

**Westborough Board of Selectmen
Meeting Minutes
March 22, 2011
6:00 p.m. – 9:25 p.m.**

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

Also Present: Kristi Williams, Assistant Town Manager; Greg Franks, Town Counsel

Absent: Town Manager James Malloy and Selectman Thompson

Request to Approve the Board of Selectmen's Meeting Minutes

- March 1, 2011

Vice Chairman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of March 1, 2011. Selectman Emery seconded.

Chairman Jané requested that the motion be amended to reflect the attached grammar corrections.

Motion Amended:

Vice Chairman Goldblatt moved to approve the Board of Selectmen's Meeting Minutes of March 1, 2011 with the attached grammar corrections as requested by Chairman Jané. Selectman Emery seconded. 4-0

Open Forum

Request to Use Town Roads and Property/Earth Day Clean-up Activities (April 16, 2011)/Westborough Community Land Trust/Bruce Tretter

Mr. Tretter requested that the Board approve the Earth Day Clean-up Event sponsored by the Westborough Community Land Trust to be held on April 16th, starting at 6:30 a.m. at Bellows Road and at the West Meadow Plaza traffic island and to coordinate with DPW for the pick-up of trash bags within their allowed schedules.

Vice Chairman Goldblatt moved to approve the Use of Town Roads and Property on April 16th starting at 6:30 a.m. at the mentioned locations and also to coordinate with DPW for the pick-up of trash bags within their allowed schedules. Selectman Emery seconded. 4-0

Request to Appoint (1) Registrar of Voters/Town Clerk

Ms. Yendriga requested that the Board appoint Betty J. Salvatore as the Registrar of Voters for a term ending April 1, 2014.

Vice Chairman Goldblatt moved to appoint Betty J. Salvadore as the Registrar of Voters for a term ending April 1, 2014. Selectman Emery seconded. 4-0

Request to Re-appoint (1) Animal Control Officer and (1) Inspector of Animals (for a term ending April 30, 2012)

Vice Chairman Goldblatt moved to appoint John F. Keefe as the Animal Control Officer and the Inspector of Animals for a term ending April 30, 2012. Selectman Emery seconded. 4-0

Selectman Emery moved to appoint Leslie Boardman as the Assistant Animal Control Officer and the Assistant Inspector of Animals for a term ending April 30, 2012. Vice Chairman Goldblatt seconded. 4-0

Request for a One Day Liquor License (April 30, 2011)/Congregation B'nai Shalom-117 East Main Street/Barbara Foster

Ms. Foster requested that the Board approve a One Day Liquor License for Congregation B'nai Shalom located at 117 East Main Street for their member fundraiser event to be held on April 30, 2011 from 6:30 p.m. to 11:00 p.m., and respectfully requested that the permit fee be waived since this is a charity event.

Selectman Emery moved to approve the One Day Liquor License to Congregation B'nai Shalom located at 117 East Main Street for the members fundraising event to be held on April 30, 2011 from 6:30 p.m. to 11:00 p.m. and also to waive the permit fee. Vice Chairman Goldblatt seconded. 4-0

Request for a 60 Day Extension/Sikh Temple Site Plan Review-168 Flanders's Road/Board of Selectmen

Vice Chairman Goldblatt moved to approve the Sikh Temple Site Plan Review 60 Day Extension request until June 1, 2011, located at 168 Flanders Road. Selectman Emery seconded. 4-0

Site Plan Review/25 Brigham Street & 18 Cottage Street/Parking Modifications/Richard Pedone

Present: Building Commission Tin Htway; Town Planner James Robbins; Assistant Building Inspector Don Moquin and Mr. Pedone, Owner

Mr. Htway requested that the Board approve the Site Plan Review # 1/2011 located at 25 Brigham Street and 18 Cottage Street with the attached outlined conditions from various boards and departments. Mr. Htway proceeded to explain that the site plan is incomplete; however, the Building Department is willing to accommodate and work with Mr. Pedone due to special circumstances. Mr. Htway assured the Board that Mr. Pedone will not receive a permit of certificate of occupancy until all of the agreed conditions are met. Mr. Pedone has agreed with the conditions of approval in the attached document. Mr. Pedone also noted, for the record, that he did not waive his right of appeal regarding this matter with either the Zoning Board of Appeals or the Massachusetts State Building Code Appeals Board as written on Mr. Htway's letter of March 21, 2011 (letter attached). The Board acknowledged his statement.

