

**SELECTMEN'S RECORD**  
**February 26, 2018**

**ATTENDANCE AND CALL TO ORDER**

The meeting was called to order at 7:30 p.m. in the EOC/Training Room at the Police Station by Chairman John Hickey. Also present were: Selectmen Nancy Hyde, Selectmen Michael Walsh, Town Administrator Michael Jaillet and Town Counsel Tom McCusker. Christine McCarthy record the minutes.

J. Hickey led the Pledge of Allegiance.

J. Hickey asked if anyone wishes to record the meeting and granted permission to Westwood Media Center to record.

**SCHEDULED ACTION**

**Appointment to Cultural Council**

Sharon Brown expressed interest in being appointed to the Westwood Cultural Council. Sharon holds a Masters of Fine Arts from UPenn and is a retired tenured Professor and former department chair at Massasoit Community College, as well as a part-time educator at Mass College of Art and the DeCordova Museum. Sharon was granted a group Fulbright award to Beijing, China and has traveled to Russia and Poland as an educator on US government education grants. As a visual artist, Sharon has been in numerous exhibitions.

Presently, Sharon is a Massachusetts Literacy Volunteer helping non-native English speakers improve their language skills. She has two grown children that have gone through the Westwood Public School system and both are presently away at college. Sharon would like to give back to the community and help to the Town of Westwood in terms of guidance in bringing artistic cultural diversity to the residents.

Chairman of the Cultural Council, Melanie Guerra met with Sharon and recommended that the Selectmen appoint Sharon. Melanie believes she would be a great addition to the Council for the Westwood local chapter.

**N. Hyde moved to appoint Sharon Brown as a member to the Westwood Cultural Council for a term to expire on June 30, 2020. M. Walsh Seconded. Unanimous Vote: 3-0**

**EXECUTIVE SESSION**

**N. Hyde moved to enter into Executive Session to discuss one issue related to potential litigation at University Station of which would have a detrimental effect on the position of the governing body if discussion were in open session. The Board will be returning to open session.**

**N. Hyde, aye. M. Walsh, aye. J. Hickey, aye.**

The Board entered into Executive Session at 7:33pm.

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**RETURN TO OPEN SESSION - at 8:18pm**

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**OLD BUSINESS**

**Ratify Union Contract - Fire Union**

The Town has come to an agreement with the Westwood Firefighter Association, Local 1994 on terms of a new contract which replaced the contract that expired on June 30, 2016. The Town and the Union were able to have discussions without labor attorney representation to come to an agreement. The Union has ratified and signed both contracts.

The first contract covers fiscal year 2017 which just ended on June 30, 2017, provides a 2% cost of living increase. The second three year contract covers July 1, 2017 through June 30, 2020. It provides annual cost of living increases of 3%, 1% and 2% in the current and next fiscal years, respectively. The Memorandum of Understanding (MOU) also addresses other modifications, including but not limited to, establishing a sick leave bank, commitment to define the roles of two specialized positions (EMS Coordinator and Fire Prevention Training Coordinator) and how those positions will be filled.

The MOU also commits to working with the employees on a health and wellness program to proactively prevent work related health conditions and establish a sick bank to address needs in the event of a long term illness.

Finally, the contract discusses the use of Peak Hour Staffing as a more effective means of meeting calls for service and filling in vacancies as overtime and compensation time.

**N. Hyde moved to approve and sign two copies of the Memorandum of Agreement between the Town of Westwood and Westwood Permanent Firefighters Association Local 1994, IAFF for a term of July 1, 2016 through June 30, 2017; and to vote to approve and sign two copies of the Memorandum of Agreement between the Town of Westwood and the Westwood Permanent Firefighters Association Local 1994, IAFF for a term of July 1, 2017 through June 30, 2020. M. Walsh Seconded. Unanimous Vote: 3-0**

**Review Annual Town Meeting Warrant Articles**

The Board reviewed and discussed the articles that are up for consideration at the 2018 Annual Town Meeting.

Accounting – New Fund for Cable PEG Money

M. Jaillet reported that he and the IT Director met with an attorney earlier today to discuss what the Town's options are in response to these new laws related to the PEG Access Funding. The Town has not had a conversation with Westwood Media Center at this time about the re-write of a contract.

Use of Miscellaneous Article

In light of recent news, it was suggested that the Town do a comprehensive study of the security needs in municipal and school buildings. The Police Chief and Fire Chief have been working with the School Department on active shooter protocols, shelter in place, evacuations, etc.

