

**Westborough Board of Selectmen
Meeting Minutes
December 20, 2016
6:30 p.m. – 7:56 p.m.**

Present: Chairman Johnson, Selectmen Barrette, Emery and Tretter

Absent: Vice Chairman Drewry

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

Open Forum

Chief Gordon received and read a proclamation from AAA Northeast regarding the Traffic Safety Hero Award for Selectman Tretter. He submitted Selectman Tretter for the award to commend him for all his efforts to increase traffic safety in Town for pedestrians, bicycle riders and motorists. Chief Gordon presented the award to Selectman Tretter who spoke to the team effort and those involved in the process.

Sayed Hashmi informed the Board that he was inspired by Selectman Drewry's comments regarding the bike trails at the last meeting and did some research finding that over the past year there were five Warrant Articles relating to the bike trails. He noted that there were 500 accidents per year in the past 5 years and how many times Westborough's EMS responded. He suggested that the Town put the same effort into addressing traffic safety as was put into the Articles in the New Year.

Selectman Johnson noted that Selectman Drewry was in Maine assisting with the care of a disabled veteran that he served with who had back surgery. He had apologized for missing the meeting and Selectman Johnson expressed the Board's appreciation for his dedication to his fellow veterans.

Public Hearing for the Site Plan Review for 4 Old Flanders Road, Proposed New Vehicle Parking, for Dan's Jeep 82 Turnpike Road, Westborough / Kenneth Strom, Waterman Design

Selectman Barrette's motion to open the public hearing for the Site Plan Review for 4 Old Flanders Road, proposed new vehicle parking, for Dan's Jeep at 82 Turnpike Road was seconded by Selectman Tretter. Vote: 4-0

Selectman Barrette's motion to grant the extension of time requested by Waterman Design for the site plan review for Dan's Jeep and DJ Realty Group, LLC at 4 Old Flanders Road until February 14, 2017 was seconded by Selectman Emery. Discussion: Selectman Johnson noted that the applicant requested the extension as more work needed to be done. Vote: 4-0

Interview/Appointments to the 300th Anniversary Committee

Ms. Mickel and Ms. Ledoux came before the Board. Ms. Mickel noted that she, Ms. Ledoux and Ms. Bush have been actively participating in the planning for the 300th Anniversary Gala.

Selectman Emery's motion to appoint Wendy Mickel, Deborah Ledoux, and Susan Bush to the 300th Anniversary Committee was seconded by Selectman Barrette. Vote: 4-0

Presentation on the Bridge Plans and Grant Application Process by the Bicycle and Pedestrian Advisory Committee / Don Burn

Mr. Burn came before the Board on behalf of the Bicycle and Pedestrian Advisory Committee (BPAC). He noted that they are working on obtaining a grant and are looking for direction from the Board. Mr. Burn spoke to the proposed trail, its location and the benefits to the Town. They are

hoping to get contractors to volunteer their services and use the grant money to fund the bridge over the Assabet River. He also reviewed the plans for the bridge, an area for parking and rest, and a canoe launch. The estimated cost is \$50,000 according to Waterman Design Associates. Mr. Burn explained that the grants are up to \$50,000 for a single town project; it is a reimbursement grant and requires at least a 20% match. A Committee member will write the grant. The grant is due 2/1/17, the initial notification will be in May and awarded in October. The work needs to be completed by 12/31/19. Mr. Burn noted that they will be asking for support letters to submit with the application.

Selectman Tretter's motion to approve the recreational trail grant application being submitted by the Bicycle and Pedestrian Advisory Committee was seconded by Selectman Emery.

Discussion: Selectman Emery asked how the 20% match will be funded and Mr. Burn explained that they are hoping to match, without asking for Town funds, with in-kind donations for labor and materials and by applying for a smaller grant that could be used as well. He noted that it is unlikely they would need to ask the Town for funds. Selectman Emery also asked about Open Space and Walkup-Robinson funds and Mr. Malloy noted that funds from the Walkup-Robinson Fund can only be used if land is being purchased.

Mr. Malloy asked that the Board amend the motion adding "and to authorize the Town Manager to sign and submit the contract or the grant application". Selectman Tretter amended his motion to include the statement and it was seconded by Selectman Emery.