Selectman Emery moved to approve Site Plan Review Item # 1/2011 for 25 Brigham Street and 18 Cottage Street as requested by Mr. Htway's letter dated March 21, 2011 with the outlined conditions as agreed upon with Mr. Pedone and the towns various boards and departments. Vice Chairman Goldblatt seconded.

Mr. David Everett, 21 Cottage Street, voiced his concern regarding the access gate and asked if the access gate will be closed during non-retail hours. He noted that right now the gate has remained closed so vehicles do not use it as a cut-through to Bay State Commons. Mr. Robbins stated that the access gate will be closed during non-retail hours throughout the year (dawn to dusk) when the open/closed sign on the business is shown. 4-0

Update from Senator Eldridge and Representatives Matt Beaton, Carolyn Dykema and George Peterson

Senator Eldridge informed the Board of the State's several billion dollar deficit and also noted that the Governor anticipates reducing Local Chapter 70 funding by an additional 5%. He noted that the economy seems to be improving slowly and that the State is still facing many challenges. Senator Eldridge informed the Board of his attached priorities during the budget process and encouraged the Selectmen to contact him to inform him of the Town's priorities so he may be of assistance. He also noted that if the Selectmen are interested in receiving email updates from his office regarding pending legislation to contact his office and supply their email. There is also a monthly e-newsletter that is sent to all interested citizen's which anyone may sign up for at www.senatoreldridge.com. Senator Eldridge closed by stating that the coming months will continue to be very challenging in government and looks forward to working with the Town of Westborough to help mitigate any financial impacts that may foresee in the future.

Representative Carolyn Dykema reiterated the same table of information that Senator Eldridge informed the Board and also noted that all communities are sharing the pain across the board to reduce the state's deficit. She noted that the State is strategically planning their budget because of the deficit and recommended that all towns and cities do the same. Representative Dykema also noted that a number of health proposals will be looked into in regards to curbing the rising cost of healthcare along with discussing the option of plan design or the Government Insurance Commission (GIC) for towns and cities.

Representative Matt Beaton voiced the same concerns as Senator Eldridge and Representative Dykema. He noted that he will be concentrating in advocating for more local aid to the towns and cities and also informed the Board that a bill has been proposed to review the Chapter 70 formula to have towns and cities rewarded who meet their fiscal budget responsibilities and encourage new business growth and also mentioned that he will be advocating having plan designs for towns and cities.

Representative George Peterson also voiced the same concerns as his colleagues and also noted that there will be several budget cuts on multiple local aid accounts during the budget season.

He also made note that there are statements being made that the State's revenue has increase more than what the benchmark was estimated for; however, that is not the case due to the fact that the State will spend that increase on supplement budgets. Representative Peterson noted that he will advocate for local aid as his colleagues have stated and also said that several representatives have issued a resolution for local aid and hopes to issue another one in the future. He said that the figures for the House Ways and Means will be available on the second week of April.

Selectman Dodd asked whether the cities and towns have access to regionalization of Special Education Transportation costs as previously mentioned. Senator Eldridge said that he believes there is a pilot program currently running but that it may not be available for this area. Representative Peterson said that he will investigate and confirm whether the pilot program is continuing and also mentioned that the State may consider funding the high costs of special educational students that in the future. Selectman Dodd asked where the State is in reference to the redistricting. Representative Peterson said that they have just received the community numbers today and then it will be broken down to precincts and census blocks along with holding a public meeting and anticipates the districts maps to be mailed out in the fall. All three Representatives and Senator Eldridge agreed that Westborough's representation should be unified and all stated that they will devote most of their effort in advocating for such to occur.

Vice Chairman Goldblatt noted that Westborough should be represented by one state representative (Westborough resident) and hopes Westborough will become unified soon. She also noted that the State needs to stop initiating unfunded mandates to cities and towns especially in this economic situation along with expressing her disappointment with the Lottery revenues not being given 100% to towns as the State announced when the program was advocated. Vice Chairman Goldblatt also voiced her disdain regarding 11.5 million buy-out for Blue Cross and Blue Shield and not informing our citizens well enough of the transaction.

Selectman Emery noted that she agrees with Vice Chairman Goldblatt and Selectman Dodd's comments and asked what direct sections of Chapter 70 will be cut. Representative Peterson said that every single line item will be examined not just a specific section other than the State's obligatory items. Selectman Emery also asked where does the State stand in reference to the Fannie Mae and Freddy Mac's lost transaction revenues that Martha Coakly is investigating. Senator Eldridge voiced the State's support in Ms. Coakly's venture.

