

**TOWN OF WELLESLEY**  
  
**MASSACHUSETTS**

**BOARD OF SELECTMEN**  
 TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

MARJORIE R. FREIMAN, CHAIR

ELLEN F. GIBBS, VICE CHAIR

JACK MORGAN

THOMAS H. ULFELDER

BETH SULLIVAN WOODS

EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

FACSIMILE: (781) 239-1043  
 TELEPHONE: (781) 431-1019 x201  
[WWW.WELLESLEYMA.GOV](http://WWW.WELLESLEYMA.GOV)  
 BLYTHE C. ROBINSON

**SELECTMEN'S MEETING**

*TENTATIVE AGENDA*

Wellesley Middle School Library  
**6:00 P.M. Wednesday, April 12, 2017**

- 1. 6:00 Call to Order
- 2. 6:05 Citizens Speak
- 3. 6:10 Executive Session
  - Executive Session under G.L. c. 30A, §21(A), exemption #3 to discuss union contract negotiations with the AFSCMIE Local 335 Production Unit (DPW) and the AFSCMIE Local 335 Supervisory Unit (DPW)
  - Executive Session under G.L. c. 30A, §21(A), exemption #7 to comply with the Open Meeting Law under G.L. c. 30A, §§22(f), (g)
- 4. 6:30 Discuss union contract negotiations with the AFSCMIE Local 335 Production Unit (DPW) and the AFSCMIE Local 335 Supervisory Unit (DPW)
- 5. 6:35 Executive Director's Update
  - Minutes
  - Arbor Day Proclamation
- 6. 6:40 Discuss Draft Gift Policy
- 7. 6:45 Annual Town Meeting Preparation and discussion of articles
- 8. 6:50 Old/New Business

Next Meeting Dates: Monday, April 24, 2017, Annual Town Meeting  
 Tuesday, April 25, 2017, Annual Town Meeting



4/7/2017

Black regular agenda items

**Board of Selectmen Calendar – FY17**

<b>Date</b>	<b>Selectmen Meeting Items</b>	<b>Other Meeting Items</b>
4/4 Tuesday	Annual Town Meeting	Art. 42 - Trash
4/12 Wednesday	Annual Town Meeting	Art. 43 - Mansionization
4/17 Monday	<b>Town Hall Closed – Patriots Day</b>	
4/24 Monday	Annual Town Meeting	Art. 43 Stanley Brooks
4/25 Tuesday	Annual Town Meeting	
5/1 Monday	Likely ATM	
5/2 Tuesday	Likely ATM	
5/8 Monday	Cochituate Aqueduct Leases? Energy Update - Allan Hebert 7:30	
5/15 Monday	Great Plain Ave scope discussion Brook/Amherst? Brook Street Truck Exclusion Public Hearing	
5/22 Monday		
5/29 Monday	<b>Memorial Day, Town Hall Closed</b>	
6/5 Monday		
6/12 Monday		
6/19 Monday		
6/26 Monday		
7/3 Monday		
7/4 Tuesday	<b>Town Hall Closed</b>	
7/10 Monday		
7/17 Monday		
7/24 Monday		

4/7/2017  
Black regular agenda items

<b><i>Date</i></b>	<b><i>Selectmen Meeting Items</i></b>	<b><i>Other Meeting Items</i></b>

**Notes**

*Quarterly updates*

- *Traffic Committee (Deputy Chief Pilecki)*
- *Facilities Maintenance (Joe McDonough)*
- *Wellesley Club Dates 10/2/17, 11/6/17, 1/2/18, 3/19/18*

**TOWN OF WELLESLEY**  
**MASSACHUSETTS**



**BOARD OF SELECTMEN**  
**TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992**

MARJORIE R. FREIMAN, CHAIRMAN  
 ELLEN F. GIBBS, VICE CHAIRMAN  
 JACK MORGAN, SECRETARY  
 THOMAS H. ULFELDER  
 BETH SULLIVAN WOODS

FACSIMILE: (781) 239-1043  
 TELEPHONE: (781) 431-1019 x2201  
[WELLESLEYMA.GOV](http://WELLESLEYMA.GOV)  
 BLYTHE C. ROBINSON  
 EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

**MEMORANDUM**

DATE: April 7, 2017  
 TO: Board of Selectmen  
 FROM: Blythe C. Robinson, Executive Director *BCR*  
 SUBJECT: Weekly Report

Below are various activities of our office and various departments that I would like to bring to your attention.

- The Veteran's District met on Monday afternoon and has decided to implement the reduction in staffing approved by the State Department of Veteran's Services. I have informed Mr. Spear, the Assistant Veteran's Officer that his position is being eliminated as of June 30th. At this point it is his preference to stay on in the role and work on the cases he has until then. The budget already approved for next year includes his salary, however we will likely need some of it to address an unemployment claim, and should the district find that staffing needs to be added during this trial period, we'll have the funds to do so. Any unused funds can be re-directed towards benefits paid to eligible veterans.
- Staff at FMD is quite busy gearing up for a busy summer of projects now that the budget is resolved so are in the process of bidding out a number of projects now that the budget is resolved so that they can be ready to go as soon as school is out, or as is appropriate in other town departments.
- The Building department is working to get the digital scanning of old building plans completed as soon as possible. We received a quote from a vendor indicating that the approximate cost for all the documents is \$70,000. We've also identified a state contract we can utilize that will save us time in bidding this out, and will be reaching out to those vendors to obtain pricing, select a vendor and move forward. Depending on the on-going costs to stay current with digitizing the records, we may recommend next year that the revolving fund be closed and a small amount for this purpose be added to the department's budget. This will enable us to close out the unused funds from previous years to fund balance.
- Next week we have final interviews with two candidates for the open building department inspector position. When this recruitment is complete the office will be up to full staff.
- The finance staff arranged a meeting with one of our representatives from MIA on Wednesday to review our loss reports for the year and the rewards program. The program offers a range of free training opportunities, and credits the town for participation, as well as documentation we send in on topics that help prevent claims. The goal was to remind

