

Approved: February 21, 2023

Select Board Meeting: January 10, 2023

Present: Olney, Ulfelder, Sullivan Woods, Aufranc, Lanza

Also Present: Jop

Meeting Documents:

1. Agenda
2. Draft Select Board Calendar
3. Letter from The Planning Board re: 20 Oakland Street
4. Correspondence re: 20 Oakland Street
5. ZBA Appeal/Petition of 20 Oakland Street
6. Memo re: Firefighter Candidates
7. CV Application JJ & NN, LLC re: change of ownership Coconut Thai Cafe
8. Correspondence re: Truly's Yogurt change of hours
9. Memo re: Election Staff Wages
10. Draft Town Meeting Warrant
11. Draft SB Minutes: 12/6/22, 12/20/22
12. Select Board Policies & Procedures Manual
13. FY23 Liaison Assignments
14. Police Commendations
15. Monthly Animal Control Report
16. Encroachment Letter 3 Stevens Street

1. Call to Order

Ms. Olney, Chair, called the meeting to order at 6:30pm online.

Ms. Olney announced the meeting was being streamed live on Comcast channel 8 and Verizon channel 40 and by Wellesley Media and recorded for subsequent viewing on the cable channels or at wellesleymedia.org.

2. Citizen Speak

None.

3. Discuss and Vote Planning Board Request for Special Counsel Regarding 20 Oakland Street

Planning Board members Mr. Roberti, Mr. Taylor, Ms. Woodward, Ms. Mallett, Mr. Charney, and Ms. Olson joined the Board. Mr. Levy and Mr. Seegal of the Zoning Board of Appeals joined the meeting.

Ms. Lanza stated that as an abutter to the property she would recuse herself from the discussion and vote. Ms. Lanza left the meeting.

Ms. Olney stated that in order to focus the deliberation the Board would not be taking public comment and only take comments from the Planning Board and Zoning Board. She noted that the town bylaw authorizes the Select Board to hire outside counsel and that would be the only matter for discussion. Ms. Olney stated that the Select Board was being asked to hire special counsel for the Planning Board to intervene in an appeal of a decision by the Zoning Board and if so, would require a substantial financial commitment for the town as it would also be required to hire additional outside counsel for the Zoning Board.

Mr. Roberti reviewed the history of the lot and iterations of the plans under large house review by the Planning Board. He stated that in the fall of 2022 the Planning Board received a letter from the direct abutters asking if 20 Oakland was a buildable lot; adding that those involved in the discussion in Town Hall had decided that the lot was not buildable. Mr. Roberti added that after the determination by the Building Inspector that the lot was not buildable, the owners filed a two-part appeal with the ZBA for a determination that the lot was buildable and, if it was not buildable, a request for a variance to allow for construction. Mr. Roberti stated that the ZBA approved the variance with conditions regarding the tree lines, which was appealed by the Lanzas. He added that the Planning Board was asked by the Lanzas to join their appeal of the ZBA decision; at its last meeting, the Planning Board voted to support the appeal and to ask the Select Board for special counsel to intervene in the Lanza's appeal. He provided a brief review of the reasoning for the affirmative votes from the Planning Board for intervening in the appeal and the challenges of the lot for development. Mr. Levy stated that he had been on the Zoning Board for over 24 years and this instance was the first time the Planning Board had appealed or intervened in a ZBA decision. He stated that neither he nor the ZBA had received any of the communications to the Select Board from the Planning Board regarding the ZBA decision and had just recently learned of the Planning Board's vote to join in an appeal of the decision. He added that he had researched land court cases and found no cases where a Planning Board and Zoning Board were party to the same case. Mr. Levy stated that he believed many of the matters cited by the Planning Board could be addressed by the Planning Board through its large house review process; he noted that the Planning Board did not make a recommendation to the ZBA when the variance for 20 Oakland came before the ZBA. He added that should the Select Board approve the Planning Board's request, he believed it would set a bad precedent for the Town and create animosity between boards. Mr. Levy stated that he was not present to represent the ZBA but as a resident who is a member of the ZBA. Mr. Seegal stated that he was an associate member of the Zoning Board and was speaking as a resident not speaking on behalf of the ZBA. He added that he supported Mr. Levy's comments regarding the Planning Board request and that the Planning Board intervening would set a poor precedent for the Town. Mr. Seegal stated that the ZBA acted on the facts that were presented to the ZBA and believed the decision was made within the law.

