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Present: Laila J. Michaud, Joseph E. Flanagan, and Wayne R. Walker

#### CALL TO ORDER

Ms. Michaud called the meeting to order at 6:00 p.m. in the Selectmen's Office at Town Hall. She announced that the meeting was being broadcast live and recorded by Ashburnham Westminster Community Access TV; she also confirmed with those present that no other party was taking an audio or video recording of the meeting.

#### APPROVAL OF WARRANTS/MINUTES

Mr. Walker moved that the Board approve the regular session minutes of November 14, 2011 as printed. Mr. Flanagan seconded the motion. Mr. Flanagan requested that a change be made to page two, last paragraph from 'the previous Tree Warden' to 'a previous Tree Warden.'

Mr. Walker moved that the Board approve the regular session minutes of November 14, 2011 as amended. Mr. Flanagan seconded the motion. The motion passed unanimously.

Mr. Walker moved that the Board approve the regular session minutes of November 28, 2011 as printed. Mr. Flanagan seconded the motion. The motion passed unanimously.

Board members reviewed and approved the following warrants:

December 5, 2011	Accounts Payable #34	\$ 85,655.84
	Payroll #33	\$ 179,988.53
December 7, 2011	Deduction #33D	\$ 160,885.84
December 12, 2011	Accounts Payable #35	\$ 27,283.35

#### ANNOUNCEMENT

Ms. Michaud announced that the Department of Revenue has certified a property tax rate of \$17.24 for Westminster for fiscal year 2012. On average, the new rate will result in an increase of approximately \$200 on the tax bills of single-family homeowners. Real estate and personal property tax bills will be mailed on December 31, 2011, with payment due by February 1, 2012. The last quarter installment is due by May 1, 2012. Payments may be made at the Treasurer/Collector's office during regular business hours or may be placed in the drop box located at the front door of Town Hall. Payments are also accepted online at [www.westminster-ma.gov](http://www.westminster-ma.gov). Abatement application forms are due in the Assessor's office by February 1, 2012. It is important to note that assessed values are arrived at in accordance with the Department of Revenue guidelines, based on a full year of sales data from the previous year, and do not necessarily represent the current market value.

PAYROLL AUTHORIZATION

Mr. Flanagan moved that the Board approve a Payroll Authorization for the Town Planner step increase in accordance with the offer of employment. Mr. Walker seconded the motion. The motion passed unanimously.

Mr. Flanagan congratulated Town Planner Steve Wallace for achieving a gold rating for Bio Tech.

CONTRACT AMENDMENT #2 – WEBSITE DESIGN

Mr. Walker moved that the Board approve a contract amendment #2 with Virtual Town Hall for changes in the layout of the design for the DPW’s web page in the amount of \$250. Mr. Walker seconded the motion. The motion passed unanimously.

S.A.F.E. GRANT

Mr. Walker moved that the Board authorize Chief MacAloney to sign the Student Awareness of Fire Education (S.A.F.E.) grant in the amount of \$4,665. Mr. Flanagan seconded the motion. The motion passed unanimously.

MASTER PLAN COMMITTEE ALTERNATE APPT. (WEST)

Mr. Walker moved that the Board appoint Lois Luniewicz to the Master Plan Committee alternate for WEST. Mr. Flanagan seconded the motion. The motion passed unanimously.

TREE REMOVAL – 46 CARTER ROAD (Continued)

Ms. Michaud indicated that DPW Director Joshua Hall had contacted the Verizon Representative but he could not be present as he was on vacation.

Mr. Flanagan moved that the Board suspend the issue of the tree removal at 46 Carter Road indefinitely. Mr. Walker seconded the motion. The motion passed unanimously.

Ms. Michaud asked Mrs. Murphy to have Joshua Hall notify Verizon that until a Representative meets with the Board, no decision would be made about the tree removal.

ON GOING BUSINESS NOISE STUDY – LAYOVER STATION

Town Planner Steve Wallace stated that he had gotten in touch with three contractors for a noise study of the layover facility, one that would involve onsite preconstruction noise measurements and post construction noise projections which would cost around \$10,000. In terms of funding it looks like the Town would go 50/50 with MART.

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Ms. Michaud stated she had spoken with the Transit Authority and at that time there was another party involved who agreed to pay one-third. Mr. Wallace indicated that the third party declined. Ms. Michaud stated that the Board would have to bring this to the Advisory Board as part of their budget.

Mr. Walker suggested that the MBTA be asked to contribute to the noise study. Ms. Michaud agreed to contact them.

