

**Westborough Board of Selectmen  
Meeting Minutes  
January 10, 2017  
6:30 p.m. – 7:50 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

**Request to Approve the Minutes of November 29, 2016**

Selectman Barrette's motion to approve the minutes of November 29, 2016 was seconded by Selectman Tretter. Vote: 5-0

**Request for Appointment/Reappointments to the Westborough TV Board of Directors for Terms Ending December 2019 / Karen Henderson**

Ms. Henderson came before the Board and reviewed the bylaw requirements for appointments to the Board of Directors. There are two reappointments for another 3 years and one new 3-year appointment, Ken West, who will replace Bill Domings. Mr. West spoke to his background and reasons for volunteering to serve on the Board.

Selectman Emery's motion to reappoint Tom Morgan to the WTV Board of Directors of a term to expire 12/31/18, and to reappoint John Gallinagh to the WTV Board of Directors of a term to expire 12/31/18, and to appoint Ken West to the WTV Board of Directors of a term to expire 12/31/18 was seconded by Selectman Barrette. Vote: 5-0

**Interview/Appointment to the Trustees of Soldiers Memorials Committee / Selectman Drewry; Richard Passler, Veteran**

Selectman Drewry noted that the Committee voted unanimously to approve Mr. Passler's appointment and that he would be a good addition to the Committee. Mr. Passler provided his background.

Selectman Barrette's motion to appoint Richard Passler to the Trustees of Soldiers Memorials Committee for a term to expire 6/30/17 was seconded by Selectman Drewry. Vote: 5-0

**Request to Approve the Arbor Day Proclamation / DPW Manager**

Mr. Walden asked for the Board's approval of the proclamation and noted that the DPW will be distributing 50 saplings on Arbor Day.

Selectman Tretter's motion to approve the following proclamation: Whereas, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and Whereas, this holiday, called Arbor Day was first observed with the planting of more than a million trees in Nebraska, and Whereas, Arbor Day is not observed throughout the nation and world, and Whereas, trees can reduce erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and Whereas, trees in the Town of Westborough increase property values, enhance the economic vitality of business areas and beautify our community, and Whereas, trees, wherever they are planted are a source of joy, therefore Be It Resolved that the Westborough Board of Selectmen acknowledges the importance of National Arbor Day, which will be celebrated on April 28, 2017 and therefore Be It Further resolved that the Westborough Board of

Selectmen urges all citizens to celebrate Arbor Day in Westborough on April 28, 2017 by either planting a tree or maintaining existing trees to promote the wellbeing of this and future generations was seconded by Selectman Barrette. Vote: 5-0

**Request to Approve Placing a Question on the March 2017 Town Ballot and on the March 18, 2017 Annual Town Meeting Warrant Amending the General Bylaws by Adding a New Article 48 – Recreational Marijuana Opt Out Question / Town Manager**

Mr. Malloy noted that the Board discussed at the last meeting the inclusion of a ballot question allowed by MA General Law excluding marijuana-related businesses from Town. It will also require an amendment to the bylaws and Town Counsel recommended placing it on both the ballot and the Town Meeting Warrant. Town Counsel worked with the Attorney General's office and was led to believe that it may need to be adopted as a general and zoning bylaw.

Selectman Drewry noted that in his opinion the question should be addressed at Town Meeting where residents who are concerned about the Town will attend and make their decision. He expressed his concern regarding putting the question on the Town ballot as he feels it will change the complexion of the vote for those running for Town offices as it might become an election issue and he will vote against it.

Selectman Emery asked that if the change can only be made at Town Meeting why put it on as a ballot question. Mr. Malloy explained that there may be legislation changes to the recently adopted law but the way it was passed and approved using the phrase "that the voters shall adopt a bylaw", indicates that it has to be done on a ballot, which is not how bylaws are adopted. By doing both, should it be challenged, the Town will have done everything it could possibly do. Selectman Emery reviewed the results of the November ballot question where there were 4,561 votes in favor of legalization and 5,044 against and noted that as this comes forward again there may be more publicity, more people may vote, and the original outcome may or may not be upheld. She is in favor of putting items on the ballot as more people vote that way as opposed to attending Town Meeting, which produces a better representation of the Town's feelings and will vote in favor not because of her personal view but as it is the right thing to do.

