

Approved September 27, 2023

**Advisory Committee
Zoom Video Conference
Wednesday, September 20, 2023, 6:30 p.m.**

Those present from Advisory Committee included Madison Riley, Chair; Susan Clapham, Secretary; Wendy Paul, Vice Chair; Gail Sullivan, Vice Chair; Al Ferrer; Pete Pedersen; Christina Dougherty; Rani Elwy; Tamara Sielecki; Hanna Bonin; Phil Jameson; Jay Prosnitz; and Donna Stoddard.

Also in attendance were Meghan Jop, Executive Director; Lise Olney, Chair, Select Board (SB); Ann Mara Lanza, SB; Tom Ulfelder, SB; Beth Sullivan Woods, SB; Eric Arbeene, Director, Planning; Tom Taylor, Chair, Planning Board (PB); Kathleen Woodward, PB; Patty Mallet, PB; Marc Charney, PB; Emma Coates, Planner; Tom Harrington, Town Counsel; Marla Robinson, Chair, Board of Library Trustees (BLT); Jamie Jurgenson, Director, Wellesley Free Library (WFL); Maura Murphy, BLT; Ann Howley, BLT; Diane Savage, BLT; Linshi Li, BLT; Ann Rappaport, BLT; David Soar, Fire Chief; Scott Bender, Chair, Municipal Light Plant (MLP) Board; Don Newell, Director, MLP.

Madison Riley, Chair, called the meeting to order at 6:30 p.m. Vice Chair Gail Sullivan took roll call of members of Advisory in attendance.

Meeting Video [September 20, 2023 Meeting video](#)

Citizen Speak

There was no one present for Citizen Speak.

Special Town Meeting Warrant Article 3

FY24 Budget Supplemental Appropriations – WFD, Assessors

Meghan Jop presented the supplemental appropriation requests for Special Town Meeting. There will be two motions under Article 3 for FY24 budget supplemental appropriations. The SB voted on September 19, 2023, to move forward with the supplemental request.

The Fire Department (FD) supplemental request will be Motion 1. The causes of the budget shortfall were reviewed and the FD shortfall trend from FY15 to FY23 was presented. Minimum staffing levels were reviewed. The overall FD FY24 supplemental request is \$360,000. The funds would come from Free Cash.

Questions on WFD Supplemental request

- A question was asked about retention and the steps to address retention.
 - The settlement agreement will address retention.
- Is the outlook for the Fire Academy improving and are the delays in the Academy impacting other towns? Is the supplemental due to more turnover than a normal year?
 - Some communities have on-call staff. Metro Fire has different standards. Overtime has been short, and we are looking at the calculation. In FY19 a correction was made. With COVID we didn't take another look. The elimination of four (4) positions resulted in the loss of a buffer in staffing and overtime was needed. We are also looking at adding the four (4) positions back for FY25 and beyond. We are trying to correct existing conditions and structural conditions going forward
- Will this take time to work out, given that staffing is difficult and there are long lead times for the Fire Academy?

- We held an exam on September 9 and had many more registrants than we have had in the past due to Chief Soar's efforts. From that test we have 16 individuals who we will be able to vet for new firefighters.
- Are you planning to adjust the overtime expense in future budgets?
 - Yes. The structural deficit needs to be addressed. We have some great candidates for new fire fighters. It will likely be a two (2) year or longer process but we are set for a strong department in the future.
- How much of the \$360,000 supplemental will become included as part of the base budget in the future?
 - \$250,000 becomes part of the base budget. \$90,000 is a "one-off" and \$20,000 is for benefits. There will also be the settlement cost for the new contracts. FY25 will have an equal number of newly hired firefighters. The cost for uniforms and gear will be elevated for a few years.
- Is the HR board involved in this?
 - As part of the hiring process HR is involved. After the exam, candidates undergo a vetting process and HR participates in the interviews. HR does not complete the background checks on firefighters. Police complete in-depth background checks on firefighter candidates.
- Is there an early retirement program for firefighters?
 - There is a different retirement schedule for public safety personnel. There is mandatory retirement age at 65. Retirement is a combination of aging out and younger firefighters who have been injured who may have to retire early due to their injuries.
- Is the \$250,000 a combination of multiple positions and aren't their salaries in the budget now?
 - The new position adds about \$67,000 to the budget, in addition to overtime corrections. Other additional costs are due to the deputy chief position and the nighttime differential.

