

Selectman Barrette asked how the water ban is determined. Mr. Malloy explained that it is part of the State Water Management Act and is monitored between Memorial Day and Labor Day. It is put in effect once the Assabet River gauge drops below a certain level. Mr. Malloy will post it on the website home page.

Adjournment

Selectman Johnson's motion to adjourn at 8:39 p.m. was seconded by Selectman Emery.

Vote: 5-0

Submitted by Paula M. Covino

Chairman Barrette

Vice Chairman Dodd

Selectman Drewry

Selectman Emery

Selectman Johnson