Selectman Tretter spoke about the CMRPC event that he attended and noted that there is a split between the sale, which is what this question deals with, and the use. He reviewed the way the law was written and that the Selectman can put an issue on the ballot regarding sales, which would be the Town's way of fighting back and supporting what the Town voted. The use can only be put on the ballot by citizen's petition. Selectman Tretter pointed out that it is still somewhat unclear whether a ballot question alone or Town Meeting can settle the issue, doing both will accomplish what is recommended by Counsel, and that he agrees this is keeping with what the Planning Board did regarding zoning and strongly supports it.

Selectman Johnson spoke to the November vote, the ballot question's lack of clarity, and that many other towns that also voted against it are now looking at how to opt out correctly. He thanked Town Counsel for the work that they did and supports moving in this direction.

Selectman Barrette's moved that the Board approves placing the following question on the March 2017 town ballot and on the March 18, 2017 Annual Town Meeting Warrant (as separate Articles):

"To see if the Town will vote to amend the General Bylaws of the Town of Westborough by adding a new General Bylaw Article 48 as follows:

## Article 48 – Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Westborough.”

And to vote to amend the Zoning Bylaws of the Town of Westborough by adding new Zoning Bylaw Article 4, Section 5800 as follows:

### Article 4, Section 5800 – Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Westborough.”

Jody Hensley, School Committee Chair, came before the Board and questioned whether Selectman Drewry was voting against the ballot or tonight’s motion as she was hoping that the Board would support the motion.

Selectman Tretter seconded the motion. Vote: 4-1 (Drewry)

### **Public Hearing to Consider the Adoption of Site Plan Review Regulations / Town Manager**

Selectman Barrette’s motion to open the Public Hearing to consider the adoption of Site Plan Review Regulations was seconded by Selectman Drewry. Vote: 5-0

Mr. Malloy noted that Town Meeting in 2014 authorized the Board to adopt site plan rules and regulations and during the process it was determined there were no standards for engineers. The site plan review bylaw was amended in 2014 adding language that the Selectmen, after a public hearing, establish rules and regulations regarding the procedure and content of the application for Site Plan Review. They will become effective when the Board files them with the Town Clerk. Mr. Malloy noted that changes may need to be made after the regulations have been implemented for a period of time. He also pointed out that the number of copies of the application form and plans submitted to the Building Dept. should be amended to read 9 and not 8. All department heads have reviewed the regulations are in agreement.

Selectman Barrette’s motion to approve the Westborough Site Plan Review Regulations as attached and to be dated 1/10/17 and change to 9 copies was seconded by Selectman Drewry. Discussion: Selectman Emery noted that in “D Section 16”, should say “Board of Selectmen” as there is no reference before that to know that it is the Selectmen. Mr. Malloy agreed. Vote: 5-0

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

### **Discussion of Nourse/Glen Cemetery Funding / DPW Manager**

Mr. Walden spoke to the current process and development of the cemetery and the intent to move forward in a manner that will have minimal impact on the taxpayer. A recent inventory of Pine Grove cemetery indicated the need to begin the process in an ambitious manner. The plan would be to have

Nourse Street operating in three years and Mr. Walden reviewed the three phases for the development. He noted that by not depleting Pine Grove until Nourse Street is ready it will allow people purchasing plots to have options. The project will need to be on the Annual Town Meeting Warrant. The cost of the entire project \$1.68 million and the Board discussed the three estimates for the phases and whether or not to request the full amount now. This would allow the project to continue without the need to come back to Town Meeting to request funds for each phase and will provide the voters with the total cost up front as the voters will question what the full amount will be. Mr. Malloy asked the Board for an indication tonight what their intention is as it will impact how the Article is written and if borrowing is required bond counsel will be involved with the wording. The consensus of the Board was to request the full amount at Town Meeting. According to Mr. Malloy funding will be through taxes and debt issuance. Mr. Walden noted that funds will be recuperated through the cost of the graves.

