

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

**6:30 p.m. – 8:36 p.m.**

Present: Chairman Barrette, Selectmen Drewry, Goldblatt and Johnson

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

**Board of Selectmen Reorganization**

Selectman Johnson's motion to elect Selectman Barrette as Chairman was seconded by Selectman Drewry. 3-0-1 (Barrette)

Selectman Goldblatt's motion to elect Selectman Drewry as Vice Chairman was seconded by Selectman Johnson. Vote: 3-0-1 (Drewry)

**Open Forum**

Archie Monroe came before the Board and expressed his concerns regarding the voting arrangement at the High School, the distance the elderly have to walk to the building, and that handicap parking spaces were being used all day by election workers. Selectman Barrette noted that the Town Clerk will revisit the issue, take it under advisement and will discuss it with the Board. Mr. Monroe asked where the voting booths will be kept and Ms. Williams explained that they are looking for a location at the High School.

**Consent Agenda**

A. Approval of Meeting Minutes:

- February 10, 2015
- February 24, 2015

B. Request to Approve New Officer/Director for the Liquor License at Ruby Tuesday, Inc.

C. Request to Approve Common Victualler Permit for Moe's Southwest Grill – Ownership Name Change

Selectman Johnson's motion to approve the minutes of February 10, 2015 and February 24, 2015 with the change on page 4 was seconded by Selectman Drewry. Vote: 3-0-1 (Goldblatt)

Selectman Johnson's motion to approve Items B and C on the consent agenda was seconded by Selectman Goldblatt. 4-0

**Request to Declare Surplus Equipment for the Engineering & MIS Departments / MIS/GIS Director**

Mr. Malloy explained that two new plotters/scanners were purchased and one is located in the engineering department and is used by MIS and engineering. The other is in the Building Department, which will be relocated to the Town Hall when renovations are complete. The new equipment has rendered the plotters as surplus and the scanner as well as that function is included in the new equipment.

Selectman Drewry's motion to declare the equipment listed on the attached 1/21/15 memo from Carl Balduf regarding surplus equipment and authorize the Town Manager to sell the equipment was

seconded by Selectman Johnson. Discussion: The money received will be deposited into the General Fund and Mr. Malloy reviewed the process to sell them. Vote: 4-0

**Request to Approve the 6<sup>th</sup> Annual 5k/10k for the Lustgarten Foundation for Pancreatic Research / Maria Rydelek/Cheryl Labriola**

Ms. Rydelek came before the Board and informed them that the Foundation has raised over \$300,000 over the past 5 years, which goes directly to research.

Selectman Drewry's motion to approve the 5k/10k race for the Lustgarten Foundation for Pancreatic Cancer Research on April 12, 2015 between 8:00 AM and 11:00 AM was seconded by Selectman Johnson. Discussion: Chief Gordon has no issues with the event. Vote: 4-0

**Article 27 – Spurr House / Bob and Tanya Pano**

Bob Pano and Paula Skog came before the Board. Selectman Barrette noted that Mr. Pano and Mrs. Pano attended a Municipal Building Committee meeting to discuss the Spurr House. The building is unoccupied and as it is under the Town Manager's purview, he has since had it winterized and shut down. Mr. Pano expressed the concerns of the neighbors regarding the disposition of the property and that there seems to be no attempt to repair or maintain the building. They are looking for alternatives to preserve and maintain its historical significance to the Town and street as it falls under the demolition bylaw and is in the National Historic Register.

Selectman Barrette asked Mr. Pano how he heard that the building was not being maintained and his response was that through observation he has not seen anyone coming or going that might be doing minor repairs since the American Legion vacated the premises. Ms. Skog noted that she spoke with someone at the Fire Station and was told that the heat was shut off and that the fire alarm does not work below 32 degrees. She informed the Board that when a historic building is "mothballed" it should be left at a little over 32 degrees.

Selectman Barrette noted his concern regarding "suburban myths" or misinformation that is circulating in relation to the Spurr House. Mr. Pano stated that he had spoken with Selectman Drewry about it. Selectman Drewry reviewed the history of the American Legion's residence in the building and that the maintenance was supported by rent from tenants on the second floor. If the Town were to take on the repair the costs would be significant due to the requirement to remove lead paint, make it ADA compliant and conform to the current building codes. He pointed out that if there was a proposal to take the Spurr House down for parking it would require a vote by Town Meeting.

Selectman Barrette explained that he is not in favor of appointing a committee to study the issue, which is part of the Article request sponsored by the Parkman Street residents, as there are many committee vacancies currently and there are other committees that could address it. He consulted with the Town Manager and the heat was turned back on and the fire alarm was never turned off. The water and power are turned on and the Spurr House will be maintained by the Town. The Board's goal is to bring it back to Fall Town Meeting and let the voters decide. The Building Commissioner has begun to look at the building and confirmed that it contains lead paint, is not ADA compliant and it would be enormously expensive to convert it for Town use. He assured the residents that the Town will not participate in demolition by neglect and that their concerns are understood. Mr. Pano was satisfied with the approach that the Town is taking.