Assessors supplemental request will be Motion 2. Valuation services are outsourced and were budgeted at \$74,000, but the bid came in higher at \$85,000. Funds will be transferred from those allocated for other temporary staff. This request is budgetarily cost-neutral, as we are shifting dollars from personnel services to expenses.

Questions

- A question was asked about the Article language which mentions borrowing.
 - We would not be borrowing for any of these. The Article language is standard and broad.

Special Town Meeting Warrant Article 10 Authorization to make Library Director contract employee

The criteria and rationale for moving the library director to a contract were reviewed and a PowerPoint presented.

Questions

- Several members expressed general support for a library director contract but wished to understand the reasons for the contract a bit more.
- A question was asked as to why the library director position needs to be removed from the job classification plan as specified in the Article language. Concern was expressed about the broader implications of this in town. A further question was asked if it is possible for the position to be a contract but still stay within the job classification schedule.
 - Position would remain with the classification schedule, but it wouldn't follow the salary of the classification schedule. With a contract, the salary is negotiated by whoever is

responsible for that contract. The job itself stays in the classification plan but the salary is different. The salary in the contract is only for year one (1). For year two (2) and three (3) salary would follow the percentage increase for Schedule A. The Library has a limited budget which is reviewed by Advisory. Other library director salaries are available as libraries are required to report this information to the state.

- It was further clarified that the library director can remain within the job classification schedule. It is possible to have a contract and tie the salary to the job classification schedule, but the position does not need to be removed.
- A comment was made that there are other department directors who are public-facing and report to the state.
- Does the mechanism of a contract allow for additional retention strategies that are not currently available to town employees?
 - Given the political environment, the contract would specify the procedure for removing the director. If a director is doing their job under the American Library standards, then a contract position is protected from removal for political issues. Having a contract protects against changes in the political environment and gives directors more security. It is a competitive environment in Massachusetts for library directors. It was felt that having the contract would demonstrate that the town values the intellectual freedom of the library director.
- How does this differ from other groups who are struggling with similar issues? What would a contract do if it is not about salary? Would a contract make it more difficult to remove the director?
 - Removal would be spelled out in the contract regarding a hearing and procedure. This does not exist right now. It was felt that many other directors in town have a different chain of command than reporting to an elected board like the Library Trustees.
- The Mass General Laws were cited, and Wellesley is out of compliance along with 40% of other towns. Is that a law we are out of compliance with?
 - Yes, it is the law; the word is “shall,” which indicates that Massachusetts thinks libraries are special and should be protected.
- Are there consequences to not following the law?
 - No, not yet. However, there are consequences for not following other areas of the law.
- If something is the law, how can 40% of towns not follow the law?
 - The library director reports to the library trustees. Removal would be related to standards set by the ALA, which is library standards and not general standards. We want our library director to be someone who follows the standard set forth by the people who know libraries the best.
 - Also, it is the law and if others are not following the law or we haven’t in the past then that is no reason not to comply.
 - With respect to salary incentives or disincentives, the budget guidelines, and the funds available are a very real constraint on what the trustees can offer the library director. The trustees must share resources with the services we provide and not direct it all to salary.
 - It was further commented that the law for library directors says, “you shall do this.” It was felt that library deals with intellectual freedoms in a way that other boards and departments don’t, and therefore the library trustees felt they have a stronger burden to protect their director.
- Does the town have a due process for removal of employees?
- Clarification was requested as to whether this would be a one (1) year, three (3) year or five (5) year contract and whether this request had gone through the HR board.

