

**Westborough Board of Selectmen
Meeting Minutes
October 25, 2016**

6:30 p.m. – 8:18 p.m.

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

Also Present: Jim Malloy, Town Manager

Open Forum

Adrianna Baltimore came before the Board and reviewed how she came to be an Election Officer. She was sworn in for eight years and said that she was never called to serve during that time. Ms. Baltimore saw the number of new Election Officers being recruited this past year, when the time came and when she did not receive a reappointment slip it caused her to question the process. She spoke to the Town Clerk about it and was told by Ms. Mickel that she did call and left a message but never heard back from Ms. Baltimore. Ms. Baltimore disputed this and expressed concerns about the process, lack of notification and reasons when being removed from the list. Selectman Johnson told Ms. Baltimore that they would take her comments under advisement.

Request to Approve the Minutes of October 11, 2016

Selectman Barrette's motion to approve the minutes of October 11, 2016 was seconded by Selectman Drewry. Vote: 5-0

Request to Approve the Minutes of October 17, 2016 (STM)

Selectman Tretter's motion to approve the minutes of October 17, 2016 was seconded by Selectman Barrette. Vote: 5-0

Public Hearing – Pole Petition for the Installation of a New JO Pole #100-80 at 216 East Main Street / Crystal Tognazzi

Selectman Barrette's motion to open the public hearing for the installation of New JO Pole #100-80 at 216 East Main Street was seconded by Selectman Drewry. Vote: 5-0

Mr. Malloy addressed the petition as Ms. Tognazzi was not in attendance.

Selectman Barrette's motion to approve the pole petition from National Grid and Verizon to install pole #100-80 on E. Main Street as per their plan identified as #22089181 was seconded by Selectman Emery. Vote: 5-0

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

Request to Approve a Common Victualer Permit for Cumberland Farms, Inc., 165 Flanders Road / Laura Salvucci

Kenneth McIntyre, Senior Area Sales Manager, came before the Board.

Selectman Barrette's motion to approve the Common Victualer Permit for Cumberland Farms, Inc. located at 165 Flanders Road was seconded by Selectman Emery. Vote: 5-0

Interview/Appointment for the Country Club Operating Committee / Katie Welch, Donald Bouffard

Ms. Welch and Mr. Bouffard came before the Board. Mr. Bouffard has been a Non-Voting Associate Member for two months and actively participates.

Selectman Drewry's motion to appoint Donald Bouffard as a full member of the Country Club Operating Committee for term to expire on June 30, 2019 was seconded by Selectman Barrette.
Vote: 5-0

Request to Sign Resolution Opposing Ballot Question 4 / Jody Hensley

Ms. Hensley, Rep. Dykema and Rep. Kane came before the Board. Ms. Hensley reviewed the power point presentation that was distributed to the Board which addressed the status of marijuana related-laws impacting Massachusetts, who is opposing the specific ballot measure, potency levels and edibles, the impact on residents and communities, and the limitations of municipalities and states to regulate the nature and presence of the marijuana industry. Ms. Hensley noted the other communities that have signed a resolution asked for the Board's signatures on the resolution opposing Ballot Question 4.

Selectman Drewry's motion that the Board signs the resolution opposing Ballot Question 4 was seconded by Selectman Tretter. Discussion: Rep. Dykema spoke to the groups that are part of the coordinated opposition, and her view is that there are not a lot of controls, the Question is industry written and does not represent the Commonwealth. Rep. Kane spoke to the complexity of the regulatory language, the implications of the Question on communities, and their efforts to educate voters. Selectman Johnson thanked Ms. Hensley and Representatives Dykema and Kane for their efforts and expressed his comments, concerns, what the impacts might be and noted that he fully supports the resolution. Selectman Emery asked about the mechanism for funding the regulation. Rep. Kane noted that marijuana will be subject to an excise tax of 3.75% and up to a possible 2% local tax, which is much lower than Colorado and Washington. Rep. Kane spoke to how the excise tax funds would be used. Selectman Emery noted there was mention of a hallucinogenic in the presentation and Ms. Hensley explained that THC, which is in marijuana, is a hallucinogenic but no others would be allowed. Selectman Emery asked the question about drug use regulation in the workplace and Rep. Kane talked about related increases in worker's compensation, the use of drug testing and difficulty some states are having finding job applicants who pass the drug test. Mr. Malloy noted that if the Question passes, the Legislatures mentioned this morning that they might reopen the tax issue and consider an increase so that it is at a level similar to other states so that it would cover costs. Rep. Kane addressed the Legislature's track record, which is to not change what is voted. They are hoping the Question does not pass as they feel it is better to go back to the drawing board in the future and as public policy dictates have all parties come to the table and weigh in. Mr. Malloy also asked about the special committee authorized by the Senate President and Rep. Kane noted that it was formed in anticipation of the referendum question and eight members went to Colorado as part of their process and came back opposed to the question. Chief Gordon noted that he and the Massachusetts Police Chief opposed the question and recommended voting against. Vote: 5-0

The Board signed the Resolution Opposing Question 4.

