

Board of Selectmen Meeting: November 5, 2013
Present: Babson, Searle, Gibbs, Tsagaris, McCauley
Also Present: Larsen, Jop, Connolly, Williams, Robinson

Meeting called to order at 7:00pm

Warrants approved: #2014-014 in the amount of \$5,113,171.83, #2014-015 in the amount of \$2,966,527.92, #2014-016 in the amount of \$4,925,512.56, and #2014-017 in the amount of \$2,375,132.50

Ms. Babson announced that there would be a Veterans Day Ceremony in the Great Hall on Monday, November 11, 2013 at 10:50am and encouraged people to attend the service.

1. Citizen Speak

Mr. David Rabinovitz approached the Board. Mr. Rabinovitz inquired as to whether the Selectmen have any position on which way they will go on the issue of medical marijuana.

Mr. McCauley noted that the Town currently has a zoning moratorium in effect until June 30, 2014. Action will be taken at the 2014 Annual Town Meeting with respect to the related zoning issues. Mr. McCauley stated that the Board will evaluate a range of approaches to this issue, however at this time they are simply evaluating facts. The Board will be meeting in two weeks at which time there will be a citizen input session on how the Town should address the location of marijuana dispensaries.

2. Executive Director's update

Mr. Larsen stated that last week the Town received certification from the Department of Revenue of the Town's Free Cash balance as of the end of FY13. Sheryl Strother, Finance Director circulated a copy of the certification letter to the Board. The certified balance is \$10,950,782.

Gifts

Mr. Larsen said the Council on Aging is requesting the Selectmen accept several gifts.

The Board voted (5-0) to approve the following gifts to the Council on Aging:

- **\$7,311.82 from the Almira N. Simons Trust for the purpose of funding transportation for persons in the Town of Wellesley age 60 and older.**
- **\$4,000 from the Almira N. Simons Trust for the purpose of funding social, recreational, and educational programs for individuals.**
- **\$600 from anonymous donors to recognize volunteers of the Council on Aging who assist with their bi-monthly newsletter mailing.**

And further to approve the following donations which were made to the Volunteer's Drivers Program from the individuals who have used the service:

- **\$100 from Barbara E. Sullivan**
- **\$40 from Constance M. Ruocco**
- **\$25 from Adrienne C. Thorp**
- **\$20 from Mary Kinnevy**
- **\$10 from Mary Kinnevy**
- **\$5 from Sister Catherine Zimmer**
- **\$5 from Eunice & Paul Twitchell**
- **\$2 from Giselle Zoletti**

Cultural Council

Mr. Larsen reviewed a request from the Chair of the Cultural Council to appoint members to the Council. Mr. Larsen briefly reviewed the role of the Cultural Council.

The Board voted (5-0) to appoint the following members for a three-year term to expire June 30, 2016:

- **Marshall Cannell – 25 Sheridan Road**
- **Karen Griswold – 75 Denton Road**
- **Terri Sevilla – 19 Beverly Road**

Mr. Larsen noted that a number of gifts were donated to the Town to fund tree lighting.

The Board voted (5-0) to accept the following donations to the town for holiday tree lighting:

- **\$987 from Fells Market**
- **\$1,151 from an anonymous donor**
- **\$1,300 from an anonymous donor**
- **\$2,437.50 from an anonymous donor**

3. Retail sale of beer & wine – Public Forum

Mr. McCauley noted that they have been discussing the issue of the retail sale of beer and wine and seeking the authority to initiate sales in Wellesley. The fundamental purpose of this session is to report where the Board currently stands in their deliberations, followed by questions and comments from the public. The public comments will be considered as further materials are prepared. Ms. Jop noted the different ways in which this meeting was publicized. Mr. McCauley briefly summarized the Town meeting article as well as a statutory overview of the different licenses, followed by the history of the sale of alcoholic beverages in Wellesley. He reviewed the recent activity in Wellesley in regards to regulation changes on the sale of alcohol and briefly summarized alcohol regulations in surrounding towns. He reviewed the proposed Special Town Meeting Article and noted that this article is simply for the sale of wine and beer in grocery stores. Key issues that need to be dealt with include definition of a food store and a specialty food store. Mr. McCauley reviewed the number of licenses the Town is allowed to issue, and noted they would like to designate 3 licenses for food stores and 3 licenses for specialty food stores. He reviewed some of the key tenets of what will be addressed in a set of regulations, which will be formally adopted after a town-wide vote.

Mr. McCauley invited public comments.

Mr. Michael Connell, 18 Radcliffe Road approached the Board. Mr. Connell disclosed that he owns four full service package store licenses in neighboring towns. He expressed that he loves the town he lives in and noted that when Needham went through a similar process, events unfolded in a way that residents did not anticipate. He expressed that he does not understand what the drive is to put beer & wine in grocery stores. He feels it will only be convenient to a small portion of Wellesley residents. He also feels that on early release days kids will be tempted to buy or have someone buy them alcohol. He feels this change will also make it easier for college students to gain access to alcohol. He does not feel this will economically benefit the Town. Ms. Babson noted that Wellesley College and Babson College are very aware of proposal, and they are following the developments.

Jesse Brackenberry, 4 Suffolk Circle, approached the Board. Mr. Brackenberry noted that he has lived in Wellesley for 4 years and has 3 young children. He feels that Wellesley has made it inconvenient for the vast majority of residents to do something they want to do, i.e., buy beer or wine. He feels that by not having his option, residents are taking dollars outside of the community and he does not understand the points against this change.

