

Board of Selectmen Meeting: February 24, 2014
Present: Babson, Searle, Gibbs, Tsagaris, McCauley
Also Present: Larsen, Jop, Connolly, Robinson
Approved: March 24, 2014

Meeting Called to order at 7:00pm

Warrants approved: #2014-032 in the amount of \$3,724,460.48 and #2014-033 in the amount of \$1058.00

Ms. Tsagaris announced that the Town election is next Tuesday March 4 and reviewed details of the election. She further noted the Board's next meeting is March 3 and noted the Board would be meeting with Advisory to discuss Town Meeting articles.

1. Citizen Speak

none

2. Executive Director's update

Minutes

Upon a motion made by Ms. Gibbs and seconded by Ms. Searle, the Board voted (5-0) to approve the minutes of the February 18, 2014 Board of Selectmen's Meeting.

Gifts

Upon a motion made by Ms. Gibbs and seconded by Ms. Searle, the Board voted (5-0) to accept the following gift from an anonymous donor to the Council on Aging: 20 tickets to the "Young at Heart" performance at the Wilbur Theatre on Thursday, April 3, worth \$869 and \$331 towards the cost of round trip group transport for the trip.

Ms. Tsagaris noted the Board would postpone the 494 Washington Street agenda item.

3. Town Government Study Committee

Ms. Babson noted the Board needs to approve the motion for the charge of the Town Government Study Committee. Ms. Babson reviewed the makeup of the committee as well as the committee's charge. She reviewed the motion and noted an editorial change. She noted a brief report may be submitted to the 2015 Town meeting.

Upon a motion made by Ms. Babson and seconded by Ms. Searle, the Board voted (5-0) to approve the following motion under Article 30 for the 2014 Annual Town Meeting:

That there be established a nine (9) member committee to be appointed by the Moderator to be known as the "2014 Town Government Study Committee"; that the Committee make findings and recommendations in accordance with the charge outlined below; and that the Committee present its findings, recommendations and any proposed changes to the 2015 Annual Town Meeting;

(1) That the Committee be charged to study the following:

- (a) **The existing structure of town government to determine whether it is best suited to the Town's current and future needs.**
 - (b) **The Role of authority of the Executive Director of General Government Services as well as alternative management models;**
 - (c) **The number, composition and role of the various elected and appointed boards and committees;**
 - (d) **The potential consolidation, centralization and other changes to the functions and responsibilities of the various Town departments;**
 - (e) **The optimal number of Town Meeting Members;**
 - (f) **The number and scope of Town Meetings, as well as the timing of the Annual Town Meeting and the Town elections; and**
 - (g) **Any other topic related to Town government that the Committee deems appropriate.**
- (2) That the Committee consult with appointed and elected boards and committees, Town Officials, Town employees and Town residents;**
 - (3) That the Committee hold public hearings prior to and after preparing findings and recommendations; and,**
 - (4) That the sum of \$15,000 be appropriated to the Committee for use as it sees fit.**

Ms. Babson noted the final vote will go to Advisory.

4. Union Contract Settlements

Ms. Jop noted DPW Supervisory Unit Memorandum of Agreement had been signed, and reviewed several amendments to the contract. Mr. McCauley questioned the number of employees in this unit. Ms. Jop responded that there are eight supervisory employees in this unit. Mr. Larsen stated the Board will bring the contract to Advisory on the 26th in addition to the Police Dispatch contract.

Upon a motion made by Hans Larsen and seconded by Ms. Gibbs, the Board voted (5-0) to approve the Memorandum of Agreement between the Town of Wellesley and the Wellesley DPW/MLP Supervisory Unit AFSME Local 335, dated February 20 2014.

Ms. Tsagaris reviewed tonight's agenda, including changes.