- everyone to document what has been done over the year which will result in a credit on our next year's insurance invoice. Last year we received over \$31,000 back!
- I submitted the Town's Community Compact application this week. It will be reviewed by the Department of Local Services and they'll get back to us about how they can assist us with a communications plan and a solution for digitizing public records. I would anticipate that when we are approved the Lieutenant Governor will want to come out for a public event to announce the compact, which she has been doing since the program began. As you may recall, being a signatory to a compact gives the Town additional points in various competitive grant applications that may enable us to receive ones that meet our needs.
- In speaking with Marjorie and Ellen this week we discussed having a meeting between our Board and Advisory after Town Meeting ends. The focus of the meeting would be to review the budget process from this past year and give some thought to any adjustments to process or focus that we'd consider for next year. For example, I'd like to understand how much we delve into the details of Public Works including the work for others program and the enterprise funds (policies on reserves for the funds, how much other aspects of general fund costs are charged). Please give some thought to what you'd like to explore so we can have an agenda for such a meeting.

# Executive Director's Report



## 5. Executive Director's Report

- Minutes - the regular session minutes of the March 6, 16, 27, 28 meetings, as well as the March 16<sup>th</sup> Executive Session minutes are included in your packet for approval. The Board should also consider whether to release the executive session minutes of 2016 (February 29, April 14, May 23, August 16, October 4, and November 1) and 2017 (January 9, 30 (#2 only), February 6, 13, 27; March 6, 16). The majority of these minutes concern the 900 Worcester Street and 892 Washington Street matters.

- Arbor Day - Included in your packet is a proclamation that would designate April 28<sup>th</sup> as Arbor Day. This request is made annually by the Department of Public Works to recognize the importance of trees to the Town of Wellesley.

### Minutes:

**MOVE** to approve the regular session minutes of the Board of Selectmen meetings of March 6, 16, 27, and March 28, 2017 and the executive session minutes of March 16, 2017,

**MOVE** to release the Executive Session minutes of 2016 (February 29, April 14, May 23, August 16, October 4, and November 1) and 2017 (January 9, 30 (#2 only), February 6, 13, 27; March 6, 16).

### Arbor Day:

**MOVE** to approve the Proclamation designating April 28, 2017 as Arbor Day in Wellesley.



# Minutes



**Board of Selectmen Meeting: March 6, 2017**

Present: Murphy, Freiman, Gibbs, Searle, Morgan

Also Present: Robinson, Jop

Minutes Approved:

**Warrants Approved:** #2017-034 in the amount of \$3,754,884.97

**Meeting Called to Order: 6:45 pm**

The Board was polled all aye to enter into Executive Session at 6:46 pm under Massachusetts G.L. c 30A, §21 exception # 6 to consider the purchase of real property at 892 Washington Street as an open meeting may have a detrimental effect on the negotiating position of the public body.

See Executive Session Minutes.

The Board returned to Open Session at 7:09 pm.

**Documents distributed to the Board**

1. Agenda
2. BOS Calendar
3. Executive Director's Weekly Report
4. Agenda Background Material
5. Draft 2/27/17 Minutes
6. Naming of Senior Center Public Hearing Notice
7. Memo from Al Robinson to Hans Larsen 3/29/07 Re: Possible Gift for Senior Center
8. Mary Esther Tolles Charitable Fund Documents
9. Roche Bros. request for Change in Manager with application forms
10. Historical Commission Presentation on Proposed Demolition Delay Bylaw  
Draft of Town-wide Financial Plan
11. Draft Special Town Meeting Warrant
12. Memo from Meghan Jop with Attachments Re: 978 Worcester Street Inclusionary Zoning and Local Initiative Program
13. Letter from Public Records Division regarding charging for time spent redacting documents requested
14. Letter from the Boston Athletic Association transmitting a check for \$61,500 to the Town Letter of Commendation from Lynne Dillon – Officer Chris Cunningham and ACO Sue Webb

**3. Citizen's Speak Non-Agenda Items**

Ms. Freiman announced that tonight would be the last Selectmen's Meeting for Barbara Searle and David Murphy. She sincerely and deeply thanked them both for many years of service to the Board and to the Town. Mr. Morgan and Ms. Gibbs also acknowledged their gratitude and thanks for their contributions over their terms on the Board.

Ms. Gig Babson, resident and former Selectmen, addressed the Board and added her thanks for their service to the Board and to Barbara Searle for her 9 years of service on the Board.

Both Ms. Searle and Mr. Murphy acknowledged their appreciation to the Selectmen's staff, Town employees and the residents for all the support they have given them over the years while on the Board.

#### **5. Public Hearing – Naming of Senior Center**

Gayle Thieme, Council on Aging Director and members of the COA, joined the Board. Ms. Jop reviewed the Selectmen's Naming Policy and Process of Naming Town Assets. According to the formal process of officially naming the new senior center, it is necessary to seek the Board's affirmation of the name. Ms. Searle confirmed with the Trustee that the name should be Tolles Parsons Center removing the word "Senior" and the hyphen between Tolles and Parsons.

Upon a motion by Mr. Murphy and seconded by Ms. Gibbs, the Board voted 5-0 to designate the Tolles Parsons Center as a major physical asset and to recommend to Town Meeting the new building officially be named the Tolles Parsons Center in perpetuity.

Ms. Thieme thanked the entire COA staff and the Board of Selectmen both past and present for their continued support.

