

Board of Selectmen – July 29, 2013
Present: Searle, Tsagaris, Gibbs, Babson, McCauley
Also present: Larsen, Connolly

Call to order: Meeting called to order at 7:00 pm.
Warrants approved: #2014-002 in the amount of \$2,894,785.52

Ms. Babson noted that Wellesley hit an all time high for electrical usage on July 19. The upcoming dates for the town concert were announced as well as a reminder of the Farmer's Market hours.

1. Citizen Speak

None

2. Executive Director's update

Mr. Larsen noted that Phase 1 of the aquatic safety review of the Morses Pond beach has been completed, and phase 2 will be completed in the next few weeks. The Board will receive a comprehensive presentation of the results of the review on August 19. Mr. Larsen briefly recapped various steps that were taken before Morses Pond was reopened.

Mr. Larsen noted there have been discussions with Town Counsel regarding his fees for FY14. The current fee arrangement has been in effect since January 1, 2006. In 2006, the retainer was increased to \$35,000/year and the hourly rate increased to \$145/hour. The retainer covers the cost of attendance at Selectmen's meetings, Town meetings and various other meetings. Mr. Larsen is proposing in lieu of an hourly rate increase, increasing the retainer by an additional \$25,000/year. Ms. Babson noted his retainer this year will also cover transition assistance in looking for a new town counsel.

Mr. Larsen noted the effort currently underway to digitize and electronically archive Mr. Robinson's numerous opinions as Town Counsel. Brian DuPont has been instrumental in setting up the process for doing this, and an intern (Laura Patten) is doing the actual scanning. Once completed, Town Hall staff will be able to electronically search all of the past opinions.

In regards to 900 Worcester, Mr. Larsen noted that the vigilers have filed a final appeal. Ms. Babson noted this appeal is in the nature of a reconsideration. There is no time estimate for resolution of the matter. The Advisory Committee and the 900 Worcester Street Committee have been informed that the wait will continue as this matter is being resolved.

3. Town Hall renovations

Joe McDonough, Facilities Maintenance Director, Kathy Nagle, Town Clerk, Mike Grant, Building Inspector, and Marc Waldman, Treasurer, joined the Board. Mr. Larsen gave a brief overview of the current challenges at Town Hall in regards to space needs, boiler issues and HVAC needs in various offices. Mr. McDonough reviewed the results of the recent Court Street feasibility study, the goals of the study, existing conditions in various offices, and other maintenance needs. The total estimated cost for the proposed work, including contingency, is \$1,494,800.

Ms. Nagle discussed some of the limitations the building has on her department. Her comments focused on the lack of a vault and space issues within the office.

Mr. Waldman noted that the Treasurer's office has more space than needed and a restructuring of the office is needed. Mr. Waldman noted some concerns that may arise during construction, as the Town Clerk and Treasurer offices receive the most foot traffic.

Mr. Grant noted that his office struggles with major issues including: HVAC problems, possible moldy conditions, security issues and design inefficiencies in the layout of the office.

Ms. Tsagaris noted the Town is facing numerous capital projects and asked where this project fits in the queue, as she is concerned with costs.

Mr. McCauley noted that he would like to have a better sense of how these departments will function during construction and what the cost of that impact will be.

Ms. Searle questioned if the new Building Department configuration would accommodate future personnel needs.

Ms. Gibbs questioned how they might integrate some of the Town Hall work with the Town's other capital projects.

Mr. Larsen discussed the timeline for requesting design and construction funds at Town Meeting. Ms. Babson noted that she would like to understand the prioritization of all capital projects, as well as the debt service impact. Ms. Babson also noted the capacity of the Permanent Building Committee needs to be considered when taking on these projects.

Ms. Babson noted that the Board would take time to reflect on what they heard and come back next week with questions/comments.

4. Wellesley Inn Project of Significant Impact – Modified development proposal

Jordan Warshaw of High Rock Ventures, Peter Tamm, Counsel for the developer, and Kien Ho, Town Traffic Consultant joined the Board. Ms. Babson briefly described where this matter currently stands and reviewed the responsibility of the Board in reviewing this proposal. Ms. Babson reviewed the list of matters discussed at the previous meeting. The Board discussed these matters and provided their recommendations for each matter. Mr. Larsen noted that the Board needs to reach an opinion on the Municipal Systems Impact of the project revisions, and finalize their recommendations to the Planning Board.

Ms. Searle noted that the proposed restrictions on commercial uses are not imposed on any other property owners. Ms. Babson noted the Board would like to see continued vitality in Wellesley Square.

Ms. Tsagaris suggested that employees should not be required buy a parking pass.

Mr. McCauley noted the parking spaces should have multiple uses, as this will help retain the vitality of the square.

