

SELECTMEN'S RECORD

April 9, 2018

ATTENDANCE AND CALL TO ORDER

The meeting was called to order at 7:31 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 recorded 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.

CHAIRMAN'S UPDATE

Town Clerk, Dottie Powers, Earns Master Municipal Clerk (MMC) Designation

Dottie Powers, Town Clerk, recently received her Master of Municipal Clerk (MMC) designation through the International Institute of Municipal Clerks (IIMC). The IIMC is a professional, nonprofit association that promotes continuing education and certification through university and college-based institutes and provides networking solutions, services and benefits to its members worldwide.

Dottie is one of only 25 other clerks in Massachusetts to be award this designation. The Board congratulated Dottie on her hard work and dedication to continue her education on all matters related to the Town Clerk responsibilities.

SCHEDULED ACTION

Set New Date for Annual Town Meeting in accordance with G.L. c.39, §9 and Signing of Election and Town Meeting Warrants

The Planning Board has requested that the Board of Selectmen vote to remove the following articles:

- Zoning Amendments - Housekeeping – there are no items for consideration, therefore, this article is no longer necessary.
- Amendments to Zoning Bylaw for retail space above 10,000 sf – at the Planning Board hearing on April 4th, voted to withdraw the request for this article. The developer has had discussions with CVS and has agreed to build the new building under 10,000 square feet and without a drive-thru.

At the Selectmen's Meeting on Friday, March 23, 2018, the Board discussed the Land Disposition Agreement (LDA) which if approved by Town Meeting, would authorize the Town to transfer four (4) parcels of land to the developer (Petruzzello Properties) and in return to receive back two (2) new parcels of land and a sum of

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money, the amount of which will be determined by an appraisal of the town-owned parcels. The appraisal is expected in mid-April. Therefore, in order to provide sufficient time for the Finance and Warrant Commission and ultimately Town residents' to fully consider the proposed Islington Center Redevelopment Project, including the proposed monetary contribution, the Board of Selectmen decided to change the date of Town Meeting.

The Town sought an outside legal opinion regarding the proper procedure for the Selectmen to reschedule the Town Meeting date. Legal opinion from KP-Law is that since the warrant had not been signed or posted for the May 7th Town Meeting date, the Board, pursuant to Massachusetts General Law Chapter 39, Section 9 has the authority to schedule Town Meeting to a date provided in the signed and published warrant, which is May 30, 2018.

N. Hyde moved to remove the articles titled "Zoning Amendments – Housekeeping" and "Amendments to the Zoning Bylaw to permit retail sales and service greater than 10,000 square feet by Special Permit in FMOUD Districts" per the recommendation of the Planning Board from the 2018 Annual Town Meeting Warrant. M. Walsh Seconded. Unanimous Vote: 3-0

N. Hyde moved that, pursuant to G.L. c. 39, §9 to set the date for the Annual Town Meeting to be Wednesday, May 30, 2018, rather than on the first Monday in May (May 7th) as would otherwise have been required by Section 2-6-1 of the Town Charter, to allow the Town to finalize the details related to the Islington Center Project; and further directed the Town Administrator to provide notice of such new date for the Annual Town Meeting in any way that he deems appropriate to provide effective notice to the public. M. Walsh Seconded. Unanimous Vote: 3-0

Jennifer Farraro, asked the Board to explain what will be happening on May 7th? The Board responded that there is no meeting. M. Walsh further explained that since the Selectmen had not published and posted the warrant, the previous vote changes the official date of Town Meeting to May 30, 2018.