5. 2014 Annual Town Meeting

Mr. Larsen noted the he had previously discussed the budget issue in regards to the fact the FY15 override will be inadequate to sustain the Town through FY16. During the previous discussion, Mr. Larsen proposed the Board consider a single \$5 million override to take the Town through the next two years, instead of the initial \$3.5 million override proposed for FY15. Mr. Larsen discussed a meeting with School officials and noted that both the School Committee and the Advisory Committee will discuss this issue at their upcoming meetings. A joint meeting is scheduled with

the Board of Selectmen, School Committee and representatives of the Advisory Committee on March 3. Ms. Tsagaris expressed her discomfort with a five million dollar override as there is too much uncertainty in the FY16 numbers. Ms. Gibbs noted that voters need to see concrete numbers. Mr. McCauley suggested paying attention to structural issues and separating enhancements and deferring enhancements if only \$3.5 million is approved. Ms. Searle noted that they did not start speaking about this soon enough and there is not enough time to vet the \$5 million dollar proposal.

The Board reviewed the motions for 900 Worcester Street and the MLP Building demolition. Mr. McCauley noted the Board will be seeking approval from Town Meeting to carry taxes on the 900 Worcester Street property for an additional year. The initial approval authorized the payment of taxes for two years and that component of authorization has been exceeded. The amount for the taxes is approximately \$25000.

Upon a motion made by Ms. Tsagaris and seconded by Ms. Searle the Board voted (5-0) to support asking Town Meeting to carry taxes for an additional year and continue the P&S with the Archdiocese for another year.

Ms. Tsagaris reviewed the Citizen Petition for the re-use of the old MLP building and noted that the petitioner has decided to not move forward. Ms. Tsagaris noted that at this time the MLP will retain jurisdiction of site until the building is demolished and the site is abated.

4. Fuller Brook Park Update

Rosemary Donohue, Steve Fader, Bob White of the Fuller Brook Park Committee, joined the Board. Ms. Donohue updated the Board on the Status of the Fuller Brook Park Project. She briefly reviewed the process and noted they are present tonight with bids in hand and would like to implement stage four, the construction phase. The total project cost is \$5.43 million dollars. The Community Preservation Committee was sympathetic to the Committee's concerns in raising money for the project and voted to provide an additional \$900,000 in funds reducing the financial gap to \$930,000. Ms. Donohue reviewed a report by the Natural Resources Commission and noted improvements were required to preserve the park. Ms. Donohue asked the Board for their support of this plan. Ms. Donohue described how the work will be done and noted the funds will be appropriated to the DPW, who will be overseeing the construction work. The Board thanked the Committee for their work on the project and the Board noted that they were in support of the project.

The Board voted unanimously to support the project.

Ms. Tsagaris adjourned the meeting to go upstairs and attend the Planning Board Meeting on Medical Marijuana.

5. Public Zoning Hearing

Mr. McCauley gave a brief overview of the proposed Registered Marijuana Dispensary zoning language and described those uses, including schools and daycares, where there will be a mandatory 500 foot setback. Mr. McCauley described the inter-board efforts in drafting the language with the establishment of the Medical Marijuana Working Group consisting of staff and board members from the Selectmen, Planning Board, Police, Board of Health, and Schools with assistance from Jim Goodhue of Town Counsel's office. Mr. McCauley noted the working group is proposing to establish an effective date for the bylaw proposal of July 1, 2014 to allow for the Selectmen to generate Rules and Regulations. Mr. McCauley also noted the various changes to the existing bylaw, which includes creating a new provision to expressly prohibit Registered Marijuana Dispensaries from using their non-profit status to locate in a residential district.

Ms. Jop noted the Schools have asked that the 500 foot setback be drawn from the parcel lines, rather than the building.

Ms. Maura Renzella, Youth Commissioner, asked to be on the working group as the process moves forward. Mr. McCauley agreed.

Mr. McCauley addressed several questions from the Planning Board.

The Planning Board moved, seconded, and voted to close the Public Zoning Hearing. After the close of the Public Zoning Hearing the Planning Board voted unanimously to support the Registered Marijuana Dispensary zoning proposal. Both the Planning Board and Board of Selectmen will vote to finalize the motion for Town Meeting.