Chief Perron noted that he did not hear from the Board of Selectmen or Town Hall in regard to the Spurr House being closed down. Ed Behn contacted Chief Perron regarding the building's fire protection and the Chief confirmed to Mr. Behn that the alarm system would not work if the

temperature fell below 32 degrees. Chief Perron also noted that he sent his staff to check on the building after he spoke with Mr. Behn and there was an emergency gas shut down tag on the door from the gas company dated two weeks prior with an inspection request. When asked if he had contacted the Board or the Town Manager after speaking with Mr. Behn, Chief Perron said he did not as felt that the issue would be addressed by Building and Grounds. The Building and Grounds Manager is addressing the gas inspection issue. Selectman Goldblatt requested that Mr. Cornine let the Board know when the gas company has completed the inspection and that Mr. Malloy keep Mr. and Mrs. Pano informed.

**Public Hearing for a Fuel Storage License and a Class II License for CarMax Auto Superstores, Inc., 170 Turnpike Road / Attorney Marshall Gould /Jason Pruitt/Jake Hertz**

Selectman Goldblatt's motion to open the public hearing for a Fuel Storage License and a Class II License for CarMax Auto Superstores, Inc. was seconded by Selectman Johnson. Vote: 4-0

Attorney Gould, Jake Hertz, Project Manager from Centerpoint Integrated Solutions and Jason Pruitt, CarMax Real Estate Manager came before the Board. Attorney Gould provided a brief background on the company, where it will be located and the process to acquire an additional parcel of land.

Selectman Drewry's motion to approve the amendment to the underground fuel storage permit for CarMax Auto Superstores as per the attached application dated 8/7/2014 as per the plan dated 5/01/14 was seconded by Selectman Johnson. Discussion: Selectman Goldblatt noted that she spoke with Attorney Gould and Chief Perron regarding the possibility of the fuel tanks failing and how that would affect the adjacent businesses and was assured by both that a state-of-the-art mitigation system is in place. Attorney Gould explained that the storage tanks and pump have been engineered with extreme safety measures. Only certain dealership employees will be using the pump. Chief Perron confirmed that the tanks and piping are double-walled, and while they are highly unlikely to leak the protection equipment will sound an alarm which immediately notifies CarMax's office and they would contact the Fire Department. He has signed off on the plans. Vote: 4-0

Selectman Drewry's motion that the Board grant a Class II Used Car Dealers License authorizing up to 1,281 unregistered vehicles to be stored on site as per their application was seconded by Selectman Johnson. Discussion: Attorney Gould reviewed the number of parking spaces for the customer/employee parking, sales lot and the sales staging area. The count was verified in the Selectmen's office and there was a difference of approximately 16-17 spaces, which was due to the light stanchions that will be installed. The counts for the sales lot and staging area are correct, but the architect and engineer will go back and confirm the customer/employee parking, which on the earlier site plan was 324 and is now 331. If it is 324 they will revise this plan if it is 331 they will revise the previously approved site plan, which Mr. Malloy agreed to today. Attorney asked to move forward with the count as is and if it is different they will come back before the Board. Attorney Gould pointed out that the 1,281 spaces in the motion did not account for the light stanchions and requested that 1,267 spaces be approved.

Selectman Drewry's motion to amend the number of spaces to 1,267 was seconded by Selectman Goldblatt. Vote: 4-0

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

**Request to Amend the Fee to Provide a Cruiser for Police Details / Chief Gordon**

Chief Gordon came before the Board and noted that they currently charge third party details \$10 for a cruiser to be on site. Due to the increase in gas prices and the wear and tear on the vehicles as they are kept running, Chief Gordon is proposing to increase the fee to \$25. This is the average of what other towns charge and funds are deposited into the General Fund.

Selectman Johnson's motion to approve a fee of \$25 per day for any police detail that requests a police cruiser for the detail was seconded by Selectman Goldblatt. Vote: 4-0

### **Request to Create the 2015 Service Level Study Committee / Town Manager**

Mr. Malloy noted that he recommended Youth & Family Services (YFS) and Animal Control be studied as part of maintaining the budget in order to determine if there are any alternatives, redundancy or ways to reduce overall costs. The Town Charter authorizes the Board to create a new committee administrative in nature with the Town Manager as appointing authority.

Selectman Johnson moved that the Board vote to create the 2015 Service Level Study Committee as an administrative committee to study the services provided by the Department of Youth and Family Services and Animal Control Officer with the goal of reporting back before the Fall Town Meeting.