- The HR board meeting to discuss this is September 28. The number of years of the contract would not exceed three (3) years and this would be reflected in the motion. The contract would not be just for the existing director for potential future directors.
- A question was asked about the one exception after the word “shall” in Mass General Law that was mentioned in the presentation.
 - It refers to the employees who are on a union contract. The library director is the only employee under the library trustees. The trustees appoint the director. Other employees in the library either work in a union or are appointed by the director.

Special Town Meeting Warrant Article 7

Authorize Library Board of Trustees to install solar panels on library roof

The Solar Roof Project was presented and outlined for installing solar panels on town buildings. Only the library requires Town Meeting (TM) approval to lease the roof for the solar panel installation. The other buildings in town do not need TM approval. The trustees will be reviewing the terms required for the lease of the roof. The MLP will be presenting at TM the actual RFP, construction details, and logistics. Article 7 is only to authorize the Board of Library Trustees to lease a portion of the roof for the solar panels.

Questions

- MLP was asked to explain the difference between a photovoltaic (PV) facility and solar panels.
 - Solar panels are a generic term. PV is the term for the electric type of panel. It is a solar panel and could be solar hot water or solar PV which is electric type. In Wellesley when we talk about PV it is the electric type.
- Who would maintain these and how would maintenance be paid for?
 - The installer would be the owner of the panels and be responsible for them. MLP would buy energy through a PPA with the owner. They often come with a long warranty of 25 years.
- Is there protection for the library if there is any damage to the roof?
 - Conditions identified by FMD will be written into the contract. There are protections for the library and the library roof.
- Why can't the town own the PV panels, install them, and maintain them?
 - We evaluate the option that is best for our business model. MLP does not have the staff to maintain these systems. This is the preferred route and MLP evaluates this on an on-going basis. The RFP will also include that the vendor offer MLP opportunities to purchase at various times over life of the asset. MLP will continue to monitor this. At this point, owning is not as advantageous as setting up a PPA. There is a possibility through the RFP process, that MLP or the library could own these. There are a variety of options in the bid. We will have a thorough RFP and we will do due diligence in our evaluation.
- Clarification was provided that this Article is specifically asking for approval for the library to lease its roof and not other points of the contract. This is a robust contract that the winning bidder will sign, and they will be required to provide a significant amount of insurance and they will be required to repair any damage. If, at any time during the lease they don't repair to our satisfaction, we have their insurance.
- A question was asked if the roof wears out and the panels need to be removed to replace or repair the roof who covers this?
 - The library roof is fairly new and FMD would have noted if the roofs were not capable of supporting the panels during the lifetime of the lease.
- A question was asked about the 30-year length of the contract and if there was any cost analysis done, because within 25 or 30 years the cost to install might be less than it is now.

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- Contract could be as long as 30 years but if the life of the asset is 25 years, then it will get adjusted at that time. We will evaluate costs once MLP receives bids for the PPAs from the developers. They will be obligated to give us an opportunity to buy the panels at a variety of times during the contract.
- A question was asked about whether a shorter lease would be better.
 - Between 20 and 30 years is standard, and the developer would be responsible for making repairs. The bidders need to receive some return on investment, so the shorter lease lessens the pool of bidders.

Special Town Meeting Warrant Article 13 Amend Inclusionary Zoning Provisions

Inclusionary zoning was explained, and a PowerPoint presented by Eric Arbeene, Planning Director.

