

**Westborough Board of Selectmen  
Meeting Minutes  
February 10, 2015**

**6:30 p.m. – 8:34 p.m.**

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

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

**Open Forum**

Mr. Walden came before the Board and provided an update on the snow removal downtown, widening of streets, and cleaning out hydrants. He noted that the crews have been working around the clock and there have been some heavy duty breakdowns. Mr. Walden informed the Board that the DPW cannot be responsible for the large volume of damaged mailboxes, which is due to the displacement of the snow and the Board agreed. They have had no problem getting sand but salt is being rationed. He also noted that they need to deficit spend \$100,000 in expenses and \$25,000 in wages in addition to the prior deficit spending of \$100,000 in expenses and \$25,000 in wages.

Selectman Barrette cautioned runners that are on the road in the early morning that it is dangerous as there is no room and Mr. Walden informed the Board that the DPW employees that are plowing have also commented that they cannot always see them. Selectman Johnson asked residents to shovel out fire hydrants on their property so that the DPW can focus on other issues. He noted that the Snow Angels program can assist with that. The Board commended Mr. Walden and his staff for their efforts during the snow storms.

**Public Hearing for Cumberland Farms Fuel Storage License Amendment, 165 Flanders Road / Victoria DiBacco, Operations Compliance Manager, ECS Eclipse**

Selectman Johnson's motion to open the public hearing for Cumberland Farms Fuel Storage License was seconded by Selectman Drewry. Vote: 4-0

Ms. DiBacco, of ECS Eclipse, came before the Board. They manage the underground storage permitting for Cumberland Farms. The license has been endorsed by the Fire Chief.

Selectman Johnson's motion to approve the amendment to the license for Cumberland Farms at 165 Flanders Road to allow the storage of up to 27,072 gallons of flammable liquids as per their application was seconded by Selectman Drewry. Discussion: Ms. DiBacco noted that the request is a result of their clerical error regarding the number of gallons. Vote: 4-0

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

**Parking Policy at the Municipal and Town Hall Lots / Chief Gordon**

Chief Gordon came before the Board. At the request of Selectman Barrette, the Chief checked the South Street and Town Hall lots informed the Board of the cars that had to be towed as they had been parked there for quite some time. He noted that the use of these lots to store cars is a major problem as the lots cannot be plowed and it affects those that are using it properly. Town Counsel provided Mr. Malloy with an opinion that the Town Manager can adopt a policy as all Town property is under his jurisdiction. Chief Gordon will be placing notices on all cars parked

in those lots giving them sufficient notice to move them so that the lots can be cleared, and that they will be towed if not moved. The Board agreed to discuss this issue and a policy to enforce it at a later meeting.

### **Gibbons School Building Committee**

Amber Bock, Superintendent, Peter Collins, Owner's Project Manager, and Jack Foley, Gibbons Middle School Principal came before the Board. Their intent tonight is show the Board their Town Meeting presentation on the school project and to answer any questions. Mr. Foley reviewed his presentation. The proposed project is to bring the core section of the building up to current building codes, improve the quality of the educational programming and extend the useful life of the building approximately 50 years. The presentation included the proposed cost of the project, which is \$26,770,881 and after the State's contribution it will cost the Town \$15,130,013; a new building would cost \$49,500,000. Mr. Foley also reviewed the impact on taxes, the scope of the work, and the timeline as outlined in the presentation.

#### **Questions/comments:**

Selectman Johnson noted that this project is needed but questioned what would the Town do if this does not pass at Town Meeting. Ms. Bock replied that they would have to bring each item forward separately and Mr. Malloy noted that an expedited process could be used through the MSBA when doing a project in single parts. Mr. Collins noted that the expedited process is limited to the building envelope.

Selectman Dodd agreed with the need for the renovations and expressed concern regarding the high cost and questioned what the costs are for parts of the project. Mr. Foley reviewed the process for determining the scope of work and noted that it is his understanding that the original cost estimate was for the work only and did not include contingency funding, insurance, hazardous materials removal, the project manager or the sprinkler system. Mr. Malloy, with input from Mr. Collins, had prepared a spreadsheet listing the original costs and where the increases have been over the years, which Mr. Collins reviewed. Selectman Drewry noted that depending on the economy bids could come in lower and agreed that it needs to be done. Mr. Collins informed the Board that once MSBA approved the project the Town has 120 days to get local approval. If the project is not approved the Town would have to reapply. Selectman Barrette noted that residents should be reminded at Town Meeting that the Town has already invested money in the feasibility study and that this is an all or nothing proposition. Chief Gordon asked what happens to the Forbes Municipal Building renovations if this project goes forward. Mr. Malloy had reviewed all the projects and the FMB renovation could be done if the Gibbons project were at the level of \$18 million, but at \$26 million it would be pushed out 1-2 years.