Chairman Jané noted that he advocates unification for Westborough and requested that the Senator and Representatives keep the Town of Westborough abreast of any further cuts in a timely fashion. He noted that these are the two most important issues that the Town of Westborough faces right now.

The Board of Selectmen thanked the Senator and the Representatives for their input.

Request of First Refusal (Chapter 61A Section 14)/ Lots 1&2 54 Chestnut Street/Town Counsel

Town Counsel Franks requested that the Board waive the Town's Right of First Refusal for lots 1 & 2 Chestnut Street, Westborough Ma. The property trustees are Marcus N. Emery and Elizabeth O'Leary of 54 Chestnut Street.

Vice Chairman Goldblatt moved to waive the Town's Right of First Refusal for lots 1 & 2 located on Chestnut Street, Westborough Ma. Selectman Dodd seconded. 3-1 (Selectman Emery abstained)

Vote to Place 3 Non-Binding Advisory Questions on Town Election Ballot (May 3, 2011)/Board of Selectmen

The following are the 3 Non-Binding Advisory Questions that was requested by the Republican Town Committee to be placed on the Town's Election Ballot of May 3, 2011:

Shall the representatives from all Westborough districts be instructed to vote in favor of legislation that requires proof of legal residence in Massachusetts from the applicant before providing taxpayer-funded state benefits?

Shall the representatives from all Westborough districts be instructed to vote in favor of legislation that requires proof of U.S. citizenship and legal residence in Massachusetts before a person is allowed to register to vote in all elections?

Shall the representatives from all Westborough districts be instructed to vote in favor of legislation that requires Massachusetts election official to require a picture ID before a person is allowed to vote in any elections?

The Board requested the public's comments prior to their vote:

Public Comments Open:

Jim Hatherley, 18 Crown Ridge Rd, advocated placing the 3 Non-Binding Questions on the Town's local ballot.

Steve Buttiglieri, 9 Thomas Newton Dr., spoke about having certain criteria for the option of placing questions on the town's local ballot.

Ilyse Levine-Kanji, 11 Rocklawn Rd, opposed placing the questions on town ballot in this forum. She noted that there is an illegal immigration issue but does not feel that there is one in this town and that by placing these questions on the ballot will send the wrong message to any immigrant in town.

Brigitte Casemyr, 4 Brook Way, advocated for placing these questions on the town ballot and also noted that she does not believe that placing these questions on the ballot will send a negative message to our immigrant population but is there to remind them that it is the law to be a citizen or a resident of this country.

John Rainey, Republican Town Committee Member, noted that the goal tonight is to give the taxpayers in our town an opportunity to express their opinions as to whether or not they support the questions.

Public Comments Closed:

Vice Chairman Goldblatt moved to place the 3 Non-Binding Questions on the Town Election Ballot for May 3, 2011. Selectman Dodd seconded.

Selectman Dodd advocated placing the questions on the town election ballot and also requested if the Board agrees to have a neutral summary of the questions be placed on the town's web site and at the Town Clerk's Office.

Vice Chairman Goldblatt supported Selectman Dodd comments and request of the summary.

Selectman Emery opposed the questions themselves and noted that Westborough does not have these issues and feels that the questions posed are there to start looking into an issue that does not exist; however, she does support placing the questions on the ballot for the public's view.

Chairman Jané read a statement from Selectman Thompson, who is absent, and noted that Selectman Thompson is in favor of placing the 3 Non-Binding Question and the Underride Question on the town ballot.

Chairman Jané voiced his support on placing the questions on the town ballot on May 3, 2011 and noted that he believes that by placing these kind of questions on the town ballot would encourage town residents to take an interest in their community's local government.

Selectman Dodd requested the Board's support to his request of placing a neutral summary on the Town Web Site and at the Town Clerks Office. Town Counsel said that he assumes that having a neutral summary of the questions placed on the web site and at the town clerk's office is allowable and offered to write up the summary.

The Board requested that this request be placed at the April 5th meeting agenda for a full boards vote. 4-0

Vote to Place 1 Binding Tax Question on Town Election Ballot (May 3, 2011)/Board of Selectmen

The following is the Underride Tax Question that was requested by Mr. Len Mead of 130 Milk Street to be placed on the Town's Election Ballot of May 3, 2011:

Shall the Town of Westborough be required to reduce the amount of Real Estate and Personal Property taxes to be assessed for the Fiscal Year beginning July 1, 2011 by an amount equal to \$4 million?

