

Board of Selectmen Meeting March 24, 2014

Present: Searle, Gibbs, McCauley, Murphy, Tsagaris (absent)

Also Present: Larsen, Jop, Connolly

Meeting called to order at 6:30pm.

Announcements: Ms. Searle noted next week is the start of Town Meeting and The League of Women Voters will be holding precinct meetings. Ms. Searle reviewed the precinct meeting schedule as well as the Annual Town Meeting Schedule. She announced the Fuller Brook Park Committee has organized walks of the Fuller Brook Park for Town Meeting Members and noted times and dates of the scheduled walks. The Wellesley Free Library is celebrating an art canvas honoring victims of the Boston Marathon bombings as well as the City of Boston; she noted this will be displayed at Faneuil Hall. Mr. McCauley reminded everyone that Wednesday night at the Sprague school is a kickoff meeting for Wellesley Solar initiative.

1. Citizen Speak

None

2. Appointment of Special Counsel (s)

Mr. Larsen noted the Planning Board has been named in a complaint in relation to an Open Meeting Law violation and he is proposing that the Board move to appoint Brian Faulk of Mirick, O'Connell, DeMaille & Lougee, LLP as special counsel in this matter. Attorney Falk was referred to the Town by the new Town Counsel.

Upon a motion made by Ms. Gibbs and seconded by Mr. McCauley, the Board voted (4-0) to appoint Brian R. Falk from the firm of Mirick, O'Connell, DeMaille & Lougee, LLP as special counsel in the matter of the Open Meeting Law complaint against the Planning Board.

Mr. Larsen noted the Planning Board and the Town have been named in a complaint related to the Planning Board's denial of an application related to a property being developed at 910 Washington Street. It was agreed that Attorney Harrington would serve as Special Counsel in this matter.

Upon a motion made by Ms. Gibbs and seconded by Mr. McCauley, the Board voted (4-0) to appoint Thomas J. Harrington from the firm Miyares and Harrington LLP as special counsel on matters as assigned by the Executive Director.

3. Executive Directors Update

Minutes

Upon a motion made by Ms. Gibbs and seconded by Mr. McCauley, the Board voted (4-0) to approve the minutes of February 24, 2014, March 10, 2014 and March 18, 2014, with minor edits.

Tailby Lot

Mr. Connolly noted there was a request for the use of the Tailby lot on Saturday April 5th. The Police have noted that this will not impact parking or traffic.

Upon a motion made by Ms. Gibbs and seconded by Mr. McCauley, the Board voted (4-0) to approve the use of the Tailby Lot for the Wellesley Science and Technology Expo on

Saturday, April 5, 2014 from 9:00am – 5:00pm. A shuttle bus to and from the parking lot to the Wellesley High will be provided.

Statement of Interest (SOI)– Hardy, Hunnewell, and Upham Elementary Schools

Mr. Larsen reviewed the SOI's for the improvements relating to the Hardy Hunnewell and Upham Schools to be submitted to the Massachusetts School Building Authority (MSBA). The Board discussed the needs in relation to these SOI's. Mr. Larsen noted that an application has also been submitted under the Accelerated Repair Program for the Middle School Windows.

Hardy

Resolved: Having convened in an open meeting on March 24, 2014, prior to the closing date, the Board of selectmen in accordance with its charter, bylaws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2014 for the John D. Hardy Elementary School located at 293 Weston Road, Wellesley, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Priority #5 - Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related to costs in a school facility.

Priority #7 –Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

Hunnewell

Resolved: Having convened in an open meeting on March 24, 2014, prior to the closing date, the Board of selectmen in accordance with its charter, bylaws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2014 for the Hunnewell Elementary School located at 28 Cameron Street, Wellesley, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Priority #5: Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related to costs in a school facility.

Priority #7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

Upham

Resolved: Having convened in an open meeting on March 24, 2014, prior to the closing date, the Board of selectmen in accordance with its charter, bylaws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated March 20, 2014 for the Upham Elementary School located at 35 Wynnewood Road, Wellesley, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Priority #5 - Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related to costs in a school facility.

Priority #7 –Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.

4. Road Construction Update – DPW

Mike Pakstis, DPW Director, and Dave Hickey, Town Engineer, joined the Board. Mr. Pakstis listed the major projects that will take place this year with regards to road construction in Wellesley and briefly reviewed the details of each. He noted that neighborhood meetings will take place in certain areas to notify property owners of work to be done. Mr. Pakstis reviewed the planning horizon with regards to budgeting for these projects. Mr. Hickey reviewed the Wales Street Bridge project at Walnut Street that is slated to begin shortly. Mr. Larsen asked for a schedule which lays out work to be done in the next 3-4 years. Mr. Murphy asked for an update on the benchmarking work that has been done at the DPW over the years.

5. Retail Sale of Beer and Wine – Draft Regulations

Ms. Searle reopened the retail sale of beer & wine hearing at 7:23pm.

Ms. Jop noted that modified draft regulations were submitted with changes discussed at the previous hearing. Ms. Jop briefly reviewed changes.

