

**Westborough Board of Selectmen
Meeting Minutes
August 11, 2015**

6:30 p.m. – 9:20 p.m.

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

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

Request to Approve the Minutes of July 14, 2015

Selectman Drewry's motion to approve the minutes of July 14, 2015 with the changes noted by Selectman Johnson was seconded by Selectman Goldblatt. Vote: 4-0-1 (Dodd)

Request to Approve the Minutes of July 29, 2015

Selectman Drewry's motion to approve the minutes of July 29, 2015 was seconded by Selectman Goldblatt. Vote: 4-0-1 (Dodd)

Request to Approve the Reappointment of G. Kenneth Gagnon as an Election Officer

Selectman Goldblatt's motion to reappoint G. Kenneth Gagnon as an Election Officer for a term ending 7/31/2016 was seconded by Selectman Johnson. Vote: 5-0

Request to Appoint Special Police Officers – Tufts University

Selectman Johnson's motion to appoint David Aceveda as a Special Police Officer/Tufts for term ending 6/30/2016 and to appoint Anthony Paolucci as a Special Police Officer/Tufts for term ending 6/30/2016 was seconded by Selectman Goldblatt. Vote: 5-0

Request to Approve a Common Victualer License for The Masala Cafe / Bhaskar Koukuntla

Mr. Koukuntla came before the Board.

Selectman Goldblatt's motion to approve the Common Victualer License Application for The Marsala Café at 290 Turnpike Road was seconded by Selectman Johnson. Discussion: Mr. Koukuntla reviewed what will be served in the café. Vote: 5-0

Stormwater Award – Park Village West / Derek Saari

Mr. Saari, Rob Silva of Stonegate Group, Management Group for Park Village West, and Bonnie Carreira, Property Manager for Park Village West came before the Board. This is the third consecutive year that Mr. Saari has recognized a property owner for outstanding achievements in stormwater quality and management. Mr. Saari reviewed his reasons for choosing this high density site and presented the award.

Public Hearing for a Site Plan Review to Convert a Portion of the Existing Parking Lot to a Mechanical Yard at 400 Friberg Parkway / Michael Scott, Waterman Design Associates

Selectman Dodd's motion to open the public hearing for the Site Plan Review at 400 Friberg Parkway was seconded by Selectman Drewry. Vote: 5-0

Mr. Scott, Attorney Michael Giaimo of Robinson and Cole, Derek Maurice from Verizon, and Lee Perry, Architect from Morrison-Hershfield Corp. came before the Board. Mr. Scott reviewed the current site plan for the Verizon facility and the area where the proposed mechanical yard will be installed. They will relocate employees to vacant office space on Flanders Road and refit the interior to be more mechanical. Mr. Scott reviewed the reconfiguration of the exterior of the building, reduction of parking, fencing, and where gates will be located to secure the site. One of the exterior generators will be relocated inside the building and its external fuel storage tank will be removed.

Selectman Goldblatt's motion to approve the site plan review application for 400 Friberg Parkway as per the attached decision and comments from various departments was seconded by Selectman Johnson. Discussion: Captain Rand confirmed the Fire Department's approval of the removal of the fuel storage tank and that there is adequate access for their vehicles. Mr. Htway has no issues with the project. Vote: 5-0

Selectman Johnson's motion to close the public hearing was seconded by Selectman Drewry. Vote: 5-0

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

Mr. Singh, Raj Tolsiani, and Chief Gordon came before the Board.