David Himmelberger, Fells Market counsel approached the Board. Mr. Himmelberger thanked the Board for their thoughtful consideration of these issues. He wanted to clarify and confirm his understanding that the square footage minimum for a grocery store would be the square footage within the store. Mr. McCauley noted that this was correct. Mr. Himmelberger also wanted to confirm the definition of retail space. Ms. Babson noted that they would need to focus on that topic.

Mr. Brad Wasik, proprietor of Wasik's Cheese Shop, 61 Central Street approached the Board. Mr. Wasik noted that the Board's current proposal appears to be a reasonable approach to regulation, and is well thought out. He also noted that the process seems fair to larger and smaller businesses.

Ms. Babson noted that the Board will continue to work on this issue. Mr. McCauley reviewed the proposed language of Motion 1 under Article 9 for the upcoming Special Town Meeting. He noted that submitting a report for Town Meeting allows everyone to know exactly what the Board is looking for. The Board discussed various other changes to the definitions and motion.

Ms. Babson noted that they would need to vote on the report to go into the Advisory book and the Board discussed how they would like to finalize the report.

Marjorie Freiman, Advisory Chair said Advisory will discuss the substance of this Article tomorrow and Saturday and noted the earlier they have the report the better.

Ms. Babson noted that preliminary regulations are available online in draft form.

The Board voted (5-0) to approve the Report to Special Town Meeting on Retail Sale of Wines & Beer and submittal of said report to the Advisory Committee, which reflect comments made at 11/5/13 Board of Selectmen's meeting.

4. Cochituate Aqueduct Acquisition - Memorandum of Agreement

Mr. Robinson reviewed the changes that have been made to the Memorandum of Agreement.

The Board voted (5-0) to approve the Memorandum of Agreement between the Town of Wellesley and Bike Realty, LLC dated November 5, 2013 and to authorize the Executive Director to sign on the Town's behalf.

Ms. Jop reminded the Board that the Planning Board will be holding a public zoning hearing on November 12, 2013 to consider the proposed rezoning of the new parcel to Single Residence A, to allow for parking. Ms. Babson discussed the Planning Board's role. Ms. Jop noted that a 2/3 vote by Town Meeting is needed, regardless of the Planning Board's recommendation.

At 8:16pm the Board was polled all aye to go into executive session to discuss potential litigation.

(See executive session minutes attached.)

At 9:14pm Ms. Babson called the meeting back into public session.

5. Annual Report

Ms. Babson asked if there were any suggestions regarding the Annual Report drafted by the Selectmen's Office staff. Ms. Babson had some editing comments and noted they will pass them onto the Executive Director and then vote to approve the report next week.

Projects and Other Updates

Wellesley Community Development- Ms. Babson noted that they have been working with a number of residents who have made gifts to the Town for tree lighting for the holidays.

Fuller Brook Park- Ms. Babson stated that the Fuller Brook Park Coordinating Committee will be seeking a supplemental appropriation of \$35,000 at the upcoming special town meeting.

Regional Matters /Transportation- Ms. Gibbs said they are still gathering data regarding bus utilization and will meet with the MWRTA next week.

Sustainability- Ms. Gibbs noted that the Sustainable Energy Committee met on Friday and held their first FY14 quarterly session with Alan Hebert and Joe McDonough. Mr. Hebert and Mr. McDonough presented energy utilization analysis. In FY13, the Town buildings utilized 8% less energy, as determined on a normalized basis.

School Facilities Task Force- Ms. Searle said the SFC will be meeting tomorrow night to make additional edits to the 10 year School Facilities Capital Plan.

Town-Wide Facilities- Ms. Searle reported that design work continues on the various Town projects, and on Thursday night the Permanent Building Committee will discuss these projects. Ms. Searle noted that next Tuesday evening, Joe McDonough will present the FY15 FMD capital plan at a joint meeting of the Selectmen and the School Committee.

The Board of Selectmen is planning to present at Special Town Meeting a request for the new position of Building Operations Liaison, in the Facilities Maintenance Department. She noted that the Permanent Building Committee had concerns with the proposed position, so they revisited the way they were looking at the position and prepared a revised memorandum regarding the position. Mr. Larsen reviewed the draft request for the new position.

Old Business/New Business

Ms. Babson noted the Planning Board filed their decision yesterday on the Tolles-Parsons PSI permit application. She stated that the Tolles-Parsons Center has been a major goal for the Selectmen since work was started in the 2005/2006 timeframe, and that it represents substantial time and effort by various Boards and Committees, and citizen volunteer groups. She expressed that this is a top priority and the Board feels very strongly that they would like to see a completed senior center. The Board has decided to ask the Planning Board at its upcoming meeting or at a mutually convenient time to put an item on its agenda to engage with the Board of Selectmen and the Permanent Building Committee, so that the boards may work together to develop an appropriate solution to the relevant issues and allow the project to go forward. Ms. Babson observed that the Planning Board indicated in its opinion that there are aspects of project that they view as unsatisfactory. She explained that the Selectmen and PBC would like the opportunity to engage with the Planning Board on these issues.

The Board of Selectmen meeting adjourned at 9:47pm

Documents Presented:

- Retail Sale of Beer & Wine presentation