

**Westborough Board of Selectmen
Meeting Minutes
January 25, 2011
6:00 p.m. – 7:20 p.m.**

Present: Chairman Jané, Vice Chairman Goldblatt, Selectmen Thompson, Dodd and Emery

Also Present: James J. Malloy, Town Manager; Kristi Williams, Assistant Town Manager, Greg Franks, Town Counsel

Open Forum

Earl Storey voiced his concerns regarding the State Prevailing Wage (Request For Bid) being required on projects up to \$25,000 and asked the Town's support in requesting the state legislators that the procurement process be changed or capped. Mr. Storey said that a project up to that amount costs less if the procurement process were changed to just require three quotes (three quotes does not require a RFB); an RFB requires that the town pay prevailing wage (which costs double the amount than going through the three quote process). Mr. Malloy said that he and Mr. Storey have discussed his concerns and agrees with them. Mr. Malloy said that unfortunately requesting our legislators to place a cap or changing the procurement process for prevailing wage does not go far in the State House.

After a brief discussion regarding Mr. Storey's concern Chairman Jané requested that Mr. Malloy provide some more information on prevailing wage.

Cheryl Kelly, Westborough Resident, requested the Board's permission to have the DPW place a welcome home message on the Town's electronic sign. She said that he son Lt. Robert Kelly is returning from Afghanistan in about ten days from today.

Vice Chairman Goldblatt moved to approve Ms. Kelly's request of placing a "Welcome Home" message for her son on the town's electronic board. Selectman Thompson seconded.

Vice Chairman Goldblatt requested that she coordinate with the Police Chief. Ms. Kelly thanked the Board for approving her request. 5-0

Zaara Gardens Update of Previously Approved Site Plan and Selectmen's Determination Whether New Approval of LIP is Required/DPW Manager, Town Engineer, Farooq Ansari

Mr. Ansari recapped his amendments to his site plan as previously discussion at the Board's November 16, 2010 meeting and also noted that he has responded to the Board's request of submitting the most updated amendments materials to the Fire Chief, Police Chief, Town Engineer and DPW Manager and now is here for the Board's decision of approving the amendments for the Local Initiative Plan (LIP) site plan of Zaara Gardens.

Selectman Thompson requested to see the changes to the cul-de-sac and also pointed out that some of the Department Heads have concerns regarding his amendments to the site plan.

Town Engineer Carl Balduf made several references to the attached January 6, 2011 memorandum that was sent to the Board of Selectmen and voiced his concern regarding the four bullets outlined on the second page of the document that are still not resolved and also stressed the fact that the Town will have a lot of difficulty maintain the amended cul-de-sac as proposed.

Fire Chief Perron voice and stressed his concerns regarding the proposed amendments to Zaara Gardens. He outlined the concerns as written on the attached December 29, 2010 memorandum that was sent to the Board of Selectmen for their review. Fire Chief Perron strongly noted that the Fire Department is not in favor of the proposed cul-de-sac.

Police Chief Gordon informed the Board that his concerns have been resolved by Mr. Ansari and has no further issues with his area.

Selectman Thompson asked Mr. Ansari if he is committed to comply with all of the town departments' concerns that have not been resolved and that have risen from the proposed amendments. Mr. Ansari said that he is willing to comply with the town to complete this development. After a brief discussion regarding procedure options the Board of Selectmen, concluded that they will not vote on this site plan amendment until all of the conditions from all of the concerned departments are satisfactory met by Mr. Ansari.

Mr. Ansari seem confused on what were "key concerns" and "basic concerns" as outlined on the department heads memos and asked for clarification from the Board. Town Manager Malloy offered to clarify those differences to Mr. Ansari and also offered to coordinate with the department heads and Mr. Ansari in helping resolve these issues and come before the Board at a future meeting.

No vote taken on this item.