Selectman Drewry's motion to approve the Livery License request from Metrowest Livery Service was seconded by Selectman Dodd. Discussion: Chief Gordon had expressed concerns at the last meeting and since met with Mr. Singh. He informed the Board that he has been investigating this company for some time, has received complaints from Westboro Taxi regarding their use of the same name and taking fares away from legitimate and licensed companies. Chief Gordon also reviewed the false advertising issues. Selectman Dodd asked if the Taxi Regulations drafted by Town Counsel based on Mass General Laws are distributed to applicants and Chief Gordon noted that he does provide them once the license is granted. Selectman Barrette asked whether the Chief saw a car marked as a cab at the applicant's Northborough home during the several times he went there and the Chief did not. Mr. Singh reviewed his background and employment with cab companies in Cambridge and Worcester and when he returned from a trip to India he wanted to start his own company primarily to take Westborough customers to and from the airport. Mr. Tolsiani spoke on Mr. Singh's behalf. Chief Gordon recommended not to award the license as there are two cab companies servicing Westborough currently, there is not enough business for a third and they are suffering as well due to the availability of Uber. Selectman Goldblatt supports the Chief's recommendation and Selectman Drewry noted that his main concern was that Mr. Singh was operating in Westborough without the proper license. Selectman Johnson asked if Mr. Singh had removed the listing on the Google website using the Westborough address and Mr. Singh stated that he did. Vote: 0-5

Public Hearing for a Site Plan Review to Construct a Building Addition, Outdoor Pool, Pool House and Parking at the YMCA, 4 Valente Drive / Michael Scott, Waterman Design Associates

Selectman Goldblatt's motion to open the public hearing to construct a building addition, outdoor pool house and parking at the YMCA was seconded by Selectman Johnson. Vote: 5-0

Mr. Scott, Jeff Lussier, Project Manager with KVA, Lori Bastien, Senior Executive of the Boroughs YMCA, and Kevin Kozak, Vice President of Design from Cutler Associates, came before the Board. Mr. Scott reviewed the current site plan noting the property's proximity to Northborough and Shrewsbury. He pointed out the locations of the proposed addition, outdoor pool, pool house and the additional 25 parking spaces. The current configurations for entrance, egress, and circulation on the site will not change.

Selectman Barrette noted that a letter was received today at 5:00 p.m. from the Chair of the Shrewsbury Board of Selectmen asking that the Board delay the approval of the proposed additions until representatives of the YMCA appear before their Planning Board. They have concerns regarding increased traffic and safety at the Valente Drive and Hartford Turnpike/Route 20 intersection and the need for a traffic signal. The YMCA representatives present were not aware of this concern. He also pointed out the Town's Engineering Department's concern regarding the condition of Valente Drive. There was a discussion regarding the approval delay, its impact on the project and that the original traffic study did not warrant a light at the intersection and would not now as there is less traffic currently according to Ms. Bastien. Selectman Dodd asked the proponents if they have projections for increased membership and usage due to the additional facilities. Ms. Bastien reviewed the decrease in membership numbers over the years, and the projected increase with the additional facilities would be approximately 1,000 less than their peak of 14,000. Selectman Johnson questioned delaying the decision as it appears that the need for the traffic light would ultimately be determined by the Mass. Dept. of Transportation and not that of Shrewsbury, Northborough or Westborough. Mr. Malloy noted that there are traffic count minimums in order to warrant a light and that the traffic light system designed in 2000 is out of date, a new one would have to be redesigned which would be costly and take more time.

Selectman Dodd asked if it is allowable to approve the site plan with the condition that the YMCA meets with Shrewsbury's Planning Board and produces evidence of that in order to move the process along. Mr. Malloy noted that it could be done. Due to the time constraint, Selectman Drewry suggested getting comments from Shrewsbury and the Board could meet again within the next 3 weeks to discuss their concerns.

Selectman Dodd moved to the approve the site plan for the YMCA with the conditions as written and to add an additional condition that the YMCA provide the office of the Town Manager of Westborough and the Board of Selectman evidence of meeting with the Shrewsbury Planning Board by October 1, 2015. The motion failed for lack of a second.

Selectman Goldblatt's motion to continue the public hearing to September 8, 2015 was seconded by Selectman Johnson. Discussion: The Board encouraged the proponent to meet with the Shrewsbury Planning Board in the meantime. Mr. Malloy will follow up with Shrewsbury's Town Manager. Vote: 4-0-1 (Dodd)

Interview/Appointment to the Trustees of Soldiers' Memorials / Harrison Cook

Mr. Cook came before the Board and reviewed his background.

