

**Westborough Board of Selectmen
Meeting Minutes
January 13, 2015**

6:30 p.m. – 7:56 p.m.

Present: Chairman Barrette, Selectmen Dodd, Drewry and Johnson

Also Present: Jim Malloy, Town Manager; Kristi Williams, Assistant Town Manager/HR Director

Consent Agenda

Mr. Malloy explained that the purpose of the consent agenda is to streamline the agenda items by approving those that are clear-cut as a group. The consent agenda items are:

- Approval of Minutes – December 9, 2014
- Approval of Minutes – December 30, 2014 (Open Session)
- Request to Approve a Common Victualler Permit for Yog Vijay, Inc. d/b/a Honey Dew Donuts, 2 Connector Road / Vijay Patel

Selectman Dodd's motion that the Board approve the consent agenda items was seconded by Selectman Drewry. Vote: 4-0

Interview/Appointment to the Veterans' Advisory Board / Paul Horrigan / Ken Ferrera

Mr. Horrigan and Mr. Ferrera came before the Board. Mr. Ferrera explained the purpose of the Advisory Board and informed the Selectmen that Mr. Horrigan is a veteran, Grand Marshall and longtime resident of Westborough. Mr. Horrigan noted his reasons for volunteering.

Selectman Drewry's motion that the Board appoint Paul Horrigan to the Veterans' Advisory Board for a term to expire on 6/30/15 was seconded by Selectman Dodd. Vote: 4-0

Interviews/Appointments to the Cultural Council / Cliff Watts

Ms. Nadkarni was unable to attend due to her work schedule.

Ms. Abladian came before the Board. The Board agreed to appoint Ms. Nadkarni based upon her letter of interest.

Selectman Johnson's motion to appoint Susan Abladian as a voting member and Nisha Nadkarni as a non-voting member to the Cultural Council was seconded by Selectman Dodd. Vote: 4-0

Request to Approve the 1st Amendment to the Regulatory Agreement for Park Place, Westborough / Sotir Papalilo

Mr. Malloy noted that the project was approved in 2009 and due to the changes in the housing market Westwood Associates went before the Zoning Board of Appeals (ZBA) to change the purchase price limit, which they approved.

Selectman Drewry's motion that the Board approve the change to the regulatory agreement between the Town of Westborough and Fifth CP Realty Trust as attached approving the increase in the purchase price limit from \$167,400 to \$178,300 was seconded by Selectman Johnson.

Discussion: Mr. Malloy explained that the project was approved at the bottom of market and the proponent came back to the Town to request the removal of the age restriction, which the

Selectmen and ZBA denied. They remarketed the property and began building months later. Selectman Barrette expressed concerns regarding the number of times the builder has come back to the Town with changes and that he was not in attendance for his request. Vote: 3-1 (Barrette)

Public Hearing for the FY 2016 Budget / Town Manager

Selectman Johnson's motion to open the public hearing for the FY 2016 budget was seconded by Selectman Dodd. Vote: 4-0

Mr. Malloy reviewed the budget and capital plan presentation.

Questions/comments were solicited from the Board and attendees:

- Selectman Johnson questioned if the OPEB liability is funded in the General Fund's 2.6% increase and Mr. Malloy confirmed that it is. Selectman Johnson noted that there is no requirement to fund it, there is the potential to reduce it to maintain the 2% however he is not advocating to do so as there are significant benefits to continue the funding.
- Selectman Barrette pointed out that the School Committee Chair and Superintendent are working with the Recreation Dept. to help save money and manage the debt by opening up the schools for the basketball program which was driving the need for the Recreation Center.
- Peter Allen noted the Advisory Finance Committee will begin meeting on both Monday and Thursday on January 26. Selectman Johnson requested a schedule of when each department will be meeting with the AFC.
- Ed Behn asked what the annual required contribution for the OPEB liability is and Mr. Malloy noted that he thought it might be \$4.2 million.

Selectman Johnson's motion to close the public hearing was seconded by Selectman Dodd. Vote: 4-0

Request to Approve the Tax Bill Insert for the Taxation Aid Committee / Joanne Savignac

Ms. Savignac came before the Board. She noted that \$2,700 was raised last year and financial aid was provided to two homeowners. Adding the insert does not increase the postage cost.

