

Approved February 22, 2023

**Advisory Committee Meeting
Zoom Video Conference
Wednesday, February 15, 2023, 6:30 p.m.**

Those present from Advisory Committee included Shawn Baker, Doug Smith, Madison Riley, Rani Elwy, Gail Sullivan, David Prock, Bill Schauffler, Pete Pedersen, Al Ferrer, Jenn Fallon, Christina Dougherty, Wendy Paul, Susan Clapham, Neal Goins, and Andrea Ward.

Chair Shawn Baker called the meeting to order at 6:30 p.m. and Vice Chair Doug Smith took roll call of Advisory members in attendance.

Citizen Speak

There was no one present for Citizen Speak.

2023 Annual Town Meeting (ATM) Warrant Article 42 – Amend Zoning Map with RIO for Sisters of Charity Property at 125 Oakland Street – Planning Board (PB)

David Himmelberger, attorney for Sisters of Charity; Eric Arbeene, Director, Planning; Jim Roberti, Chair, PB; Patty Mallet, PB; Tom Taylor, PB; Kathleen Woodward, PB; Mary Anne Foster, Sisters of Charity; Krista Thibault, Director of Finance, Sisters of Charity, were present. The Planning Department presented information regarding Article 42.

Questions

- What is the benefit to the town of applying the RIO provisions to an area when there is no specific development proposal accompanying it as was the case with previous RIOs? An additional comment was made that Town Meeting will want an understanding of what will happen by overlaying the RIO and giving substantial by-right development authority for an unknown development.
 - We are trying to assist the Sisters of Charity, who have been in the town for a long time and who provide services and care for not only the Sisters but for residents of Wellesley. In addition, due to the zoning restrictions on the property, the RIO is the only option that can be offered. If this is not allowed, then at some point they will run into difficulty because they can't sell without a zoning change, and they would be out of zoning compliance.
 - This site was identified in the Housing Production Plan created five (5) years ago as a potential location in town for multi-family dwellings.
 - This is not a raw piece of land. We know that for a long period of time the two (2) operations that exist there now will continue, and their continued presence will be a stipulation in the sale.
 - If a for-profit development company buys the property and wants to add a continuing care community or a multi-family residential community, they will need Planning Board approval and Wetlands approval (due to the wetlands buffers as shown on the map). It will not be an as-of-right use.
 - The RIO wasn't assigned to a particular project when it was first created in the Lower Falls. It was to inspire development in a particular area to complement the existing neighborhood in Lower Falls. In the future, this kind of development will be seen as a part of development within MBTA communities rather than aligning zoning with what is wanted for a project. It was felt that Wellesley needs to be thinking forward so that as developers come in, they know the rules and how to proceed. The Sisters of Charity is allowing the current use (providing senior and nursing care) to remain, which might

otherwise be abandoned. A non-conforming use could limit investment and how that site could be shaped in the future.

- Are there any other options that we should understand for comparison and what is being given up with this RIO?
 - There is only one other district in town that would allow elderly housing which is already there. Although there are many zoning districts, the RIO is the best fit for this property. The other possibility could be as a 40R zoning, which would then need to go through the state. The Planning Board feels that the RIO is the best solution. This is not a new idea for the area, and it's been thought about for many years.
- Is this consistent with the Unified Plan and would this allow us to do what we might want to do with this land in the future?
 - Yes, which is why we don't want to limit it in any way.
- Are the Sisters of Charity covered under the Dover Amendment and does the RIO put us at risk in terms of zoning?
 - The Dover Amendment applies to religious and educational purposes, irrespective of the zoning. Therefore, religious buildings and uses exist in single family residential districts. The Sisters of Charity could far exceed what is currently on the site. In addition, they have tax-exempt status; becoming a commercial property owner limits development of the property to the zoning and makes them a taxable property owner. There is more protection for the area with a RIO zoning than there would be with a religious organization.
- What will the area look like if the new owner were to make the property commercial?
 - In 30 or 40 years--when there are no more Sisters at the facility--there would be limits on the development for assisted elderly living or independent elderly living (as listed in the second appendix). It's a maximum of 100 units for a nursing home; skilled nursing of 250 beds; and 340 units of conventional multi-unit housing. And there are variations in that for mixed use projects.
 - Nothing can be built there without first getting a RIO permit, PSI permit and site plan approval.
- Can the Sisters hire a property manager to manage the property?
 - The Sisters would prefer to enjoy the revenue from selling the property so that they can further their mission while caring for their aging Sisters at the site.
- Does Mass Bay have an opinion about this?
 - Planning has not received feedback from Mass Bay.
- Given the wetlands buffer, is it possible to put up 340 units?
 - The maximum assumes this is a flat piece of land with no encumbrances such as the wetlands buffer. No one would buy this without due diligence on wetlands, the topography, and setbacks. These factors will limit how much can be done. The maximum number of multi-unit housing would be 340 units.
- A comment was made that this is a beautiful parcel of land, and it would be helpful to have a better understanding or visual of what it could look like at the maximum build-out.
 - It is understood that the town wants to see how things look, but that needs to be balanced with the need for more affordable housing, more starter homes, and more elderly housing.
 - There are building height limitations as well. One of the current buildings is quite tall.
- A comment was made that the Sisters of Charity are wonderful neighbors who should be encouraged to remain in town, but it's important to show Town Meeting what this could look like in the future.
- If the RIO is not put in place, could the Sisters sell the property to another developer? Would there be less control over what was ultimately put in place as it is zoned for educational use?

