

**Westborough Board of Selectmen
Meeting Minutes
July 14, 2015**

6:30 p.m. – 8:43 p.m.

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

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

Request to Approve the Minutes

Selectman Johnson's motion to approve the minutes of June 9, 2015 was seconded by Selectman Goldblatt. Vote: 4-0

Selectman Johnson's motion to approve the minutes of June 16, 2015 was seconded by Selectman Goldblatt. Vote: 4-0

Selectman Johnson's motion to approve the minutes of June 23, 2015 was seconded by Selectman Goldblatt. Vote: 4-0

Request to Approve the Reappointment of Election Officers

Selectman Johnson's motion to appoint the list of Election Officers for a term ending July 31, 2016 excluding Maureen Johnson was seconded by Selectman Goldblatt. Vote: 3-0-1 (Barrette)

Selectman Goldblatt's motion to reappoint Maureen Johnson was seconded by Selectman Drewry. Vote: 3-0-1 (Johnson)

Public Hearing for the Transfer of License to Computer Drive Concessions LLC d/b/a the Double Tree Hotel at 5400 Computer Drive / Andrew Upton, Esq.

Selectman Johnson's motion to open the public hearing for Computer Drive Concessions LLC was seconded by Selectman Goldblatt. Vote: 4-0

Attorney Upton and Mr. Smith came before the Board.

Selectman Goldblatt's motion to approve the Transfer of License to Computer Drive Concessions LLC d/b/a The Double Tree Hotel at 5400 Computer Drive and naming Scott Smith as the Manager of Record, as per their application was seconded by Selectman Drewry.

Discussion: Attorney Upton informed the Board that the ownership of the hotel has changed but there will be no changes to the hotel itself, only a change in Manager. Mr. Smith reviewed his background and experience in the hotel business. Selectman Johnson pointed out that the Town is serious about compliance with the liquor laws. Vote: 4-0

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

Interim Fire Chief/Officer in Charge Appointment / Selectman Barrette

Selectman Barrette's motion to appoint Chief Al Gordon as the Interim Fire Chief for an indefinite term and to recognize the four existing Captains as the Officers in Charge until the Board appoints a new permanent Fire Chief was seconded by Selectman Johnson. Discussion: Selectman Barrette noted that Chief Gordon's role will be mostly administrative and that he spoke with the State Fire Marshall about how this process works and the chain of command. The Board will discuss forming a search committee and vote on it at the August meeting. Mr. Blois questioned whether there is any impact relative to M.G.L. Chapter 48 §42. Selectman Barrette pointed out that the appointment is for an interim Fire Chief, not acting, and he did discuss this with the State Fire Marshall who had no issues as there is a clear delineation between the two. Mr. Blois accepted the response. Vote: 4-0

DPOD Overlay Extension Discussion / East Main Street / Planning Board

Brian Bush, Mark Silverberg, Ed Newton, Charlie Diamond and Bill Spencer came before the Board to discuss their proposal to extend the Downtown Planning Overlay District (DPOD) further north on East Main Street. Mr. Bush reviewed the current existing Downtown Planning Overlay District map and noted that the area of East Main Street in the proposed extension is in need of creative development, similar to Bay State Commons and 25 West Main Street. Developers would have to come before the Planning Board for a Special Permit, which is not required for that area currently. There would be esthetic benefits as well as increased tax dollars. Mr. Bush addressed the School Committee's concern regarding impact on the schools and explained that the housing would consist of 1 or 2 bedroom units above retail space on the ground floor. According to the recent School Enrollment Committee's study this type of development would have a minimal impact. Regarding traffic concerns, Mr. Bush noted that with the proposed changes the Planning Board would require a traffic study from the developer. The first public hearing will be held on August 4, 2015 at 7:00 in Room 23 and the Planning Board intends to have Articles ready for Fall Town Meeting.

Request to Grant a Livery License to Taranjit Singh d/b/a Metro West Livery Cub / Taranjit Singh

Mr. Singh came before the Board and explained the reasons for his request for a livery license.