### **Request to Vote on the Intention to Layout, Alter, and Relocate Washington Street / Town Engineer**

Mr. Balduf came before the Board requesting that the Board take the statutory steps to create a public way on Washington Street. He reviewed the background of the work that began in August 2015 and the changes being made relative to the alteration and relocation of Washington Street. The Board will vote their intent to relocate and alter Washington Street tonight and will subsequently hold public hearings at their February 14, 2017 meeting to actually vote the alteration and relocation. A vote at Annual Town Meeting will be required in March.

Selectman Barrette's motion to vote the Board of Selectmen's intention to relocate Washington Street from its current location on the Westborough/Southborough town line about 210± feet south of the southerly sideline of Route 9 to a point on the town line approximately 380± feet south of the southerly sideline of Route 9, said relocation running about 835 feet southwesterly to the existing location of Washington Street and being variable in width and to hold a hearing on said alteration at 6:50 PM on Tuesday, February 14, 2017 at the Selectmen's Meeting Room in the Town Hall at 34 West Main Street was seconded by Selectman Drewry. Vote: 5-0

Selectman Barrette's motion to alter Washington Street in two locations along its easterly sideline approximately 500 feet westerly of the Westborough/Southborough town line and approximately 1400 feet westerly of said town line and to hold a public hearing regarding said alteration at 6:55 PM on Tuesday, February 14, 2017 at the Selectmen's Meeting Room in the Town Hall at 34 West Main Street was seconded by Selectman Emery. Vote: 5-0

### **FY 2018 Budget Discussion and Decisions / Town Manager**

Having reviewed the budget in detail previous to the meeting the Board agreed with Selectman Emery's comments that it was well constructed and informative and her suggestion that the School Committee was the only department that needs to come before the Board to discuss their budget. Selectman Johnson noted that he spoke with Ms. Hensley and they had agreed to come before the Board. The meeting dates were discussed and it was agreed that the School Committee will come in on February 14, 2017 when the public hearing for the FY 2018 budget will be held. The Advisory Finance Committee (AFC) and Capital Expenditure Planning Committee will also be invited to attend. Selectman Johnson asked Mr. Malloy for the AFC meeting schedule so the Board can attend meetings.

### **Town Manager Report**

MMA Annual Business Meeting – Mr. Malloy explained that if the Chair is not attending the MMA Annual Business Meeting he may delegate in writing the ability to vote on any issues that come before

the meeting. Selectman Drewry is attending and Mr. Malloy suggested that he be authorized to vote. A formal vote is not required and Chairman Johnson will sign the authorization letter.

300<sup>th</sup> Anniversary Committee – The AFC Chair asked Mr. Malloy if the Selectmen want to support maintaining the \$50,000 local appropriation for 300<sup>th</sup> Anniversary Committee even though the State has rescinded their matching funds. The Board agreed to maintain the \$50,000.

Regional Animal Control – Mr. Malloy reviewed the proposal to regionalize animal control services with Grafton and Shrewsbury. The cost analysis completed by CMRPC and the draft intermunicipal agreement are included in the Boards' packet. The Town's cost is estimated at \$25,067 in FY17 and \$26,287 in FY18 and would save the Town approximately \$9,000 per year from the \$35,378 reduced budget amount for the current part-time Animal Control Officer. It would provide some expanded coverage by having two Animal Control employees available, one full-time and one part-time. Mr. Malloy noted that the Board does not need to take any action tonight as they did not question this budget but should consider it as the budget process moves forward and whether it will provide better coverage. The Board will discuss it further at the next meeting. Selectman Barrette expressed concern regarding Westborough's coverage and that it will be treated with the same level of importance as Grafton and Shrewsbury because there were issues during the transition period with response to Westborough's calls. Mr. Malloy noted that it would operate similar to the Veterans regionalization program.