#### **4. Executive Director's Update**

Tom Harrington, Town Counsel, presented the Board with an update and analysis of the HHU membership issue. A citizen has come forward with an issue regarding the HHU Master Planning Committee. He has filed an ethics complaint against School Superintendent Dr. David Lussier claiming Dr. Lussier has a conflict and may not participate in any further vote on the HHU, and that Dr. Lussier may have interfered with a candidate running for School Committee. Town Counsel spoke to the state Ethics Commission today and stated that Dr. Lussier does not have an ethics violation. The Ethics Commission verbally confirmed with Town Counsel that Dr. Lussier has no ethics violation and that he is free to continue his participation on the HHU.

Dr. Lussier wanted Town Counsel to address specifically the issue of the allegation that he interfered with a candidate currently running for School Committee. This issue rises from a concert at the high school last week where the candidate for the School Committee set himself up outside the auditorium to hand out political circulars. Dr. Lussier explained to him that he could not be there and the candidate left the high school premises. Town Counsel explained that a public building cannot be used for political activities for a single candidate unless the building is available to all candidates under the same circumstances. Town Counsel stated that Dr. Lussier was acting appropriately and this claim has no merit, and Mr. Harrington has shared this with the Ethics Commission.

Town Counsel read the Ethics Commission regulation regarding the HHU membership question issue stating that all members may continue to act and continue to take votes as long as there is

no financial interest. He advises every member of the HHU Committee to file an Appearance of Conflict form with the State Ethics Commission.

## **6. Construction Update on Tolles Parsons Center**

Gayle Thieme, COA Director, PBC Member Suzy Littlefield and Owner's Project Manager, Dick Thuma appeared before the Board and provided a slide show of the site's evolution over the last 8 months. Construction is expected to be completed on September 30, 2017.

## **7. Change in Manager Roche Bros.**

Jim Sperber, Director of Real Estate and Counsel for Roche Bros introduced Sean Connor, the new manager of record and provided Mr. Connor's background to the Board.

**Upon a motion by Mr. Murphy and seconded by Ms. Gibbs, the Board voted 5-0 to approve the change in the manager of record for RBSW, Inc. d/b/a Roche Bros Supermarkets from David Ordway to Sean Connor.**

## **8. Discuss Wellesley Media Corp. Filming Locations**

Mr. Murphy updated the Board on the Board's request to expand the filming and venue capability that the Wellesley Media Corp provides across the town for meetings on camera. The first order of business is to improve the Great Hall, which is scheduled for the first week of April, and to increase the current locations in town. There will be a new system installed in the Great Hall with audio, camera, projector, wireless microphones and screen. Additional rooms being considered are the Warren Building, and discussions with the Board of Health and the Recreation Dept. will be held to determine what rooms would be suitable to be used for broadcasting purposes. A consultant has been hired to advise on these improvements and upgrades for the various rooms being considered such as the Wakelin Room and a room at the new Tolles Parsons Center. The Board was asked for their thoughts and feedback on other locations such as the Arnold Room at the library, the Kingsbury room at the police station and meeting rooms at the DPW and MLP.

## **9. ATM Preparation**

### **Demo Delay Bylaw**

Arvid von Taube, Chair of the Historical Commission, and Historical Commission members Grant Brown, Rise Shepsle, and Historical Commission Advisory Member Josh Dorin addressed the Board and provided a summary of the proposed Demolition Review Bylaw. The Commission described the feedback they received from residents and constituents regarding educational, town-owned properties, and residential structures and what effects this bylaw would have on each. They explained their concerns on creating exclusions and how other towns with large educational properties deal with the exclusion issue. MLS data on price appreciation and the new growth tax impact on the current town inventory was discussed.

Ms. Shepsle commented on the impressive research that was done on this issue and was concerned about the future of the town.

Marianne Cooley, Secretary to the Board of Trustees at Wellesley College and a member of the Town of Needham Board of Selectmen spoke. She thanked the Commission for their work and stated that the college was in not favor of this bylaw. She felt there should be an exemption for the colleges and feels an alternative could be proposed.

#### Budget Update

The Executive Director updated the Board on the FY18 Budget. The Town Wide Financial Plan and Sources and Uses are unchanged from last week's update and the Budget has been agreed upon by all departments. PBC and FMD formed a working group to discuss the staffing and work assignments. An agreement is being worked out on the staff assignments for PBC and FMD, as well as FMD's future work on PBC projects. A Memorandum of Understanding will be drafted identifying how the PBC and the FMD will work together going forward on future construction projects. \$20,000 was added to the FMD budget to allow for hiring of an open position in the FMD.

Ms. Robinson updated the Board that the School Committee and the Library Trustees modified their budgets to meet guidelines.

**Upon a motion by Mr. Murphy and seconded by Ms. Gibbs, the Board voted 5-0 to approve the budget for FY18 of \$164,571,741.**

#### Review Draft Town-wide Financial Plan

The Town-Wide Financial Plan draft has been updated and explained and Ms. Robinson described the strategy for the next couple of years. The Board supported going forward with this financial plan.

#### Set Town Clerk Salary

The salary recommendation is consistent with adjustments made to the Series 50 salary ranges this year. The request is for a 2% increase to \$89,631.

**Upon a motion by Mr. Murphy and seconded by Ms. Gibbs, the Board voted 5-0 to approve the Town Clerk's salary for FY18 to \$89,631.**

#### Consider Support for ATM Articles

The Planning Board is considering re-voting their articles with a full board at their next meeting. The Selectmen decided to hold their vote on zoning articles until after the Planning Board votes.

**The Board voted all in favor to support Article 15 LED Streetlight Project**

## **The Board voted all in favor to move Article 19 Fire Station Floor to the Consent Agenda**

### **The Board voted all in favor to support Article 18 School Security Project Construction**

The Board discussed Article 21, the Hunnewell Field Maintenance/Restroom Facility Project and noted that Advisory does not feel it is ready. The Board discussed having the DPW Director in to discuss the project and potential alternatives.