Discussion on Site Plan Review Process/Town Manager

Mr. Malloy noted that at the Board's last meeting a discussed of making several changes to the site plan bylaw (will need a town meeting vote) and imposing a fee plan for the processing of the site plans were discussed. The following is the bylaw changes proposed and a proposed Site Plan Review Fee Plan:

- Section 1210 & Section 1243 – Change Building Inspector to Building Commissioner.
- Section 1240 – Change the reference for Section 2200 in the third line to 2300 and change the word "with" to "within" first line of the fourth paragraph.
- Section 1241 – Change the word "shall" in the first line of the first paragraph to "may".
- Section 1244 – Change the first sentence of the second paragraph from:

“The Board of Selectmen shall hold a public hearing within sixty-five (65) days of receiving the application and shall take final action within thirty (30) days of the hearing, it nonetheless being the intention of this Bylaw that the Board of Selectmen shall act as expeditiously as is practical on such application.” to:

“The Board of Selectmen shall hold a public hearing within sixty-five (65) days of Building Commissioner accepting a completed application, which meets all of the criteria required by the zoning bylaws, including the payment of any fees established by the Board of Selectmen and shall take final action within thirty (30) days of the hearing, it nonetheless being the intention of this Bylaw that the Board of Selectmen shall act as expeditiously as is practical on such application.”

Mr. Malloy said that Westborough was the only town surveyed that did not have a fee for site plan review. The following towns were surveyed Worcester, Shrewsbury, Northborough, Framingham and Natick and the following is the Site Plan Review Fee recommended for the Board’s consideration:

- Major Site Plan Review (20,000 SF and over) - \$2,500 + \$0.05 per gross square foot
- Minor Site Plan Review (Up to 20,000 SF) - \$1,000 + \$0.05 per gross square foot
- Site Plan Review Revisions (Any) - \$2,500 + \$0.05 per gross square foot

Chairman Jané requested that a lower amount be computed for the small businesses in town under the Minor Site Plan Review Fee structure. Mr. Malloy noted Chairman Jane’s request and will produce a lower number to help our small business in the area at the Board’s next meeting

Selectman Emery asked Mr. Malloy why the Site Plan Review Revision cost is more than the Major Site Plan Review. Mr. Malloy said that he will review the figures and present a firm cost at the Board’s next meeting for their vote.

Redistricting Discussion/Town Clerk

Town Clerk Nancy Yendriga informed the Board that the reason that a reprecincting event takes is because of a loss of a seat in the House of Representatives. A redistricting event is done every 10 years as required by the Federal Census Bureau. Redistricting means that after the census is completed each town must be evaluated if there are enough voting sites to accommodate the Town’s total count of residents to vote; if there are not enough to support the count then a new voting site needs to be created (materials attached).

The Board voiced their concerns and distain regarding Westborough not having a unified district for the Representative and Senate and requested that Mr. Malloy draft a letter with their concerns for the Board’s signature.

Ms. Yendriga noted that nomination papers for the Town Election (May 3, 2011) are now available in the Town Clerks Office. Nomination papers are to be returned no later than March 11, 2011.

The Board thanked Ms. Yendriga for her presentation.

Town Counsel Report

Town Counsel Franks informed the Board that Kristi Williams, Assistant Town Manager/HR Director brought to his attention the opportunity to lower the Town's insurance premiums by conducting certain seminars that the insurance company feels are necessary to present to our town employees. He said that he will be conducting a couple of seminars and will issue an invitation to all town employees.

Town Manager Report

Issues and Correspondence of the Selectmen

Selectman Thompson thanked Karen Bain-Morgado, Administrative Assistant, for sitting in for Nidia Ruberti, Administrative Assistant, and also thanked the DPW for their effort in cleaning our streets due to the continuous snow storms.

Selectman Emery thanked Tim Novak and Chris Hebert for filming the Board's meeting tonight.

Vice Chairman Goldblatt requested that we keep our servicemen and women in our prayers and thoughts who are so far from home.

Selectman Dodd informed the Board that the Open Space Preservation Committee will be presenting a warrant article at the annual town meeting and also noted that he attended the 2nd annual Cultural Council Grant Event last Wednesday and commented that the Town of Westborough is very fortunate to have a very active council.

Chairman Jané also thanked the DPW staff for all their work and outstanding job in up-keeping with the snow storms and making sure that our town roads were cleared.

Executive Session/Contract Negotiations

Chairman Jané moved to go into executive session for the purpose of discussing collective bargaining. Selectman Emery seconded. Chairman Jané declared that an open meeting would have a detrimental effect on the bargaining position of the Town. The Board voted unanimously in favor of the motion by roll call vote to go into Executive Session. Chairman Jané announced that the Board will not reconvene in Open Session after the Executive Session.

Adjourn Open Session

Submitted by Nidia Ruberti

Chairman Jané

Vice Chairman Goldblatt

Selectman Leigh Emery

Selectman Timothy A. Dodd

Selectman George Thompson