

**Westborough Board of Selectmen
Meeting Minutes
September 9, 2014**

6:30 p.m. – 8:30 p.m.

Present: Chairman Barrette, Vice Chairman Dodd (arrived at 6:40 p.m.), Selectmen Drewry, Emery 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 Johnson's request to approve the minutes of August 26, 2014 was seconded by Selectman Emery. Vote: 4-0

Public Hearing for a New Wine & Malt Package Store Liquor License for OSJL Spirits LLC d/b/a Ocean State Job Lot, 180 Milk Street / William Thayer

Selectman Emery's motion to open the public hearing for a New Wine & Malt Package Store Liquor License for OSJL Spirits LLC d/b/a Ocean State Job Lot, 180 Milk Street was seconded by Selectman Johnson. Vote: 4-0

Attorney Tracy Baran and William Thayer, Store Manager, came before the Board. Attorney Baran noted that the area where the product will be sold is 626 square feet, the intent is to sell private label beer and wine, but there is a possibility they may sell closeout products. Mr. Thayer has been with OSJL for five years and has completed alcohol awareness training with JBS Professional Services, LLC and all employees will receive the training as well. Attorney Baran reviewed the store's hours of operation and noted that on Sundays the area will be sectioned off and a sign will be posted that alcohol will be sold from 12:00 p.m. to 6:00 p.m. Stored product will be kept in a locked room in the back of the store inaccessible to the public.

Selectman Drewry's motion to approve the new Wine and Malt License for Ocean State Job Lot at 180 Milk Street and naming William Thayer the Manager of Record as per their application was seconded by Selectman Dodd. Discussion: Selectman Emery noted that she is not in favor of the request and in her opinion there is no reason for adding a convenience in a store that has an entirely different purpose and has already been operating in Town for many years. She expressed concern regarding safety issues and the possible negative impact on the local liquor store owners. Selectman Barrette recommended that the area be physically closed off and locked and that the hearing be continued. He asked the proponent to view Stop & Shop's display area and talk to Chief Gordon. Selectman Dodd is in favor as the license is available and all requirements have been met, but is concerned about the area not being secured. Mr. Thayer explained that they will use stanchions, the area will be visible to the cashiers and service desk, and security cameras are in use. Selectmen Johnson pointed out that the Town is in the process of petitioning the Legislature for local authority to grant liquor licenses and he does not want to jeopardize that process, but does agree with the security issues. Chief Gordon noted that he does not have a problem with the concept, but would like to see the area segregated with a partition and a separate cash register and does have concerns regarding minors that work in the store. Attorney Baran reviewed OSJL's

policies and assured that it would not be an issue. Selectman Drewry also agreed with the security issues and suggestions made.

Selectman Drewry withdrew his original motion and his motion to continue the hearing at the September 23, 2014 meeting was seconded by Selectman Johnson. Discussion: Victor Fayad, owner of Divine Wine & Spirits, noted his concerns regarding the impact this license could have on his business as well as others in Town. Vote: 5-0

Request to Approve a New Officer/Director, Transfer of Stock, and New Stockholder for Outback Steakhouse of FL LLC d/b/a Outback Steakhouse, 227 Turnpike Road

Selectman Johnson's motion to approve the new officer/director, transfer of stock and new stockholder for Outback Steakhouse of FL LLC for the Outback Steakhouse located at 227 Turnpike Road, as per their application was seconded by Selectman Drewry. Vote: 5-0

Request to Approve a Common Victualer Permit for Chick-fil-A Westborough, 286 Turnpike Road / Michael Lawson

Mr. Lawson appeared before the Board.

Selectman Johnson's motion to approve the Common Victualer permit for Chick-fil-A at 286 Turnpike Road as per their application was seconded by Selectman Drewry. Vote: 5-0

Request to Use the Electronic Sign for the Westborough Senior Center Supporters Annual Holiday Fair / Alma DeManche

Carol LaPrade, Co-chair of the Westborough Senior Center Supporters, came before the Board.

Selectman Emery's motion to approve the use of the electronic signboard on the rotary for the Senior Center Supporters group for the week leading up to their Holiday Fair on November 15th subject to no higher priority uses of the sign are needed during this period was seconded by Selectman Drewry. Vote: 5-0

Bicycle & Pedestrian Advisory Committee Update / Bruce Tretter

Mr. Tretter came before the Board and distributed copies of his progress report dated 9/9/14, which he reviewed in detail.

Request to Vote an Intention to Layout Orchard Hill Drive (entire) and Quick Farm Road (portion) as Public Ways / John Walden

Mr. Walden noted that when the Planning Board approves a subdivision and it is constructed, the road then becomes a Town road. The Board has to vote the intention to layout the roads tonight, vote to layout the roads at the next meeting and it will then be voted on at the Fall Town Meeting.