### **The Board voted all in favor to move Article 30 Recreational Marijuana**

### **The Board voted all in favor to oppose Article 42 Outdoor Trash Placement**

#### Execute Special Town Meeting Warrant for April 3, 2017

Mr. Murphy explained the reasons to call a Special Town Meeting within the regular Town Meeting. The timeline to start the permitting process for 900 Worcester Street is very tight and ends by September 2018. By doing this it will allow the developer to start the permitting process as soon as the Special Town Meeting is dissolved.

### **10 Local Initiative Program - 978 Worcester Authorization**

Ms. Jop reviewed the Local Initiative Program application and regulatory agreement for 978 Worcester Street. The project was a PSI that triggered the Inclusionary Zoning Bylaw, and the Board's authorization would allow the project to move to the lottery process and to list the project on the Town's Subsidized Housing Inventory. The project is comprised of 24,000 square feet of commercial space and 36 units of housing, of which seven units will be affordable. All 36 units will be added to the Town's affordable housing inventory.

Upon a motion by Mr. Murphy and seconded by Ms. Gibbs, the Board voted 5-0 to execute the local action unit application and regulatory agreement for Wellesley Place located at 978 Worcester Street.

#### 4. Executive Director's Update

##### Minutes

Upon a motion by Mr. Murphy and seconded by Ms. Gibbs, the Board voted 5-0 to approve the minutes of the Board of Selectmen meeting February 27, 2017 and Executive Session minutes from February 27, 2017.

##### Summer Hours

Ms. Robinson detailed the proposed pilot Summer Hours with the Town Hall being open for 1/2 a day on Friday and remaining open late on one weekday evening. The Board directed the Executive Director to further examine other town departments' thoughts on this plan.

**Old Business/New Business**

None.

**The meeting adjourned at 9:50 pm.**

Additional Documents

Tolles Parsons Center Update Presentation

Board of Selectmen Meeting: March 16, 2017  
Present: Freiman, Gibbs, Morgan, Ulfelder, Sullivan-Woods  
Also Present: Robinson, Jop, Connolly  
Minutes Approved:

Meeting Called to Order: 3:15 pm

Warrant approved: #2017035 in the amount of \$3,906,860.56

**Meeting Documents:**

1. Agenda
2. BOS Calendar
3. Executive Director's Weekly Report
4. March 9, 2017 Agenda Background
5. COA List of Gifts for Acceptance
6. Accept Gifts to COA
7. Memo from Terry Connolly on the Passport Pay by Phone Implementation dated 3/10/17
8. Memo from Terry Connolly on the Winter Maintenance dated 3/10/17 with Attachments
9. ATM Article List
10. Article 43
11. Report of the Planning Board on the 2017 Annual Town Meeting Zoning Articles
12. Draft Executive Session Minute Policy with proposed Executive Session Minutes to be released
13. Draft Gift Policy
14. Community Compact Priorities
15. FY18 Sources and Uses Document

Ms. Freiman gave an official welcome to the two new Board members, Beth Sullivan-Woods and Tom Ulfelder and documented their past service on various boards and committees and as long-term Town Meeting Members.

Ms. Freiman thanked the Town Clerk and Terry Connolly for setting up and running the elections last week.

Mr. Morgan noted the public forum on natural gas leaks in Wellesley is scheduled for next Tuesday, March 21 in the Wakelin Room at the main library.

**3. Citizen's Speak**

None.

**Appointment as Secretary to the Board of Selectmen due to the vacancy left by David Murphy.**

Upon a motion by Ms. Gibbs and seconded by Mr. Ulfelder, the Board voted 5-0 to approve Jack Morgan as Secretary to the Board of Selectmen until the board reorganizes.

#### **4. Executive Director's Update**

Ms. Robinson noted two requests for state budget assistance were submitted to Rep. Peisch and Rep. Ross for next year's budget. The requests were for wayfinding signs in Wellesley Square and trail signs in the amount of \$50,000. Ms. Robinson also reported on other state budgetary issues.

Ms. Robinson reviewed the proposed summer hours noting the general agreement is for the Town Hall to be open for  $\frac{1}{2}$  day of work on Fridays during the summer. Extended evening hours would be provided on either Tuesday or Wednesday evening. Ms. Robinson noted she would update the Board with a finalized plan.

#### Update on Passport Pay by Phone System

Mr. Connolly reviewed the implementation of the Pay-By-Phone parking. The system began in the Square on January 12<sup>th</sup> with the Hills and Lower Falls added on January 19<sup>th</sup>. The commuter lot implementation is ongoing with the current Passport offering of the daily discounted rate. Mr. Connolly reviewed the fees and explained how the app functions. He noted feedback from both customers and merchants has been positive.

#### Request for Supplemental Winter Maintenance Funds

Mr. Connolly reported on the supplemental winter snow and ice budget request from DPW. The current request is for an additional \$300,000 for five snow events in February, and two nights of snow removal. The expenditure for a one-time solid treatment is \$2,500 per hour and for a one-time plow operation is \$5,000 per hour. The winter maintenance budget is driven by the time of the event and the duration of the storm.

For the benefit of the new Board members, Ms. Freeman noted for the last 10 years Annual Town Meeting has appropriated \$348,700 for winter maintenance. There has been an ongoing conversation on whether to raise the appropriation to match the actual expenditure; however she feels it best to defer this discussion until there is more time to explore the option.

**Upon a motion by Mr. Morgan and seconded by Mr. Uifelder, the Board voted 5-0 to approve the request from Public Works for a supplemental authorization to the FY17 winter maintenance appropriation in the amount of \$300,000.**

#### **3. Citizen Speak**

Ann-Mara Lanza, Library Trustee and TMM Precinct D addressed the Board on a concern regarding last night's Advisory Committee meeting. She was troubled by a comment by the Advisory Chair that characterized the Library Trustees as dishonest with regard to their budget process. Ms. Lanza conveyed to the Board that the Library budget was discussed in open meeting for many months from October to December when it was voted and submitted to Advisory. The trustees had on many occasions discussed the budget plans with various boards

and committees including the Board of Selectmen. She said the Advisory Chair in his characterization of the trustees being dishonest said he had received this information from persons from the highest level in town government. She asked the Board to investigate who the Advisory Chair was referring to in that statement, and where he was getting his direction. She thanked the Board for their support and the guidance it has provided the Library Trustees.

