

Board of Selectmen – June 17, 2013

Present: Searle, Tsagaris, Gibbs, Babson, McCauley

Also present: Larsen, Connolly, Robinson

Call to order: Meeting called to order at 6:30 pm.

Note: The meeting was temporarily adjourned at 7:48 and was called to order again at 7:56pm.

Warrants approved: #2013-059 in the amount of \$2,913,485.37

1. Morses Pond Accident Investigation

Police Chief Cunningham joined the Board. Mr. Larsen gave a brief update on the current status of the Morses Pond Accident Investigation. Mr. Larsen noted that the pond has remained closed to allow the Wellesley Police to complete a thorough investigation into the tragic accident. Mr. Larsen reviewed the steps the Town has taken to ensure the safety of visitors to the pond in the future including, the hiring of DeRosa Aquatic Consulting, to review the safety of the pond, pond staff qualifications and training, and emergency protocols. Mr. Larsen reviewed the work to be performed by the aquatic expert. The Town has also hired Seavision Underwater Solutions, Inc to conduct a survey of the bottom of the pond in order to acquire more information on the current condition of the pond floor. Mr. Larsen noted that work is ongoing and that Morses Pond will not reopen until all issues have been fully addressed. Mr. Larsen extended condolences to friends and family, and gratitude to first responders on the Town's behalf. Chief Cunningham gave a brief update on the current status of the investigation. Mr. Larsen noted that updates about the pond's status would be released on the Town website and on the Police website going forward.

Wellesley resident, Trond Undheim, approached the Board. Mr. Undheim raised some concerns by questioning, what voice Wellesley residents and concerned parents have in the investigation and asked if they would be able to voice their concerns. Ms. Tsagaris responded that after the audit and survey results of the pond there will be public meetings to discuss findings and there may be opportunities to ask questions through the town's website. Mr. Undheim also noted that many of the bystanders present the day of the accident felt that the roles of parents were not taken into consideration, during emergency planning. He expressed that there was a general feeling of helplessness at being kept out of water and he feels that this is not the best use of human resources on site. Ms. Tsagaris noted that this is an issue that the independent auditor will be reviewing.

2. Recreation Commission Appointment

Tom Harrington, Recreation Chair, Steve Burtt, Jim Conlin, Andy Wrobel and Tripp Sheehan joined the Board. Ms. Tsagaris convened a joint with the Board of Selectmen and the Recreation Commission at 6:40pm. Ms. Tsagaris was elected as Chair and Mr. Harrington was elected as Secretary. Mr. Harrington updated the Board on the current vacancy on the Recreation Commission. Mr. Harrington then introduced Mr. Tripp Sheehan and reviewed his professional background.

The joint meeting voted (8-0) to appoint Eugene (Tripp) Sheehan to the Recreation Commission for a term to expire at the date of the 2014 Annual Town Election.

The joint meeting was dissolved at 6:45pm.

3. Planning Board Appointment

Jeanne Conroy, Planning Board Chair, Sara Preston, Vice Chair, Neal Glick, Deborah Carpenter, Meghan Jop, Planning Director, and Catherine Johnson joined the Board. Ms. Tsagaris convened a joint between the Board of Selectmen and the Planning Board at 7:10pm. Ms. Tsagaris was elected as Chair and Ms. Conroy was elected as Secretary. Ms. Conroy announced that Mark Synnott had resigned from the Planning Board, as of June 30, 2013. She further noted that Catherine Johnson's term with the Advisory Committee would expire this June and that they would like her to take over Mr. Synnott's position on July 1, 2013.

Mr. McCauley noted that Catherine is an excellent liaison between Advisory and the Planning Board and feels she will be a tremendous addition to the Planning Board.

The joint meeting voted (8-0) to appoint Catherine Johnson to the Planning Board for a term to expire at the 2014 Annual Town Election.

The joint meeting was dissolved at 7:12pm.

4. Natural Resources Commission (NRC) Appointment

Stephen Murphy, Vice Chair, Ursula King, Chair, Neal Searborn, Janet Bowser, NRC Director, and Sarah Little, joined the Board. Ms. Tsagaris convened the joint meeting of the Board of Selectmen and the NRC at 8:12pm. Ms. Tsagaris was elected as Chair and Mr. Murphy was elected as Secretary. Mr. Murphy introduced himself and noted that he was recently voted as Vice Chair of the NRC. Mr. Murphy reviewed the background of Ms. Little and recommended her for appointment to the Natural Resources Commission. Ms. Gibbs thanked Ursula King for her service on the NRC.

