

Board of Selectmen Meeting: March 10, 2014
Present: Tsagaris, Searle, Gibbs, McCauley, Murphy
Also Present: Larsen, Connolly, Robinson
Minutes Approved: March 24, 2014

Meeting Called to order at 7:00pm

Warrants approved: #2014-035 in the amount of \$3,743,592.42

Announcements: Ms. Tsagaris noted that it was brought to the Board's attention that in the most recent Municipal Light Plant Bill there was an insert from the Friends on the Council on Aging seeking donations for the Senior Center and programming at the senior center and this was done mistakenly. She noted that it will not happen again.

She noted that the next Meeting is Tuesday, March 18.

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 January 27, 2014, January 28, 2014 and February 10, 2014 Board of Selectmen's Meetings.

3. Superiors Officers Contract

Police Chief Cunningham joined the Board. Ms. Tsagaris noted the Chief was recently in Rwanda with the International Association of Chiefs of Police (IAPC). Chief Cunningham briefly updated the Board on his trip to Rwanda. Mr. Larsen noted that they have reached an agreement with the Superior Officers and the terms of the agreement would provide for an increase of 2% starting on July 1, 2015 plus an additional .5% starting on January 1 of 2016. He noted that this is the same increase for the Patrolman's. There are no steps in this contract. Mr. Larsen was seeking the Board's support so they could forward this to Advisory. There is no FY15 tax impact.

Upon a motion made by Ms. Gibbs and seconded by Ms. Searle the Board voted (5-0) to approve the Memorandum of Agreement between the Town of Wellesley and the Superior Officers, dated March 10, 2014.

4. Mutual Aid

The Chief reviewed the historical perspective of this issue of a Mutual Aid Agreement between the Town of Wellesley and surrounding towns. The Town has never had Mutual Aid agreements with Newton, Natick or Weston which are contiguous to Wellesley. The Chief noted that if there is not reasonable suspicion for an arrestable offense when the town border is crossed and you stop the vehicle, the stop is considered illegal and any evidence obtained is thrown out. He noted that he has worked on a few Mutual Aid agreements that have been presented to Newton and Natick to cover them in certain situations. He noted Middlesex Country Police Chiefs have come up with a county

Mutual Aid Agreement and they agreed to let Wellesley (although in Norfolk County) sign into the agreement. There is always potential liability when entering into Mutual Aid Agreements.

Mr. Robinson noted that these are deemed to be in the Town's interest, they are authorized by state statute, Town Meeting and the Town's insurance carrier supports this agreement and the mutual benefits to all parties.

This agreement has been signed by Natick, Newton, and Weston's Board of Selectmen.

Upon a motion made by Ms. Gibbs and seconded by Ms. Searle the Board voted (5-0) to approve the Massachusetts Interagency Mutual Aid Agreement as recommended by Police Chief, Terrence Cunningham.

5. Meeting with Legislators

Senator Richard Ross, Senator Cynthia Creem, and School Committee Members, K.C. Kato, Wendy Paul, Tere Ramos, and Matt Kelley, joined the Board. K.C. Kato called the School Committee Meeting to order at **7:20pm**. Senator Creem discussed a bill which has been unsuccessful at being passed which would allow the police to go to a different community if they were in the process of chasing a suspect. Senator Ross noted that many of the Police Chiefs have been concerned about this legislation for many years and noted that this is a loophole that needs to be fixed. Ms. Creem reviewed the transportation bond bill and noted that Cliff Road and Kingsbury Street projects have been added and briefly reviewed each project. She mentioned that the commuter rail has added some stops.

Ms. Kato questioned the timing of the Kingsbury Street project as students use this area to walk to school. Senator Creem noted that she is unsure as they will have to wait for the new Governor to be elected to see which projects are picked. Senator Ross briefly reviewed the recent up-skirting law that was passed in the State.

Ms. Kato questioned the Senators on whether any of the unfunded school mandates in the future will be funded so schools do not have to make trade-offs to help children. Ms. Creem noted that she understands the concerns, and she would like all the different associations to be on the same page as to offer more flexibility.

Mr. Larsen advocated for a local aid resolution in future years as it would seem reasonable for the legislature to target more reliable local aid resolution process going forward. Senator Ross noted it is difficult because they receive pushback at times which holds up the process.

Ms. Cream explained the reasoning for the change in the language on the Beer & Wine legislation that recently passed. Mr. McCauley asked for the status of South Station renovation/expansion. Ms. Creem noted that money has been put into the bond bill for the expansion.

The School committee adjourned their meeting at **8:00pm**.

Ms. Tsagaris welcomed new Board member Dave Murphy to the Board of Selectmen and briefly reviewed his background in Town government.