Ms. Gibbs read the following statement:

This Board hereby determines that the public need for the licenses authorized by c. 14 of the Acts of 2014 and now approved by the voters will be served by issuing up to three (3) licenses for sale by food stores and up to three (3) licenses for sale by specialty food stores; and further, the definitions of such stores as set forth in the Rules and Regulations being proposed today are hereby adopted.

Upon a motion made by Ms. Gibbs and seconded by Mr. McCauley, the Board voted (4-0) to adopt the “Rules and Regulations Governing the Sale of Wines and Malt Beverages in Food Stores and Specialty Food Stores for Off Premises Consumption.”

Ms. Searle closed the public hearing at 7:28pm

6. Comcast Petition – 445 Washington Street

Manuel Fertado, Comcast representative, joined the Board. Mr. Fertado reviewed the request from Comcast to install PVC to bring Comcast service for 7 customers. Mr. Jop noted that this plan has been reviewed and accepted by the Engineering Department.

Upon a motion made by Ms. Gibbs and seconded by Mr. McCauley, the Board voted (4-0) to approve the Comcast Petition dated February 3, 2014 to install approximately 475’ of 3” PVC within street and sidewalk from existing pole #NT/1 on State Street heading northerly toward Washington Street; Continue easterly on Washington street to a location adjacent 441 Washington Street approximately 250’ cross over to north side of roadway 60’ and place vault in grass strip, continue on Washington Street easterly 165’ to 445 Washington Street and enter private property.

7. National Grid Petition, Woodfield Road at Weston Road

Ms. Searle noted that they will not address this agenda item as it has been delayed.

8. Permanent Building Committee (PBC) – Construction Bids Article 16

Ms. Searle reviewed estimates for the bundle of four different projects that went out for bid and noted there will be no significant changes. She noted that bond issuance fees have been reviewed, insurance rates have been reduced, and the architect fee will be \$125,000. The bulk of the cost in this bundle is the work at Sprague School. Ms. Searle noted that the total funding asked for at Town Meeting is \$4,767,134. The PBC is asking for the preference of the Board of Selectmen and the School Committee in roofing material proposed at Sprague School. Ms. Searle reviewed an estimate that was received with a cost analysis between a slate roof and an asphalt roof.

David Wright, Historical Commission, approached the Board. He noted that the slate roof option would be consistent with the preservation efforts of the building in 2003. Mr. Murphy questioned if slate tiles already on building would be repurposed. Mr. Wright noted that it is possible if the slate tiles were from a particular quarry and noted that this material may be of some value to the Town.

Ms. Searle noted that PBC did not vote at their last meeting on the matter of the roof material, nor have they opined on the letter reviewed from the architect. The School Committee will discuss this tomorrow night. Mr. Murphy noted that although the cost difference is a large amount, the slate roof will last 3 times longer and will prove less costly in the long run, so he is in favor of the slate roof. Ms. Searle noted this cost can be justified as she felt that this will remain a public building well into the future. Mr. McCauley noted he is sympathetic to the historic preservation and quality of this building.

Marjorie Freiman, Advisory Committee, approached the Board. Ms. Freiman stated when Advisory discussed this issue last week they did not have numbers on the cost of the roof. She noted that they will discuss this issue again on Wednesday.

Ms. Gibbs concurred with the Board on the decision to recommend the slate roof and noted she is satisfied with this option.

9. Flexible Spending Account (FSA) Plan Changes

Mr. Larsen reviewed the FSA program currently in effect for employees in Town. He noted that we do not have a carry-over feature where you can extend the period at the end of the year in which you can incur claims. IRS regulations have recently changed and communities may allow for the carryover of up to \$500 of funds in one year to be carried over to the following year as long as you remain with the program. Mr. Larsen noted allowance of the carry over is a procedural amendment of the plan. Mr. McCauley, for purposes of disclosure, noted that his wife is an employee of the Wellesley Health Department and may benefit from this plan.

Upon a motion made by Ms. Gibbs and seconded by Mr. McCauley, the Board voted (4-0) to authorize the Executive Director to amend the flexible spending account plan documents to provide for a \$500 rollover as permitted under IRS regulations.

10. 2014 Annual Town Meeting Preparations

Mr. Connolly reviewed two motions he provided for Annual Town Meeting. He reviewed changes made to the motions and noted that the motion packages will be mailed on Thursday to Town Meeting Members.

Override Calculator

Mr. Larsen noted a test link was circulated to the Board which allows a residents to look up their property and view the override impact on their tax bill. Mr. Larsen asked the Board if they were amenable to having this link on the Town Meeting page. Ms. Jop noted the history of how this idea came about. The Board was very much in agreement that this was a great idea.

Ms. Freiman noted that they have been authorized by the Moderator to send out any supplements via email as time constraints prevented Advisory from mailing a hard copy. Ms. Freiman asked when departments would be required to submit their gap list and whether they would be shown at Town Meeting. Mr. Larsen noted that departments will present the gap list as part of their budget presentation.

Projects & Other Updates

Regional Matters - Ms. Gibbs noted continuing efforts to market the new bus service. She noted that bus information is being distributed to all merchants across town and ridership has increased 50% since October.

Sustainability - Ms. Gibbs reminded the Board of the More Power to Choose kickoff event on Wednesday night.

Ms. Searle polled the Board all aye to go into executive session for purpose of discussing collective bargaining.