Selectman Johnson's motion that the Board approve the distributed insert to be included in the upcoming tax bills was seconded by Selectman Drewry. Discussion: Mr. Malloy noted that Corridor Nine included the insert as well in their December mailing to members. Vote: 4-0

Open Forum Policy / Selectman Dodd

Selectman Dodd reviewed the policy as outlined in the Board's packet. Selectman Barrette agreed with the policy and that it should be available to the public in order to provide the information on how open forum functions and the difference between that and an agenda item. Selectman Johnson noted his concerns that the policy is somewhat restrictive and because it is an open meeting, the public should be able to speak. Selectman Dodd explained that its purpose is to provide clarity and information about what it is, it is not meant to restrict. Selectman Johnson asked to amend the policy by removing the phrase "This time limit may not be exceeded" regarding the two minute time limit in Section V, Procedures, item A. Selectman Drewry was in favor of keeping the phrase in writing as part of the policy as it allows the Chairman to enforce it, but gives them the flexibility to extend it depending on the situation. Selectman Johnson

noted that the first sentence would remain regarding a two minute time limit applying to each speaker.

Selectman Dodd's motion that the Board approve the attached Open Forum Policy for the Open Forum portion of the Selectmen's agenda with the removal of the second sentence in Section V, Subsection A was seconded by Selectman Johnson. Vote: 4-0

Appoint Acting Town Counsel / Selectman Barrette

Mr. Malloy recommended that the Board appoint Mirick O'Connell as interim counsel as they have provided services to the Town previously. He will draft an RFP and it will be on the next agenda for the Board's approval.

Selectman Johnson's motion to appoint Mirick O'Connell as acting Town Counsel was seconded by Selectman Drewry. Vote: 4-0

Town Manager Report

Annual Town Meeting Warrant

Mr. Malloy reviewed the draft Town Meeting Warrant, which will be posted on the website tomorrow.

Selectman Dodd requested making the same changes proposed in Article 22 to the Veterans' Tax Work-off Program as well and Mr. Malloy agreed to review the policy and add it to the Warrant if the Board agrees.

Selectman Barrette noted that the Board will review each of the Articles at the January 27, 2015 meeting and if any are questioned the proponents will be asked to come before the Board.

Regarding Article 16 and the use of the CSX mitigation funds for possible replacement of the downtown street lights, Mr. Doret noted that they are connected to a premium feed that the Town may have to continue to pay for. He suggested looking at the history to determine if the Town is still obligated under the historic criteria that Mass Electric created. Mr. Malloy agreed to look into this further.

Annual and Fall Town Meeting

Mr. Malloy noted that he reviewed the typical Articles and their ordering from past Town Meetings and suggested that the Annual Town Meeting should be focused on the Town's financial business and the Fall Town Meeting should address zoning and any financial issues that may need to be addressed before the next Annual Town Meeting. This year provides a good example as the Planning Board's zoning Articles were not ready for the Annual Town Meeting and will be presented in the fall. The Board can then decide if this will be the guideline used in the future.

Issues and Correspondence of the Selectmen

Selectman Dodd noted that the Board received a letter of interest for the Tot Lot Committee and as Ms. Emery is no longer a Selectman he offered to replace her. Mr. Malloy is the appointing authority and agreed to appoint Selectman Dodd. Selectman Dodd informed the Board that CMRPC receives money every year to engage communities in a variety of free programs one of which Auburn is initiating regarding priority preservation areas. He will contact the Open Space

Preservation Committee to find out if they are interested. As the Board's representative on the Student Enrollment Committee, Selectman Dodd noted that he would like to begin the process and schedule a meeting. Mr. Malloy noted that progress is being made as the School Committee put the consulting work out to bid and they were opened yesterday.

Selectman Barrette noted that he attended a CMRPC disaster mitigation meeting, which addressed disaster issues in Town and that our program is current. He asked if any progress has been made regarding the Snow Angel program and Mr. Malloy noted that he has not yet spoke the Council on Aging Director. Selectman Barrette also offered to contact her.

Executive Session

Selectman Dodd's motion to enter into Executive Session to conduct a strategy session in preparation for negotiations with non-union personnel or contract negotiations with non-union personnel and that the Board will adjourn without coming back into Open Session.

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

Submitted by Paula M. Covino

Chairman Barrette

Vice Chairman Dodd

Selectman Drewry

Selectman Johnson