

**Westborough Board of Selectmen
Meeting Minutes
April 26, 2016**

6:30 p.m. – 8:10 p.m.

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

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

Open Forum

Andrew Koenigsberg, member of the Conservation Commission, commended Derek Saari, Conservation Commissioner and his assistant Shari Rullie, for their work on 6-8 acres of the Bowman Conservation area, which was a savings to the Town. They removed invasive species and dead trees and spread seed by hand so that the ground would not erode. Mr. Koenigsberg, a member of the Open Space Preservation Committee, noted that the Committee has a process in place to quickly assess Chapter 61A land and he does understand that the parcel being discussed tonight is a small piece in a larger parcel and would not benefit the Town.

Brent French, Veterans Advisory Board Chair provided a summary of the Board's activities over the 18 months, including progress made, changes, programs, and initiatives. Ken Ferrera spoke about the Purple Heart initiative and the recommendation to post signs at the entrances to the Town. The Dept. of Public Works would install them and the sign cost will be paid out of the Veteran's budget.

Mark Silverberg, member of the Open Space Preservation Committee, addressed the procedure of Chapter 61A parcels and that the Committee received no notice regarding 15 Spring Road. Selectman Johnson noted that the Board will address the process at the next meeting.

Request to Approve Liquor License Change of Manager for Courtyard by Marriott, 3 Technology Drive / Sandra Miller

Sandra Miller, General Manager, came before the Board.

Selectman Tretter's motion that the Board approve the Change of Manager application for Syracuse/Westborough Hotel Holdings LLC d/b/a, the Courtyard by Marriott at 3 Technology Drive naming Sandra Miller as Manager of Record was seconded by Selectman Drewry.

Vote: 4-0

Request to Approve Liquor License Alteration of Premises for Bertucci's Italian Restaurant, 160 Turnpike Rd. / Sandra Woodin

Attorney Greg Demakis, Architect Robert Medeiros, and Kevin Vargas, Vice President of Construction for Bertucci's came before the Board. Attorney Demakis noted that Bertucci's is in the process of remodeling and renovating many of their restaurants and will install a full service bar seating 11 and an outdoor patio with seating for 12. Mr. Medeiros reviewed the site plan and the changes to the interior and exterior. There will be no change in the amount of seating. Mr. Vargas explained that Bertucci's is trying to regain their market share by installing the bar, maintaining the visibility of kitchen area where they serve fresh food only, and continue to be a

family oriented restaurant. Selectman Tretter expressed concern about the possibility of alcohol served on the patio being transferred out into the parking and Mr. Vargas explained that the patio will be fenced and patrons will not be able to leave the patio area to get to the parking lot. Mr. Vargas noted that they have completed everything necessary for the alteration of the premises and the Board's approval is for just for the liquor license.

Selectman Tretter's motion that the Board approve the Alter Premises license application from Bertucci's Restaurant Corp. d/b/b Bertucci's Italian Restaurant, 160 Turnpike Road approving the bar/patio area as shown on the plan dated 1/27/16 and attached to the application was seconded by Selectman Drewry. Vote: 4-0

Public Hearing for a Site Plan Review for Waste Water Treatment Plant Solar / Jack Goodhall

Selectman Emery's motion to open the public hearing for the site plan review for the Waste Water Treatment Plant Solar was seconded by Selectman Tretter. Vote: 4-0

Mike Lotti (Project Manager, Innovative Engineering Solutions) and Andrew Bernstein (Kearsarge Solar, LLC) came before the Board. Mr. Lotti reviewed the site plan for the solar project located in the back of Wastewater Treatment Plant property and how it will be installed. They will not be taking any new land and it will be a 6 month process. The Board provided comments of support. Selectman Tretter asked what portion of the plant's power need will be satisfied and Mr. Bernstein noted that it will be about 25%. Selectman Johnson asked if the egress for emergency vehicles has been rectified and Mr. Lotti noted that it was addressed and shown in the proposed plan tonight.