Selectman Goldblatt's motion to appoint Harrison Cook to the Trustees of Soldiers' Memorials for a term to expire 6/30/2018 was seconded by Selectman Drewry. Vote: 5-0

Public Hearing for a Site Plan Review to Install a Ground Mounted Solar Array at BJ's Wholesale Club, 25 Research Drive / Josh Abrams, SolarCity

Selectman Drewry's motion to open the public hearing for 25 Research Drive was seconded by Selectman Goldblatt. Vote: 5-0

Selectman Barrette noted that an email was received today by the proponent asking to cancel their public hearing. They met with the Town Planner and will be pursuing an alternate location on the same property for the solar array.

Selectman Johnson's motion to close the public hearing with no action taken was seconded by Selectman Drewry. Vote: 5-0

Request to Approve Liquor License Change of Manager for Outback Steakhouse, 227 Turnpike Road / Carlos Chavira

Mr. Chavira came before the Board.

Selectman Johnson's motion to approve the Change of Manager request from Outback Steakhouse at 227 Turnpike Road naming Carlos Chavira as the Manager of Record was seconded by Selectman Drewry. Discussion: Mr. Chavira is currently going through the process to obtain his Alcohol Awareness Server Training Certificate and once he receives his card he will provide the Selectmen's Office with a copy. Vote: 5-0

Request to Sign Notes and Bonds / Treasurer/Collector

Ms. Savignac and Ms. Mickel came before the Board.

Selectman Dodd moved that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town's (i) \$1,513,000 General Obligation Municipal Purpose Loan of 2006 Bonds dated November 1, 2006 maturing on November 1 in the years 2016 through 2018, inclusive, and (ii) \$3,228,000 General Obligation Municipal Purpose Loan of 2007 Bonds dated November 15, 2007 maturing on November 15 in the years 2015 through 2025, inclusive (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$10,275,000 General Obligation Municipal Purpose Loan of 2015 Bonds, Series A of the Town dated August 13, 2015 (the "Series A Bonds") to Janney Montgomery Scott LLC at the price of \$10,968,196.15 is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$520,000	2.00%	2026	\$515,000	3.00%
2017	520,000	3.00	2027	515,000	3.00
2018	520,000	4.00	2028	515,000	3.00
2019	515,000	5.00	2029	510,000	3.00

2020	515,000	5.00	2030	510,000	3.00
2021	515,000	5.00	2031	510,000	3.00
2022	515,000	5.00	2032	510,000	3.00
2023	515,000	5.00	2033	510,000	3.125
2024	515,000	5.00	2034	510,000	3.125
2025	515,000	5.00	2035	505,000	3.25

Further Voted: that the sale of the \$1,980,000 General Obligation Refunding Bonds, Series B of the Town dated August 25, 2015 (the “Series B Bonds” and together with the Series A Bonds, the “Bonds”) to Janney Montgomery Scott LLC at the price of \$2,148,437.06 is hereby approved and confirmed. The Bonds shall be payable on November 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$300,000	2.00%	2021	\$160,000	4.00%
2017	290,000	3.00	2022	160,000	4.00
2018	280,000	2.00	2023	155,000	4.00
2019	165,000	3.00	2024	155,000	4.00
2020	160,000	4.00	2025	155,000	4.00

Further Voted: to approve the sale of \$4,820,000 General Obligation Bond Anticipation Notes of the Town dated August 14, 2015, payable August 12, 2016 (the “Notes”) to TD Securities (USA) LLC at par plus a premium of \$79,048.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 22, 2015, and a final Official Statement dated August 3, 2015 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 27, 2015, and a final Official Statement dated August 3, 2015, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Series A Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and Significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Note, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if

such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds and Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

The motion was seconded by Selectman Drewry. Discussion: Ms. Savignac reviewed the bids, new interest rates and savings to the Town and noted that the Town has maintained its AAA bond rating. Vote: 5-0

Request to Approve Town Office Hours and Time-Off Policy / Town Manager

Mr. Malloy noted that there are two issues that need to be addressed by the Board, one being that some full-time staff is not fulfilling the 40 hour work requirement and that some department heads are not notifying the Town Manager when they are taking time off. He drafted a memo reminding employees of the office hours and to inform him in advance by email when they will be out. Selectman Barrette noted that Mr. Malloy does email the Board notifying them when he will be taking time off.