Mr. Flanagan asked if there were any updates to the layover facility as he understood there was a meeting last Friday and were told there would be no freight rail access. Ms. Michaud said there was a meeting held with an environmental engineer from Jacobs Engineering – she believed he said that access based on what they were seeing at this time would not be precluded.

Bud Taylor stated he was at the meeting and was the person who had the exchange with Holly from MBTA’s environmental office. What it appeared was one hand of the MBTA and another hand of the MBTA was not in concert. Mr. Taylor stated that during the site visit Mr. Flanagan had asked what was the benefit to the Town and MBTA stated it was the rail access. The MBTA that was in attendance mentioned that it would be intermittent it would be possible to use the layover yard for freight access.

Mr. Taylor further stated in the meeting last week about wetlands freight rail position of cars was discussed – Holly from the MBTA said there was never going to be any freight rail. He believed this is why Mr. Flanagan asked for clarification.

Ms. Michaud’s response to Mr. Taylor’s comments was that he was looking at draft plans, not final plans. She stated that she was contacted by MART last week and the final 30% plans would be available in January and would like to meet with the Board of Selectmen. She felt that the Board would get clarification at the BOS meeting.

Town Planner asked that the Board reiterate to MART his willingness to attend their design meetings.

Mr. Wallace also indicated that Mary Albertson (the peer grant) will have her report ready by the end of the calendar year.

Mike Fortin questioned whatever happened to the letter of April 26, 2010 which stated the Board of Selectmen was in favor of this with conditions. One of the conditions was that a sound study would be done and paid for by the proponent. Ms. Michaud’s response was the proponent has changed. Mr. Flanagan asked when the Board was going to talk about the letter that was drafted to Town Counsel asking whether or not this was legal. Mr. Flanagan stated that if the Board finds out that this is legal then there is no need to discuss.

Ms. Michaud stated she did not believe the change in the proponent was done based on the local regulations being followed or not followed. She felt the MBTA is a stronger

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proponent because they have the experience that MART does not have in putting down track.

Mr. Taylor requested that the Board realize this effects the entire town. He further stated that it is not farfetched and that he has obtained legal counsel and has emails proving that this change in proponents was deliberate and encouraged the Board to have Town Counsel research this information. He also requested a meeting with Mr. Walker to update him.

The Board agreed to review the letter to Town Counsel at their next meeting when they have the 30% final plans.

Mr. Walker stated that if the Town is going to undertake a noise study that the Board of Health should be consulted to see if there are any local regulations or other noise regulations that they are aware of that should be followed.

**FILL PERMIT – 39 CARTER ROAD**

Ms. Michaud stated at the Boards’ last meeting they had requested a map indicating the size of the total area that was being filled. Mr. Longley stated he had not prepared a map.

Both Mr. Flanagan and Mr. Walker agreed that although they are not experts, they saw no particular environmental concerns on the property at 39 Carter Road.

Mr. Walker stated that even though Mr. Longley indicated he had already brought in the fill necessary, that it was a good idea to issue a fill permit.

Ms. Michaud said the Board was in receipt of a letter from the Lawrence family who has a deed restriction on the property for a water easement that runs across Mr. Longley’s property. The Lawrence’s wanted to make sure this water easement and water rights are protected. Mr. Longley was not aware of this easement and is having his attorney look into this matter.

Town Planner Steve Wallace suggested that when Mr. Longley is preparing his map, the easement be shown as well.

Donna Brownell spoke with Mr. Spuria, Deputy Director of the Fitchburg Water Supply. He indicated to her that the property is in a Zone B and is only 1400 feet away from the reservoir. The Deputy Director said they were checking with their consultants to see what they have to say about this matter. Mr. Walker stated that if the Board receives any input they will certainly consider it in any decision that is made.

Several residents in the area of 39 Carter Road voiced concerns over large trucks coming and going.

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The Board agreed to postpone making a decision until Mr. Longley submits a detailed map. In the meantime, there will be no fill going in until the permit is issued.

The Board also agreed to refer a question to the Building Commissioner regarding maintenance of trucks on Mr. Longley's property.

Ms. Michaud declared the hearing continued until the Board's January meeting.

#### DOWNTOWN INITIATIVE GRANT APPLICATION

Town Planner Steve Wallace was on hand to explain to the Board that there are two projects that he feels would be good candidates for grant applications. One would be a \$10,000 design charrette to develop a reuse study for the Old Town Hall and the other would be a \$3,500 Streetscape Design Charrette for the Town Center which would be conducted as part of the Master Plan update.

The Board agreed that the reuse of the Old Town Hall was more critical.