Forbes Municipal Building – Mr. Malloy provided an update on the renovation project. The leases are complete and have been signed by Carruth Capital and Town Counsel. The cost is \$28,000 less than what was budgeted and the departments will move out by early March. He reviewed the bidding schedules and noted that the cost is a little over what was appropriated and options are being considered to reduce the cost such as not renovating the 30-35 year old bathrooms or replacing the roof which has begun to leak. Mr. Malloy recommended reassigning some of the unused debt from the Fire Station and Town Hall, which were under budget, and completely renovate the FMB rather than come back in five years to request the funding to address these issues. The actual costs will be known once the bids are in which will be just before Town Meeting.

Harvey Building – Mr. Malloy met with Jack Morrison from the Players Club/Community Chorus to discuss the use of one of rooms for Boy Scout meetings and a place for their storage. A meeting is being arranged between Mr. Morrison and Mr. Rhein, Troop 100 to look at the space discuss the details and needs. He reviewed the available storage space, which is suitable, and expects to have a meeting in the next week. Mr. Malloy will determine what the Town will pay based on the square footage and adjust the budget and Mr. Morrison was agreeable.

Selectman Emery asked about creating a budget this fiscal year for a building maintenance plan to address issues and to do what is needed to make it handicap accessible as other groups may be using it in the future. She added that it would be prudent to maintain the building so that it does not deteriorate. Mr. Malloy suggested waiting until next year due to the number of projects currently scheduled. Selectman Drewry questioned whether there is any potential liability for groups to use the building and is it appropriate to use taxpayer's money to fund the maintenance of a Town building that is being used by non-governmental groups. He does support these groups but has concerns and asked for more feedback on this issue. Selectman Barrette pointed out that the Community Chorus and Players Club have been paying for the utilities to keep the building functional and previously the Town had been maintaining the Forbes Community Building for outside groups. He noted that there needs to be a discussion to develop a policy for the use of Town buildings and what groups the Town should be

paying for as there are a lot of civic groups that do deserve to use them. Selectman Johnson noted that the Fire Chief responded to a complaint about the Harvey Building being a fire hazard and after investigating the issue he deemed the building to be safe. He noted that the Town is responsible for the building but the point of putting those groups there meant that it did not have to be mothballed and it did not deteriorate like the State Hospital buildings. There was interest in purchasing the building by a private party at one point but the Town chose to keep it for future use. Selectman Johnson agreed with the request to develop a building use policy.

Various Administrative Matters – Mr. Malloy approved a new Manager of Record for Not Your Average Joe's and a change of DBA for Dharani Restaurant for their liquor licenses.

### **Issues and Correspondence of the Selectmen**

Selectman Tretter commented on the success of the "1717 Shoppe" grand opening event and that over 200 people attended.

Selectman Emery asked for an update on Spurr House RFP. Mr. Malloy noted that the RFP has been posted on the Town website and advertised in the Central Register. It will also be sent to interested parties and to Westborough realtors.

Selectman Drewry noted that Charlie Naples, a long-time resident who was very active in Town, passed away and expressed condolences to his family.

Selectman Johnson also spoke to the success of the grand opening of the 300<sup>th</sup> Anniversary store and encouraged residents to attend the upcoming celebratory events planned for this year.

### **Executive Session**

Selectman Drewry moved to enter into Executive Session at 7:50 PM under MGL Ch. 30A, §21(3) for the purpose of discussing strategy with respect to collective bargaining and MGL Ch. 30A, 21(6) for the purpose of discussing the exchange of real estate. Chairman Johnson declared that an Open Session would have a detrimental effect on the Town's negotiating position.

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*

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Chairman Johnson

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Vice Chairman Drewry

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Selectman Barrette

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Selectman Emery

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Selectman Tretter