- The on-going businesses as a nursing home and a rest home are operating under a religious exemption. If the property is sold, those two businesses and land on which they are located would go. But they wouldn't be able to sell with the current zoning. The Sisters are there now because they were there before the area was zoned, and they have the protection of the Dover Amendment. This is not a surprise; it's been discussed for many years. The RIO has become the better alternative to help the Sisters sell the property.
- Would this property initially be mixed-use, given the existing nursing facility, the rest home, and the current community of Sisters who would remain?
 - The Sisters would be able to sell the property to a for-profit operator pursuant to the rezoning to a RIO; they intend to include in that sale the ability for the Sisters to continue to live there for 20 to 30 years. There is no expectation that the buildings would go away. Given the challenge between the wetlands and the topography, it will be complicated to place additional housing there. It is not envisioned as the existing facility plus something. The 340 unit maximum-build capacity shows what could happen when the Sisters stop functioning as an order: under the RIO, someone in the future could then build up to the maximum number of units or could develop the property for other uses such as elderly or assisted living.
 - A comment was made that we are approaching a "silver tsunami" as boomers age. There remains a critical need for the services currently offered in this facility; demographically there will be no decline in that demand for the future.
- A comment was made that Advisory had received several questions from residents, and whether Planning could provide answers to those questions.
- What are the plans to engage the neighbors over the possibility of what might take place?
 - There will be a joint Public Hearing/meeting with the SB and the Planning Board on Tuesday, February 21, 2023.
 - As the postcards went out and neighbors were notified, there has been some feedback and many have expressed interest in speaking at the Public Hearing.

2023 ATM Warrant Article 34 – Extend Term of Moderator from one to three years

Mark Kaplan, Moderator, presented information regarding Article 34

Questions

- What are the reasons against making this change, since there appears to be a 50-50 split with the length of the term in other towns?
 - For towns in Massachusetts which govern through a Town Meeting, the split is 53 to 46. A substantial skew exists toward the 3-year term in representative Town Meeting towns with larger populations. The primary argument against it is that if the moderator does not do a good job at Town Meeting, then the town can vote for someone else in the next election. The other argument against it is that if there were a rogue moderator elected, board appointments for three (3) years might be impacted.
 - The SB has decided that they would not take a position as a board; the majority of the SB indicated a preference for the one-year term because of the appointment issue. However, moderators are often recruited to run for office.
- A comment was made that someone who wasn't recruited could run for moderator and have a significant impact on appointments if it were a three-year term.
 - Perhaps someone who is unfamiliar with town government might be under the impression that the moderator only presides over Town Meeting. However, that is a small part of the moderator's responsibilities. In addition to appointments, the moderator is called upon to speak to groups and to educate residents about Town Meeting in order to interest

residents to become involved in Town Meeting. Being moderator is difficult if someone is working full time. It was agreed that someone might decide to run for the moderator position without being recruited, but it was felt that it would be a remote possibility.

- There was a lengthy discussion about the challenges of running for moderator each year and the uncertainty related to the one-year term when recruiting prospective board appointees.
- Do other communities have the same challenges posed by the compressed timeline (three weeks) from election to the Annual Town Meeting? A comment was made that this compressed timeline is also a challenge for other newly elected board members in Wellesley as they must quickly become acclimated.
 - Wellesley's bylaw provides that the Annual Town Meeting begin no earlier than the last Monday in March, and no later than some date in May. Wellesley holds one of the earliest Town Meetings in the state. Many towns also hold their elections after Town Meeting.
- A comment was made that it is challenging to fill positions.
- If this is approved at Town Meeting, does it apply to the current term? Does the current term change from one (1) year to three (3) years?
 - The motion has not been drafted yet, but it is trying to be drafted so it would not be applicable to the incumbent.