Ms. Freiman clarified that under Citizen Speak the Board generally does not comment on non-agenda items brought before the Board. She felt it necessary at this time to respond to Ms. Lanza's comments. Both she and the Executive Director met several times over the course of the past few months with the Library Trustees regarding their budget and they feel that any misunderstanding has been resolved. Ms. Freiman stated she was not in a position to apologize for the Advisory Chair; however, it is not the way the Board characterizes the Library Trustees. Ms. Freiman stated the issue is resolved and it is time to move forward in the most efficient and transparent way possible.

## 6. Annual Town Meeting Preparation

### Article 43 – Mansionization

Mr. Stanley Brooks came before the Board. Mr. Brooks stated he is a compensated representative for the Wellesley Responsible Growth Associates and he provided a preliminary slide show presentation on Article 43 as "an alternative to Article 32". Mr. Brooks summarized the proposal noting the amendments focused on the reduction of the bulk and mass of new homes, the impact tear-downs have on smaller lots and fiscal considerations.

Mr. Brooks addressed questions from the Board regarding language on non-conforming lots in the article, the square foot threshold and review process under Article 32, and the compatibility of both Articles. The Board asked if Mr. Brooks would work with the Planning Board over the next year to bring a comprehensive amendment to Town Meeting. Mr. Brooks said he would discuss these issues with his clients and perhaps engage the Planning Board.

Michael Zehner, Planning Director, appeared before the Board to speak on Articles 32 and 43. Mr. Zehner was concerned that Article 43 has not been fully vetted and had not considered unintended consequences of the language changes. Mr. Zehner noted Town Counsel has raised concerns on the legality of the proposal; the Planning Board has concerns that it could deprive property owners of their right to seek a special permit for a non-conforming structure. Mr. Zehner noted the numerous open meetings and public forums that discussed Article 32 and that the language for Article 43 is still being revised. Mr. Zehner further clarified that the Planning Department did not anticipate requiring additional staffing under Article 32 as Mr. Brooks had suggested.

### Consider Support on ATM Articles

Due to a time constraint, Ms. Freiman proposed to push the discussion and vote on the ATM Articles until the next meeting.

Ms. Freiman reviewed the Moderator's meeting and discussed the consent agenda. Ms. Jop noted the Finance Director had suggested Article 44 be added to the consent agenda. The Board was inclined to add Article 44 to the consent agenda and directed Ms. Jop to inform Advisory of the proposed change.

The Board considered the proposed Zoning Articles.

**The Board voted all in favor to support Article 32, Large House Review Amendments.**

**The Board voted all in favor to support Article 33, Educational District Amendments.**

**The Board voted all in favor to support Article 34, Rezoning of NRC Properties.**

**The Board voted all in favor to support Article 35, Amendments to Conservation Districts**

**The Board voted all in favor to support Article 36, Zoning Map Corrections.**

#### **8. Executive Director's Work Plan**

Ms. Robinson reviewed the Executive Session Policy, which she recommended for approval as well as a list of all the Executive Session Minutes proposed to be released.

**Upon a motion by Mr. Morgan and seconded by Ms. Gibbs, the Board voted (5-0) to approve the Executive Session policy as written.**

The Board discussed the Executive Session Minutes proposed for release.

**Upon a motion by Mr. Morgan and seconded by Ms. Gibbs, the Board voted (4-0, with Ms. Sullivan-Woods abstaining) to release the minutes of prior Executive Sessions as recommended by the Executive Director.**

Mr. Grant Brown from the Historical Commission approached the Board. Mr. Brown asked to give the Board a brief update on the demolition delay bylaw. He noted the Demolition Delay subcommittee was considering formally excluding the commercial, educational and town properties from the bylaw proposed. Mr. Brown noted the Historical Commission's focus is on the preservation, character and history of the town, and they would like to focus on residential properties.

**The Board was polled all Aye to enter into Executive Session under M.G.L. Ch 30A, §21 exception # 6 to consider the purchase of real property where an open meeting may have a detrimental effect on the negotiating position of the public body.**

**See Executive Session minutes.**

**The Board returned to open session at 6:05.**

Ms. Freiman noted the Board will take up the possibility of a waiver of the town's right of first refusal to purchase a parcel of property at 892 Washington Street in exchange for a conservation restriction. The NRC has been actively involved with the conservation restriction and a full discussion on the topic will take place on March 20, 2017.

**9. Old/New Business**

None.

**The meeting was adjourned at 6:06 p.m.**

Additional Documents  
Article 43 PowerPoint Presentation.



**Board of Selectmen Meeting: March 27, 2017**

Present: Freiman, Gibbs, Morgan, Ulfelder, Sullivan-Woods

Also Present: Robinson, Jop

Minutes Approved:

**Meeting Called to Order: 6:10 pm****Meeting Documents:**

1. Agenda
2. Executive Director's Weekly Report
3. Agenda Background
4. March 6, 2017 Minutes
5. Memo from Marc Waldman on War Memorial Scholarship Fund
6. Community Compact priorities

**1. Citizen's Speak**

None.

**2. Executive Director's Update**

Ms. Robinson gave a brief update noting she will be working on a budget procedures manual and reviewing surround communities documents for comparison.