N. Hyde moved to approve and sign the 2018 Election Warrant and directed that the Town Administrator file the warrant with the Town Clerk's Office for proper posting and distribution within the four (4) precincts in Town for notice of the Election on April 24, 2018. M. Walsh Seconded. Unanimous Vote: 3-0

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N. Hyde moved to approve and sign the 2018 Annual Town Meeting Warrant calling for Town Meeting to be held on Wednesday, May 30, 2018 as previously voted; and directed that the Town Administrator file the warrant with the Town Clerk's Office for proper posting and distribution within the four (4) precincts in Town. M. Walsh Seconded. Unanimous Vote: 3-0

NEW BUSINESS

Appointments

The following appointments were recommended to the Board of Selectmen:

Conservation Commission

Vesna Maneva has expressed interest in being appointed to the Conservation Commission. Vesna is a landscape architect with over 15 years' experience working on design and planning for large scale mixed use developments, educational institutions, parks and open spaces. Vesna holds a dual Master's Degree in Landscape Architecture and Regional Planning from UMass Amherst, and a professional registration as a landscape architect in Massachusetts. Vensa attended a recent Conservation Commission Meeting.

Housing Partnership Fair Housing Committee

Lou Rizoli has expressed interest in serving as a Community Member on the Housing Partnership Fair Housing Committee. In 1987, Lou was appointed to the newly created Housing Partnership as one of the founding members. In 1988, he assisted in the passage of a Home Rule Petition to form the Housing Authority to which he was subsequently elected and served as Chairman until 1998. During that time, Louis assisted in the consideration and permitting of both the Cedar Hill and Chase Estates developments, two affordable housing developments. Lou, in his role as Chairman of the Housing Authority, assisted the Authority in the purchase of the first affordable rental housing building located on Grafton Avenue.

Lou has been a long time member of the Westwood community, serving on a number of boards including the Disability Commission, Zoning Board of Appeals, Housing Partnership elected member of the Board of Assessors. Lou's dedication to his volunteer work makes him an outstanding citizen and asset to the Town of Westwood.

Election Officers

As the Town Clerk begins to prepare for the 2018 Annual Town Election, she is requesting that the Board of Selectmen appoint the following individuals to serve as Election Officers to assist at the polls on Tuesday:

- Carole Lefebvre, 122 High Rock Street
- Wendy Wilhelm, 40 Church Street

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Health Care Review Committee

The Health Care Review Committee was established a few years ago and consisted of representatives from all the various unions, school department and town staff. The Town Administrator and Human Resources Director discussed various issues related to health care with the group including health care split between the Town and Employees, dental coverage and OPEB.

The Human Resources Director is requesting that Anthony Burke, who is now the Fire Association President, replace Craig Templeton on the Health Care Review Committee.

N. Hyde moved to appoint Vesna Maneva as an Associate Member of the Conservation Commission for a term to expire June 30, 2020. M. Walsh Seconded. Unanimous Vote: 3-0

N. Hyde moved to appoint Lou Rizoli as a Member of the Housing Partnership Fair Housing Committee for a term to expire June 30, 2018. M. Walsh Seconded. Unanimous Vote: 3-0

N. Hyde moved to appoint Carol Lefebvre as an Election Officer for a term to expire June 30, 2018. M. Walsh Seconded. Unanimous Vote: 3-0

N. Hyde moved to appoint Wendy Wilhelm as an Election Officer for a term to expire June 30, 2018. M. Walsh Seconded. Unanimous Vote: 3-0

N. Hyde moved to appoint Anthony Burke as a member of the Health Care Review Committee for a term to expire June 30, 2018. M. Walsh Seconded. Unanimous Vote: 3-0

Approval of Special Education Reserve Account Transfer

The Fall 2017 Town meeting established the School Special Education Fund to hold funds for special education costs and receive any Medicaid revenue the school may receive. Distribution from this account to pay for special education costs requires a vote of a transfer by both the School Committee and the Board of Selectmen. The School Administration had requested a transfer of \$250,000 and the School committee voted approval at its March 15th meeting.

N. Hyde moved to approve the transfer of funds in the amount of \$250,000 from the Special Education Reserve Account to the Special Education Cost Account. M. Walsh Seconded. Unanimous Vote: 3-0

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Pan Mass Bike Ride – June 10th

Yelena Elman and Sara Miron, the PMC Kids Ride Co-Coordinator, are requesting permission to hold a charity cycling event in Westwood again this spring. As the ride coordinators, they would like to begin planning for the ride scheduled for June 10, 2018. This year marks the 11th annual PMC Kids Ride and the hope is to continue the tradition of bringing the community together for a common cause.