Questions

- How was 5% chosen? What is the percentage of people who work in Wellesley that would like to live in Wellesley?
 - 5% was the number chosen to try this out. We know there is a demand for housing. Based on salaries of teachers and others who work for the town, they would fall into the 140%. The town can have a preference that a certain number of units is set aside for Wellesley employees. If no one in Wellesley applies, then eligibility could be open to the larger region. If you are building a 100-unit complex, only 5 units would fall into this category and the other 15 would be for people with 80% or less of median income.
- Is it important to have a more systematic understanding of the actual demand because if there is a higher demand some won't be eligible?
 - We did 5% so we could keep track with the 40Bs. The board debated this and whether it all should be 80%. Some towns only go to 120%. There is a study that was done in 2021-2022 that has some good information. Housing is not just a need in town; it's a regional need and a state need. So, while we'd have preference for people in town, we are addressing a larger need. We can re-visit the 5% if we find the local demand is higher.
- A comment was made that it might be helpful to know why the 5% was chosen and if there will be flexibility in the future.
- What happens when people who qualify at the 80% level start earning more?
 - If a unit is purchased, the purchaser can continue to stay there, but there are restrictions so that the unit can't be sold for a large profit, and it retains its affordability for the next person who buys it. For rentals, people annually or every 6 months fill out a form certifying they are at the same income level. The timeline is included in the regulatory agreements.
- Would this change automatically qualify someone to stay if their income increased?
 - No, if a person is renting as an 80%, then they would not be able to stay; this would be for new developments.
- Is this addressing the "missing middle" at the 81 – 140%? Are we at 20% for affordable housing? Could we do 5% affordable and 15% for the "missing middle"?
 - Right now, the inclusionary bylaw requires 20% of the units to be affordable. We are at 11.4% for 40Bs so if we do more than a 10/10 split, we could potentially slip below the 10% threshold for 40Bs and then a developer could come in and override local zoning and do what they want. We have developed a lot of affordable housing in town to guard against that. If we only make 5% of the units affordable to the 80% and more units affordable to higher incomes, those units would not count to our Chapter 40B affordable list. The 10% threshold is a guideline and a minimum that every town in the state should have as affordable housing.

- The inclusionary zoning bylaw of Wellesley is 20% of a new development be affordable because we were not at the 10% threshold. We don't want to slide back under the threshold.
- The 15% stays ahead and keeps growing on the 11.4% where we are now. So, the sense of the board was to start with 5% at the 140% level. The term for these units is moderate income units. The board picked 5% because it's large enough to make a dent and to help us understand the demand.
- Is there state and local interaction in determining sites for future development?
 - The state's big push is the MBTA communities, and they are encouraging communities to develop housing near the MBTA. But they are not saying it needs to be affordable. This change is to protect the town, so we don't fall under the 10% threshold. We want all the units to count.
 - When a town falls under the 10% threshold for affordable housing, a developer can come in and they don't have to work with the town. It is considered a hostile 40B. Because Wellesley is over the 10% threshold, we have friendly 40Bs where the developer works in partnership with the town.
- If someone has been living in Wellesley and their income goes over the 80%, do they have to move?
 - For rental units, they would have to move. If they own the unit, they do not have to move but the sale is regulated at what they can sell to the next person, so the unit retains its affordability rate.
- How many RIO districts are in town?
 - We have one at The Bristol, The Terraza and Waterstone.
- Are the changes in employment structure with more people telecommuting considered when building near train stations?
 - This emphasis on MBTA communities comes from the state. There are many studies. The focus is on transit-oriented development and getting people out of their cars and walking to train stations.

Special Town Meeting Warrant Article 14

LHR Bylaw to exempt attached ADUs

The proposed amendment to the Large House Review (LHR) bylaw for attached accessory dwelling units (ADUs) was reviewed and a PowerPoint presented.

Questions

- Can ADUs be rented as an Airbnb?
 - The ADU bylaw that was passed requires owners to fill out an annual affidavit certifying that they will live in the ADU or the main structure 184 days per year. Owners can rent it out, but there is a minimum lease term of 30 days.
- Have there been any applications for an attached ADU that caused concern about the LHR?
 - Some planning board members have received inquiries about the process.
- Could there be a situation where the proposed intent is to have an attached ADU but the whole purpose of proposing the attached ADU is to get the extra space without having to go through the LHR?
 - The ADU must be recorded with the Registry of Deeds, so if the house is sold in the future, it is clear that an ADU unit exists. Owners complete an affidavit affirming the unit will be kept as an ADU. The ADU must have a separate entrance and it can't be accessed from the main house.
 - We felt that by not requiring the applicant to go through the LHR, it might encourage more applicants. We'd like to encourage building more diverse housing.