Selectman Johnson's motion to grant a livery license to Taranjit Singh d/b/a Metro West Livery Cab was seconded by Selectman Drewry. Discussion: Selectman Goldblatt questioned that there are two different addresses on the application. Mr. Singh noted that he lives in Northborough and is using a friend's house in Westborough for his business address. He was told by Northborough that they do not allow this type of license. The question arose whether residency in Westborough is required to obtain the license and Chief Gordon responded that it is not a requirement as there are others who hold Westborough licenses and their companies are located elsewhere. Chief Gordon requested that the Board postpone voting on the license so that Mr. Singh could meet with him and discuss the concerns that he has with the application. The Board agreed with the Chief's request. Selectman Johnson rescinded his motion.

Request to Approve End of Fiscal Year Budget Transfers / Town Manager

Mr. Malloy reviewed the four transfer requests that went before the Advisory Finance Committee on July 13, 2015. The money is coming from existing accounts that had excess funds at the end of the fiscal year.

Selectman Goldblatt's motion that the Board vote to approve the four budget transfers as requested was seconded by Selectman Drewry. Vote: 4-0

Interview/Appointments of Non-Voting Associates for the Westborough Country Club Operating Committee / John Arnold

Mr. Arnold, Mr. Mitchell and Mr. Guerard came before the Board.

Selectman Drewry's motion to appoint A. Gibbs Mitchell and Richard Guerard as non-voting associate members of the Country Club Operating Committee for a term to expire June 30, 2016 was seconded by Selectman Johnson. Vote: 4-0

Municipal Building Committee Update

Bob Brown, John Arnold, Dexter Blois, Peter O'Neil, and Calvin Lawrence came before the Board. Mr. Blois expressed the Municipal Building Committee's (MBC) concerns regarding the current plans to continue to house the Police Dept. in the Forbes Municipal Building (FMB) and whether it is the right thing to do, which they have been discussing at their meetings. They are before the Board to ask for their direction as to how to proceed. He provided the Board with an updated project cost worksheet for a new facility which is approximately \$540,000 more. A possible location would be the State Hospital property. Chief Gordon was asked for his input and had no recommendations; he is comfortable with the current plan to renovate the FMB as they are maxed out on space. There was a discussion regarding other possible locations; the School Department's effort to assist with gym space; that the FMB would still need renovations and there would be excessive unused space; the impact on response times; the Police Dept.'s integral presence in the center of Town as part of the community; the possibility of a Recreation Center on the State Hospital property; and the option of using the Harvey Building for the School Department's administrative offices. The consensus of the Board was that the Police Station should remain in the center of Town and asked the MBC to come back with possible options in the center of Town.

Town Charter Changes / Discussion

Selectman Barrette noted that the intent for tonight's discussion is to determine how the Board wants to proceed with this process. The copy of the Charter in the Board's packet, provided by Mr. Malloy, is the red-lined version of the Charter changes that the Review Committee made as well as items from their power point presentation. He also included his comments in the bubbles in the margins, which still need to be discussed. Selectman Barrette confirmed with Mr. Malloy that some of his recommendations were not adopted by the Committee or addressed, some of which conflict with State law or create liability.

Regarding the format of the changes for the Board's review, Selectman Goldblatt suggested meeting with the Charter Review Committee to ask questions, get clarification, develop a clean copy of what would be brought forward, and work from that. She noted that the changes should be presented in a way that the Board understands and can explain. Mr. Deysher noted that what was in their presentation was the Committee's recommendations and that they had to decide how many to propose.

Selectman Barrette addressed Mr. Malloy's Warrant Articles for the Charter changes which would be presented in four Articles. The changes would be categorized as Capitalization, Conflicts with State Law, Re-Organizing the Charter, and Charter Changes and Mr. Malloy

recommended presenting them together due to the timing with the legislative process for adopting the changes, which he reviewed, and to maintain consistency within the Charter. Selectman Barrette asked the Board for their comments on the changes, what they agree or disagree with, and the changes that should be presented at Town Meeting. The Board also discussed concerns regarding moving too quickly, presenting too much information and changes at once, and the importance of educating the voters so that the Articles will not fail. Mr. Deysher asked the Board to review the charge that they gave the Committee which was to empower the Town Manager to run the daily operation of the Town and that was their key recommendation in the change to Article 5-3(c). He noted that in their process some other items that needed correcting were discovered which will be left up to the Board to revise. Mr. Deysher asked the Board to provide the Committee with what it is that they would like them to accomplish.