Selectman Emery's motion to set a public hearing on the Board's intention to layout the public ways of Orchard Hill Road and a portion of Quick Farm Road on September 23, 2014 was seconded by Selectman Dodd. Vote: 5-0

Request to Interview/Appoint Jennifer Doherty to the Historical Commission / Hazel Nourse

Ms. Nourse and Ms. Doherty came before the Board and Ms. Doherty reviewed her background.

Selectman Dodd's motion to appoint Jennifer Doherty to the Historic Commission for a term to expire on June 30, 2017 was seconded by Selectman Johnson. Vote: 5-0

Request to Interview/Appoint Two Non-voting Associate Members to the Youth Commission / John Badenhause

Mr. Badenhause noted that two students out of four that applied for the open positions last year were appointed and the remaining two that were not appointed have continued to attend meetings and stay involved. There was a similar situation in the spring where the Board appointed two out of three students for two open positions and the third was appointed as a non-voting associate.

Selectman Johnson's motion to appoint Robert Stout and Gerad Sockol to the Youth Commission as non-voting associate members was seconded by Selectman Emery. Vote: 5-0

Westborough State Hospital Committee Appointments

Selectman Dodd recused himself from the vote due to his professional position.

Selectman Emery's motion to appoint the following seven people, Earl Storey, Warren Anderson, Gary Wittmann, Brian Bush, Gary Kessler, Hazel Nourse and Matt McCafferty, to the Westborough State Hospital Planning Committee for indefinite terms was seconded by Selectman Drewry. Discussion: The Board provided comments of appreciation to the applicants and encouraged those that were not appointed to attend the meetings and provide input. Vote: 4-0

Selectman Emery's motion to nominate Selectman Johnson as the Board of Selectmen liaison to the Committee was seconded by Selectman Drewry. Vote: 4-0

Proclamation Request Guidelines & Procedures / Selectman Dodd

Selectman Dodd reviewed the reasons for the policy and what the process should be as outlined in his draft of the proposed policy.

Selectman Emery's motion to approve the Proclamations Request Guidelines and Procedures as attached to remove the word "whereas" on page 2 and that the request is subject to approval by the Board of Selectmen or their designee was seconded by Selectman Drewry. Discussion: Selectman Johnson questioned whether the policy requires that the person requesting the proclamation must write their own, which may be intimidating. The Board discussed the policy's language, posting examples on the website, and the purpose of the policy, which is to obtain sufficient information from the requestor. The Board will vote their designee at a future meeting. Vote: 5-0

Discussion of Non-voting Associate Members for the 300th Anniversary Committee

Mr. Malloy reviewed the reasons for this agenda item. He met with Committee members who had asked if it was necessary to appoint non-voting members and he recommended that with this type of committee there can be an unlimited amount of people participating who are willing to help. The Board agreed with Mr. Malloy's recommendation.

Fall Town Meeting Warrant

Mr. Malloy reviewed the Warrant Articles. The Board questioned the following and the proponents will be asked to attend the next meeting:

Article 13: Baker Way Pump Station – DPW Manager

Article 17: Mill Pond Test Drilling and Well Installation – School Committee

Article 18: Web-Based Interfaced Direct Digital Control System – School Committee

Article 19: Wireless Access Points – School Committee

Articles 29-36: Zoning Articles – Planning Board

There was a brief discussion regarding concerns with the type of Articles on the Fall Annual Town Meeting Warrant, such as the zoning changes and the inappropriateness of certain budget related requests, which should have been part of the Capital Planning process.

Town Counsel Report

Attorney Franks informed the Board that he is working on a claim from a sub-contractor regarding a small job at the Treatment Plant. It is not a filed sub-bid job, not big enough to require a bond, and the general contractor went bankrupt. The second case is a tax eviction as the Town has acquired a condo by operation of law and is required to sell the property to satisfy the tax bill. He will be filing this case by the end of the week or beginning of next week.

Issues and Correspondence of the Selectmen

Selectman Johnson noted that Genzyme has moved from Framingham into Westborough. He informed the Board that the WRTA buses, which are running from the train station to areas in Town, are currently oversubscribed.

Selectman Emery requested to add to the next agenda the Board's approval of a fundraising account for the Tot Lot Committee.

For the October 14, 2014 meeting, Selectman Drewry asked to invite a representative from Central Mass Regional Planning Commission to speak and Selectman Barrette requested to add a discussion regarding the Town's sidewalk plan.

Executive Session

Selectman Dodd moved to enter into Executive Session at 8:30 p.m., and adjourn without coming back into Open Session, 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 discuss litigation strategy, as an Open Session would have a detrimental effect on the Town's litigating position.

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

Chairman Barrette

Vice Chairman Dodd

Selectman Drewry

Selectman Emery

Selectman Johnson