Selectman Barrette asked what the real cost is of the project and Mr. Burn noted that they would spend the \$50,000 from the grant but it may be \$70,000 to \$80,000, which will hopefully be contributed and he reviewed the work that will contribute to the extra cost. Selectman Johnson questioned the fact that it is a reimbursement grant and will the Town have to vote to raise and appropriate at Town Meeting for the initial payment. Mr. Malloy the payment process and how it depends on the timing within the fiscal year. Also discussed was the turnout, how it is accessed and accommodates emergency vehicles. Carl Balduf, Town Engineer was in attendance to answer questions, spoke to the project and that he supports it. Vote: 4-0

Troop 100 Use of the Forbes Community Building / Jim Rhein

Mr. Rhein, came before the Board representing the Boy Scouts, Girl Scouts and Westborough youth. He reviewed his request to reopen the Forbes Community Building (FCB) for use by Westborough youth and to resume Troop 100's original arrangement to store equipment, to hold their meetings on Thursday nights, but not exclusively as to be consistent with the donor's use statement.

Selectman Emery noted that she had toured the building with Mr. Malloy in order to consider options to balance the needs of Town departments during the Forbes Municipal Building (FMB) renovation. She reviewed the space in the FCB and suggested that the Board tour the building and ask the Conservation Commission to consider whether the space on the left would be large enough for their daily work and storage. She noted that the larger room could be used for meeting space.

Mr. Malloy noted that it would have been beneficial for Ms. Williams to have toured the building as well as she is organizing the move. Ms. Williams spoke to the space in the FCB, what the Conservation Commission will be using, and that the Historical Commission and Youth and Family Services, who has already begun to move some items, will use it for storage as well. Selectman Barrette thanked Mr. Rhein and the Troop for their cooperation and reviewed the conversation he had with Mr. Rhein before the Town Hall renovation and the proposed FMB renovation as to when the

FCB would be available again. He noted that while he is in favor of allowing the community groups to use the FCB, the conversation is premature, there is not enough room to coexist there and the Town needs every inch of available space until 2019. Selectman Johnson noted that it was his understanding that the request made of the Troop and others to vacate the FCB was happily met and it was understood that there would be another couple of years that it would be needed for the FMB renovation. Mr. Rhein agreed but noted that he had hoped the Town could make other arrangements for the second renovation.

Selectman Barrette pointed out that the FCB is not optimal due to handicap access issues and suggested the possible use of the Harvey Building, which is being used by other groups. Mr. Cornine has transferred the central supply storage to the Harvey Bldg. in lieu of the FMB. The Board discussed its use for storage and meeting space going forward.

Selectman Emery noted that she understands that the Town wants to save money but feels that it implies the Town would rather displace groups for another two years than spend the money to help find space for displaced departments and their storage needs. She asked to put on the next agenda a discussion regarding whether the Town is following the letter of the law or the intent of the donors and if use by a Town department is consistent with those wishes. Selectman Emery noted that legal counsel has not provided an opinion and she asked that her concerns be looked into before any decision is made. She spoke to the needs of civic groups that provide options for children other than sports and school funded programs and their benefit to the youth in Town. She also asked if money should be spent on relocating departments or putting Town resources into the children, which she feels is an important question to consider.

Mr. Malloy noted that Town Counsel may determine that the building is not being used as dictated by the donor and the Food Pantry use is considered exclusive, which is not allowed. The Board discussed this possibility, the consequences of upholding the decision, the Food Pantry's use of the basement and not the finished public part and if that makes a difference. Selectman Tretter reviewed the donor's statement of purpose addressing how and who should use the building and noted that the purpose is clear and temporary office space seems to fit the purpose. Selectman Barrette disagreed with obtaining a legal opinion, which may have to be enforced. Selectman Emery does not want to displace the Food Pantry but noted that she would rather uphold a legal opinion as the Board and Town Manager are not qualified to make the determination. She pointed out that any 10 citizens can join to call the State to get an opinion on a legal issue. Selectman Barrette disagrees with waiting for a legal opinion due to the MBC's schedule and any postponement will complicate the process and add costs to the project. Selectman Emery asked if the Board is doing the right thing and why she could not herself ask Town Counsel for a legal opinion if she thought the Board was acting to misuse the building according to the donor's directions. She also noted that in her opinion the Municipal Building Committee has no authority to decide as to the donor's intent and legal ramification of their intent.

The Board discussed and agreed to explore the Harvey Building as an option for the Scouts and other community groups by asking Mr. Malloy, Frank Cornine and a representative from the Harvey Bldg. to meet to work out a plan for using the building. Mr. Rhein agreed to work with the Board toward a solution.