Select Board (SB) ATM Warrant Articles and updates

FMD Union Contract, Article 6 – Set Salary of Elected Official; Article 9 – Revise Revolving Funds; Article 10 – Injured on Duty Stabilization Fund – additional funding; Article 11 – Special Education Reserve Fund; Article 21 – Acquisition of New Fire Truck; Article 25 – Accept/Abandon Easements; Article 44 – Rescind or Transfer Debt; Appropriate Premiums; Article 47 – Appoint Fire Engineers.

Meghan Jop, Executive Director; Lise Olney, Chair, Select Board (SB); Tom Ulfelder, Vice Chair, SB; Joe McDonough, Director, Facilities Maintenance Department (FMD); Amy Frigulietti, Assistant Executive Director; Beth Sullivan Woods, SB; Sheryl Strother, Finance Director, were present.

Joe McDonough presented information on the FMD union contract.

Questions

- How will Wellesley compare with its cohorts, once this contract is put in place?
 - It is believed it will put Wellesley in the middle of cohorts at a little above average but not in the top quartile. The 3% and 2% in the outlying years will help us remain competitive. Ideally 6% would be nice if the town could afford to do it. FMD understands that there are a lot of other contracts being negotiated and felt the 4% was a good balance between what the town could afford and what was reasonable in keeping and retaining the staff.
- Although inflation has softened a bit, does FMD continue to monitor the impact of inflation on expenses?
 - Yes. One of the biggest expenses for FMD is the fixed cost of the natural gas contract until FY24. Every couple of months FMD talks to the consultant about what is happening in the market and when the right time might be for a new contract. FMD monitors the construction projects out for bid to gather information on the cost of construction, equipment, and supplies, and on which direction expenses are trending.
- Have the cohort communities completed their contract negotiations, or are they on older salaries and could negotiate higher contracts in the future?

- FMD has been taking the lead on gathering and sharing this information from other communities; the information is based on a snapshot in November. There is no information on more recent contract negotiations among the cohorts.
- A question was asked as to how FMD's budget was going to get back to the budget guideline?
 - FMD has unfilled employee positions; having these open positions will help in FY23. In FY24 FMD will hire staff for the five (5) open positions closer to step 1 or 2 out of the 6 steps, therefore at a lower rate. Utilities represent a large part of the budget. There are energy cost conservation measures in place, and those will continue to be important.

Meghan Jop provided a brief overview of budget guidelines and the SB budget highlights. More detailed information on all FY24 proposed budgets will be presented on March 1, 2023, along with the Town Wide Financial Plan (TWFP). Information on the above listed SB 2023 ATM Warrant Articles was also presented.

Questions

- Is there information on the line-item detail for these budgets?
 - The budget requests were submitted to Advisory in December. When the Town Wide Financial Plan (TWFP) is prepared, the Budget Book will also be prepared.
- Where are the temporary relocation expenses for Town Hall?
 - The relocation costs are included in the Town Hall total cost estimate. They go with the project rather than into the operational budget and are considered a capital expense.
- A question was asked about the Special Education Reserve Fund and whether it could be used to cover the 14% as an extraordinary expense.
 - The 14% increase is based on known student placements so the Special Education Reserve Fund cannot be used. The increase must be absorbed in the general budget. The fund can only be used for unanticipated expenses, such as a student moving to the district with needs that were not budgeted for.
- A question was asked about water and sewer easements that do not need to go to Town Meeting for approval. A comment was made that there seemed to be a precedent that is being used for the grease trap easements.
 - Historically various easements went to Town Meeting. However, Town Counsel identified that Public Works has the capability to do this themselves. For several years the water and sewer easements have not been brought forward. Easements such as those required for the Williams Street turnaround are brought to Town Meeting, and those types of easements will continue to come to Town Meeting.
 - There are instances where private property needs to be crossed to access another lot in terms of electrical equipment; that is done as a matter of right within the utility service.
 - Much of this is unknown and will occur on turnover from retail to restaurant. It provides a tool to try to expedite the process, given the costs of opening a restaurant. Once it is there, it is maintained.
- A question was asked if in the past the ability to do the utility easements, without coming to Town Meeting, was not being taking advantage of.
 - It is within the operating authority of the Board of Public Works. Additional information will be provided on this.
- A request was made for information on Article 25, Motion 2.
- Were Babson and Wellesley College approached about contributing to the fire truck as they have in previous fire truck purchases?
 - In the past the colleges contributed to the Quint or the Tower truck, which are necessary apparatus for the height of the college buildings. This new truck is for general public use and does not have that capability for the college buildings.