Selectman Johnson agreed with the recommendation to bring all the changes forward at once, however he noted that because of the public meeting and education process there may not be enough time to prepare for Fall Town Meeting. After further discussion of the public education process, the advantage of presenting all the changes at once, and developing a document format and Charter that everyone agrees on, the consensus was to wait until the Annual Town Meeting in March. Mr. Deysher asked the Board for their direction/input and Mr. Malloy for his recommendations and the Committee will create a document that is cohesive and present it to the Board in the fall. Public meetings will then be held.

Mr. Malloy then reviewed his changes as noted in the margins of the Charter in the Board's packet. Mr. Malloy will draft the four Warrant Articles, which will separate the changes into the categories that they fall under, and will send them to the Board and Mr. Deysher.

Town Manager Report

Mr. Malloy reviewed a previous discussion with the Board regarding closing the alley next to Town Hall and creating a plaza in its place. The Board was supportive and the Municipal Building Committee has also discussed the option and voted to have the architect create plans and the contractor to provide a cost for the project. Mr. Malloy reviewed the benefits and noted there is one issue to address which is whether any of the abutting property owners have a deeded right-of-way over the alley. It was shown in the survey that was done when the Town Hall project started and Mr. Malloy did some research, which he has turned over to Town Counsel who will do a title search and make a determination.

Mr. Malloy addressed the School Committee's request to increase the threshold of what constitutes a "capital" item from \$25,000 to \$50,000. He explained that the \$25,000 that is included in the Capital Expenditure portion of the Town's Fiscal Policies was based on other Capital Planning Policies and MGL Ch. 30B, §5. Mr. Malloy looked at the first 10 towns that posted their policies online and found that, with the exception of Uxbridge, their threshold is the same as Westborough or stricter. He recommended that there is no need to amend the policy based on the information he found. Selectman Johnson questioned what their justification was to raise the threshold and Mr. Malloy noted that they said that they have too many items that fall under the Capital Plan and they cannot fund them from the budget. He pointed out that the School Committee has presented Capital Expenditure Articles which did not get approved but were eventually funded from their budget. The consensus of the Board was that the policy remains the same at \$25,000 and asked Mr. Malloy to relay the decision to the School Committee.

Mr. Malloy informed the Board that the State adopted their budget and noted that his estimation made in December was a little over the actual numbers released by about \$33,000.

Issues and Correspondence of the Selectmen

Selectman Drewry asked to remember the troops overseas and at home.

Selectman Goldblatt expressed the Board's condolences to the Walden and Berry family.

Selectman Johnson noted that the joint meeting that was held on June 30, 2015 with the Selectmen, Planning Board and School Committee was productive and can be viewed on the Westborough TV website.

Selectman Barrette addressed the requirement for a search committee for the new Fire Chief, which must include the Town Manager and one Selectman and that it can be a five or seven person committee. Selectman Johnson agreed to represent the Selectmen and Selectman Barrette asked the Board for their recommendations. Mr. Malloy will advertise the search committee, requesting that letters be sent to the Selectmen's Office, and the Board can contact residents that may be qualified as well. Selectman Barrette will review the letters of interest and narrow the list down if necessary. The schedule was discussed and it was agreed that the due date for the letters would be by the August 11, 2015 meeting.

Executive Session

Selectman Drewry's motion to enter into Executive Session at 8:43 p.m. under MGL Ch. 30A, §21(a)(2) and (6) to discuss strategy with respect to non-union personnel and to consider the purchase of real property and that the Board adjourns without returning to Open Session was seconded by Selectman Johnson.

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

Submitted by Paula M. Covino

Chairman Barrette

Vice Chairman Drewry

Selectman Goldblatt

Selectman Johnson

Selectman Dodd