Westborough State Hospital Purchase & Sale Agreement / Town Manager

Mr. Malloy noted that he is still working with Pulte Homes on the purchase and sale language and our Town Counsel is working with Pulte's attorney. The Board has a red-lined version of the P & S and Mr. Malloy asked if it is the Board's preference to move to support the agreement with the caveat that Town Counsel reaches an agreement with their attorney. The Board agreed that they would like to wait to see a more formal version and Mr. Blute, from Pulte who was in attendance, has no issues with waiting. Syed Hashmi came before the Board and spoke to the project, its size, concerns with the number of accidents at the Lyman Street and Route 9 intersection and water usage. Selectman Johnson pointed out that the State is in the process of redesigning the intersection and expects to be underway this coming year. He also noted that the project will go through the special permit process with the Planning Board where there will be the opportunity for traffic studies and the Town Engineer has reviewed the water usage for the site, which will be Town water, and confirmed that the capacity is there and planned for. The purchase and sale agreement will be on the next agenda.

Request to Approve the Town Charter Legislative Changes / Town Manager

Mr. Malloy noted that he had emailed the Board a document from the Senator's office that had a copy of the Charter changes that are being made by the Senate Counsel, which he reviewed in order to determine which changes are substantive and which are style changes. He then pointed out the style changes in the Town Charter document included in the Board's packet. The biggest substantive changes were in Section 7-8 where the wording could result in discrimination based on disability and was removed. Mr. Malloy noted that there were changes made to make the Charter gender neutral but it did not include Article 10, which he included in the motion.

Selectman Barrette's motion to approve the Senate Counsel's changes as presented on 12/19/16 and to further approve amending Article 2-3 to read "Annual and Fall Town Meetings" and that the Board approves amending Article 10 to be gender neutral to be consistent with other changes made by the Senate Counsel was seconded by Selectman Emery. Discussion: Selectman Johnson questioned why Articles 9 and 10 were completely redlined as if being deleted from the Charter and Mr. Malloy explained that they were not deleted from the Charter but from the Bill. Vote: 4-0

Request to Approve the Site Plan Review Waiver for the Forbes Municipal Building / Town Manager

Mr. Malloy explained that there will be no substantial changes being made to the Forbes Municipal Building during renovation and no additional parking will be added. A memo was sent to all departments regarding waiving site plan review and all responded that they were in favor. The responses were included in the Board's packets.

Selectman Tretter's motion to waive site plan review on the Forbes Municipal Building project, subject to all drainage modifications being approved by the Town Engineer was seconded by Selectman Barrette. Vote: 4-0

Request to Approve On-Premise Liquor Licensees to Commence Liquor License Sales on 10:00 AM on Sundays as Permitted by MGL Ch. 138 §33B / Town Manager

Mr. Malloy noted there was a request from a restaurant to open earlier on Sunday which is allowed by Mass. General Law. Chief Gordon has no concerns.

Selectman Emery's motion to approve on-premise licensees to sell alcohol after 10 AM on Sundays as permitted by MGL Ch. 138 §33B was seconded by Selectman Tretter. Vote: 4-0

Town Manager Report

Meeting Schedule – Mr. Malloy addressed the new meeting schedule that the Board discussed at their retreat. There will be one business meeting and one work session per month. Mr. Malloy suggested scheduling the regular business meeting as the first meeting of each month and that the second meeting would be the work session. If a business item comes up there will be time to put it on the agenda it can be addressed at the beginning of the work session. The Board agreed with this schedule

Various Administrative Items – Mr. Malloy noted that he has approved a one-day liquor license for the 300th Anniversary Committee, held a public hearing for a pole petition, and approved a Common Victualer License for Domino's Pizza on Route 9.

Issues and Correspondence of the Selectmen

Selectman Tretter attended a recreational marijuana talk at the Central MA Regional Planning Commission regarding how the law will be implemented and regulated. He noted that towns will have the ability to opt out of marijuana sales and it was suggested that it be done sooner rather than later by placing the question on the ballot at the spring election. Selectman Johnson asked that this be put on the Board's next agenda and Mr. Malloy will speak with the Town Clerk about the timing.

Selectman Johnson wished the public happy holidays and noted that the Menorah lighting will be on December 24, 2016 at 6:30 p.m. and there will be Selectmen in attendance.

Executive Session

Selectman Barrette moved to enter into Executive Session at 7:56 p.m. under M.G.L. Chapter 30A, §21(2) to conduct strategy sessions with non-union personnel.

A Roll Call Vote was taken: Selectman Barrette – 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