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- How do the revolving funds work if the funds are not spent?
 - If the funds are not spent, the balance remains in the fund until they are released. When each fund is established, there are specific elements for how those funds can be spent. Town Meeting must approve any modifications to the fund's purpose.
- A request was made for the current balances in the funds.
- Clarification was requested regarding the Baler fund and the Baler Stabilization fund.
 - One is for repairs, and one is for the purchase of a baler.
- Given the upcoming project for Weston Road, will the Weston Road Garden fund increase for additional water be impacted?
 - They are two separate items. Weston Road repairs will occur from Cleveland Road to the Weston line. Weston Road gardens are located on the North 40. The increase is larger than Brookside Community gardens because Weston Road gardens are much larger. The cost of water is increasing, and we want to make sure the gardeners are being charged enough to cover the cost of water.

Discuss and Vote 2023 ATM Warrant Articles

Article 40 – Amend Article 47.4 of Town bylaws to increase dog license fees

Susan Clapham made, and Doug Smith seconded a motion for favorable action on Warrant Article 40, Motion 1, as proposed by the Town Clerk, to increase the fees for licensing dogs, as set forth in the Warrant and the Motion.

Discussion

- A comment was made that it has been a long time since fees have increased and the administrative costs are up, so it seems reasonable to increase the fee.

A roll call vote was taken.

Advisory recommends favorable action on Article 40, 13 to 0.

Article 47 – Appoint Fire Engineers

Susan Clapham made, and Doug Smith seconded a motion for favorable action on Article 47, Motion 1, as proposed by the Select Board, to authorize the Select Board to appoint one or more of their number as fire engineers.

A roll call vote was taken.

Advisory recommends favorable action on Article 47, 13 to 0.

Article 23 – Authorize payment of FY22 bill

Susan Clapham made, and Gail Sullivan seconded a motion for favorable action on Warrant Article 23, Motion 1, as proposed by the Select Board and Human Resources Board, that the sum of \$18,000 (EIGHTEEN THOUSAND DOLLARS) be appropriated to Group Insurance Concepts, Inc., for payment of an FY22 invoice as set forth in the Warrant and the Motion.

A roll call vote was taken.

Advisory recommends favorable action on Article 23, 13 to 0.

Article 6 – Town Clerk Salary

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Wendy Paul made, and Doug Smith seconded a motion for favorable action on Warrant Article 6, as proposed by the Select Board, to fix the annual salary of the Town Clerk at \$108,732 (ONE HUNDRED EIGHT THOUSAND SEVEN HUNDRED THIRTY-TWO DOLLARS), effective July 1, 2023.

Discussion

- A comment was made that in looking at Town Clerk salaries in nearby towns of Needham, Dedham and Wayland, the average salary is \$111,520, which provides a good point of reference.
- An additional comment was made that it is a 4% increase which is justified when comparing what the Town Clerk’s office does and the number of staff the office has, particularly when compared to other towns. It was felt that the 4% increase was justified.
- Information was provided that the Town Clerk’s salary was increased a couple years ago to be more comparable to salaries in other communities.

Roll Call vote

Jennifer Fallon – absent
Doug Smith – yes
Susan Clapham – recuse
Al Ferrer - yes
Wendy Paul – yes
Pete Pedersen - yes
Madison Riley – yes
Rani Elwy - yes
Christina Dougherty - recuse
Gail Sullivan – yes
David Prock -yes
William Schauffler – yes
Neal Goins – recuse
Andrea Ward – yes

Advisory recommends favorable action on Article 6, 9 to 0, with 3 recusals*.

*per guidance from Town Counsel, members recused themselves because they or a family member works/volunteers for elections which are run by the Town Clerk.

