

Board of Selectmen – August 5, 2013
Present: Babson, Searle, Gibbs, Tsagaris, McCauley
Also present: Larsen, Connolly, Robinson

Call to order: Meeting called to order at 7:00 pm.
Warrants approved: #2014-003 in the amount of \$4,018,378.38

Ms. Babson announced the upcoming concert in the park. Ms. Babson also thanked two recent retirees, Janice Coduri and Judy Curby, for their service.

1. Citizen Speak

None

2. Executive Director's update

Approval of Minutes

The Board voted (4-0) to approve the minutes of the July 08, July 22, and July 29, 2013 meetings of the Board of Selectmen.

Mr. Larsen noted that the Massachusetts Municipal Association invited town managers who had supported the US/Pakistan municipal managers exchange program to submit an application to participate in a similar exchange visit to Pakistan. Mr. Larsen is one of six who were chosen to go to Pakistan. The program as currently planned would require Mr. Larsen to be away from the office for six business days. The Board expressed support for Mr. Larsen's participation.

3. Comcast Petitions - Spring and Grove Streets/Abbott and Church Streets

Ms. Babson opened the public hearing at 7:07 pm. Manny Furtado, representing Comcast appeared before the board to request a grant of location to bring service on Spring Street up to Grove Street. This improvement is intended to provide Comcast service to additional customers on Grove Street. The request has been approved by the MLP and DPW.

Ms. Babson invited public comment. There was none.

Grove Street & Spring Street

The Board voted (4-0) to approve a petition from Comcast Corporation dated January 22, 2013, to install 1-3" PVC within street, starting at existing vault located on Spring Street, running west for 121' to Grove Street: continuing west across Grove Street for 37': entering into sidewalk for 15' to private property located at 33 Grove Street. Engineered sidewalk within street will be bored to avoid disturbance of brick structure.

Mr. Furtado also requested a grant of location to bring service from Abbott Street across Church street, again to provide service to customers in this location. This request has also been approved by the MLP and DPW.

Ms. Babson invited public comment. There was none.

Church Street & Abbott Street

The Board voted (4-0) to approve a petition from Comcast Corporation to install approximately 290' of 3" PVC within street and grass from existing vault on Abbott Street. Continue in street to south of parking lot entrance, enter into grass strip and

follow easement to location parallel to entrance to 47 Church Street, cut across roadway onto private property.

Ms. Babson closed the hearing.

4. Wetlands fee authorization

Ms. Babson gave a brief background on the various Wetlands Protection Committee (WPC) Funds and the controlling authority of these funds. The Wetlands fund currently has a balance of \$83,000, which consists of permitting fees paid by applicants who need wetlands permits. The law requires that the WPC can authorize use of those funds with approval of the Board of Selectmen. The WPC has requested use of the funds to hire a 15 hrs. per month minute taker at a rate of \$5,100 per year. They have also requested permission to purchase a tape recorder at a cost of \$900 to transcribe minutes. The Board decided to ask more questions before voting on this request and will revisit the issue at a later date.

Projects and Other Updates

- Tolles-Parsons Center – Ms. Tsagaris briefed the board on their meeting with the Permanent Building Committee and noted that the filing of the PSI application was delayed in order to get additional information and complete the discussion of the pedestrian signalization on Washington Street. Otherwise, they are close to finalizing the traffic study. Design Review Board consideration of the project is scheduled for August 30.
- Wellesley community development – Ms. Babson noted that they are continuing to interview merchants and property owners. They are gathering information. Ms. Babson noted they will have a session for property owners and merchants sometime in the fall.
- Fuller Brook Park- Ms. Babson noted that they had their fifth session with the Wetlands Protection Committee last week. They have their sixth and seventh to go. They have been reviewing elements of the project to see if some could be done at a later date, or not done at all.

Old Business/ New Business

Ms. Tsagaris noted that the Council on Aging, Recreation Department and Henry Platt, Middle School Band Director, are collaborating on the formation of a band. They will begin practices on Mondays at 7pm in the Middle School Band Room. This is open to everyone and will go on for two semesters. Ms. Searle noted that the location may change.

5. Town Hall renovations

Mr. Larsen noted that at the last Board of Selectmen's meeting, Joe McDonough, Town Facilities Director presented a proposal for Town Hall renovations. They are proposing to request design funds for a reconfiguration of the Town Clerk's office, Treasurer's office, and the Building Department in order to improve service efficiency and to provide a vault to meet record storage requirements as outlined in state statute. This would also be a logical opportunity to address several HVAC issues within Town Hall and include replacement of the boiler. Mr. Larsen noted that they are looking to see if Board has interest in referring this project to the Permanent Building Committee (PBC) for their consideration.

Ms. Tsagaris noted that the Town Hall renovation project is certainly a good project, but that she wasn't sure where it should fit among other large projects like school facilities upgrades and the planned senior center, and for this reason she was unsure whether or not it should go to the PBC. Ms. Tsagaris questioned when they would ask for design funds. Mr. Larsen noted potentially this fall. Ms. Searle noted that it's difficult to prioritize this project until the school

projects are identified. Ms. Babson would like to find out the capacity of the PBC and review a clear prioritization of all projects. The Board asked to review an update five year capital plan as well as an estimate of what the vault itself would cost.

6. Change of officers, transfer stock - Bertucci's, 380 Washington Street

Mr. Larsen noted that Bertucci's is requesting the Board's approval of a change in officers and stock transfers. Ms. Tsagaris asked if background checks had been performed on the new officers. Mr. Larsen responded affirmatively.