### **Voting Equipment / Town Clerk**

Ms. Mickel came before the Board.

Selectman Drewry's motion that the Board approves discontinuing the use of the ES & F Optech voting equipment and approves the use of the ES & F DS200 voting equipment starting with the March 2015 elections was seconded by Selectman Johnson. Discussion: Ms. Mickel noted that a vote should have been taken 120 days prior to an election where the new equipment is going to be used. Mr. Malloy further explained that Ms. Mickel was recently made aware of this statute at a conference. The Board has to vote to approve the new equipment and also request special legislation validating the new equipment. Vote: 4-0.

Selectman Dodd requested that Mr. Malloy include in the letter how cumbersome the process is.

Selectman Johnson's motion to authorize the Town Manager to prepare a letter on behalf of the Board to send to the office of the Governor to request that the Governor seek special legislation in accordance with the Home Rule Amendment (Article 89 of the Amendments of the Constitution of the Commonwealth) to provide that, notwithstanding Section 34 of Chapter 54 of the General Laws or any other general or special law or Town bylaw to the contrary, the proceedings taken by the Town of Westborough at the March 3, 2015 Annual Town Election, at the March 31, 2015 Special Election and all actions taken pursuant thereto shall be thereby ratified, validated and confirmed, and upon such other terms as may be recommended by the Division of Elections of the office of the Secretary of the Commonwealth was seconded by Selectman Drewry. Vote: 4-0

### **FY 2016 Budget – Discussion/Decisions**

Selectman Barrette read aloud each Department and the Board questioned the following: Board of Selectmen/Town Manager; Legal; Building and Grounds; Building Commissioner; Sanitary Landfill; Council on Aging; Historical Commission; Water Enterprise; Insurance.

Mr. Malloy provided the Board with revisions to the budget that he asked them to consider before they voted. Regarding the electrical adjustments and the net metering, he informed the Board that the auditors suggested that the net metering credits be deposited into the General Fund as a revenue source and the expenditure accounts as they were previously. The largest user of electricity is the Waste Water Treatment Plant and this will prevent Shrewsbury from getting any benefit from the credits as Westborough does all the work for the plant. He reviewed the other budget changes and the net increase is \$150,154.

Selectman Dodd's motion to approve the budgets not questioned inclusive of the changes presented by the Town Manager was seconded by Selectman Johnson. Vote: 4-0

BOS/Town Manager – Selectman Johnson questioned the addition of \$20,000 for staff development. Mr. Malloy explained that some departments have funds built in for annual conferences and training, however other additional training programs become available during the year that would benefit department heads and the cost is \$2,500. Mr. Malloy would keep track of who attends, the cost and the benefits.

Legal – Selectman Barrette asked Mr. Malloy if he is comfortable that the budget is sufficient for the Town's needs and Mr. Malloy noted that he is if it is managed correctly. Selectman Johnson asked Mr. Malloy to keep the Board informed if there is an indication during the year that it is not enough.

Building and Grounds – Selectman Barrette questioned the 3% decrease and Mr. Malloy noted it was due to a retirement in the previous year and a new employee was hired at a lesser salary.

Insurance – with the increase to the Worcester County Retirement assessment, Selectman Johnson asked if they should consider not funding or decreasing the funding of the OPEB account, currently funded at \$1.1 million. It is not a requirement however it is beneficial as it has a positive impact on the Town's bond rating, but a decrease would bring the budget to a more reasonable number and closer to the 2% goal. Mr. Malloy noted that when they negotiated the health insurance plan design changes with the unions it was discussed that the savings from the active employees would fund the OPEB account. He will review the contract to see if that is

included. Mr. Malloy pointed out that if the funding is cut back with the intent in the future to add it back in, most likely that would not happen as it would be difficult to do. Selectman Barrette asked Mr. Malloy if the funding were decreased would it satisfy the Memorandum of Agreement with the unions and would it have a negative impact to the bond rating. Mr. Malloy will provide answers for the next meeting.

Building Commissioner – Selectman Barrette questioned the addition of a Part-time Building Inspector and Mr. Malloy explained that the revenue generated by issuing permits has increased significantly over the past couple of years. Mr. Htway came before the Board and confirmed the increase over the past four years and noted that the additional employee will allow him more time to focus on the next phases of implementing the online permitting program. Selectman Drewry asked the following: if the revenue increase is due to more developments or changes in the codes and Mr. Htway confirmed that it is both; that the part-time position does not receive benefits and Mr. Htway stated that was correct; should revenues decrease in the future will the position be removed and Mr. Htway stated it would.