N. Hyde moved to approve the 11th Annual Pan Mass Challenge Kids Ride scheduled for Sunday, June 10, 2018 from 7:00am to 12:00pm at the Martha Jones School contingent upon final approvals from the Board of Health and Building Department. M. Walsh Seconded. Unanimous Vote: 3-0

Ratify Police Union Contract

The Town has come to an agreement with the Westwood Police Association, Local 174, on terms of two new contracts which replaced the contract that expired on June 30, 2016. The Union has ratified and signed both contracts. The first contract covers fiscal year 2017 which ended last June and 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 2%, 2% and 2% in the current and next fiscal years, respectively. The latter Memorandum of Agreement also addresses other modifications, including but not limited to: enhancing the educational incentive for police officers hired after 2009; the gradual addition to the compensation plan of one step per year of the contract to bridge the gap between Step 6 and the 10 year service step; establishing a new 30 year step on the compensation schedule; and the removal of an overtime provision.

N. Hyde moved to approve and sign the Memorandum of Agreement between the Town of Westwood and Westwood Police Association Local 174 for a term of July 1, 2016 through June 30, 2017; and moved to approve and sign the Memorandum of Agreement between the Town of Westwood and the Westwood Police Association Local 174 for a term of July 1, 2017 through June 30, 2020. M. Walsh Seconded. Unanimous Vote: 3-0

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OLD BUSINESS

Future Board of Selectmen Meetings

The Board of Selectmen scheduled the following meetings:

- Monday, April 23rd at 6:00pm – prior to the FinCom meeting at 7:00pm at the Library
- Tuesday, May 1st at 7:30pm in the Police Station
- Monday, May 21st at 7:30pm in the Police Station
- Wednesday, May 30th at 6:30pm – at the High School prior to Town Meeting (Location TBD)
- Thursday, May 31st at 7:30pm at the Police Station

REGULAR MINUTES

February 12, 2018

N. Hyde moved to approve the Regular Minutes for February 12, 2018, as amended. M. Walsh Seconded. Unanimous Vote: 3-0

February 20, 2018

N. Hyde moved to approve the Regular Minutes for February 20, 2018, as written. M. Walsh Seconded. Unanimous Vote: 3-0

February 26, 2018

N. Hyde moved to approve the Regular Minutes for February 26, 2018, as amended. 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?

Nada Milosavljevic-Fabrizio, 32 Webster Street, asked if the Board of Selectmen plan on remedying an alleged violation of the Town Charter she emailed to the Town on March 24th? She stated that she believes that five members of the Finance and Warrant Commission are in violation of the following section.

Chapter 7, Section 3, Paragraph 1 states:

“A finance and warrant commission of 15 members shall be appointed for 3-year overlapping terms. Members shall serve without compensation and no member may hold any other elective or appointive town position during the member's term of office.”

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Ms. Fabrizo stated that she doesn't understand the response received from Town Administrator Michael Jaillet and does not agree with it. She further stated that Peter Kane was on the Westwood Environmental Action Committee (WEAC) in 2014 and was appointed to the Finance and Warrant Commission that same year. When he was appointed, he was asked to resign from WEAC to serve on the Finance and Warrant Commission and wants to know what the Town is doing about these current violations stating that they are a conflict of interest?

M. Jaillet stated that there was one issue that was pointed out by Ms. Fabrizo's email of an Election Officer who had been serving as an Election Officer prior to appointment to the Finance and Warrant Commission. The Town did ask that the individual step away from the role of Election Officer until such time she stepped away from the Finance and Warrant Commission and she agreed. In all the other instances, the committees are all ad-hoc committees that the Board of Selectmen appoints at its discretion. This includes the appointment and representation of Finance and Warrant Commission members on various boards and committee. In the instance referenced in 2014, the WEAC Committee was an ad-hoc committee, however it was seeking funding for articles at Town Meeting and for that reason it was felt that he should step away from WEAC to serve on the Finance and Warrant Commission. Peter was not appointed to WEAC as a Finance and Warrant Commission representative.