Request to Appoint Mary Stanton as an Election Official / Town Clerk

Ms. Mickel came before the Board. One of the Registrars of Voters is unable to work the election and Ms. Stanton, who is an experienced Election Officer, moved out of Town and Ms. Mickel spoke with the Secretary of the Commonwealth and received confirmation that Ms. Stanton could work the day of the election.

Selectman Barrette's motion to appoint Mary Stanton as an Election Official for a term to expire on July 29, 2017 was seconded by Selectman Drewry. Vote: 5-0

Request to Approve a One-Day Liquor License for Cold Harbor Brewery / Will Oliveira

Mr. Oliveira came before the Board and explained that they are planning a one-day outdoor sales event with a food truck in a cordoned off area adjacent to their taproom.

Selectman Tretter's motion to approve the one day liquor license for Cold Harbor Brewing Co. at 108 Milk Street on Saturday, October 29, 2016 subject to the \$50 fee was seconded by Selectman Drewry. Discussion: Chief Gordon noted that his only concern is with the parking lot, and Mr. Oliveira noted that the event is on a Saturday afternoon and the businesses will only be opened for part of the afternoon. Mr. Tretter pointed out that the event hours are not included on the application and Mr. Oliveira stated that it is on October 29, 2016 from 12 to 9 PM. Mr. Malloy noted that it is typical for breweries to hold these events with food trucks. Mr. Htway asked if there will be a handicap accessible portable toilet and Mr. Oliveira noted that he has order two, neither is handicap accessible but will order one. Vote: 4-0 (Barrette – absent.)

Request to Authorize the Town Manager to Enter Into a New Municipal Aggregation Purchasing Program / Town Manager

Mr. Malloy informed the Board that there will be a bid opening for the next contract period and seven companies are interested. There are five communities participating in the bid review and discussion. The bid opening date is 11/22/16 and Mr. Malloy requested authorization to execute the contract as the bids are only good for one day. This was the process used last year.

Selectman Emery's motion to authorize the Town Manager to execute a contract with the selected bidder for municipal electric aggregation for electric customers in Westborough for the next contract period was seconded by Selectman Drewry. Discussion: There has been positive feedback from residents and the opt-out rate is low at 1%. Vote: 5-0

Request to Appoint Melinda MacKendrick as the Animal Inspector / Town Manager

Mr. Malloy noted that Ms. MacKendrick was appointed at the last meeting as Animal Control Officer but not as the Animal Inspector, a position which the ACO has served in the past and will continue.

Selectman Tretter's motion to appoint Melinda MacKendrick as the Animal Inspector for a term to expire 4/30/2107 was seconded by Selectman Emery. Discussion: Selectman Emery questioned job description and that the Animal Inspector language was not included. Mr. Malloy explained that it is a statutory requirement and typically the Board makes motion to appoint the Inspector and that was not done when the ACO appointment was made. The discussions with Tufts are not moving as quickly as planned and the Town is continuing conversations with other towns regarding regionalization. Vote: 5-0

Discussion on Selectmen Delegating to Town Manager / Town Manager

Selectman Johnson explained that as a result of the Board's Retreat and in an effort to make the meetings more efficient and effective, the intent it to have one regular meeting and one work session each month. Mr. Malloy had developed a list for the Board's review that consisted of routine matters and not necessarily policy setting issues. He used the list to determine the number of routine matters on the agendas from October 2015 to September 2016, which was distributed to the Board. He reviewed each item and the Board noted which ones they preferred to come before them: New Liquor

Licenses, Transfer Liquor Licenses, Site Plan, Tax Bill Inserts, Class I and Class II Licenses. Selectman Johnson asked Mr. Malloy to include the items that he approves in his Town Manager's Report. Mr. Malloy noted that the Board can always make any changes in the future.