The joint meeting voted (7-0) to appoint Dr. Sarah Little to the Natural Resources Commission for a term to expire at the date of the 2014 Annual Town Election.

The joint meeting was dissolved at 7:15pm.

5. School Committee – Strategic Plan Update

David Lussier School Superintendent, and Diane Campbell School Committee Chair, joined the Board. Mr. Lussier updated the Board on current status of the Strategic Plan Process. Mr. Lussier expressed that there was a great need to develop a long term vision for Wellesley Public Schools. The challenge is taking ideas and putting them together in a coherent way. Mr. Lussier reviewed the key components of the Strategic Plan including the mission statement, core values, strategic objectives, and key initiatives of those objectives. Mr. Lussier noted that they will begin this summer to outline plans and build scenarios. They are currently looking for feedback to better understand how people are responding to particular issues.

Ms. Tsagaris noted how inclusive the process has been and described some of the stakeholders who have been involved in developing this plan.

Ms. Searle asked how long it will take to get these initiatives moving? Mr. Lussier noted that five years is the scope of the plan, but it will depend on each individual objective. They will finalize the initiatives by this October.

Mr. McCauley questioned whether or not they are looking at the educational experience of the students and the stress levels of students.

Ms. Gibbs questioned how will an evaluation of progress be made over time. Mr. Lussier noted that this is part of the operational planning, and parents have questioned what would be benchmarks in this area. There is no definitive answer at this time.

6. Common Victuallers License Application, Subway – 268 Washington Street

Mr. Kapil Taneja, Subway owner, joined the Board. Mr. Taneja described his plans for taking over the former Lobelia's location at 268 Washington Street, including seating, hours, trash pick-up etc. Mr. Taneja noted that the floor plan is similar to that of Lobelia's although there will be a seat reduction from 22 to 18 seats. Mr. Taneja indicated that 70% of his business is take-out and there is a very quick turnaround. Mr. McCauley questioned if weekly trash pick-up as stated by Mr. Taneja would be

sufficient? Mr. Taneja responded that this is normal for this type of establishment, especially where there is less food prep, therefore less trash, but noted that he will increase the frequency of trash pick-up if necessary. Mr. McCauley asked that the application be consistent with that request.

Mr. McCauley questioned signage and asked if Mr. Taneja had met with the Design Review Board? Mr. Larsen noted that if the signage had not been approved, they would have been in violation of the town Zoning Bylaws. Mr. McCauley requested this language be included in the Common Victualler's license. Mr. Taneja noted that he had designed a special sign to meet the local criteria. McCauley also questioned temporary signs that may go up. Mr. Taneja responded that he follow all Town regulations.

The Board voted (4-0) to grant a Common Victuallers License to Kamaya LLC d/b/a Subway, at 286 Washington Street, which would include the following additional conditions discussed, which will be included in original Common Victuallers License Application.

- **Trash disposal weekly or as more frequently recommended by Board of Health**
- **Signage is in compliance with findings of the Design Review Board and Town Zoning Bylaws.**

7. Citizen Speak

None

8. Executive Director's Update

Approval of Minutes

The Board voted (4-0) to approve the minutes of the June 10, 2013 Board of Selectmen Meeting.

Gifts

The Board voted (4-0) to approve the gift of \$3000 to the Council on Aging from the Wellesley Hills Junior Women's Club for the purpose of funding transportation for persons in the Town of Wellesley age 60 and older.

The Board voted (4-0) to approve the gift of \$250 to the Town from the Wellesley Gardener's Guild Garden Club for annual flowers and spring bulbs planted at the Clock in the Square.

9. Retail Sale of Wine & Malt Beverages

Mr. Peter Katsikaris, Fells Market owner, and David Himmelberger, (attorney for the petitioner), joined the Board. Mr. Himmelberger noted that Mr. Katsikaris's brother & co-owner as well as representatives from Roche Brothers Supermarkets were in attendance. Mr. Himmelberger indicated that they were present to revisit the issue last discussed in February, in which a citizen petition had been placed on the warrant for Annual Town Meeting, seeking legislation to license the sale of beer and wine in grocery stores. The Board at this time had agreed to defer action on this matter until next Town Meeting. Mr. Himmelberger, since that time, has conducted research on surrounding towns which have enacted such legislation, including Westwood and Weston. Mr. Himmelberger noted that there is a fairly well defined definition of what constitutes a grocery store in the legislation enacted by these communities. Mr. Himmelberger reviewed a sample home rule petition which would allow the Town to grant up to three licenses to supermarket food stores for the sale of beer and wine. Mr. Himmelberger asked the Board to determine, what constitutes a food store under this bylaw. If Town Meeting voted favorable action on this matter, the petition would be submitted to the general court for approval and would be placed on next town election ballot. It was noted that this issue has received favorable feedback since being introduced back in February. Mr. Himmelberger asked if the Board would sponsor his client's petition and noted that in other towns that have adopted similar legislation, have done so through a citizen petition. Mr.