The final recommendations were as follows:

- Regarding the follow-up traffic study, language will be incorporated to reflect that the applicant will be required to pay for any modifications related to the retail loading parking restrictions, curb extensions on Grove Street and Washington Street, and signal timing adjustments warranted by the follow-up traffic study.
- The proposed use restrictions will be eliminated.
- With regard to the hours of retail loading/unloading and trash removal, language will be added to reflect that the applicant is proposing to restrict parking in certain spaces on Washington Street & Grove Street to retail loading/ unloading purposes only from 6am -10am. Retail loading/ unloading and trash removal (commercial and residential) will be prohibited from 8pm to 6am.
- Rather than require employees to obtain parking passes, the commercial leases will require them to "make arrangements" however they see fit for parking at offsite locations, which will exclude on-street parking.
- The Parking Management Plan will include a process for encouraging owners' participation.
- The requirement to add an audible element to the warning signage for vehicles exiting the garage will be eliminated.

- Reference to an informational sign/plaque about the Beebe House will be eliminated, as the applicant will write a letter to the Historical Commission regarding this matter.

The Board voted (5-0) to find that, with the changes of an additional 9 housing units on-site and an increase in commercial space of 500 square feet (totaling 9,500 sq ft) for the Wellesley Inn redevelopment, and subject to the provisions of the First Amendment of Memorandum of Agreement, dated March 11, 2013, the minimum service standards identified in the PSI-06-01 relative to traffic and pedestrian safety previously identified continue to be met.

5. Encroachments on Town property – Prospect and Walnut Streets

Attorney David Himmelberger (representing the owner of 81 Prospect Street) and Attorney Michael Romanov (representing the owners of 275 Walnut Street) joined the Board. Mr. Larsen reviewed the encroachments in question and discussed alternative approaches for resolving these matters. He also noted certain measures any encroacher should be required to undertake, e.g., to acknowledge responsibility for the encroachment and indemnify the Town against any loss with respect to the encroacher's use of Town land.

Ms. Babson noted that if the Town leases any land, it is subject to a Town Meeting vote, which is highly complicated. The amount of time required to review such a lease with Advisory and Town Meeting would be considerable.

Mr. McCauley questioned if someone suffered an injury on land leased from the Town, would the Town be liable? Mr. Larsen noted that we would require any lessee of Town land to provide proof of insurance listing the Town as an additional named insured.

Mr. Himmelberger noted the Town could avoid the issues related to a lease by calling it a license, which would carry all the same safeguards. Mr. Romanov noted that encroachment at 275 Walnut Street predated his client's purchase of the property; therefore they should not be responsible. Mr. Himmelberger noted it would be unfair to require a homeowner to remove an encroachment they did not create.

The Board agreed that the Town would not want to bear the burden of eliminating an encroachment. Mr. McCauley noted that if it is not practical to remove an encroachment, the cost of maintaining the encroachment needs to be at a level that discourages such an encroachment. He also suggested that such encroachments should be recorded in order to put purchasers of the properties on notice.

Ms. Babson suggested attorney Himmelberger discuss his legal concerns with Town Counsel. Mr. Romanov noted that his client's condominium is under agreement and will only close subject to this issue being resolved.

Given the pending sale of 275 Walnut Street, Mr. Larsen suggested the possibility of a 10 year lease of the encroached land, tied to the estimated remaining life of the existing retaining wall. The Board was amenable to this suggestion and agreed that Mr. Larsen should consult with the Town Engineer and Town Counsel on this matter..

6. Bicycle Safety Initiative

Mr. Larsen reviewed the proposed membership of the Bicycle Safety Committee as well as the draft charge.

Mr. McCauley questioned what role traffic engineers would play. Mr. Larsen responded they would be consulted on a cost effective basis.

Ms. Babson questioned the timeframe for the work of this Committee and the expected results. Mr. Larsen noted that it will be up to the Committee to decide what they can put forward. Ms. Babson suggested the Board finalize the membership and charge on August 19th.

Ms. Searle requested more information regarding the committee members.

Projects and Other Updates

- Tolles-Parsons Center – Ms. Tsagaris note that they will be meeting with the Permanent Building Committee on Thursday night to go through loose ends for the PSI application and will try to file on Monday. They are anticipating the results of the traffic and parking study will be presented to the Selectmen on September 3rd.
- Advisory Committee update – Mr. Patten noted building projects need to be prioritized.
- Fuller Brook Park - Ms. Babson noted that they have their fifth night of permitting with the Wetlands Committee on Thursday. On Wednesday they will look at the size of project and decide whether to eliminate portions of the project to bring down costs.
- Regional matters/transportation - Ms. Gibbs noted they were close to having a conceptual route map ready for public input. Developing a schedule has proved to be a challenge. The group will begin meeting with the colleges on the 19th of August. The Board will receive an update on the bus route August 19th.
- School Facilities – Ms. Searle noted that Cropper (School Department's enrollment study consultant) will provide the committee with four potential building scenarios to review at their next meeting.
- Town-wide facilities capital projects - Ms. Searle noted that last week the Permanent Building Committee interviewed Owner's Project Manager candidates and decided to go with CBI for the Town side capital projects. They will be looking at the information on architects and engineers shortly and decide who will come in for interviews.

Old Business/ New Business

Ms. Babson reviewed the following week's agenda.

The meeting adjourned at 10:35pm

Documents Presented:

- Town Hall Renovation Project (Mr. McDonough's presentation)
- Bicycle Safety Initiative (Mr. Larsen's presentation)