

**Westborough Board of Selectmen
Meeting Minutes
March 22, 2016**

6:30 p.m. – 8:00 p.m.

Present: Chairman Johnson, Vice Chairman Drewry, Selectmen Barrette, Emery, and Tretter

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

Open Forum

- State Senator James Eldridge reviewed his FY 2017 budget priorities as outlined in his March 22, 2016 letter and also noted the House Bill 184 regarding exemption from liquor license quotas, which the Town passed at Town Meeting, is still being discussed and the reporting deadline has been extended to June 15, 2016.
- Rep. Danielle Gregoire spoke to the Foundation Budget and reviewed the numbers to fully fund education according to the Commission's recommendations.
- Rep. Hannah Kane House addressed House Bill 3896, the Nathan Fisher House liquor license, that there were issues with the language and she was given the attested copy of the vote tonight. The 300th Anniversary Committee asked Rep. Kane to add \$50,000 to her budget request for funding the celebration which she is addressing. The Municipal Modernization Bill was recently filed by the Governor's office which addresses issues that cities and towns have conveyed to them and Rep. Kane reviewed some of the components.
- Rep. Carol Dykema addressed the opiate legislation, which is a top priority, and that they passed a very comprehensive opiate bill which the Governor signed. She reviewed some of the Governor's budget, the majority of which is level funded. Rep. Dykema informed the Board that she is working on funding and the contract for the regionalization of services with the Westborough and Hopkinton Housing Authorities which took place last July and has been delayed since then. She noted that CSI Manufacturing in Town received a grant from Workforce Development Funding which funded 36 trainees and 2 new jobs and acknowledged the Library for the work they are doing to promote economic development.

Mr. Malloy reviewed the Town Meeting Articles that will be sent into the legislature; the Charter changes and how they were approached; and the submission of a Home Rule Petition for a local fuel tax to fund road maintenance, sidewalks and storm water management.

Selectman Tretter expressed his comments and concerns regarding education and Chapter 70 funding. He has attended Foundation Budget Review Commission hearings and questioned what the plan is for the formula as very few people understand it and something needs to be done to make it an appropriate calculation. Senator Eldridge noted that the formula is followed but sometimes the Legislature adds to it.

Selectman Emery asked the legislators for their thoughts on the bill that will require criminal background checks on horseback riding instructors. Senator Eldridge noted that the bill has

passed in the Senate and a full CORI check will be required. It has not come before them yet but they are in favor of it. Rep. Gregoire has not read it yet but agrees with it in theory.

Selectman Barrette noted the importance of Chapter 90 funding and asked for their support. Rep. Gregoire explained what steps they are taking to assist the towns with their project planning. Rep. Dykema noted that there will be graduated income tax on the ballot in 2018 and the funds received will be put towards education and Chapter 90.

Selectman Drewry noted his support of increased Chapter 90 funds and concern that when the government sees that a community finds a way to generate more money they will reduce the community's share of funding.

Selectman Johnson reiterated the importance of the Chapter 90 funding and that the Town does have an extensive maintenance plan in place which is forecast and budgeted for and Chapter 90 does not keep up with what the Town needs to do. He expressed concern regarding the fair allotment of the funding.

Mr. Malloy reviewed the reasons why House Bill 3933, the graduated income tax, will not be voted on until 2018 and expressed concern that when it does pass the funding may be allocated elsewhere and education and Chapter 90 will remain the same. Rep. Kane noted that they are not sure yet if it can be specifically earmarked and Mr. Malloy asked that they ensure that the legislature follows through with the intent of the bill. Regarding House Bills 3804 and 3928 pertaining to Charter Schools, he noted that the Town is not severely impacted by them but the concern is that the State is not meeting their current obligation, how will they meet the obligation of the two proposals which would expand the number. Rep. Gregoire noted that in the last session the House passed a very narrowly tailored expansion bill which would have allowed for one or two schools which she did not vote for and did not pass in the Senate. She reviewed the flaws of the system and noted that they are looking to remove the question from the November ballot and are trying to come up with a better solution for students and the State. Sen. Eldridge opposed the Governor's proposal and the ballot that might come before the voters and has serious concerns regarding Charter Schools.

Request to Approve the Minutes of February 9, 2016.

Selectman Barrette's motion to approve the minutes of February 9, 2016 was seconded by Selectman Drewry. Vote: 3-0-2 (Emery, Tretter)

Request to Approve Common Victualer Permit for CCP & Company d/b/a Fruitti Cup, 31 South Street / Ramy Sei

Mr. Sei came before the Board. He noted that they are hoping to open April 1, 2016.