The Board requested the public's comments prior to their vote:

Public Comments Open:

Mark Silverberg, 7 Weld Street, voiced his concerns with the question at hand and noted that any local authority that would approve placing a question like this on the town's ballot without first researching where the money will be taken out of and where the impact will be is not, in his opinion, serving in the best interest of the town.

Steve Buttiglieri, 9 Thomas Newton Drive, advocated for the taxpayer and noted that he feels that by having the Selectmen place this question on the ballot would make the residents aware of what services are needed verses what services are not. He also asked what other methods beside this one can a taxpayer have control over the town's expenses. The Board noted that the other mechanism for the taxpayers to take advantage of not raising taxes is to go and vote at the town meetings.

Ilyse Levine-Kanji, School Committee Chairman, voiced her concerns regarding the placing of this question without first looking into the impact it would cause for both the School Department and the Town. She noted that voting on these types of questions blindly will lead to chaos in the Town and the School Department.

Andrew Koensinberg, 3 Smith Street, also voiced his concerns of placing the question on the ballot without having detailed information as to where the money would come from.

Public Comments Closed:

Selectman Emery noted that she is not in support of placing this question on the ballot without first conducting research of the impact and also voiced her other concerns regarding the question.

Vice Chairman Goldblatt said that she agrees with Selectman Emery's comments and concerns.

Selectman Dodd also agreed with Selectman Emery and Vice Chairman Goldblatt's comments and concerns.

Chairman Jané reiterated Selectman Thompson's (who is absent) support of placing this question on the town ballot.

Chairman Jané also voiced his concerns and noted that he does not support the request and also encouraged town residents to attend town meeting.

At this point Chairman Jané requested a motion. There was no motion announced; therefore, the request is defeated for lack of a motion.

The Board requested a 5 minute recess at 8:30 p.m. The Board resumed their meeting at 8:35 p.m.

Request to Award the Grounds Maintenance Contract/Alan Steiman's Landscape/DPW Manager

Vice Chairman Goldblatt moved to award the contract between the Town of Westborough and Alan Steiman's Landscape, Inc. in the amount of \$58,250 for grounds maintenance of various recreation and school properties, subject to Town Meeting funding the fiscal year 2012 appropriation and further to authorize the Town Manager to sign all contract documents related to this project. Selectman Emery seconded. 4-0

Police Department Fiscal Year 2012 Budget Discussion/Police Chief Gordon

Police Chief Gordon informed the Board that this fiscal year's budget includes an increase of approximately \$87,000 (salary) due to a number mistake on his budget figures last fiscal year (2011) which did not include this salary figure. He said that he was able to carry this increase by not providing non-required training for his staff. There is also a .5% increase due to contractual union obligations. Police Chief Gordon noted that his non-salary expenses have been decreased by approximately \$200. He noted that other than the .5% contractual union obligation increase there are no further increases to any of the budget line items and that his budget is leveled funded as requested by the Town Manager.

Vice Chairman Goldblatt asked Police Chief Gordon if he has any concerns that are not shown on paper. Police Chief said that he is concerned with the State's issuing of unfunded mandates. He said that the department is in the middle of creating an interview room (from an unfunded mandate) in the amount of \$12,000 for victims and suspects and will be completed with funds by a program that an officer from his department participates in. A certain percentage is given to the Westborough Police Department from having this officer participate in this program.

5203 -\$15,000 (Vehicle Maintenance Program)

Police Chief Gordon said that line item is for the repair and maintenance for the department's cruisers.

Police Chief noted that gasoline for the vehicles is supplied by the Department of Public Works (DPW) and is shown in their budget not in the police budget.

Police Chief Gordon informed the Board that your telephone bill carries a telecommunication service charge of .75 cents which comes to the Town and may be used for anything. He is using these revenues to pay the salary of one of the department's dispatcher position.

Article 8 Capital Improvement Plan Section D (Police Cruisers (2) \$79,730)

Police Chief Gordon informed the Board that this article is for two new police cruisers which will replace two old cruisers that are 10-12 years old.

The Board of Selectmen thanked Police Chief Gordon for his budget presentation.