Discussion: Selectman Goldblatt questioned whether the Chairman should appoint the members and Selectman Barrette noted that the advantage of the Town Manager making the appointments is that Town employees could be a part of the process, he can appoint those that apply as well as reach out to people, he is full-time and can meet during the day, as the process will require a relatively quick turnaround. He agrees with using a committee to evaluate YFS, but suggested that the Town Manager study Animal Control and makes a recommendation as it is only one person and a well-defined position, whereas YFS is more sensitive and involved. Selectman Drewry agreed and asked Mr. Malloy to explain what was meant by eliminate redundancy and reduce overall costs. Mr. Malloy noted that counseling is covered by health insurance, everyone is now required to have it and the cost would be covered by the private sector and not at the taxpayer's expense. The youth programs that they offer could be provided more appropriately by the Recreation Department or another organization. Selectman Johnson supports the formation of the committee as it is a tool that the Town should be using to control costs in a more transparent way and agrees that both departments should be part of their charge. He suggested that the Historical Commission be added as well as a result of the AFC's recommendation and vote on their budget.

Selectman Barrette asked Mr. Malloy what the reasoning was for the committee to study both the departments. Mr. Malloy noted that he has proposed several ideas in the past to reduce budgets, the affected group would come forward, and many times the proposal was then rejected. He prefers that a third party review the budgets before he makes changes and then a management decision can be made. Selectman Goldblatt agreed that the Animal Control budget could be reviewed by the Town Manager and Assistant Town Manager and they could make a recommendation to the Board. It is her opinion that there should be someone from YFS on the committee to provide an overview of their responsibilities. Mr. Malloy noted that the committee would be interviewing the department's employees and commission members as part of the process to obtain their input.

Selectman Johnson's motion was seconded by Selectman Drewry. Discussion: Selectman Johnson suggested that the committee operate similar to the Charter Review Committee soliciting input from the department and public as well. The committee will consist of five members and Mr. Malloy will advertise the openings and reach out to people in the field and with financial backgrounds. Vote: 3-1 (Goldblatt)

### **Request to Create and Adopt a Farmer Pouring Permit and Fee / Town Manager**

Mr. Malloy explained that there is a microbrewery opening on Milk Street and the Town does not have an established fee for this type of permit. At Mr. Malloy's request Ms. Bain-Morgado contacted Sturbridge, who has a microbrewery, and was informed that their fee is \$500 per year.

Selectman Drewry's motion that the Board set a Farmer Brewery Pouring License Fee at \$500 per year was seconded by Selectman Johnson. Discussion: Selectman Goldblatt asked if they are required to be TIPS certified and Mr. Malloy noted that they do and have to go through the ABCC and follow the same guidelines as all other establishments in Town. The Board discussed the cost of a full liquor license versus only \$500 for a brewery pouring license. This type of establishment operates on a much smaller scale, they are filling growler bottles for purchase, and the tastings are so that customers can choose what to buy. Selectman Barrette expressed his concern that if they are having tastings it would then become a bar. Mr. Malloy noted that the State does not recognize it as such. Selectman Goldblatt questioned the amount of parking and Chief Gordon stated that there is no issue and confirmed that the proponent will have to be TIPS certified. Vote: 3-1 (Barrette)

### **Electronic Sign Policy / Town Manager**

Mr. Malloy explained that the current policy, with a slight change to item #4, will now allow community notices to be posted on the new electronic sign and will restrict the use of the portable electronic sign to the DPW for emergencies, Town Meeting and voting.

Selectman Johnson's motion that the Board adopt the amendments to the electronic sign board policy as attached was seconded by Selectman Goldblatt. Discussion: Selectman Johnson asked if more than one notice can be posted at a time and Mr. Malloy confirmed that it could and messages will be controlled by the Selectmen's office. Vote: 4-0

### **Motions for Town Meeting Warrant Articles Final Warrant and FY 2016 Budget Discussion**

Mr. Malloy reviewed the Articles where the Advisory Finance Committee (AFC) and Selectmen voted differently, transferring from free cash to cover the snow and ice deficit as well as the Reserve Account, and the funding of the Historical Commission's staff. It is Mr. Malloy's recommendation that the operating budget should not be funded with reserves; expenditures should be supported by revenues. This was the practice in the past and the reserves were severely drawn down, putting the Town close to Proposition 2 ½. He noted that the transfer for the snow and ice budget was due to the severe winter and would support that transfer.