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- Concern was expressed that without LHR someone could build an ADU that would encroach on a neighbor.
 - Although it would not go through LHR, it would still be subject to zoning bylaws on setbacks and other established bylaws in town. It's not a free-for-all.
- A comment was made that if a house is subject to LHR and has an attached ADU, it seems this would complicate things.
 - If a house were being built that's subject to LHR, planning would look at that but would not look at the ADU. But there are bylaws in place that the ADU must follow.
- Are there limitations to an ADU being multi-use?
 - You can't run a business out of an ADU. It needs to be a self-contained unit.
- Is the process different for an attached ADU versus a detached ADU?
 - Yes – currently for a detached ADU, a special permit from the ZBA is required along with compliance with zoning bylaws. If an attached ADU is large enough to go over the threshold, then LHR would be required. This amendment is an attempt to make the two more consistent.
- How do other towns handle the ADUs?
 - LHR review is unique to Wellesley, so other towns don't have this issue.

Administrative/Liaison Updates/Minutes

Minutes Approval

Pete Pedersen made, and Christina Dougherty seconded a motion to approve the September 13, 2023, minutes.

Roll Call Vote

Wendy Paul - absent

Al Ferrer - yes

Pete Pedersen - yes

Christina Dougherty - yes

Rani Elwy - yes

David Prock – absent

Tamara Sielecki - yes

Gail Sullivan -yes

Hanna Bonin – yes

Phil Jameson - yes

Jay Prosnitz - yes

Lucienne Ronco - absent

Donna Stoddard - yes

Susan Clapham – yes

The September 13, 2023, minutes were approved, 10 – 0.

Liaison Updates

HR/Al Ferrer – a meeting with Julie Moore has been set up; there will be a study about policies and procedures.

MLP/Al Ferrer – meeting with MLP is being set up

DPW/Pete Pedersen – at the recent BPW meeting there was a discussion regarding the feasibility study for the Recreation Dept. for land that DPW owns; there was a discussion of pickleball; continued testing of PFAS and numbers are heading in the right direction; testing has been consistently above EPA standards; DPW anticipates remedial activity as a result of EPA standards once they are in place;

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replacement of filtering medium at Morse Pond; DPW is having ongoing discussions with the MWRA and there will be more information on the interconnection expense. There was an informal discussion on flooding and there will be more about the stormwater enterprise fund.

CPC/Phil Jameson – CPC met and discussed pickleball and housing study funding.

Library/Christina Dougherty – the library is co-sponsoring a program about banning book bans; the annual foundation reports were reviewed; there was a discussion of FY24 priorities and a review of policies.

Schools/Rani Elwy – Schools will be presenting an overview to Advisory on Oct. 25; all schools met or exceeded MCAS statistics; Hardy school construction is on time and schedule; solar panels were approved for Hunnewell school; Article 6 Verizon easement; FY23 turnback was \$1,935,000, which is 2.9% of total budget. Turnback is due to challenges with hiring and reduced out-of-district tuition.

Rani Elwy made, and Al Ferrer seconded a motion to adjourn.

A roll call vote was taken, and the meeting was unanimously adjourned at 9:55 p.m., 11 to 0.

Meeting Materials [September 20, 2023, meeting materials](#)

- Draft 09/13/23 minutes
- Advisory Article 14 STM Presentation 2023
- Advisory Article 13 STM Presentation 2023 v2
- WFL Advisory 9.20.23
- Budget to Actuals – Fire
- Fire Memo
- Article 3 – FY24 Supplemental