The suggestion is to present an article that would appropriate a sum of money to conduct a comprehensive study on the school and municipal building security needs. This would include, but not be limited to, cameras, door locks, access points, review of current and drafted procedures and policies from both Police and Fire Department responses, trainings that should be conducted and schedule of training, cost estimates and timelines to implement recommended security measures.

M. Jaillet added that the Town has been working with the School Department on security and safety needs for the schools.

N. Hyde asked if there was an appropriate number that would be requested for appropriation? M. Jaillet said he will get that information to the Selectmen before it is presented to the Finance and Warrant Commission. N. Hyde suggested that this study be used to develop guidelines on how new buildings are designed to address security needs.

**N. Hyde moved to remove the article titled "Street Acceptances" from the 2018 Annual Town Meeting Warrant. M. Walsh Seconded. Unanimous Vote: 3-0**

**N. Hyde moved to use one of the Board of Selectmen’s Miscellaneous Articles for an article to appropriate a sum of money to conduct a comprehensive security needs study for the School and Municipal Buildings. M. Walsh Seconded. Unanimous Vote: 3-0**

**Westwood Media Center Transfer of Funds**

The Town negotiated payments from Comcast and Verizon in the license agreements for funds to be received by the Town and transferred to Westwood Media Center (formally WestCAT), the Town’s local access television channel. Per the agreement between the Town and WMC, the Town agreed to transfer these funds (Pursuant to §8(2) of WMC Agreement within 30 days of their receipt).

Below is an outline of the funds that are recommended to be transferred to WMC:

<b>From</b>	<b>Amount</b>	<b>License/Section Reference</b>	<b>Date Received by Town</b>
Comcast	\$20,633.75	§6.4(a)(i)	February 5, 2018
Comcast	\$3,301.36	§6.5(b)	February 5, 2018
Verizon	\$42,139.51	§5.2.2 (i)	February 15, 2018
Verizon	\$13,567.16	§5.2.1	February 15, 2018

N. Hyde clarified that the need for the Town Meeting article to distribute the funds in the future to Westwood Media Center (WMC). The article is required by DOR to standardize accounting for PEG Access funding across the Commonwealth. If this is the avenue the Town must take, the Board of Selectmen should renegotiate a contract with WMC adding a statement that if WMC were to no longer be the PEG provider for any reason, the funding and assets would revert back to the Town.

M. Walsh asked why the Town wouldn’t just continue to accept the funding and vote to give it to Westwood Media Center? M. Jaillet explained that the funds received by the Cable companies are by law earmarked for PEG Access funding only and should not go into the Town’s general fund. The Town would only know an estimate on the appropriation for each Town Meeting. However, if the funding does go directly to WMC, there could be less accountability of WMC going forward. The Town Administrator will continue to look into the issue and report back to the Selectmen at a future meeting.

**N. Hyde moved to approve the transfer of \$20,633.75, \$3,301.36 from Comcast and \$42,139.51 and \$13,567.16 totaling \$79,641.78 to Westwood Media Center per the Comcast License Agreements and the Westwood Media Center Agreements signed by the Board of Selectmen. M. Walsh Seconded. Unanimous Vote: 3-0**

**REGULAR MINUTES**

*January 30, 2018*

**N. Hyde moved to approve the Regular Minutes of January 30, 2018 as amended. M. Walsh Seconded. Unanimous Vote: 3-0**

**OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

J. Hickey expressed some concerns about the Budget to actual report provided in the Selectmen’s For Your Information section of their packet, specifically about the Police Department’s overtime budget. J. Silva responded there are a couple of significant drivers including the loss of two officers in the fiscal year who went to other positions outside the community (state police), an officer out on injured and a couple other small issues, but the largest issue was losing two officers requires the Department to staff those shifts since a hiring process is being re-established.

J. Hickey asked for clarification on how the process works for reclassifying positions. M. Jaillet responded he would get back to the Board.

**OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

Nada Milosavljevic-Fabrizio, 32 Webster Street, commented that there is a pilot program in Methuen and wasn’t sure if the program or project was per school or per district, but she suggested that the Police Chief look a little more into the program and incorporate the security plans into the new school plans for the Hanlon.

J. Silva responded that there is a lot of new technology available including something known as gunshot protection in the market. Many communities are looking at the best way to connect technology and safety of school and municipal buildings.

**EXECUTIVE SESSION**

**N. Hyde moved to return to Executive Session to discuss one issue related to potential litigation at University Station of which would have a detrimental effect on the position of the governing body if discussion were in open session. The Board will be returning to open session.**

**N. Hyde, aye. M. Walsh, aye. J. Hickey, aye.**

The Board entered into Executive Session at 9:08pm.