Selectman Drewry's motion that the Board vote to submit a motion at Town Meeting to fund Article 8C as a raise and appropriate Article for \$250,000 was seconded by Selectman Johnson. Vote: 4-0

Regarding the Historical Commission budget, Selectman Barrette informed the Board that the AFC supported their budget 4-3-2. Last year at Town Meeting the Historical Commission was asked to review their budget and provide information to justify the need for their department and an administrative assistant. He recently met with Ms. Nourse and they did not provide any of the information requested and asked for the same budget as last year. As the Historical Commission did not present any supporting information, Selectman Johnson recommended adding the Historical Commission to 2015 Service Level Study Committee should Town Meeting approve the current budget request. Mr. Malloy confirmed that it would be reasonable to add them to the Committee's charge.

Selectman Johnson recommended that the Board support AFC's vote for Article 4 to transfer from free cash \$435,000 for the snow/ice deficit as this is a different situation than the General Fund



transfer, is a one-time occurrence and that some of the deficit may be covered by Federal reimbursement.

Selectman Johnson's motion to support the AFC's recommendation to transfer up to \$435,000 to cover the 2015 snow and ice deficit was seconded by Selectman Goldblatt. Discussion: Mr. Malloy noted that there is still \$220,000 in reserve funds and the Town is going through the application process now. Vote: 4-0

Mr. Malloy reviewed the minor changes to Articles 4, 8, 18 and 21 which are not substantive and do not require the Board's vote. Town Counsel advised that the kennel Article should be postponed until Fall Town Meeting as it requires zoning changes.

Chief Perron addressed the Board regarding a discussion a couple of years ago and the Fire Department's need for additional inspection services. At the beginning of this year Chief Perron had a discussion with Selectman Barrette regarding an additional Administrative Assistant versus an Inspector. It was discussed that that the position was needed but due to the Town's financial constraints it was decided to postpone the request. He questioned the need for a full-time Economic Development Committee (EDC) Coordinator as the addition to inspection services was a priority. Mr. Malloy reviewed the process to add an employee, which the EDC followed. Selectman Drewry noted the importance of the EDC position as it will bring businesses and revenue into Town. Selectman Barrette stated that the additional staff member for the Fire Department will be on the Board's agenda for discussion after Town Meeting.

#### **Request to Create a Town Counsel Selection Committee / Town Manager**

Mr. Malloy informed the Board the he received the responses from the RFP for Town Counsel services and recommended that that a committee of six be formed to undertake the preliminary review of those submitted and forward the three finalists to the Board for interviews. He reviewed the Town departments that would be represented on the panel.

Selectman Johnson's motion that the Board create a six person preliminary screening committee for Town Counsel services to consist of the one member of the Board of Selectmen, Town Manager, Assistant Town Manager, one key department head as defined in the Town Charter, one financial department head, and one department head familiar with zoning issues; further that the Chair of the Board of Selectmen be authorized to appoint the Town Counsel Preliminary Screening Committee in consultation with the Town Manager was seconded by Selectman Drewry. Discussion: Selectman Goldblatt questioned why the appointment decision is not up to just the Chair and Mr. Malloy noted that as some of the staff work for him he may want to select or recommend a specific candidate and that the Chair will make the final decision. Carolyn Spring suggested that there should be an attorney on the committee with some municipal background at all levels of the selection process. Vote: 4-0

#### **Issues and Correspondence of the Selectmen**

Selectman Goldblatt thanked Leigh Emery for her years of service to the Town; asked residents, now that the weather is better, to visit the local small businesses as they have been affected by the terrible winter; thanked the voters for electing her to office; and to keep the men and women far from home in everyone's thoughts and prayers.

Selectman Johnson noted that the Town Planner will be recognized for outstanding public service at a ceremony on March 25, 2015 at Assumption College; the Economic Development Committee Coordinator is working with Astra Zeneca to market their property; and the Committee will be participating in the Corridor Nine Expo.

Selectman Drewry asked the Board to consider how the Town can notify the public who is being honored when the flag at the rotary is at half mast.

Selectman Barrette requested that the State Hospital Re-Use Committee provide a progress report to the Board in April. He reminded residents about Town Meeting on Saturday, March 14, 2015 at 1:00 p.m. and the Board will meet at 12:00 p.m.

Selectman Goldblatt questioned how the Astra building will be kept safe after they are shut down. Mr. Htway noted that they are slowly mothballing and Mr. Malloy will ask the EDC Coordinated to reach out to them as well. Chief Perron noted that when a building is closed down there are building and fire codes that have to be addressed.

### **Executive Session**

Selectman Drewry moved to enter into Executive Session at 8:36 p.m. to consider the discipline or dismissal of or to hear complaints or charges brought against, a public officer, employee, or individual and that the Board adjourns the meeting without returning to Open Session.

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

*Submitted by Paula M. Covino*

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Chairman Barrette

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Vice Chairman Drewry

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Selectman Goldblatt

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Selectman Johnson