

Monday, March 10, 2008

This regular meeting of the Board of Selectmen was held this evening in the Juliani Meeting Room, Town Hall. In attendance were: Owen H. Dugan, Chair, Gregory B. Mills, Vice Chair, Katherine L. Babson, Jr., Secretary and Barbara D. Searle. Also in attendance were Hans Larsen, Executive Director, Terrance J. Connolly, Deputy Director and Albert S. Robinson, Town Counsel. Harriet S. Warshaw was absent. The meeting was called to order at 7:30 p.m.

The following warrant was executed: #37 in the amount of \$3,119,141.22

Mr. Dugan congratulated Ms. Searle on her election to the Board and Ms. Babson on her reelection.

1. Citizen Speak

Sophie Jones, 25 Columbia Street, expressed concerns regarding the proposed development at 27 Washington Street, and requested the Board's help in getting National Development to respond to issues raised by the neighbors. As part of her remarks she read a letter from Joe Siemen, 15 Columbia Street.

Maryann Wrobel, 19 Columbia, noted the lack of satisfactory outcomes from the various meetings the neighbors have had with National Development.

Vickie Kaiser, Precinct E Town Meeting Member, expressed support for the abutters concerns.

2. Executive Director's Update

Babson moved, Mills seconded and the Board voted (3-0) to approve the minutes of the February 11, 2008 meeting.

Tim Maul representing the Miles for Miracles program joined the Board. Mr. Larsen read the proposed proclamation. Mr. Maul introduced Curtis Ready, his patient partner, and summarized the program.

Babson moved, Mills seconded and the Board voted (4-0) to approve the request of the Miles for Miracles Running Program to declare that on April 21st, 2008, the section of Washington Street in front of St. Paul's Church, from Wellesley Avenue to Morton Street be known as "Children's Way" during the running of the Boston Marathon.

Mr. Larsen summarized the proposed contract with the Beta Group for engineering services in connection with the planning for the reconstruction of Weston Road from Linden Street to Route 9. He noted the scope of work provided for in the contract

Babson moved, Mills seconded and the Board voted 4-0 to approve the scope of services set forth between the Town of Wellesley and the Beta Group in the amount of \$295,000, such funds to come from the 2002 appropriation.

Mr. Larsen reviewed the draft license agreement with the owners of 254 Washington Street, concerning the ability of motorists to access the parking area behind the Hazel & Grace store via the Town-owned parking lot behind Whole Foods. He inquired as to the Board's willingness to sign the agreement pending preparation of the engineering plan of the affected area. The Board expressed concurrence.

Mr. Larsen reported that the office of Congressman Barney Frank had submitted a letter to CSX regarding the train whistle issue.

3. Federal Realty – Linden Square Update

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Les Shea, Bob Walsh, Mike Kelleher, David Webster and Jeremy Grossman representing Federal Realty joined the Board. Mr. Webster summarized the status of the construction work. Mr. Grossman summarized the status of leasing efforts. Mr. Kelleher summarized the status of site operations including initiatives to optimize parking arrangements.

Ms. Babson questioned whether they have considered use of Tailby Lot for employee parking. Mr. Mills and Mr. Dugan raised various building and roadway issues.

4. Wellesley Country Club – Change of Premises

As a member of the Country Club, Mr. Dugan recused himself from this matter. Mr. Mills reopened the hearing. Steve Langer and Marty Ryan joined the Board. Mr. Larsen summarized the proposed change in licensed premises, including the newly available specifications regarding the exterior premises to be licensed. He also reiterated the outcome of Deputy Police Chief Brook's discussions with the Alcoholic Beverages Control Commission, specifically his recommendation that the Board license the entire interior premises of the building.

Babson moved, Searle seconded and the Board voted (3-0) to approve the request by the Wellesley Country Club to alter the premises of its All Alcohol Beverage Club License located at 294 Wellesley Avenue. The licensed premises to include:

- 1. the interior of the clubhouse facility – all areas;**
- 2. the “Upper Terrace” or deck area on the second floor, outside the Ballroom and Men’s Locker Room;**
- 3. the “Snack Bar” on the lower level, and the adjacent exterior area within a decorative wrought iron chain or other comparable physical barrier anchored securely into the ground and whose exact dimensions are found on a plan entitled “Lower Level Physical Barrier” dated 2/20/08, revised 3/06/08 by Rob Bramhall Architects; and,**
- 4. the covered porch area on the north side of the building adjacent to the main dining rooms, and the adjacent exterior patio within a decorative wrought iron chain or other comparable physical barrier anchored securely into the ground and whose exact dimensions are found on a plan entitled “First Floor Physical Barrier” dated 2/20/08, revised 3/6/08 by Rob Bramhall architects.**

Said change in license to become effective upon granting of the certificate of occupancy for the new premises.

Mr. Mills closed the hearing.

Old Business/New Business

Ms. Babson provided an update on the efforts of the School Building Committee. She noted the dates of community input meetings and broadcast times for the cable presentation “If These Walls Could Talk”.

Mr. Mills provided an update on the efforts of the Sprague Field Task Force, including finalization of bid specifications, minor changes to the Sprague Field Master Plan to accommodate emergency vehicle access, and development of the relevant Town Meeting motions.

Ms. Babson noted that four of the Girl Scout troops in Wellesley worked with troops at Hanscom Field to load Girl Scout cookies for the troops in Iraq.

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5. Police Officer Termination

Chief Cunningham, Deputy Chief Brooks, Jackie Kugell, Labor Counsel for the Town, Probationary Officer Fontana and Richard C. Bardi, counsel for Officer Fontana joined the Board. Mr. Dugan summarized the process to be followed for the public meeting. Mr. Fontana confirmed he understood the process, as outlined by Mr. Dugan. Mr. Robinson noted that Officer Fontana had been offered the right to hold this meeting in executive session, but had declined. Chief Cunningham provided a summary of the facts concerning Officer Fontana and his recommendation that he be terminated.

Ms. Searle questioned whether every new officer goes through Field Training. Chief Cunningham answered affirmatively.

Officer Fontana cited his extensive history in law enforcement and summarized his values and attitudes regarding police work. He expressed surprise at the nature of the Police Department's statements and conclusions regarding his performance, and denied mistreating citizens or exhibiting a negative attitude unbecoming of the department.

Mr. Dugan asked Officer Fontana or Chief Cunningham if they had any further information they wished to share with the Board. Both declined.

The Board discussed the matter. Mr. Mills expressed his intention to support the recommendation based on the extensive series of circumstances reported by the Chief. Based on the number of citizen complaints filed by residents, Ms. Babson indicated her willingness to accept the recommendation. Ms. Searle indicated that she perceived a pattern of behavior that she was unwilling to accept. Mr. Dugan affirmed his support of the views expressed by the other members of the Board, and also expressed his concern regarding Officer Fontana's apparent inability to recount certain historical events accurately.

Babson moved, Mills seconded and the Board voted (4-0) to dismiss Officer Fontana, on the recommendation of Police Chief Cunningham, effective immediately.

At 9:15 the Board was polled all aye to go into executive session to discuss collective bargaining.