Selectman Emery's motion to approve the Common Victualer Permit for CCP & Company d/b/a Fruitti Cup at 31 South Street as per their application was seconded by Selectman Tretter. Vote: 5-0

Request to Approve and Sign the Statement of Interest for MSBA Funding for Fales Elementary School /

Mr. Malloy explained that the Statement of Interest is not binding and does not commit the Town to any specific action, but that it is needed to begin the process for funding.

Selectman Barrette's motion to approve the Statement of Interest to the MSBA on the Fales Elementary School was seconded by Selectman Emery. Vote: 5-0

Discussion of Bill S.2155 Requiring Criminal Background Checks for Horseback Riding Instructors / Selectman Emery

Selectman Emery informed the Board that this Bill is in response to the reports of children being abused by horseback riding instructors. It will require that operators of a riding school or stable to obtain a criminal background check for all employees and also that the Dept. of Agricultural Resources obtain the same from operators of the riding school or stable before being issued a license.

Selectman Emery's motion to support Bill S. 2155 was seconded by Selectman Drewry. Vote: 5-0

Request to Appoint John Keefe as the Inspector of Animals / Town Manager

Selectman Barrette's motion to appoint John Keefe Animal Inspector as required by MGL Ch. 129 was seconded by Selectman Tretter. Vote: 5-0

Request to Appoint the Treasurer/Collector as Custodian of 7 Baylor Ave. and Authorize the Sale of Said Property / Town Manager

Mr. Malloy noted that the property owner passed away and the Town took ownership a couple of years ago. There have been parties interested in purchasing the property and complaints from one of the neighbors regarding its condition.

Selectman Barrette's motion to name the Treasurer/Collector as the custodian of 7 Baylor Avenue and to further authorize the Treasurer/Collector to sell the property at auction in accordance with MGL Ch. 60, § 778 was seconded by Selectman Emery. Discussion: The Board briefly discussed the process, that it should be a priority and done automatically when the Town forecloses on a property. Mr. Malloy was asked to check whether there are any others. Vote: 5-0

Request to Dissolve the Westborough State Hospital Re-Use Committee and the Charter Review Committee / Town Manager

Mr. Malloy noted that these committees have completed their tasks and he contacted the Chairmen who agreed that it was appropriate to dissolve them.

Selectman Barrette's motion to dissolve the Charter Review Committee and State Hospital Re-Use Committee was seconded by Selectman Drewry. Discussion: Selectman Emery asked what the next steps would be for the State Hospital property and Mr. Malloy noted that an informal group would review and rate the RFP's that are submitted and he reviewed the timeframe. The RFP has been drafted, is being reviewed and should be ready to submit by the end of April or beginning of May. The target date to sign a purchase and sale agreement is by November 14, 2016 which is the 2 year date after which the Town loses 5% more of the sale profits to the State. The State Hospital Re-Use Committee is supportive of the process. The Board thanked both Committees for their work. Vote: 5-0

Request to Approve the Deed for the Sale of the Nathan Fisher House / Town Manager

Mr. Malloy noted that they hope to close on the property this week or early next week. Town Counsel confirmed that the Board can delegate the Town Manager to execute any other documents as there may be additional ones at the closing.

Selectman Barrette's motion to authorize the Board of Selectman to execute the deed for the sale of the Nathan Fisher House property and further, to authorize the Town Manager to execute any other documents related to the closing on the property at 146 & 148 Oak Street was seconded by Selectman Tretter. Discussion: Selectman Johnson noted that there was different motion provided by Counsel in the email attached to the packet. Selectman Barrette withdrew his motion.

Selectman Barrette's motion, pursuant to the vote taken under Article 17 of the May 15, 2010 Town Meeting, to execute a deed conveying the property at 146 Oak Street, with the improvements thereon, including the Nathan Fisher House, to Release Well Being Center, LLC, and to authorize the Town Manager to execute, on behalf of the Board of Selectmen, any and all documents, including, without limitation, settlement statements, affidavits and/or other agreements as may be necessary or appropriate to accomplish the foregoing conveyance was seconded by Selectman Drewry. Vote: 5-0

Town Meeting Recap and Discussion / Selectman Johnson

Selectman Johnson noted that the Town Moderator will attend the next meeting for a discussion with the Board regarding Town Meeting and then asked the Board for their feedback:

- Selectman Tretter spoke to the attendance which was less than 2% of the voting population. He suggested a discussion on streamlining the Town Meeting process with the Board and Town Moderator.
- Selectman Drewry noted that the length of the meeting was due mostly to the Charter and State Hospital Articles which were comprehensive. He expressed his concern regarding limiting the amount of time for residents to speak, that Town Meeting has outlived its usefulness and suggested other options.
- Selectman Johnson received comments regarding certain individuals who monopolize the meeting and there should be a review the Town Bylaw instituted to control it. He suggested that the Moderator review the Bylaw as it may need to be strengthened or streamlined.
- Selectman Barrette agreed with Selectman Johnson and noted that the problem of people who monopolize the comment/question period discourages those at home to attend. He suggested using a "shot clock" as a possible option to ensure that everyone that wishes to speak has a fair chance. Selectman Barrette also noted that there are people who attend and ask that an issue be studied more before voting. They have not attended or watched any of the many public meetings on the Article and are unprepared to vote. He also suggested that the Moderator ask participants to organize their thoughts so that they can question or comment succinctly and not several times. Selectman Barrette spoke with Mr. Malloy regarding a requirement that all department heads should be seated down front for the entire meeting.
- Selectman Emery noted that the Moderator did review the Bylaw regarding the number of times an attendee can speak at the beginning of the meeting ,but did not really enforce the rule and that the Board needs to support the Moderator. She expressed concern regarding: the attire of Town officials and encouraged everyone to wear business

apparel; the Board/Committee Chair should ask a member who is ill to go home; and that certain people do not articulate well and are hard to understand. She also asked that the Moderator make a statement at the beginning of the meeting about the option to attend or listen to the public meetings that are held on the Articles.

Town Manager Report

Mr. Malloy provided the Board a “Summary of Significant Town Meeting Actions” in his Town Manager Report as requested by Selectman Emery. He will post it on the website as well. Also included in the report is additional information on the State hospital RFP, who will be reviewing it and the timeline. Mr. Malloy provided the Board with a copy of Dennis Cote’s resignation letter who is retiring after 40 years of service with the DPW.

Issues and Correspondence of the Selectmen

Selectman Emery asked Chief Gordon and John Walden if something could be done to restrict the speeding along Washington Street where Miss Tanya’s preschool is located. Chief Gordon noted that they do enforce speed limits and he will talk to the DPW about installing signs alerting people about the daycare facility. She also noted that the Art Emporium was acknowledged at Town Meeting for the restoration/framing of the artwork in Town Hall. Selectman Emery asked for a specific plan for the mural in the Forbes Municipal Building auditorium as it is beautiful, valuable and will need some restoration. Selectman Barrette will add it to the Municipal Building Committee agenda and Mr. Malloy noted that the buildings are his responsibility and will ensure that it is handled with sensitivity. With regard to the \$0.03 gas tax, she asked if there is information on the number of cars that travel on East and West Main Street on a weekday versus the weekend. Mr. Malloy will ask the Central MA Regional Planning Commission for a printout encompassing the past ten years.

Selectman Tretter noted that he will ask for approval at the next meeting for the annual Town cleanup. He asked the public to contact him if they see trash along the side of the road. His contact information can be found on the Westborough Community Land Trust website. The DPW has been helpful with maintaining Town property. Mr. Malloy noted that on Route 30 from Glen Street to the Grafton Town line is heavily littered.

Selectman Johnson noted that he and Mr. Malloy have drafted a thank you letter to Ted’s Towing for their assistance with the bus accident and it will be sent tomorrow. He has received comments regarding the ongoing construction at the Route 9 Burger King, which seems to have stopped, that it is an eyesore and the lighting is not working appropriately. It is open and he asked if there is anything that the Town can do. Mr. Htway informed the Board that the property owner and the tenant, which is Burger King, are in litigation currently. He met with the owner last week and reviewed the construction issues. Mr. Htway will keep the Board informed on the progress.

Executive Session

Selectman Drewry’s moved to enter into Executive Session at 8:00 p.m. under M.G.L Ch. 30A, §21 (6) to consider the purchase, exchange or lease of real property. Chairman Johnson declared that an Open Meeting may have a detrimental effect on the negotiation position of the public body and that the Board will not reconvene in Open Session.

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

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Drewry

Selectman Barrette

Selectman Emery

Selectman Tretter