Selectman Drewry's motion to approve the attached memo dated 8/11/15 to all departments establishing set office hours was seconded by Selectman Dodd. Vote: 5-0

Discussion/Approval – Nepotism Policy / Selectman Dodd

Mr. Malloy explained that the Board had previously discussed in the past the issue of nepotism among Town employees and the need to develop a policy, which Selectman Dodd volunteered to draft. When Mr. Malloy reviewed the policy he made sure there was language to protect current employees so that they would not lose their job. He recommended that the Board approve the policy as an amendment to the Town's Personnel Policies as a new Section 17 and renumber the existing Section 17 to 18 as all employees will have to acknowledge receipt of the change.

Selectman Johnson's motion to amend the Town's Personnel Policies by adding the attached Nepotism Policy as a new Section 17 and renumbering the existing Section 17 to Section 18 was seconded by Selectman Dodd. Discussion: Selectman Dodd noted that when researched other towns' some did include the nepotism policy in the Personnel Policies as well. He based the policy on the MGL Ch. 268A and the State's Ethics Commission Advisory 86-02 using language to make it clear and included definitions from the State law and a memorandum from the Ethics

Commission. Selectman Johnson questioned the definition of “Immediate family member” and noted that it is extensive. The Board discussed changing it to reflect what is defined in the State Law, which would be “spouse, parents, children, brothers, sisters” only, whether the Board is considered a department head, the status of Election Officers, and the condition that if two employees in the same department become family members one must vacate their position. Chief Gordon asked how the policy will affect the collective bargaining agreements. The consensus was that Mr. Malloy would talk to Town Counsel about the questions raised and the Board will discuss the policy and vote once their questions have been answered.

Discuss/Approve Project Regulatory Agreement for Zaara Gardens / Town Manager

Mr. Malloy reviewed the history of the project, which the Board, as a co-sponsor of the Local Initiative Program, initially approved in 2009. Due to a series of changes final approval from the Housing Appeals Committee was just recently received and the final step before building permits are issued is the approval of the Board and the Chairman’s signature on the Regulatory Agreement. The Board discussed concerns that no one was in attendance to present the request. The consensus was to reschedule for a future meeting and that the proponent or Town Planner be present to address the Board’s questions and concerns.

Town Charter Changes / Discussion

Selectman Barrette asked the Board for their questions on each of the Articles as they are reviewed so that he can bring them back to the Charter Review Committee for discussion.

Article 1 – Charter Amendments – Capitalization:

The Board agreed to put Article 1 on the Warrant.

Article 2 – Charter Amendments – Conflicts with State Law:

Selectman Johnson questioned the change in Section 7-7, second paragraph, where Mr. Malloy corrected the current Charter language that excludes the Town Manager and Superintendent from Executive Session when “his conduct of office is to be discussed” by removing that phrase. Selectman Johnson’s concern is that the language in this section does not pertain to every employee and Mr. Malloy will review it for clarity. The Board agreed to put Article 2 on the Warrant.

Article 3 – Re-organizing the Town Charter & Article 4 – Charter Amendments – Changes to the Town Charter:

Selectman Johnson noted that these two Articles were somewhat confusing and that he struggled with them as did other Board members. He suggested that more Articles may be needed to address these changes. Mr. Malloy will add 4 or 5 Articles separating the changes and simplifying them. Selectman Barrette has ideas for visual presentations. Selectman Johnson pointed out a spelling error on page 10 and asked to make a change to the term “Town Cabinet”. The question of whether the Strong Chief designation for the Fire Chief is what defines the indefinite term needs to be addressed and if there is any legal requirement that Animal Control has to remain a Board appointment in consult with the Town Manager or can it be changed to a Town Manager appointment.

