

## **Board of Selectmen Meeting October 15, 2013**

**Present: Babson, Searle, Gibbs, Tsagaris, McCauley**

**Also Present: Larsen, Jop, Connolly, Robinson**

Meeting called to order at 7:30pm.

Ms. Babson announced the details of two walks for town residents this Saturday and Sunday at Fuller Brook Park hosted by the Fuller Brook Park Committee. Ms. Babson also announced the details of a Kids Trail Day on Sunday in the Town Forest.

### **1. Citizen Speak**

Mr. Will Breden, Wellesley Players, Board of Director's, Chair, approached the Board. Mr. Breden gave a brief history of the Wellesley Players and requested support from the Selectmen for the continued use of Municipal Light Plant (MLP) building that has been recently vacated by the MLP. He noted that the Wellesley Players have used the basement of building for set building, set storage, and costume storage. He expressed the importance of retaining a space within Wellesley to accommodate this activity. Now that the MLP has vacated the building the building will revert to the Board of Selectmen for disposition. He noted that although the building is not in top condition, the building is in good shape for construction and storage of their items. He noted that they use to be located at Sprague basement, but was unable to keep this location in the long term, after cleanup and renovation of the Sprague basement. He would like to maintain their relationship with Dick Joyce and at the MLP and noted that they will in fund a piece of maintenance in part if necessary. Mr. Breden expressed his appreciation for any opportunity to discuss the possibilities.

Ms. Babson questioned where the jurisdiction of this building lies. Mr. Robinson noted he is still researching this issue. Ms. Babson thanked Mr. Breden for his comments and noted that the Board has been made aware of this issue.

### **2. Executive Director's update**

Mr. Larsen noted that historically we have not allocated benefit costs to individual town departments but rather we hold and budget for them in the Selectmen's budget overall. In a step that's responsive to what we received over years, Mr. Larsen proposed the following:

As individual departments make proposals to add staff to the budget process, they will be required simultaneously to make an appropriation to the group insurance budget to cover cost implications of that added staff person. He noted that town meeting will receive personnel services impact as well as the benefit cost impact and feels they would be responsive. Mr. Larsen proposed to make that figure \$20,000. He cited his logic in arriving at this figure. He proposed to proceed on that basis that from now on, if a department wants to add a new staff person they would need to go to town meeting and seek an appropriation for personnel services and \$20000 to health insurance budget. Mr. Larsen asked the board to think about it and relay any feedback on the subject. Ms. Babson commended this idea and expressed that departments need to take responsibility for the additional expense to the town when adding additional staff.

### **3. Morse's Pond Aquatic Safety Review**

Mr. Larsen invited Police Chief Cunningham and Shawn DeRosa, Aquatic Safety Consultant, to join the Board. Mr. Larsen reviewed the agenda for tonight's presentation. Mr. DeRosa introduced himself and briefly reviewed his background. Mr. Larsen began by reviewing the timeline of the tragedy and events

in the following days and weeks, followed by a list of the members of the Morses Pond Working Group that were actively involved. He reviewed steps that were taken prior to the reopening of the beach. Chief Cunningham briefly described the results of the police investigation and gave a brief timeline of events. The Chief concluded by expressing his condolences to the Gannon family. Mr. Larsen reviewed the scope of the hydrographic survey as well as the results of the Beach Nourishment Project and how it impacted the shallow bathing portion of the pond and further reviewed the two phases of the aquatic safety review by Mr. DeRosa. He further reviewed the executive summary of the Aquatic Safety Review which listed the opinions regarding Mr. DeRosa's final conclusions. Mr. Larsen noted key recommendations and the town's response to these recommendations including requirements related to staff training and town policy matters in regards to size and depth of swimming area. Mr. Larsen concluded with other matters which gave details on the life jacket rental loner program, the bystander involvement emergency action procedures and issues related to beach capacity. Mr. Larsen noted that the utilization of the beach was down this year in comparison to prior years.

Mr. DeRosa noted that he was impressed with the town's response and commitment to all of his requests each step of the way, which was completed without hesitation. He noted that the town took swift action with issues he addressed and that all items were completed to his satisfaction. He commended the Recreation Department on its waterfront safety implementation. Ms. Babson thanked Mr. DeRosa for comments regarding the town's cooperation and seriousness with which the town responded to incident. She noted what an important role Mr. DeRosa has played and town appreciated his rendered advice. Ms. Searle noted that in reading report, from the perspective of those who have not been involved in the protocols, she was reassured that the pond will be made safer and that there were good protocols in place even before the tragedy. Mr. Larsen commended the young workers at the pond that day for their cooperation during this process. He further noted that the safety protocols will remain a focus. Ms. Tsagaris on behalf of Board of Selectmen commended the working group and all the people involved expressed their appreciation and the seriousness with which they took this tragedy.

#### **4. All-alcohol license application – Justine's Grill, 978 Worcester Street**

Ms. Babson reopened the hearing on Justine's Grill All-alcohol license application located at 978 Worcester Street. Mr. Gordon Briedenbach, owner and Mr. Joe Hanley, counsel for the applicant approached the Board.

Ms. Searle read a statement certifying that, following her absence at the October 7, 2013 meeting, she had reviewed a cable studio recording of that meeting and examined the evidence presented to date.

Mr. Larsen noted that Town Counsel and others have drafted motion language related to the granting of an all alcohol beverage license to Classic Restaurant Group doing business as Justine's Grill. Draft language was circulated to the Board and with counsel for the applicant. Mr. Larsen reviewed the motion language with the Board.