Mr. Walker moved that the Board ask Mr. Wallace to move forward with a reuse study grant application of the old Town Hall. Mr. Flanagan seconded the motion. The motion passed unanimously.

6:50 PM RECESS

6:57 PM RECONVENE

#### NEW WEBSITE DEMONSTRATION

Mrs. Murphy announced that the Town's new website went live this week. She gave a short demonstration highlighting the major aspects of the site and significant improvements over the previous website. ([www.westminster-ma.gov](http://www.westminster-ma.gov))

#### REAPPOINTMENTS – BUILDING COMMISSIONER, ELECTION OFFICIALS

Mr. Walker moved that the Board approve the extension of the appointment of the Building Commissioner to June 30, 2012. Mr. Flanagan seconded the motion. The motion passed unanimously.

Mr. Flanagan moved that the Board appoint the following Election Officials through August 15, 2012:

Celia Burgess

Gloria Hughes

Gilbert Parks

Kathy Pelullo

Constance Kotoski

Claudette Casey

Albert Hughes

Joan Parks

Susan Yraola

Brenda Codding

Valerie Antoniac

Theresa Grenier

Laila Michaud

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Mr. Walker seconded the motion. The motion passed with two in favor and one abstained (Ms. Michaud).

2012 LICENSE RENEWALS

Mr. Walker moved that the Board approve the following 2012 License Renewals:

- Common Victualler:** Serio Brothers, Inc. dba Westminster Pharmacy
- Town House of Pizza
- Leominster Donuts, Inc. Db a Dunkin Donuts
- Wachusett Village Inn
- Wachusett Mountain Associates, Inc.
- Joseph's Bistro
- New England Restaurant Association dba The Old Mill Restaurant
- Westminster Country Club
- McNallys Grille & Pub
- The Markevich Sub-Station Food Corp./ Subway Restaurant
- Eurest Dining At Tyco F & S
- Stefanos' House of Pizza
- Kay's Dairy Bar
- Mike's Pizza
- The Woods of Westminster
- The Angler Fish Market & Chowder Co., Inc.
- Green Tea
- Leominster Donuts, Inc. Db a Dunkin Donuts
- The Narrows Bed & Breakfast
- Auto Amusement** Joseph's Bistro
- Class II** North Atlantic Trading Co.
- Albert's Used Cars
- Westminster Collision
- Class III** Albert's Used Cars

Mr. Flanagan seconded the motion. The motion passed unanimously.

2012 HOLIDAY SCHEDULE

Mr. Walker moved that the Board approve the Holiday Schedule for 2012 and authorize Town Hall employees to have a full day off on December 24, 2012. Mr. Flanagan seconded the motion. The motion passed unanimously.

SELECTMEN MEETING SCHEDULE

The Board agreed to schedule 2012 meetings on the following dates: January 9, January 23, February 6, February 27, March 12, March 26, April 9 and April 30, 2012.

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FY2013 BUDGET – SALARIES

Ms. Michaud stated that the two unions whose contracts extend through FY13 are receiving a 2% increase. Mrs. Murphy provided inflation data which has been used in the past to assist the Board in determining a COLA for non-contractual employees. The cost for nonunion employees which represents eighty people (part time and full time) is \$50,000 which also includes step increases. Mrs. Murphy explained that approximately \$15,000 of this figure is for step increases which will be granted regardless.

Mr. Walker would like to have a chance to take a look at all the data before making a decision. Mr. Flanagan indicated he has had time and would like to make a decision but would leave it up to the Chair.

The Board agreed to continue the discussion at their next meeting on January 9, 2012. Mrs. Murphy indicated this would give her time to run this by the Personnel Board.

UPDATE – SENIOR TAX WORK-OFF PROGRAM

Ms. Michaud stated that they have an updated version of the Senior Tax Relief Work Program rules. The only change made to this year’s application was an update to the income guidelines based on the HUD regulations. Nineteen people participated in the program last year. The Town currently has a cap of twenty five participants, but has never reached that number. The Town offers the maximum credit allowed under the law of \$1,000.

7:27 P.M. - EXECUTIVE SESSION

Ms. Michaud moved that the Board enter into executive session to discuss strategy with respect to collective bargaining; further, that the Chair declare that an open meeting may have a detrimental effect on the negotiating position of the Town, and that the Board adjourn directly from executive session. Mr. Flanagan seconded the motion. The motion passed unanimously on a roll call vote.

ADJOURNMENT

The Board adjourned from executive session at 8:08 p.m.

Respectfully submitted,

Wayne R. Walker, Clerk  
(Prepared by B. Kazan)