Himmelberger provided a template to the Board which contained a proposed warrant article and a list of rules and regulations to be considered by the board for inclusion in its regulations.

Ms. Tsagaris asked if all employees in store were required to be 21 or older. Mr. Himmelberger responded that only cashiers or those handling beer and wine must be 21 and over.

Mr. McCauley questioned why this legislation was limited to grocery stores only? Mr. Himmelberger responded that his client owns a grocery store and that by pairing the sale of beer and wine with groceries, positions it into a healthier context. He indicated that this signals to consumers that this is complementary to food/dining/eating, which is in line with how the town has previously responded licensing of alcohol. By limiting the number of licenses it keeps it in perspective and he feels the town will be more comfortable with this scenario. Mr. McCauley questioned whether 3 is the right number of licenses or whether the town may become anti-competitive. Mr. Himmelberger noted that the Board or a citizen could always bring a warrant to enlarge the number. Mr. McCauley asked what types of beverages can be sold and whether or not there is an ability to restrict types of beverages that can be sold? Mr. Himmelberger noted that the State has already defined what is a wine and/or malt beverage.

Ms. Gibbs asked that if this option was available now would the two larger grocers in town be ready to apply. Mr. Himmelberger noted that Roche Brothers is supportive of the warrant article but has not reached a decision yet.

Ms. Tsagaris noted that the full Board will need to have a discussion and decide if they want to sponsor this article. The next step is for Board to discuss and review what has been drafted as well as researching information from other towns.

Ms. Searle noted that many people are of the opinion that they would rather shop locally when given the choice.

10. July 1, 2013 Appointments

Mr. Larsen reviewed the list of appointments effective July 1, that need to be made. Mr. Larsen noted they are still awaiting word from the Council on Aging on their appointments and that there is a vacancy or two left on the list.

The Board voted (4-0) to approve the list of July 1, 2013 appointments as detailed in memo dated June 14, 2013.

11. Board Reorganization

Ms. Tsagaris asked the Board for nominations for a new chair. Ms. Searle nominated Katherine Babson as Chair of the Board of Selectmen through the Special Town Meeting in December, followed by Terri Tsagaris through the end of the next fiscal year. Ms. Searle nominated herself as Vice Chair, and Ellen Gibbs as Secretary for the next fiscal year.

The Board voted (4-0) to elect Katherine Babson as Chair through the December 9, 2013 Special Town Meeting followed by Terri Tsagaris through the end of the next fiscal year, Barbara Searle as Vice Chair, and Ellen Gibbs as Secretary of the Wellesley Board of Selectmen.

Projects and Other Updates

- Tolles-Parsons Senior Center - Ms. Tsagaris noted that there will be meeting with the Permanent Building Committee to close loops so the PSI can be filed. They will conduct a meeting to review some of the issues regarding the kitchen.
- Wellesley Square Initiative – Ms. Searle noted that they are continuing to schedule meetings with landlords and merchants in the Wellesley Hills area. The process will go on through summer.
- Regional Matters – Ms. Gibbs noted that the committee has begun meeting weekly to plan for new bus service, of which the primary focus will be reviewing route plan design and logistics.
- Sustainability – Ms. Gibbs announced that she will take over as liaison to Sustainability Committee.
- School Facility Task Force - Ms. Searle noted that at their last meeting their mission was approved and K.C. Kato has been named Chair of Committee. Ms. Searle reviewed some of information from the meeting.
- WPS Strategic Plan Committee – Ms. Tsagaris noted the schedule of the upcoming public meetings.

Old Business/ New Business

Mr. Larsen noted that he had received the resignation of Mark Synott from the Planning Board. Mr. Larsen circulated the resume of Catherine Johnson the appointee. Rather than become an associate member, Ms. Johnson will take on remainder of Mr. Synott's term which expires March, 2014.

Ms. Tsagaris noted they will delay the discussion Wellesley Inn PSI Traffic Study until the July 8, 2013 Meeting. The next scheduled Board of Selectmen's meeting will take place on July 8, 2013 at 7:00pm.

Documents Presented:

- Wellesley PS strategic Plan

The meeting was adjourned at 8:28pm