Sanitary Landfill – Selectman Johnson noted that there was an increase in the original budget but it has since decreased and Mr. Malloy informed the Board the Mr. Baccari had asked to renegotiate the contract with Wheelabrator and the new rate of \$66/ton versus \$77/ton was agreed upon after the budget was finalized.

Council on Aging – Selectmen Barrette and Johnson questioned this budget due to the increase in salary, which Mr. Malloy confirmed was due to the addition of the fourth bus driver. Selectman Johnson pointed out that the report supporting the addition of the driver voted on at Fall Town Meeting has not been received and Selectman Barrette noted that the Director has completed it and has requested to come before the Board at the next meeting. It will be added to the February 24, 2015 meeting and Selectman Barrette requested that the report be delivered in time to be included in the packets or sooner.

Historical Commission – Selectman Johnson questioned the Commission's budget request for \$12,000 for the Administrative Assistant's salary versus the Town Manager's recommendation of \$3,000. Mr. Malloy noted that is the same issue that was discussed last year and this is the only town that provides clerical support for a Historical Commission or has office hours and he reduced the number of hours to 10 per month. Mr. Malloy spoke with the Commission last year regarding this issue, has sent the budget, but has not yet spoken directly with the Chair regarding the FY 2016 budget. Selectman Barrette asked Mr. Malloy to send Ms. Nourse an email and he will follow up when he meets with her. The Board agreed with the Town Manager's recommendation.

Water Enterprise Fund – Selectman Johnson noted that there is a large increase in Salaries & Wages in the budget summary and Mr. Wells, AFC Chair, explained that the number for the approved FY 2015 was incorrect due to a typographical error. The number reflected in the detail budget is correct.

Selectman Dodd's motion to approve the department budgets with the exception of the Insurance and Council on Aging budgets was seconded by Selectman Johnson. Discussion: Selectman Drewry noted that as the AFC has not been able to meet regularly they may come forward with information between now and Town Meeting that may affect the budget. Selectman Barrette confirmed that the Board can revote if needed. Vote: 4-0

### **Town Meeting Warrant – Discussion/Decisions**

Selectman Barrette reviewed the Warrant Articles. Article 10 was not questioned but was held until the end for consideration. Article 21 was questioned.

Mr. Malloy noted that if the Article to change the Economic Development Committee Coordinator's position from part-time to full-time passes then Article 8A Line 5 will be deleted as the funds will be deposited into the General Fund. He also informed the Board that if the law in Article 8B is adopted it will continue until the Town rescinds it and it will not have to be voted every year.

Selectman Dodd moved to place and support all the Articles with the exception of Articles 10 and 21. There was no second to the motion.

Regarding Article 21, Selectman Johnson asked if the Town has a limit on the number of dogs a resident can have licensed and according to Mr. Malloy there is not. Selectman Barrette noted that the reason for the Article is to regulate kennels in Town. It will ensure that they operate as a business, are maintaining them in a sanitary condition and that they are not used as a way to avoid licensing dogs. There was a discussion regarding the limit to the number of dogs in a kennel and what is in the bylaws. The Board agreed to look into the issue further.

The Board briefly discussed Article 10 and agreed that they would support it.

Mr. Malloy noted that he is meeting with Leigh Emery tomorrow and she might submit an Article for Hocomonco Pond.

Selectman Johnson's motion to place and support all the 2015 Town Meeting Warrant Articles except Article 21 was seconded by Selectman Dodd. Vote: 4-0

Selectman Johnson's motion to place Article 21 on the 2015 Town Meeting Warrant and will vote whether to support it at a later date was seconded by Selectman Drewry. Vote: 4-0

### **Town Manager Report**

Mr. Malloy informed the Board that he received the list of seniors from the Council on Aging Director that would need assistance from the Snow Angels program. Seven volunteers signed up and Mr. Malloy organized them to shovel out residents on the list. The effort went well and the recipients were very appreciative. Mr. Malloy noted that Ms. Williams will be Acting Town Manager at the next meeting.

### **Adjournment**

Selectman Dodd's motion to adjourn at 8:34 p.m. was seconded by Selectman Johnson. Vote: 4-0

*Submitted by Paula M. Covino*

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Chairman Barrette

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Vice Chairman Dodd