The Board voted (5-0) to approve the application of Bertucci's Restaurant Corporation for a change of officer and director, and stock transfer and issuance as a result of a change in ownership and to forward the approved Form 43 to the Alcohol Beverages Control Commission (ABCC).

At 7:45 the Board recessed temporarily. The meeting resumed at 8pm.

7. All-alcohol license application - Justine's Table, 978 Worcester Street

Ms. Babson opened the Public Hearing for the All Alcohol License for Justine's Table, 978 Worcester Street. Gordon Breidenbach, owner of Classic Restaurant Group, Inc. and Joe Hanley, owner's attorney joined the Board. Mr. Hanley noted several documents he brought in support of his client's application including a petition of support signed by hundreds of Wellesley residents, and the applicant's assessment of the public need for issuance of the license. Mr. Hanley presented the application and briefly reviewed the current status of the restaurant. He also provided a brief background on Mr. Breidenbach. Mr. Hanley listed reasons why this restaurant should be granted a liquor license and noted that the nearest establishment in Wellesley with a liquor license is 1.5 miles away.

Ms. Searle noted her issues in terms of inconsistencies in the information previously submitted by the applicant in regards to this restaurant.

Mr. McCauley noted that the parking does not seem adequate given the plans for construction in the rear of the building. Mr. Breidenbach noted that they have plans to have a parking attendant, if required. Mr. McCauley also noted various inconsistencies in the information presented. Mr. Larsen noted that the traffic and parking scheme is very complicated due to the multiple planned uses of the site and it will not be known if the scheme will work effectively and safely until the site is fully built out and tenanted.

The Board decided to digest the information they have received from the applicant and to defer further consideration of this matter until September 3rd.

David Ossam, 481 Weston Road, noted that he has been a resident of Wellesley for 15 years and would like to see this establishment be successful. He would like this restaurant to have the ability to serve alcohol, which would be vital for its success. He would like to enjoy fine dining without traveling outside of Wellesley.

Mr. Robinson gave some suggestions to the applicant on how he might address the Board's concerns including: having a clear statement from the applicant regarding the extent to which there is any financial relationship between the applicant and owner of the site, revisiting the traffic study to see if there is anything further that can be done to ameliorate the traffic and parking issues, and working on the arrangement for additional parking offsite during the construction of the residential units at the rear of the property.

The Board voted (4-0) to continue the hearing on the liquor license for Classic Restaurant Group, doing business as Justine's to September 3, 2013 at 7:10pm

8. Retail sale of beer & wine

Ms. Babson asked that anyone who chooses to speak on this issue be clear with the Board whether or not they have a financial interest in this issue. Mr. McCauley reviewed the details of the citizen petition brought before the Board by Peter Katsakaris and Fells Market, to allow grocery and specialty food stores to sell beer and wine. Mr. McCauley noted that this will go before Town meeting either as a citizen's petition or as a proposal by the Selectmen. Issues to be considered are: how aggressively Wellesley wants to move in the direction of expanding liquor licenses in town, what establishments are appropriate for licensing, the framework for regulation going forward, and a timeframe of how this would unfold. Chief Cunningham joined the Board to discuss the public safety implications of expanding the liquor licensing in town. Chief Cunningham noted that he did some research in surrounding towns and found no issues with licenses of a similar nature. He also noted that Wellesley has never had any significant issues with their Section 12 (restaurant) licenses. He does not anticipate any big issues for the Police Department.

The Board discussed whether or not there was a public need and what that need may be, as well as the process that needs to be followed moving forward and the types of regulations required. Mr. McCauley noted that in terms of process there are four steps: Town Meeting action to gain authorization to petition the General Court, action by the General Court, a referendum by town voters, and the adoption of regulations. Ms. Babson noted the Town has the experience of drafting the regulation amendments related to the change to 50 seats.

Ms. Babson noted questions that would need to be answered, e.g., how many licenses should be issued, who would qualify, etc. Ms. Tsagaris suggested the Board should consider whether to license entities other than just full service grocery stores. Ms. Babson noted that M.G.L. ch. 138, section 17 would allow the Town to issue up to 6 licenses. Ms. Tsagaris and Mr. McCauley believe the Town should extend licensing to specialty food stores to avoid disadvantaging them.

Ms. Babson invited public input.

Brad and Brian Wasik approached the Board. Brad Wasik read a statement, which noted that they have been the owners of Wasik's Cheese Shop since the late 1970's. They have remained a small independent family business. They have experience with wine and teach weekly classes on cheese and wine pairing. They feel having the ability to sell wine and beer would compliment and enhance the customer experience and help their smaller business to survive. They noted that they would like a level playing field with the larger grocery stores.

Michael Connell, Wellesley resident, and owner of various package stores in surrounding towns, approached the Board. Mr. Connell expressed that it is very difficult to safely sell beer and wine in grocery stores and he does believe it serves the public need. He also noted that Wellesley residents would still need to leave the town to purchase other alcohol products. He likes living in Wellesley and the fact that it is a dry community.

Mr. David Himmelberger indicated his client (Peter Katsikaris) does not object to Wasik's Cheese Shop receiving a license, and he suggested the possibility of a quota of licenses for full service grocery stores and a separate quota for specialty food stores.

The Board discussed their timeline for moving forward in this issue. Ms. Babson suggested putting this on the next meeting's agenda to continue the discussion.

At 9:47 the meeting was adjourned.