Fire Department Fiscal Year 2012 Budget Discussion/Fire Chief Perron

Fire Chief Perron informed the Board that his budget has an increase of \$26,401 just shy of 1% and \$21,251 of that total increase is for union employees step wage increases. The figure of \$21,251 does not include the proposed settlement amount from the Firefighters Union Contract. Fire Chief Perron also informed the Board that there is a 1.5% increase (\$5,550) in the expenses account for building maintenance and repairs along with roof repairs that need to be done.

Vice Chairman Goldblatt asked Fire Chief Perron if he has any concerns that are not shown on paper. Fire Chief Perron said that at this time he has no concerns.

The Board of Selectman thanked Fire Chief Perron for his budget presentation.

Article 8 Capital Improvement Plan Section A (Defibrillator/Monitor (1) (\$30,000)

Fire Chief Perron said that this article is to purchase one defibrillator/monitor and related equipment for the Fire Department. He said that the defibrillator is used by the paramedics and that the current one needs to be replaced.

Article 8 Capital Improvement Plan Section B (Thermal Imaging Camera (2) (\$40,000)

Fire Chief Perron said that this article is to purchase two thermal imaging cameras and related equipment for the Fire Department. He said that the current cameras are from the first generation wave and are 11 years old. The old ones will be used as back-ups.

Article 8 Capital Improvement Plan Section C (Four Wheel Drive Vehicle Purchase (1) (\$40,000)

Fire Chief Perron said that this article is to purchase one four wheel drive vehicle for the Fire Department to use for multiple purposes. The current vehicle is a 1999 Chevy Tahoe and needs to be replaced. Fire Chief Perron noted that this purchase will not increase the town's fleet.

The Board of Selectmen thanked Fire Chief Perron for his budget presentation.

Town Counsel Report

Town Counsel Franks informed the Board that in 2003 the town meeting approved to take certain parcels for conservation land at the Head Waters Conservation area (near Mill Pond School); however, the transfer was not completed and requested if the Board would like him to prepare the deed to complete the transaction. The Board agreed with Town Counsel's request.

Town Counsel Franks also informed the Board that the Libby Property located off Adams Street will be placed in perpetuity as conservation land due to the 1994 Article stating that if the property is not utilized by the end of 15 years by the School Department the property will be deemed as conservation land. Town Counsel Franks requested to place an article reflecting the transfer at the annual town meeting for a vote. The Board agreed with Town Counsel's request.

Request for an Additional Board of Selectmen Meeting/Chairman Jané

Vice Chairman Goldblatt moved to approve an additional Board of Selectmen meeting for April 5th at 6 p.m. Selectman Emery seconded.

Town Manager Report

Assistant Town Manager Kristi Williams, on behalf of Town Manager Malloy, announced that the Massachusetts Municipal Association is sponsoring the Pakistani Exchange Program which is funded by the U.S. State Department and that a group of Pakistanis will be visiting surrounding towns including Westborough in the near future to observed how local government works here in the States. Ms. Williams said that the Town of Westborough applied and was chosen as one of the communities to participate in the program.

Issues and Correspondence of the Selectmen

Selectman Emery thanked Tim Novak for filming the Board of Selectmen's meeting tonight and also sent her thoughts and prayers to the citizen's of Japan.

Selectman Dodd announced that our taxpayers will shortly receive the town's pie chart that was created to show the town's expenses and also noted that this is the third year that the chart will be mailed to better inform our residents.

Vice Chairman Goldblatt sends her best wishes to Town Manager James Malloy and requested that we remember our servicemen and women who are so far from home.

Chairman Jané announced that the Town will have a public hearing regarding the Westborough State Hospital on Tuesday, March 29th at 7:00 p.m. The meeting will be held at the Forbes Municipal Building, 45 West Main Street, 2nd Floor. He noted that this meeting is to discuss the uses of the property and requested that the State's initial proposal and the meeting announcement be placed on the Town's Web Site. Assistant Town Manager Williams acknowledged the request. Chairman Jané noted that TJMAX Corporation located at 118 Flanders Road will be renewing their lease and staying in Westborough.

Adjourn Open Session

Selectman Emery moved to adjourn the Board of Selectmen meeting at 9:25 p.m. Selectman Dodd seconded. 4-0.

Submitted by Nidia Ruberti

Chairman Jané

Vice Chairman Goldblatt

Selectman Leigh Emery

Selectman Timothy A. Dodd

Selectman George Thompson

(Absent)