The Board discussed at length the Planning Board's request and the implications in authorizing the hiring of outside counsel. Board members noted that not all abutters were in agreement with 20 Oakland Street and how it should be addressed. Members also discussed the use of public funds to hire outside counsel for one board to intervene in a decision of another board. Some members felt there was a lack of public interest in approving the Planning Board's request and it would set a bad precedent and expectation that the Planning Board would intervene on behalf of other residents in the future. Ms. Sullivan Woods stated that she believed both the Planning Board and the ZBA had made thoughtful determinations and believed the Select Board should be supportive when an elected board requests legal counsel for an issue within their jurisdictions.

Upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (3-1) to not authorize Special Counsel for the Planning Board.

Sullivan Woods – No

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

4. Discuss and Vote Appointment of Firefighter Candidates

Ms. Lanza rejoined the meeting.

Interim Chief Brady, Mr. Senter, Mr. Quintin, and Ms. Donovan joined the Board.

Chief Brady reviewed the qualifications and backgrounds of the candidates as well as the hiring committee and considerations. The Board discussed the achievements of each candidate and congratulated them on their appointments.

Upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (5-0) to appoint Kenan Senter, Michael Quintin and Katherine Donovan to the position of Firefighter with the Town of Wellesley effective January 10, 2023, conditioned upon the completion of the Fire Academy and a one-year probationary period.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

5. Discuss and Vote Change of Owner, Coconut Thai, 257 Washington Street

Ms. Meagher, Support Services Manager; Mr. Goodman, Counsel for the applicants and applicants Mr. Maongkontavy and Ms. Phitpiboonlerd joined the meeting.

Ms. Meagher reviewed the application, noting that Coconut Thai Café holds a CV license only, not an alcohol license. She stated that the change in ownership application was reviewed and supported by staff, noting that the Health Department would review the food permits separately and no conditions were necessary for the approval. The Board briefly discussed the change in ownership for Coconut Thai.

Upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (5-0) to approve the change of ownership of Coconut Thai Café 257 Washington Street from Visoot Sueksagan to JJ & NN, LLC.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

6. Discuss and Vote Change in Hours, Truly's Yogurt, 39 Grove Street

Mr. Jeff Marcus, Mr. Steve Marcus, and Mr. Powers for Truly's joined the Board.

Ms. Meagher reviewed the request for change in hours for Truly's to support their expansion to add a morning menu of coffee and baked goods. She stated that the earlier morning hours were consistent with other commercial locations in the area. Ms. Meagher added that the Health Department would be reviewing menu changes with the ownership and that they supported the approval of the change in hours. Mr. Jeff Marcus stated that the plans for specific service hours were not yet finalized at 39 Grove Street as they were still preparing for the opening. Ms. Meagher stated that Truly's had expressed during the application process that their final plan for hours had not been finalized within the business but had been advised by staff to request the earliest hour they would possibly open as licensees are allowed to open later than approved hours but not earlier.

Mr. & Ms. Hutchinson, Belclare resident, joined the meeting. Mr. Hutchinson stated that he was concerned about the hours change and expressed frustration from noise issues he had experienced from the current storefront at #35 Grove Street. He added that his unit was just above the door at #39 Grove

and expressed that he would prefer the Board not approve the hours change based on his experiences from living above the store.

Mr. Clarke, Belclare resident, joined the meeting. He stated that he lives on the fourth floor and that he agreed with the comments that the noise level had become an issue and was asking the Board to not approve the hour changes. He noted concerns regarding what would be cooked within #39 as was concerned about the ventilation system.