Selectman Tretter's motion that the Board approve the site plan application as submitted and subject to the comments of the various Town departments as discussed in the attached decision letter dated April 26, 2016 was seconded by Selectman Drewry. Vote: 4-0

Selectman Emery's motion to close the public hearing for the Waste Water Treatment Plant Solar was seconded by Selectman Tretter. Vote: 4-0

Request to Approve Liquor License Change of Manager for Tavolino Italian Gourmet, 33 E. Main St. / Alisha Wolanski

Alisha Wolanski came before the Board and noted that she has worked at Tavolino's for 5 years.

Selectman Tretter's motion that the Board approve the Change of Manager application from Better Food Westborough LLC d/b/a Tavolino's Italian Gourmet, 33 East Main Street naming Alisha Wolanski as the Manager of Record was seconded by Selectman Emery. Vote: 4-0

Request to Approve Livery Permit for 3J Transportation Company / Joseph and Ruth Jacob

Joseph and Ruth Jacob came before the Board and explained that they are changing their private car to a livery service. Selectman Emery asked them why they are qualified and Mr. Malloy reviewed the requirements, which they have satisfied. Chief Gordon noted that the one taxi company that services Westborough is no longer operating and he has no concerns or issues.

Selectman Emery's motion that the Board approve the Livery License application from 3J Transportation Company as per their application as attached was seconded by Selectman Drewry. Vote: 4-0

Review and Consideration of Current Poll Sites / Selectman Emery

Selectman Emery asked Ms. Mickel to highlight the issues that led to the change of the polling sites. Ms. Mickel reviewed the obstacles at the previous polling sites as outlined in her email included in the Board's packet as well as the benefits of the High School site. Selectman Emery asked if the school will be closed and Ms. Mickel noted that it will. Selectman Emery suggested obtaining a few extra wheelchairs and walkers and Ms. Mickel noted that she has had offers to supply her with extras and the Senior Center also has some. Chief Gordon noted that there is a cost savings regarding the extra duty police officers. The board provided comments of support.

Request to Decline 61A Option on 15 Spring Road / Town Manager

Mr. Malloy noted that the property owned is seeking to lease a portion of their property for a cell tower. He did not think the Town would be interested as it is a small parcel landlocked on a residents' property and was not sure if it is worth it to send it to the Open Space Preservation Committee (OSPC) for their review. Selectman Johnson suggested a discussion at the next meeting regarding the Chapter 61A process and timing to make sure it is fully understood.

Selectman Drewry's motion that the Board decline the Town's right of first refusal in Parcel ID 5-22-0 at 15 Spring Road for the 2,500 s.f. of property as listed in the April 6, 2016 letter from the Zane Arnold Revocable Trust as shown on the plot plan dated January 15, 2016 for Verizon, from ProTerra Design Group LLC was seconded by Selectman Emery. Discussion: Selectman Tretter asked to notify the OSPC going forward as part of process. Vote: 4-0

Interview/Appointment for the Council on Aging

Guido Lonardo came before the Board and reviewed his background. Mr. Pavolis provided his comments of support.

Selectman Tretter's motion that the Board appoint Guido Lonardo to the Council on Aging for a term to expire in 2018 was seconded by Selectman Drewry. Vote: 4-0

Request to Approve a 9/11 Gift Account / Town Manager

Mr. Malloy reviewed the Municipal Building Committee's process to construct a 9/11 Memorial at the corner of Milk Street and Grove Street. There are residents who are interested in contributing to the cost for a small park on the corner. The Board's approval is needed to expend the funds.

Selectman Emery's motion that the Board approve the acceptance of funds for the 9/11 Memorial Gift Fund and for the funds to be expended to construct a 9/11 Memorial at the corner of Milk Street and Grove Street on the Fire Station property and further to authorize the Town Manager to approve the expenditure of funds from the gift account was seconded by Selectman Tretter. Vote: 4-0

Request to Approve a 300th Anniversary Account / Town Manager

Mr. Malloy noted that the Committee has been working on special legislation to help finance the 300th Anniversary celebration. There have been donation offers from the public and the Board's approval is needed to expend the funds.