Article 10 – Special Indemnity Leave Fund

Susan Clapham made, and Madison Riley seconded a motion for favorable action on Warrant Article 10, Motion 1, as proposed by the Select Board, that the Town vote to transfer \$33,262 (THIRTY-THREE THOUSAND TWO HUNDRED SIXTY-TWO DOLLARS) from Free Cash, certified as of July 1, 2022, to the Special Injury Leave Indemnity Fund established under Article 9 of the 2017 Annual Town Meeting.

Discussion

- A comment was made that this seems like a wise investment in continuing this fund for the reasons cited in the recent presentation.

A roll call vote was taken.

Advisory recommends favorable action on Article 10, 13 to 0.

Article 12 – Baler Stabilization Fund

Susan Clapham made, and Madison Riley seconded a motion for favorable action on Warrant Article 12, Motion 1, as proposed by the Board of Public Works, that the Town vote to transfer the sum of \$11,512 (ELEVEN THOUSAND FIVE HUNDRED TWELVE DOLLARS) from Free Cash, certified as of July 1,

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2022, to the Baler Stabilization Fund for replacement of the Recycling and Disposal Facility (RDF) Baler, RDF Compactors, and other RDF equipment.

Discussion

- A question was asked as to how much money is in the fund and how much it costs to buy a baler. What is a baler’s life?
- A comment was made that other projects go through the five-year capital plan and the money is spent for things that need to be done. It was further commented that it is interesting that the baler has its own stabilization fund.
- A comment was made that the fund is expected to help replace the baler and some compactors, all of which are above their useful lives.

A roll call vote was taken.

Advisory recommends favorable action on Article 12, 12 to 0.

Article 22 – Authorize increase in retirement COLA base

Susan Clapham made, and Doug Smith seconded a motion for favorable action on Warrant Article 22, Motion 1, as proposed by the Contributory Retirement Board, that the Town vote to increase the maximum base on which the cost-of-living increase is calculated for retirees and beneficiaries of the Wellesley Contributor Retirement System by \$1,000 for the next 3 years resulting in a base change from \$18,000 (EIGHTEEN THOUSAND DOLLARS) to \$19,000 (NINETEEN THOUSAND DOLLARS), effective July 1, 2023; from \$19,000 (NINETEEN THOUSAND DOLLARS) to \$20,000 (TWENTY THOUSAND DOLLARS), effective July 1, 2024; and from \$20,000 (TWENTY THOUSAND DOLLARS) to \$21,000 (TWENTY ONE THOUSAND DOLLARS), effective July 1, 2025.

Discussion

- Although this is supported, a comment was made that it felt like Retirement was trying to keep this limited. As the average salary goes up, this is periodically brought up.
- An additional comment was made that it seemed like they don’t necessarily calculate it a particular way and it’s almost like they don’t know for certain. The percentages were somewhat consistent.
- Support was expressed that with rising costs this is fair to the retirees.
- It was felt that this is prudent, and they are not giving that 3% automatically each year. Increasing the base by \$1,000 each year also helps with the pension accounting.
- A comment was made that there is no foreseeable impact on the budget because they are conservative with their investment return assumptions.

A roll call vote was taken.

Advisory recommends favorable action on Article 22, 12 to 0.

Administrative

Next week’s meetings were reviewed.

Minutes Approval

Christina Dougherty made, and Gail Sullivan seconded a motion to approve the February 8, 2023 and February 9, 2023 minutes.

A roll call vote was taken.

The February 8, 2023 and February 9, 2023 minutes were approved, 12 to 0.

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Liaison Updates

Library/Christina Dougherty– an update of the recent WFL Trustees meeting was provided and highlights included Black History month events; a partnership with other public libraries for more programming; partnering with groups in town; flash fiction contest; the Trustees voted to close the library an hour early on May 12 in preparation for the Books and Bloom event and voted to serve alcohol at the event. It is anticipated that about 200 – 250 people will attend the event. The DEI task force presented to the Trustees, who will vote next month on whether to support the DEI article. The Trustees voted and approved their vision values and mission statement. The Town Hall donated paintings to the library and the library voted to accept these.

DPW/Pete Pedersen – BPW will vote on the final budget at this week’s meeting.

Adjourn

Wendy Paul made, and Pete Pedersen seconded a motion to adjourn.

A roll call vote was taken.

The meeting was adjourned at 10:00 p.m., 13 to 0.

Meeting Documents Reviewed

<https://www.wellesley.ma.gov/DocumentCenter/Index/1998>

- FMD Union Contract Advisory Presentation
- FY24 Article 42 Planning Presentation
- Moderator Presentation for Advisory
- Advisory presentation – Select Board update February 15, 2023