Mr. Belsky, Belclare resident, joined the meeting. He stated he agreed with the previous speakers in their experiences regarding noise problems. He noted the popularity of Truly's and the number of visitors that may linger past a 10pm closing time creating additional noise.

Mr. Steve Marcus stated that the 10pm closing time was consistent with the current hours at #35 and that part of the request was addressing a clerical issue on the CV application for #39 Grove. He added that his family owns two units in the Belclare; he reported that he attends the Belclare association meetings.

The Board discussed the request to change the hours and the comments from the abutters. Ms. Aufranc noted trade-offs of living in a commercial district and shared her personal experiences with the value of maintaining good communications with neighboring businesses. Mr. Ulfelder expressed discomfort voting the hours at this meeting; he felt it would be better to have Truly's work with the abutters on a positive solution and return to the Board at another time to discuss and vote on the change in hours request. Board members expressed overall support for the changes in hours for Truly's and the benefits of adding coffee and bakery items. Ms. Sullivan Woods felt that it would be appropriate the vote the hours as the noise concerns expressed by residents seemed to be an evening issue, and the request was to allow morning hours. She added that the request was consistent with the Board's agenda to support local businesses. Ms. Olney expressed agreement that it would be ideal to have Truly's work to find a positive path forward with the abutters before voting. Mr. Steve Marcus stated that he would withdraw the request to change the hours at this time and would contact the abutters to further discuss the issues they had expressed.

7. Town Clerk

Ms. Kato, Town Clerk, joined the Board.

Ms. Kato reviewed her request to amend the Special Act, adding that her request would be dependent on whether the Moderator's request to amend the act was approved. She stated that the proposed changes to the Special Act would mirror language already approved and revised previously in the bylaws and reflect current practices.

Ms. Kato stated that the Select Board appoints election workers, and she had been evaluating the wages of the election workers. The State minimum wage had been raised to \$15 per hour and the current pay rate for the election workers was \$10 per hour. She noted that municipalities are exempt from the State minimum wage, and the responsibilities for the election workers had increased over the past several years. Ms. Kato stated that 52 of the towns surveyed responded that their election workers would be paid \$15/hour, while 13 responded that the wages were below the minimum wage. She provided an overview of the stipends currently paid to the election workers per position and the increases she proposed for each role. The Board discussed the proposal to increase the stipends, and generally agreed with Ms. Kato's proposed changes.

Upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (5-0) approve the new stipend rates as proposed for the Town Election Staff effective for the Annual Town Election 2023.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

8. Discuss ATM 2023 Warrant and Select Board Articles

Ms. Jop stated that the annual Town election warrant had been incorporated into the draft ATM warrant. She noted additional changes made since the draft previously submitted to the Board in meeting materials. She stated that there were 46 articles and had been working with Town Counsel to finalize the warrant. She reported that the Advisory public hearing was scheduled for February 9th. She provided a review of the articles and the order of the articles. She noted there was a new article to address grease trap related easements. Ms. Jop stated that, when Truly's expanded into #39 Grove, both the DPW and Health departments required a grease trap be installed. She added that the location necessitated the grease trap to be installed in the right of way creating the need for an easement that required Town Meeting action. She noted that Water & Sewer is able to enter into easements without Town Meeting action, and the proposed article would allow for the Select Board to enter into some easements without Town Meeting action. She noted the language of the article and the motion would be specific to grease traps in business districts. The Board discussed the proposed grease trap easement article. Ms. Jop reviewed the purpose of the requirement of grease traps.

9. Discuss FY24 Budget

Ms. Jop stated that the second Budget Summit was held the previous day and the Superintendent was presenting his budget at the School Committee meeting. She added that discussions with several larger departments about their budgets were ongoing and may come before the Board shortly.

10. Executive Director's Update

Ms. Jop noted the drafted minutes. She stated that a seventh installment of the Campana gift to be used for COA program had been received.

Upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (5-0) to approve the minutes of December 6, 2022 as amended and December 20, 2022.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

Upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (5-0) to accept the Campana Gift of \$6,000 to be used for COA purposes.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

11. Select Board Procedures and Policies

Ms. Olney stated that she had been speaking with Board members regarding liaison assignments and changes to the roles and assignments. She added that one recommended change was to discontinue the role of a liaison to the business community and transfer that role to the staff. She noted that she was also recommending creating a community engagement liaison role that would include current liaison responsibilities with the Celebrations Committee, Veteran's Events, and other business events such as July Jubilation. She stated that the other significant change was to discontinue the liaison assignment to the World of Wellesley and transfer that to staff for better coordination with other initiatives. Ms. Olney stated that Ms. Sullivan Woods had asked to have a full Board discussion about the discontinuation of the liaison to the business community. She noted that the Board had received letters in support of keeping the role as a liaison assignment from representatives of the business community. She added that the change was due to how the staff had changed over time and how those relationships could be managed through staff as part of economic development initiatives. Ms. Olney reviewed her reasoning for the change including tracking concerns from business and how they relate to various areas of town departments and having a single point person within the staff for continuity. The Board discussed the proposed changes to the liaison roles. Ms. Lanza stated that she believed there were differences between the staff relationship and the liaison relationship and was not in agreement with the discontinuation of the role. Ms. Sullivan Woods stated that she believed there were separate and distinct roles for the business liaison and for staff when interacting with the business community. She added that she did not believe the businesses are confused or unhappy at having both staff and Board support and noted her disappointment in the role being discontinued and shifted solely to staff. She expressed that the change could be viewed as a lack of support for the business community. Ms. Jop stated that gaps in coordination could occur when businesses rely only on a Board liaison whose assignment could change whereas when working with staff there would be more coordination with all staff and departments in order to enhance continuity. Ms. Aufranc stated that she believed it made sense to transfer the role to staff who is working on economic development and adding clarity to the staff on various initiatives. She noted that she did not believe the change in liaison role mandated a change in relationship with the business community for Board members. Ms. Olney stated that she was not asking that Board members stop working with the businesses but rather that the development of business relationships should be done by staff. Mr. Ulfelder stated that he believed staff had the time and opportunity to work with the businesses but has not been working as closely since the role had been filled with a liaison assignment. He noted that staff had worked well on business initiatives and had been successful in their work. The Board engaged in a robust discussion on the role and responsibilities of the management of business community relationships. Ms. Olney stated that the Board would have another discussion regarding liaison roles and responsibilities. Ms. Sullivan Woods noted some questions about the recommended changes for the liaison assignments presented in the meeting materials. Ms. Olney stated that she would again review the proposed assignments prior to the next discussion regarding the matter.

12. Executive Session M.G.L c. 30A §21A, exemption #3 to conduct strategy with respect to AFSME Council 93, Local 49 FMD Custodians

Ms. Olney requested a motion that the Board vote to convene in Executive Session for the purposes of conducting strategy for contract negotiations with the FMD Custodian Union and declared that having such discussions in Open Session would have a detrimental effect on the Town's bargaining position.

At 9:50 pm upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (5-0) to enter Executive Session under M.G.L. c. 30A, §21(A), #3 to discuss strategy negotiations with AFSME Council 93, Local 49 FMD Custodians as the Chair has declared that having such discussions in Open Session would have a detrimental effect on the Town's

bargaining position and to invite Meghan Jop, Joe McDonough, and Scott Szczebak to join the meeting. Following the adjournment of executive session, the Board will return to open for the sole reason of adjourning.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

At 10:43pm upon a motion by Ms. Sullivan Woods and seconded by Mr. Ulfelder, the Board was polled and voted (5-0) to exit Executive Session and return to Open Session.

Sullivan Woods – Aye

Olney –Aye

Ulfelder – Aye

Aufranc – Aye

Lanza – Aye

The meeting was adjourned at 10:43 pm

The next regular meeting is scheduled for January 24, 2023 at 6:30 pm.