Mr. McCauley questioned the circularity issue with some of the language and was concerned with certifying something that cannot be certified. Mr. Larsen suggested the Board document what arrangements will be once construction starts, clarifying that until then no spaces need to be provided. He further noted that provisions do not formally begin until construction starts.

Mr. Hanley noted that his client has reviewed the document and they can operate in conformity with the regulations. Ms. Babson asked Mr. Hanley for a timeframe. Mr. Hanley noted that that they can get documentation together over the next couple of weeks as they await final reviewed from the ABCC. Mr. Hanley noted he could have some of documentation by next week. The Board noted they did not

want to vote tonight as they wanted to review documentation prior to taking a vote. Mr. Hanley noted that he would like to work administratively to make sure that documentation is going to work before the hearing so it does not get continued again. Ms. Babson was agreeable and noted that they will vote this as quickly as they receive the documentation at the next meeting.

**The Board voted (5-0) to continue the hearing to October 21, 2013 at 7:00pm to enable the applicant to provide documentation as required.**

#### MWRTA route and schedule

Ms. Gibbs noted that representatives of the MWRTA bus route were in attendance, Kathleen Vogel, MWRTA Route Development Consultant, Carl Demagela, Daniel Fitch, Frank Demasi, MBTA liaison, Meghan Jop, Terry Connolly. Ms. Gibbs announced that Monday is the first day of operation. Ms. Gibbs presented the background and update of the bus route which included; details of the two year pilot program, the receipt of grant money, the route development process of route and the schedule. Ms. Gibbs emphasized that this is a work in progress and a collaborative effort to get this route to where it is. Ms. Gibbs reviewed the initial service components of Route # 8 were discussed as the linkage points of the route. Ms. Jop and Mr. Connolly presented the MWRTA route map and schedule. Ms. Jop noted that it can be difficult to understand route until the actual stops are viewed. She further noted that drivers can answer many question in first week and after that any questions should be directed to the MWRTA. Ms. Gibbs reviewed the fare information and noted that the fare schedule will be available on the town site as well as the MWRTA website. Ms. Gibbs reviewed the physical details of the bus and noted the amount of riders the bus can accommodate as well as accommodations for physically challenged persons. Ms. Gibbs noted in a few weeks she will come back after service has been in place and update the Board with the next steps. Mr. Connolly noted a handout that will detail the fare information as well as the route information.

#### Retail sale of beer & wine

Mr. McCauley noted a memo from Ms. Jop which outlines the next issues to consider. Mr. McCauley first reviewed the definition of food store by focusing on the key issues. He noted certain provisions that have been removed and added.

Ms. Babson questioned whether or not pharmacy's are considered convenient stores and whether the Board should be concerned about this. Mr. McCauley noted that they just don't fit into definition of food store as they do not sell the specific range of products food stores offer.

Ms. Babson questioned thoughts on specialty food stores that also have a CV license. Ms. Babson noted that you can have CV and eat on premises and you can sell beer and wine but cannot consume it onsite. Ms. Tsagaris questioned if there will be a restriction of size of eating on the premises, so don't have a CV holder that is primarily selling wine and beer with small area to sell sandwiches. The Board left this issue open.

Mr. McCauley then reviewed edits and new ideas to the definition of specialty food store. He reviewed the key ideas from this definition. Mr. McCauley noted he left a placeholder for other ideas that may come along. A question regarding the difference between licensee and applicant arose. Mr. McCauley noted that this was for purposes when applicants come for renewal. Mr. McCauley suggested requesting 3 licenses for food stores and 3 for specialty food stores. Mr. Robinson noted that the Board is delivering the potential to a retailer of adding value rapidly. Ms. Tsagaris discussed the difficulty of issuing a cap less than the amount of available. The board conducted a lengthy discussion on the possible cap on the issuance of the liquor licenses. Ms. Babson suggested having a separate session and

bringing people in for feedback in early November. Ms. Babson suggested that there should be a uniform rule for all stores.

Mr. Robinson exited the meeting at 10:00pm.

### **Projects and Other Updates**

Tolles-Parsons Center – Ms. Tsagaris noted that the Design Review Board unanimously approved the site signage and in terms of the construction project it was a unanimous vote with 1 abstention. Ms. Tsagaris noted some of the conditions that need to be incorporated to the final design. She noted they will appear before the Planning Board next Monday.

Wellesley Community Development – Ms. Babson noted that they have been asked by merchants in the square to allow free parking from December 8-27 in Wellesley Square.

**The Board voted (5-0) to allow free parking in Wellesley Square on December 8-27.**

Ms. Babson also noted the tree lighting ceremony and holiday stroll on December 9, 2013.

Sustainability – Ms. Gibbs noted that Ellen Korpi's presentation the week before was well received. Advisory is interested in progress measurements and potential savings. Ms. Gibbs also discussed proposed legislation by the Sustainable Energy Committee subcommittee.

School facilities task force – Ms. Searle noted that they will go to Advisory next week g and will provide Advisory with a tour of one of schools. She also noted Joe McDonough is still working on the long term capital plan and hope to have a review soon.

Board voted all aye to go into executive session to discuss strategy with regards to collective bargaining.

### **Docs presented**

- **Morses pond aquatic safety review**
- **Wellesley route #8 MetroWest regional transit authority fixed route bus service**

The meeting was adjourned at 11pm.