**War Memorial Scholarship**

The Board reviewed the proposed War Memorial Scholarship amounts. Mr. Morgan noted the Board in recent years has assigned two marathon runners to the War Memorial Scholarship generating a minimum of \$8000. He suggested increasing the amount. The Board discussed the increased authorization for the War Memorial Scholarship, and agreed a higher amount was warranted. The Board asked the staff to alert the Scholarship Fund of the change.

Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to authorize the sum of \$7000 from Fund 82 to be applied to 2017 War Memorial Scholarships.

**Community Compact Application**

Ms. Robinson discussed the Community Compact application and suggested adding two more priority areas, for a total of three. The Board discussed ideas including developing financial practices, employee policies, digital records, and Co-Creation Plans. Given time constraints, the Board determined they would need to continue the discussion to another meeting.

**3. 900 Worcester Street**

Mr. Larsen and Mr. Harrington joined the Board. Also in attendance were Brian DeVellis, proposed developer, Phil Cordeiro, civil engineer, and Larry Shind, counsel for Mr. DeVellis.

Ms. Jop gave the Board an update on the permitting and the zoning proposed for 900 Worcester Street noting that the civil engineer has found the proposed plan cannot meet the proposed open

space calculation. The formal design previously approved along with the parking requirements can only physically accommodate a 30% open space component. The Board discussed the options for revision including modifying the site plan and/or modifying the zoning. The Board after a brief discussion agreed the open space calculation should be corrected to allow the plan to move forward.

Upon a motion by Mr. Morgan and seconded by Mr. Ulfelder, the Board voted (5-0) to approve the correction in the open space percentage to 30%.

The meeting adjourned at 6:50 pm.

**Board of Selectmen Meeting: March 28, 2017**

Present: Freiman, Gibbs, Morgan, Ulfelder, Sullivan-Woods

Also Present: Robinson, Jop

Minutes Approved:

**Meeting Called to Order: 6:30 pm**

**Meeting Documents:**

1. Agenda
2. Statement of Interest – Hardy School
3. Statement of Interest – Hunnewell School
4. Statement of Interest – Upham School
5. Approved Executive Session Policy
6. Letter from MassDOT – Weekend Rail Service
7. Letter from MA Fiscal Alliance – Carbon Tax Legislation

**1. Citizen's Speak**

Katherine Court approached the Board. Ms. Court expressed her concern that the teachers had not been contacted or asked before the Wellesley Teachers Association (WTA) made their endorsements of two School Committee candidates. Ms. Court objected to the idea of the WTA endorsement at all, due to conflict issues.

**2. Hardy, Hunnewell, and Upham Statement's of Interest**

Mr. Morgan reviewed the application process to the Massachusetts School Building Association with the initial submittal of Statements of Interest (SOI). He indicated the School Committee has prepared applications for the 5<sup>th</sup> year in a row for the Hardy, Hunnewell, and Upham Schools. Prior to submittal, the SOIs have to be voted by the School Committee and require the Selectmen to authorize the Superintendent to submit the application on behalf of the Town. Mr. Morgan reviewed the typical period for consideration and noted the School Committee voted to submit the SOIs on March 24, 2017. The Board discussed the submittals.

Ms. Sullivan-Woods noted she had received a call from a concerned resident about the preference change of the priority school. In the past applications, Hardy School has been the priority. The School Committee has determined Upham to be the priority. The Board discussed the change and considered whether the change was due to the HHU Master Plan Committee's recommendation to construct Upham first.

The Board had several outstanding questions. The Board discussed holding over a vote on the SOIs until Monday, April 3, 2017 and asked staff to schedule a meeting for 4:30 pm and invite the School Committee to join the meeting.

Ms. Kelly Friendly, resident, approached the Board. Ms. Friendly was concerned over the process of changing the priority school. She was concerned about the deliberation process and that the sudden change by the School Committee undermines the larger vetting process of the HHU discussion.

Ms. Marina Gil, resident, approached the Board. Ms. Gil noted the reason Hardy in past years was the priority school is it needs the most work. She noted nothing has changed to improve the building, so she was unclear as to why the priority would have changed.

**The meeting adjourned at 7:00 pm.**



2016		Staff Recom. To Release	Release Date
Meeting Date	Description		
02/29/16	Collective Bargaining - Superior Officers	YES	
03/16/16	acquisition of real property-Wellesley College/Cheever property	NO	
04/19/16	acquisition of real property-892 Wash. St.	YES	
05/23/16	acquisition of real property-892 Wash. St.	YES	
08/16/16	acquisition of real property-Graveston & Cochituate Aqueduct	YES	
10/04/16	acquisition of real property-892 Wash. St.	YES	
11/01/16	acquisition of real property-892 Wash. St.	YES	
11/15/16	contract negotiations for new Executive Director	3/16/2017	

		2017	Staff Recom. To Release	Release Date
Meeting Date	Description			
1/9/2017	Lease negotiations- 900 Worcester Street	YES		
01/30/17	#1 collective bargaining strategy w/all unions	NO		
	#2 - lease negotiations- 900 Worcester St	YES		
02/06/17	Lease negotiations- 900 Worcester Street	YES		
02/13/17	Lease negotiations- 900 Worcester Street	YES		
02/27/17	Lease negotiations- 900 Worcester Street	YES		
3/6/2017	Acquisition of Real Property - 892 Washington St. Cons. Restriction	YES		
3/16/2017	Acquisition of Real Property - 892 Washington St. Cons. Restriction	YES		

# *Arbor Day Proclamation*



TOWN OF WELLESLEY



MASSACHUSETTS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

**PROCLAMATION  
ARBOR DAY**

APRIL 28, 2017

WHEREAS: trees are an important environmental and aesthetic feature of the Town of Wellesley; and

WHEREAS: citizens of the community actively engage in efforts to enhance the natural beauty of Wellesley on both private and public lands; and

WHEREAS: community groups and civic organizations participate in Arbor day Activities, working with school children and Town agencies in Supporting their stewardship of trees and the environment; and

WHEREAS: the Commonwealth of Massachusetts has declared the last Friday in April to be Arbor Day which this year will be observed in the Town of Wellesley on Friday, April 28, 2017;

**NOW THEREFORE BE IT RESOLVED THAT, WE**, the Board of Selectmen of the Town of Wellesley, Massachusetts, do hereby proclaim *Friday, April 28, 2017 to be recognized as "ARBOR DAY in the Town of Wellesley, Massachusetts. IN WITNESS WHEREOF, we have* Hereunto set our hand at Wellesley, Massachusetts on this 12th day of April, 2017.