Selectman Tretter's motion that the Board approve the acceptance of funds for the 300th Anniversary Gift Fund and for the funds to be expended for expenses and programs related to the 300th Anniversary of the Town and further to authorize the Town Manager to approve the expenditure of funds from the gift account was seconded by Selectman Drewry. Vote: 4-0

Request to Amend Dog License Fees / Town Clerk

Ms. Mickel came before the Board and reviewed the current process to collect late fees for the dog licenses. She requested to change it from a weekly late fee to monthly as that will make the administrative process much easier.

Selectman Tretter's motion that the Board approve the fee schedule as attached dated 4/22/16 for Dog Licensing, to be effective July 1, 2016 was seconded by Selectman Drewry. Vote: 4-0

Request to Determine a Safety Committee to be Solely Administrative In Nature / Town Manager

Mr. Malloy had discussed with the Board at the last meeting the creation of a committee to review accidents involving a Town vehicle or employee in order to reduce the number of accidents and insurance claims. The Committee will be subject to Open Meeting Laws.

Selectman Emery's motion that the Board determine that the Safety Committee as described above is solely an administrative advisory committee to the Town Manager was seconded by Selectman Drewry. Discussion: Chief Gordon asked who will be on the committee and will they be investigating traffic accidents. Mr. Malloy stated that they will not and will have no punitive authority. The committee will consist of the Police Chief, Fire Chief, DPW Manager, Assistant Town Manager and another department head. Selectman Drewry is not in favor of another committee; Selectman Emery verified that the only motor vehicle accidents looked at are when an employee has accident on duty and that she appreciates the suggestion and intent, which is to do better; Selectman Tretter noted the importance of taking care of employees and cost avoidance. Vote: 3-1 (Drewry)

Town Manager Report

Regarding the Route 9 and Lyman Street changes that the Board asked about at the last meeting and that Harry's Restaurant may lose parking spaces, Mr. Malloy reviewed the plan with the changes. Mr. Malloy will speak with MassDOT regarding the impact to the businesses' land and the project timing.

Issues and Correspondence of the Selectmen

Selectman Tretter reviewed his visit to a section of trail in Holliston with Jim Robbins and Carl Balduf. He noted that Earth Day was very successful with the strong support of the DPW and the more than 100 volunteers.

Selectman Drewry asked if all the comments on the State Hospital RFP are being incorporated. Mr. Malloy noted that all DCAM comments have been incorporated and Mass. Historic Commission's comments/documents have been included as additional appendices. Mr. Malloy

reviewed the comment period process. Selectman Drewry asked if there will be trails proposed by bidders and Mr. Malloy acknowledged that there could be, it is in the plan by not a requirement. The time frame has been extended and stretched out and the asbestos and hazardous materials survey is still pending. Selectman Drewry asked for an estimate to install a slot in the middle front door where people can deposit their tax payments inside the building and other options as well. Mr. Malloy noted that he is looking into one for the back of the building as the front is not designed for one and there is more room in the back to put a free standing one. Selectman Drewry noted that people will not know that there is one in the back. Selectman Johnson asked Mr. Malloy to also look into signage for the front directing people to the box in back.

Chief Gordon reviewed the route and timing of the Little League Parade. He also noted that an Amazing Race fundraiser is being held at 11:00 a.m. on Saturday where participants will be traveling from location to location but will not be speeding.

Executive Session

Selectman Drewry moved to enter into Executive Session at 8:10 p.m. under MGL Ch. 30A §21(1)(2)(3) & (6) to discuss issues related to collective bargaining with the Police Superiors Association, the physical condition of an employee, to discuss collective bargaining and the value of real estate. Chairman Johnson declared that an Open Session would have an adverse effect on the Town's position.

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

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Drewry

Selectman Barrette

Selectman Emery

Selectman Tretter