Town Manager Report

Red Jacket Fire Pumper: Mr. Malloy noted that Ken Crimmins of Northborough has contacted the Town seeking to return to the donors the 1854 Red Jacket Hand Pumper Fire Truck that was

donated to the Town in the 2002. He agrees with Town Counsel's recommendation that the Town has to follow the procedure as outlined in M.G.L. Chapter 30B which would be to issue and RFP and sell it to the highest bidder. The fire truck has been stored at the DPW and is in good condition. Mr. Crimmins understands that the bid process has to be followed. The Board discussed displaying the fire truck where it can be viewed by the public, whether the Town has any ability to decide who wins the bid and where the truck will end up. Mr. Malloy noted that the RFP could include the language "the Town reserves the right to reject any and all bids" or give other municipalities preference if they want to display it. Also discussed was the history of the vehicle, having it appraised, the historical value of the fire truck and whether the Town should retain ownership. The Board agreed to have Mr. Malloy obtain an appraisal and look at some alternatives to bring back for the Board's consideration.

Cantrell Drug: Mr. Malloy informed the Board that Cantrell Drug is considering moving into Town and has submitted a Letter of Intent to participate in the Economic Development Incentive Program. He provided Cantrell Drug with a copy of other companies' Tax Increment Financing (TIF) Agreements with the Town and they agree with the terms. If the Board supports this, Mr. Malloy will include it on the Fall Town Meeting Warrant. Selectman Johnson noted that while they did not formally vote, the Economic Development Committee fully supports the TIF Agreement with Cantrell Drug. The Board provided their comments of support to add this to the Fall Town Meeting Warrant.

Mr. Malloy noted that a letter was received from the Chief Assessor announcing her retirement as of November 27, 2015. The position has been posted.

Issues and Correspondence of the Selectmen

Selectman Dodd asked about moving forward with the Community Preservation Act and whether the Board feels there is enough time to include it in the Fall Town Meeting Warrant as it will require some education for the public. The Board agreed to continue to discuss it and wait until Annual Town Meeting.

Selectman Johnson noted that Selectman Drewry is the Board's representative to the CMRPC, asked if he wants to continue which Selectman Drewry agreed to. If his reappointment has not been confirmed it will be done at the next meeting. He reiterated the Treasurer/Collector's comment regarding the Town's AAA bond rating and its testament to the Town Manager and his teams' efforts to remain fiscally responsible. Selectman Johnson addressed the recent citizen's editorial in the Telegram and that while everyone is entitled to their opinion, it was disappointing, uninformed and does not reflect the efforts that the Town has made over the years.

Selectman Goldblatt commented on the editorial as well noting that she is proud of the Town and all its employees and thanked the men and women serving our country and asked that they be remembered.

Selectman Drewry noted the success of the VFW Charity Golf Tournament and thanked the participants.

Selectman Barrette asked to change the September 22, 2015 meeting date to either September 21 or 23 out of respect for the Yom Kippur holiday. The Board agreed to meet on Wednesday, September 23, 2015.

Open Forum

Donald Mahan, 3 Robinson Place, came before the Board to express his concerns regarding the fence from the Downtown Crossing plaza that has fallen into his yard. Mr. Htway, Building Commissioner, came before the Board and informed them that he has cited the property owner for violations of his site plan and that he has not responded. The violation is still outstanding and Mr. Htway noted that he is continuing to pursue the issue and violation. The Board asked that they be informed of any progress or further issues.

Executive Session

Selectman Drewry's motion to enter into Executive Session at 9:20 p.m. under M.G.L. Chapter 30A §21(a)(6) to consider the value of real property if the Chair declares that having a discussion in Open Session will be detrimental to the Town's negotiating position and that the Board adjourns without returning to Open Session was seconded by Selectman Goldblatt.

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

Submitted by Paula M. Covino

Chairman Barrette

Vice Chairman Drewry

Selectman Goldblatt

Selectman Johnson

Selectman Dodd