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**RETURN TO OPEN SESSION – at 9:25pm**

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## **OPEN SESSION – MEMORANDUM OF UNDERSTANDING – DEVELOPMENT AGREEMENT UNIVERSITY STATION**

Back in 2013, the Town and the developers of the University Station project entered into a Development Agreement which included traffic mitigation, school mitigation, obligations related to building quality, etc. Another piece of the agreement stated that in order for elements of the project to go forward in later phases, the Town had the right to revisit the agreement to see if additional mitigation was necessary. The Pulte project, which is adding residential units, this is resulting in the necessity to speak with the developer on mitigation impacts on affordable housing (specifically since the housing units at Bridges by Epoch could be counted towards to Town's housing stock). A drafted Memorandum of Understanding is being presented to the Board which includes:

- Provides the Town with \$489,000 to be contributed toward affordable housing – to be paid from Building Permit Fees from Phase I.
- All Phase II and later Building Permit Fees will be kept by the Town – meaning no funds to be returned. This includes the hotel (\$315,000)
- A drainage easement settled
- Amend the Development agreement stating any future housing at University Station must be no more than the ratio of 25% residential and 75% commercial. This assures that University Station will be primarily a commercial development

J. Hickey added that there has been an evolution around health care facilities bed such as the one at University Station which originally would not be counted on the Town's subsidized Housing Inventory (SHI) but through time and litigation; those beds are now expected to be counted in next SHI list which will be done in 2020. J. Hickey also added that the Town has received other mitigation payments from the developer including the resurfacing and landscaping (\$250,000) of Blue Hill Drive through the expense of Building Permit Fees even though it was not part of the original mitigation plan and various landscaping improvements to the area throughout the years.

These funds will be used to identify affordable units in another area in Town including the possible renovations of existing units and purchase of new units.

M. Walsh asked if this was the best deal the Town can receive. D. Bailey responded that he believes this is the best deal the Town will get.

N. Hyde added that the Town was holding an article on the 2018 Town Meeting Warrant that is no longer necessary with this agreement. D. Bailey confirmed that article is no longer necessary now that an agreement has been reached.

**J. Hickey moved to:**

- 1. Approve and execute the Memorandum of Understanding with University Station Phase II, LLC, and authorized Michael Jaillet, Nora Loughnane and Dan Bailey to negotiate an Amendment of the Development Agreement memorializing the terms of the Memorandum of Understanding; and**
- 2. That the proposed Pulte condominium project at University Station does not pose new material adverse impacts or materially exacerbate existing adverse impacts to any adjacent property or the proximate neighborhood that have not been addressed by the Memorandum of Understanding and Amendment of the Development Agreement; and**
- 3. Withdraw the article titled "Placeholder Article - Amendments to the University Avenue Multiple Use District (UAMUD)" immediately, contingent on the full execution of the Memorandum of Understanding by University Station Phase II, LLC.**

**M. Walsh Seconded. Unanimous Vote: 3-0**

#### **OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

J. Hickey asked if there was any other business that may properly come before the board?

#### **PUBLIC AND PRESS**

J. Hickey asked if there were any questions from the public or press?

#### **NEXT MEETING**

The Board of Selectmen's Meeting next meeting will be on Monday, March 5, 2018 at 6:30pm in the Small Meeting Room at the Library prior to the Finance and Warrant Commission Public Hearing.

The next regular meeting of the Board of Selectmen will be on Monday, March 19, 2018 at 7:30pm in the EOC/Training Room at the Police Station.

**N. Hyde moved to adjourn the meeting. M. Walsh Seconded. Unanimous Vote: 3-0**

The meeting was adjourned at 9:42 p.m.

Initial after reviewed

A handwritten signature in black ink that reads "Michael J. Jaillet". The signature is written in a cursive style with a large, sweeping initial "M".

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M. Jaillet  
Town Administrator



## *LIST OF DOCUMENTS*

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Board of Selectmen  
2/26/2018 EOC/Training Room  
Regular Meeting

### **SCHEDULED ACTION**

- Sharon Brown- Cultural Council (PDF)

### **OLD BUISNESS**

- 2-12-18 Town Draft to Union of MOA for 7-1-16 to 6-30-17 Firefighter contract v1 (PDF)
- 2-12-18 Town draft to Union of MOA for 7-1-17 to 6-30-20 FF Contract v2.docx (PDF)
- 2018 Annual Town Meeting Warrant List 022618.doc (PDF)
- Finance and Warrant Commission March Hearing Handout 030518.docx (PDF)