---

Marjorie R Freiman, Chairman

---

Ellen F. Gibbs, Vice Chairman

---

Jack Morgan, Secretary

---

Thomas H. Ulfelder

---

Beth Sullivan-Woods



# Discuss Draft Gift Policy



6. Discuss Draft Gift Policy

Included in your packet is a proposed final version of this policy for the Board's consideration. I have made one change since the last meeting, which is to change the word "shall" to "may" in the sentence referring to whether or not a public hearing might be held prior to accepting a gift.

**MOVE** that the Board vote approve the revised Gift Policy as presented.



<b>Administrative Policy and Procedure</b>	<b>Board of Selectmen</b>
	<b>GIFT POLICY</b>

---

**PURPOSE:**

To comply with Bylaw Article 5.6, a Town-wide policy governing the acceptance of gifts adopted by the 2009 Annual Town Meeting (hereinafter "the Bylaw"). This policy expands upon the Bylaw regarding the Board of Selectmen's consideration and acceptance of gifts.

**POLICY:**

The Board of Selectmen's policy on acceptance of gifts under its jurisdiction is:

- (1) to follow the general policy of the Town as set forth in the Bylaw; and
- (2) in each particular case, to implement the town-wide policy in a transparent manner, understanding that acceptance of a gift may affect future generations of Town residents.

It is thus the policy of the Board of Selectmen to reserve the acceptance of gifts under its jurisdiction for circumstances that will best serve the interests of the Town.

**APPLICABILITY**

The Board of Selectmen has the authority to accept gifts of money and tangible property on behalf of the Town of Wellesley. All gifts of real property, whether restricted or unrestricted, require the acceptance of Town Meeting upon the recommendation of the Board of Selectmen. Such gifts shall be reviewed according to criteria regarding appropriateness contained both within the Bylaw and stated below, and if the Board considers that a gift is appropriate, the Board shall place the matter on a Warrant for Town Meeting consideration.

**GIFT ACCEPTANCE PROCEDURE:**

1. Any proposal for acceptance of a gift under the Board's jurisdiction shall be forwarded to the Executive Director, who shall review it and prepare the matter for review by the Board.
2. Before undertaking to consider any acceptance of gift, the Bylaw itself shall be reviewed.
3. *For gifts valued at \$500 or less, the Executive Director's Office shall determine whether the gift is appropriate to the mission and needs of the Town. If the Executive Director's Office determines that the gift is appropriate, the Executive Director's Office may accept and administer the gift on behalf of the Board.*
4. In deciding the appropriateness of a gift, the Executive Director's Office and/or the Board shall consider the following:
  - a. whether the gift is restricted or unrestricted;
  - b. whether the gift is irrevocable;
  - c. any future financial impact to the Town potentially resulting from the gift, including ongoing operations, maintenance or capital costs; and
  - d. whether the terms of the gift permit the Town to apply the gift to a related purpose should the original intent become impracticable.

These categories are more fully described in the Bylaw.

**Administrative | Board of Selectmen  
Policy and | GIFT POLICY  
Procedure | Approved \_\_\_\_\_**

Additional Factors to be Considered:

1. Whether any conditions beyond those proposed by any donor would be in the Town's interest;
2. The extent to which accepting a proffered gift could establish, or contradict, existing Town policy; and
3. Whether Massachusetts law, or Town Bylaw or policy might apply, including the requirements of Town Bylaw Article 5.5 and the Board of Selectmen's policy on Naming Rights.

**FORMAL PROCEDURES**

1. To ensure that the Board is fully aware of the public's interest in a proposal, a public hearing may be held.
2. Unless the Board votes otherwise, the Board's decision will be made by majority vote.
3. The Bylaw's Accounting and Reporting requirement shall be faithfully complied with.

**DEFINITION**

None.

**REGULATORY / STATUTORY REFERENCES:**

This policy is subject to the requirements set forth in Town of Wellesley, Article 5.6, Acceptance of Gifts.

**APPROVED BY:**

*Board of Selectmen, Chair: Marjorie R. Freiman* \_\_\_\_\_

*Board of Selectmen: Ellen F. Gibbs* \_\_\_\_\_

*Board of Selectmen: Jack Morgan* \_\_\_\_\_

*Board of Selectmen: Thomas H. Ulfelder* \_\_\_\_\_

*Board of Selectmen: Beth Sullivan Woods* \_\_\_\_\_

<b>Administrative Policy and Procedure</b>	<b>Board of Selectmen GIFT POLICY Approved</b>
--	--

Original date: .....August 6, 2009  
Revised dates: .....February 22, 2017



# Annual Town Meeting



7. Annual Town Meeting Preparation and discussion of articles

Included in your packet is the updated listing of articles. The Board still needs to consider its position on articles #42 and #43. Selectman Ulfelder had also asked that the Board reconsider its vote of Article 32.

8. Old/New Business

Other Documents: The Board will find documents the staff is not seeking action on, but is for informational purposes only. Please find the following:

- ❖ Amended motions for Town Meeting
- ❖ Letter from DEP – Sustainable Materials Recovery Grant Program Announcement
- ❖ Letter from DOT – Wellesley's Chapter 90 Allocation for FY18



## 2017 ATM Draft Motion Changes

April 7, 2017

**ARTICLE: 24  
MOTION: 1**

That the Town hereby accept an electric utility easement over the property located at 636 Washington Street, from the property owner, Wellesley NRC, LLC; said easement is shown on a plan recorded in the Norfolk Registry of Deeds in Plan Book 656, Page 42.