6. Continued Wellesley Country Club All Alcohol License Extension

Ms. Tsagaris re-opened the hearing on the Wellesley Country Club All Alcohol License Extension. Martin Ryan, General Manager, Les Shea, Counsel for the applicant, and Rob Bramhall, Architect joined the Board. Ms. Tsagaris reviewed questions brought up by the Board during the previous hearing in regards to permitting. Mr. Shea reviewed the proposed pool patio area where alcohol will be served. Ms. Jop noted when the plans were previously approved during PSI and Site Plan there were no use restrictions on the patio for alcohol services. Ms. Jop stated in consultation with the ABCC that the authorization of alcohol at the pool would just be an extension of the licensed premises and would not require an additional liquor license. Ms. Babson questioned the lighting in the grill area. Mr. Bramhall noted that lighting was underneath the covered porch and that this area will be closed at dusk. Mr. Shea noted the hours of operation would be 11am-8pm on Mondays and 11am-7pm other days of the week.

Upon a motion made by Ms. Gibbs and seconded by Ms. Searle the Board voted (5-0) to approve the request of the Wellesley Country Club, dated January 2, 2014, for an alteration of the licensed premises of the All-Alcohol license to include the Terrace Grille and Patio Grille Areas in the new pool complex.

Ms. Tsagaris closed the hearing at 8:34pm

7. Town Counsel Search

Ms. Babson noted that the Board would entertain a motion for the selection of new Town Counsel for Wellesley. Ms. Babson reviewed the process on how the new Town Counsel was chosen. She noted that the Board has come to a consensus developed around the firm of Miyares and Harrington with lead counsel being Tom Harrington. Ms. Babson discussed how reference checks were conducted and noted that Miyares & Harrington similar attributes to the current Town Counsel. She reviewed the Board's reasons for choosing Miyares & Harrington. Ms. Searle noted that this firm is the right fit for Wellesley and will invest in the Town as much as the current Town Counsel. Mr. McCauley echoed the comments of the other Board members and noted this is a unique opportunity to continue a similar relationship to that of the current town counsel. Ms. Searle thanked the Board for all the work on this and felt the firm will meet the needs of the community and she is happy with the choice. Ms. Tsagaris noted that the process was good, although the decision was difficult, and that this was a great choice and she is looking forward to working with them.

Upon a motion made by Ms. Babson and seconded by Ms. Searle the Board voted (5-0) to appoint the law firm of Miyares and Harrington, lead counsel Thomas Harrington, as Town Counsel effective July 1, 2014, subject to satisfactory financial arrangements.

Ms. Tsagaris and Mr. Larsen will work with Miyares and Harrington on financial arrangements and report back to the Board. Ms. Babson discussed the transition period for the Miyares and Harrington. Ms. Babson noted that Attorney Robinson will serve as Special Town Counsel in certain assignments that he was previously involved in and reviewed the future of Town Counsel services. Ms. Babson encouraged the Board to take advantage of training sessions offered by Miyares & Harrington.

Medical Marijuana Update

Ms. Tsagaris reviewed the Public Hearing held by the Planning Board earlier and noted that Mr. McCauley gave a presentation on the Registered Marijuana Dispensaries. Ms. Jop noted that the Medical Marijuana Working Group had met to answer questions raised by the School Committee regarding whether the 500 foot distance is measured from parcel line or building. Ms. Jop noted that the language currently states that the distance is measured from face of a building. The Committee has since considered changing this language to be measured from the parcel itself. She noted the change would also include fields where children play and practice sports with the parcel line restriction. Ms. Jop noted the zoning proposal includes special language to allow the Board discretion in determining youth oriented areas. Ms. Jop reviewed the timetable leading up to town meeting regarding this issue.

Projects and Other Updates

Advisory Committee Update - Marjorie Freiman, Advisory Chair, joined the Board. Ms Freiman reminded the Board that the Advisory Book is scheduled to go to print on March 13, so any actions taken sooner would give them more time to get the book together.

School Facilities Task Force- Ms. Searle noted that they met with architects from SMMA on how to proceed on the study for Hardy, Hunnewell, and Upham. They mapped out an initial plan on how to proceed and the Facilities Director is mapping out scope of study.

Town-Wide Facilities- The Permanent Building Committee is still working on getting their numbers. They are not ready for public consumptions as there are soft costs that have not been added into these numbers. The requests are going out and they are awaiting bids to see what they have.

The Board of Selectmen meeting adjourned at 9:32pm.

Documents Presented:

- Town Counsel Selection