Selectman Tretter's motion to delegate to the Town Manager the administrative items that were not called out was seconded by Selectman Emery. Vote: 5-0

Selectman Barrette's motion to keep out for the Board's approval New Liquor Licenses and Transfer Liquor Licenses was seconded by Selectman Emery. Discussion: Mr. Tretter noted that Mr. Malloy stated that he would notify the Board about these licenses and asked if there was ever any contention in the past. Selectman Emery noted that there sometimes has been and added that it is a privilege to receive one and it should be the Board's decision. Vote: 4-1 (Tretter)

Selectman Barrette's motion to keep out Site Plans for the Board's approval was seconded by Selectman Drewry. Vote: 5-0

Regarding the Tax Bill Inserts, Selectman Emery spoke to her reasons for keeping them for the Board's approval.

Selectman Barrette's motion to keep out the Tax Bill Inserts for the Board's approval was seconded by Selectman Emery. Vote: 2-3 (Barrette, Johnson, Tretter)

Selectman Barrette's motion to keep out the Class I and Class II Licenses was seconded by Selectman Emery. Vote: 5-0

Town Manager Report

Mr. Malloy discussed with the Board the meeting schedule for November and December.

Selectman Emery's motion to change the 11/22/16 meeting to 11/29/16 was seconded by Selectman Tretter. Vote: 5-0

Selectman Barrette's motion to cancel the 11/22/16 meeting was seconded by Selectman Emery. Vote: 5-0

Selectman Barrette's motion to cancel the 12/27/16 meeting was seconded by Selectman Emery. Vote: 5-0

Issues and Correspondence of the Selectmen

Selectman Barrette asked if the Board agrees to his acting as the BOS Liaison to the 300th Anniversary Committee. There have been some issues, but the process is running smoothly now as they move forward from planning phase to execution. He thanked Ed and Jean Newton, who resigned today, for their work on the Committee.

Selectman Emery's motion to approve Selectman Barrette as the Liaison to the 300th Anniversary Committee was seconded by Selectman Tretter. Discussion: The Board briefly discussed hearing from the Committee on a regular basis. Vote: 4-0-1 (Barrette).

Selectman Barrette spoke the issue with the South Street parking lot, how signs were installed last year regarding snow removal, and asked to set up a meeting with Mr. Malloy, Mr. Walden and Chief

Gordon. Mr. Malloy noted that he and Mr. Walden had viewed the lot and that the cars that had been parked there for a long time had been removed. Selectman Barrette requested that they discuss and formalize an agreement as to what the process will be when winter comes and there are snow issues and bring it back to the Board for approval.

Selectman Emery commended the DPW and Police on the sidewalk work. As a follow up on the Kimball Road issue she asked if mirrors could be installed and Mr. Malloy noted that the Town's insurance does not allow it as it is a huge liability. Residents can install them if they choose. She also asked about changing the bus route so children do not have to cross the street And Chief Gordon did speak the School Dept. and was told that they cannot change it as it would not work, but his recommendation have been implemented and the situation has improved. Chief Gordon noted that he and Mr. Malloy have discussed performing a comparison of the speed of cars before and after the signs are installed. He spoke to the new device and how it will be funded. Mr. Malloy noted that the Town is looking at a less expensive option than what was proposed at Town Meeting. Selectman Emery noted that the Board received a request from James Rhein, Committee Chair of Troop 100, to attend a meeting to discuss use of the Forbes Community Building and she asked to put this on the next agenda. She noted that Board should not turn down anyone who asks and that it should be the Chair's decision as to what items are put on the agenda.

Selectman Tretter thanked the residents who attended Town Meeting and noted that the turnout was 2%. He reminded the public that November 8, 2016 is National and State voting day.

Selectman Johnson noted that the Good Scout Award Dinner honoring Joe Harrington is being held on November 15, 2016 at the Doubletree Hotel. November 19, 2016 is the 3rd Annual Turkey Trot fundraiser for the upgrade of the track and turf at the High School.

Executive Session

Selectman Drewry moved to enter into Executive Session at 8:18 p.m. under MGL Ch. 30A, §21 for the purpose of discussing strategy with respect to collective bargaining. Chairman Johnson declared that an Open Session would be detrimental to the Town's negotiating position and the Open Session will not reconvene after Executive Session.

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

Submitted by Paula M. Covino

Chairman Johnson

Vice Chairman Drewry

Selectman Barrette

Selectman Emery

Selectman Tretter