**ARTICLE: 24  
MOTION: 2**

That the Town grant to Liang Ding and Weiting Chou, the owners of 33R Cedar Street, a Driveway Easement over the Schofield Access Road to 33R Cedar Street, for all lawful purposes associated with the use of 33R Cedar Street as a single family dwelling, but only for so long as the Schofield driveway exists, said easement to run with the land.

**ARTICLE: 30  
MOTION: 1**

To amend the Zoning Bylaw by adopting new Section XXII.E. Temporary Moratorium on Marijuana Establishments, to read as follows:

A. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. The law provides that it is effective on December 15, 2016, and that a new state agency, the Cannabis Control Commission (CCC), is required to issue regulations regarding implementation by September 15, 2017 March 15, 2018.

The regulation of such Marijuana Establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to consider and address these issues, as well as the potential impact of the forthcoming Cannabis Control Commission regulations, by means of a comprehensive planning process to consider amending the Zoning Bylaw to regulate Marijuana Establishments. The temporary moratorium provided in Section XXII.E. is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Zoning Bylaw provisions in a manner consistent with sound land-use planning objectives.

## 2017 ATM Draft Motion Changes

April 7, 2017

B. **Definition.** As used in Section 5.6.6, the term "Marijuana Establishment" shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

C. **Temporary Moratorium.** For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures as a Marijuana Establishment. The moratorium shall be in effect through August 31, 2018 December 31, 2018, unless extended, continued, or modified as a subsequent Town Meeting. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments and other related land uses and structures, consider the Cannabis Control Commission regulations regarding Marijuana Establishments when they are issued, and shall consider adopting new provisions of the Zoning Bylaw governing the location, operation and effects of Marijuana Establishments for consideration by the 2018 Annual Town Meeting.

## Old/New Business & Other

### Correspondence





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor  
Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary  
Martin Suuberg  
Commissioner

April 3, 2017

Dear Municipal Official:

On behalf of the Baker Administration, it is my pleasure to announce the launch of the annual Sustainable Materials Recovery Program Municipal Grant Application. The Sustainable Materials Recovery Program (SMRP) was authorized under the Green Communities Act and MassDEP regulations (310 CMR 19.300) to provide grants to Massachusetts municipalities and regional government entities for recycling, composting, reuse and waste reduction activities in support of the State's Solid Waste Master Plan goals. SMRP is funded by the Waste Energy Credits Expendable Trust, created under the Green Communities Act.

The SMRP grant application provides funding in nine categories: mattress recycling incentive program, Pay-As-You-Throw start-up assistance, recycling and food waste collection carts, recycling drop-off containers, waste reduction enforcement coordinator funding, school recycling assistance, small-scale initiatives, organics capacity/waste reduction projects and the Recycling Dividends Program. Last year, MassDEP awarded \$4.08 million to 220 communities and regional entities through SMRP.

To assist your community in applying for a SMRP grant, MassDEP is holding two grant information webinars in early April. Dates and times, along with detailed information on the application process, eligibility criteria, and funding categories, may be found at:  
<http://www.mass.gov/eal/agencies/massdep/recycle/grants/smrp-grants.html>.

The deadline for submitting the SMRP Municipal Grant Application is **June 14, 2017**. Applications must be submitted online, via ReTRAC Connect, a web-based reporting system. You may access this reporting system via the website above.

Thank you for your commitment to building effective and sustainable waste reduction and recycling programs. Should you have questions about SMRP, please call Tina Klein at 617-292-5704.

Sincerely,

Martin Suuberg  
Commissioner





Charles D. Baker, Governor  
 Karyn E. Polito, Lieutenant Governor  
 Stephanie Pollack, MassDOT Secretary & CEO

**massDOT**  
 Massachusetts Department of Transportation

March 31, 2017

Ms. Blythe Robinson  
 Executive Director  
 Town of Wellesley  
 525 Washington Street  
 Wellesley, MA 02482

Dear Ms. Robinson,

We are pleased to inform you that Chapter 90 local transportation aid funding for Fiscal Year 2018 will total \$200 million statewide, pending final legislative approval.

This letter certifies that, pending final passage of the bond authorization, your community's Chapter 90 apportionment for Fiscal Year 2018 is \$830,672. This apportionment will automatically be incorporated into your existing 10-year Chapter 90 contract, which will be available on the MassDOT website, <http://www.massdot.state.ma.us/chapter90>.

The Chapter 90 program is an integral part of maintaining and enhancing your community's infrastructure and is an essential component of our state-local partnership. We look forward to working with you in the coming year to continue the success of this program.

We would also like to encourage you to explore opportunities for additional infrastructure funding through MassDOT's Complete Streets and Municipal Small Bridge Programs (further information available at: <http://www.massdot.state.ma.us/>). For program specific questions please contact the following:

- **Chapter 90 Program** – Capital Budget Liaison Linda Chuang at (857) 368-9075 or [Lijung.Chuang@dot.state.ma.us](mailto:Lijung.Chuang@dot.state.ma.us)

- **Complete Streets and Municipal Small Bridge Program** - MassDOT Community Relations Director Rick Colon at (857) 368-9010 or [Rick.Colon@dot.state.ma.us](mailto:Rick.Colon@dot.state.ma.us)

Thank you for all that you do to make the Commonwealth of Massachusetts a great place to live, work and raise a family.

Sincerely,

*Charles D. Baker*

Charles D. Baker

Governor

*Karyn E. Polito*

Karyn E. Polito

Lieutenant Governor