6. Retail Sale of Beer & Wine – Hearing on Regulations

Ms. Tsagaris noted at the election there was a ballot question asking voters to vote on off premises consumption of alcohol which was overwhelmingly approved by 87%. She noted that the intention was to have this limited to specialty stores and food store but the legislators omitted that wording

in the home rule petition. She noted most recent draft of the Beer & Wine Regulations is on the website. They wanted to give individuals opportunity for input.

Dave Himmelberger, Attorney, approached the Board. Mr. Himmelberger noted he is a resident and counsel for potential applicants. Mr. Himmelberger asked the Board for clarification on the language, fees, and required documents, based on his review of the regulations.

Mr. Larsen suggested that the Board postpone voting the regulations until after they have had a chance to see the draft application form.

Police Chief Cunningham and Kevin O'Brien, Roche Brothers representative approached the Board. Mr. Larsen noted the Roche Brother's representatives have a manual they rely on that documents the different types of ID's. This manual is distributed in all their stores. Roche Brothers also owns a device that assesses the integrity of the ID being offered as proof of age. Mr. O'Brien reviewed the way Id checks are done in their stores. Chief Cunningham noted they use the same manual when doing ID checks and he feels comfortable as long as stores are vigilant in checking ID's. Ms. Searle questioned whether a card reader would read other state licenses. Mr. O'Brien noted that it will read most out-of-state licenses. Mr. Robinson noted that he does not feel there would be additional liability. Ms. Tsagaris continued the hearing to next Tuesday, March 18.

7. Planning Board – Request for Special Counsel

Planning Board Members, Jean Conroy, Chair, Sara Preston, Vice Chair, Deborah Carpenter, Secretary, Neal Glick and Catherine Johnson joined the Board. Ms. Tsagaris stated that as she is the Selectman responsible for the project and since the complainant is represented by her husband Wayne Bennett, she has chosen to recuse herself on this matter. Ms. Searle took over as Chair. Ms. Conroy briefly reviewed the request to the Board for Special Counsel with regards to the Open Meeting Law complaint which was filed back in December. They submitted the complaint to the Attorney General. Since this time the complainant has filed a subsequent letter with what they feel is misstatements of facts but they have not yet responded to this letter. They feel they need to retain counsel to advise on whether they need to file a response to this letter or if they will need counsel for any other matters dealing with this complaint. They noted they need to retain counsel as to whether they should file a response as well as other legal issues. Ms. Searle questioned what the penalties could be. Ms. Conroy noted it is open ended on what could be sought. Ms. Conroy noted that the representation of the Board is at stake as well. Mr. McCauley reviewed reasons as to why the new Town Counsel might be an inappropriate choice. Mr. Robinson suggested the Planning Board just start the process over to fix the issue. The Board noted they would like to get an idea of how many legal billing hours the Planning Board will need on this issue. The Board noted that they were comfortable with the Planning Board seeking special counsel but they asked that the Planning Director keep Mr. Larsen informed on which firm they are interested in as well as fees incurred.

8. War Memorial Scholarships

Mr. Larsen noted that the Treasurer suggested that the amount available would be \$1700. Mr. Larsen researched what had been done previously and noted that the main award was for \$1000 and the other two were \$750. They met with the Scholarship Foundation Chair to find out what they would do this year. Mr. Larsen suggested making \$2500 available and noted it would be a modest draw on the principle of the fund. Mr. McCauley suggested going possibly higher than \$2500 as he felt it would be a benefit to students in need. The Board agreed to make \$5000 available.

9. 2014 Annual Town Meeting Preparations

Ms. Tsagaris noted the Board has received draft motions, a draft of the Town Wide Financial Plan and a draft of the Five Year Capital Budget. Mr. Larsen noted that they are still waiting project amounts for Article 16. Mr. Connolly reviewed changes and missing items from the motions. The Board made suggested changes. In regards to Articles, the Board agreed on the suggestion of Mr. Murphy to only limit the allocation of the number of food stores/specialty stores to the regulations and not in the bylaws. Ms. Tsagaris noted that the current override number is 3.345 and that Advisory is awaiting a gap list from various departments.

Ms. Tsagaris noted that their next meeting will be on Wednesday March 12, at 7pm the agenda item being 494 Washington Street.

Projects and Other Updates

Sustainability – Ms. Gibbs reviewed the many efforts underway to promote the More Power to Choose Program and encouraged people to come up to the kick off on March 26 in the Sprague auditorium.

School Facilities Task Force – Ms. Searle noted that they met last week with the architects and discussed how they are going to start the process. The architects will get back to them with a schedule on what is next in the process.

The Board of Selectmen meeting adjourned at 9:30pm.