Ms. Fabrizo stated there was only one interpretation and that was her opinion.

J. Hickey thanked all of the volunteers who take time to serve on Boards and committees in Town and that the Selectmen appreciate their time and Westwood is lucky to have people who step up to serve.

Ms. Fabrizo disagreed.

PUBLIC AND PRESS

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

EXECUTIVE SESSION

N. Hyde moved for the Board to enter into Executive Session to discuss one issue related to possible litigation with 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. M. Walsh Seconded.

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

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The Board entered into Executive Session at 8:13pm.

RETURN TO OPEN SESSION – at 8:45pm

Development Agreement Discussion – University Station

The Board of Selectmen and New England Development executed a Memorandum of Understanding (MOU) on February 26th that reflected agreed-upon changes to be made to the University Station Development Agreement. Staff and special town counsel have been negotiating the terms of that Amendment, which is largely consistent with the MOU. That MOU stated that the Town and the developers will formalize an Amendment to the Development Agreement.

The amendment comes from the recent approval of the Pulte condominium units at University Station. The proponent must demonstrate that there are no adverse or unmitigated impacts from the proposal. In this case, the Bridges care facility is being counted by the Department of Housing and Community Development (DHCD) that the units at Bridges will be counted as residential.

The MOU has the following:

1. Building Permit Fees – the Development Agreement says that any Building Permit Fees that were not spent would be returned to the developer. The balance of that account is \$589,000 for Phase I and \$315,000 for Phase II. The agreement is that the Town would keep \$489,000 of the Phase I permits (returning \$100,000) and all fees going forward would be kept by the Town. The Town negotiated a 50% discount of up to \$150,000 on future fees with the developer.
2. Drainage easement – have been completed
3. Future Housing at University Station – no future housing until the total amount of commercial value is at 75%.

N. Loughnane explained that the negotiations for the housing percentage is to delay the period of time before the developer can get to the cap, not change the cap of 650 units allowed by the Master Plan.

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N. Hyde moved to approve and sign the terms of the Second Amendment of the University Station Development Agreement. M. Walsh Seconded. Unanimous Vote: 3-0

NEXT MEETING


The Board of Selectmen's next meeting is on Monday, April 23, 2018 at 6:00pm in the Small Meeting Room at the Library prior to the Finance and Warrant Commission meeting.

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

The meeting was adjourned 9:04 PM.

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Initial after reviewed



M. Jaillet
Town Administrator

LIST OF DOCUMENTS

Board of Selectmen
4/9/2018 EOC/Training Room
Regular Meeting

CHAIRMAN'S UPDATE

- MMC certifications by State.pdf (PDF)
- IIMC education guidelines.pdf (PDF)

SCHEDULED ACTION

- KP Law Opinion - Town Meeting and Officials Terms -#607313 (PDF)
- 2018 Annual Town Meeting Warrant List FINAL order.docx (PDF)
- Warrant for Election.docx (PDF)
- REDLINE 2018 Annual Town Meeting Warrant.doc (DOC)
- Massachusetts General Law, Chapter 39, Section 9 (PDF)
- Massachusetts General Law, Chapter 39, Section 10 (PDF)

NEW BUSINESS

- Vesna_Maneva-Application_for_ConCom (2).docx (PDF)
- Vesna_Maneva-Resume.pdf (PDF)

OLD BUSINESS

- Memo from Heath Petracca to Pam Dukeman - Transfer Special Education Reserve (PDF)
- Mass General Law Chapter 40, Section 13E - Special Education Reserve Fund (PDF)
- March 15th School Committee Minutes - Sped Transfer Vote Section (PDF)
- Police Approval Form_2018 PMC Kids Ride.pdf (PDF)
- PMC Kids Ride Route.pdf (PDF)
- Police Union Contract (PDF)
- Calendar.doc (PDF)