

**SELECTMEN'S RECORD**  
**February 13, 2017**

**ATTENDANCE AND CALL TO ORDER**

The meeting was called to order at 7:32 p.m. in the Selectmen's Meeting Room at Town Hall by Chairman Nancy Hyde. Also present were: Selectmen Michael Walsh, Selectmen John Hickey, Town Administrator Michael Jaillet and Town Counsel Tom McCusker. Christine McCarthy record the minutes.

N. Hyde led the Pledge of Allegiance.

N. Hyde asked if anyone wishes to record the meeting and granted permission to WestCAT to record.

**CHAIRMAN'S UPDATE**

**Hydrant Clearing**

The Board asked that residents help the Fire Department by clearing out any hydrants near their homes.

**Reminder of Roy London Humanitarian Award and John Cronin Public Service Award**

The Board reminded residents to submit nominations for the Roy London Humanitarian Award and the John Cronin Public Service Award. Contact Christine McCarthy in the Selectmen's Office for more information by phone at 781-326-4172 or by email at [cemccarthy@townhall.westwood.ma.us](mailto:cemccarthy@townhall.westwood.ma.us).

Nomination forms can be found on the Town's website.

**SCHEDULED ACTION**

**Route 109 Traffic Light Recommendation**

*Todd Korchin, DPW Director, was present.*

The Central Transportation Planning Staff (CTPS) has teamed with the Massachusetts Department of Transportation (MassDOT) to create and fund a program for the purpose of identifying low cost traffic signal improvements at congested intersections throughout the Boston Metropolitan Planning Organization (MPO). The goal of this program is to reduce vehicle delay and traffic congestion and ensure that intersections comply with all current State and Federal regulations.

CTPS and the Boston MPO focused on Westwood's Route 109 for their study to better traffic congestion. Howard Stein Hudson (HSH) the engineering firm offered the Town low-cost timing improvements that could be implemented.

T. Korchin explained HSH suggested tweaking some of the timings of the signals along High Street to allow for some of the secondary roads to get onto Route 109 as well as keep traffic moving more smoothly. Those intersections include:

- High Street (Route 109)/Hartford Street/Mobil Driveway;
- High Street (Route 109)/Gay Street/Plaza Driveway;
- High Street (Route 109)/Windsor Road/Library Driveway;
- High Street (Route 109)/Barlow Lane/Westwood Glen Road; and,
- High Street (Route 109)/Summer Street.

As a part of this program, Howard Stein Hudson (HSH) evaluated these locations and recommended the following low-cost timing improvements that could be implemented.

- Updates to the all-red clearance intervals to meet current standards (how long it takes from the yellow interval to red.....currently 1 second and should be 2 seconds)
- Reduce the WALK time for the exclusive pedestrian phases from 6 seconds to 4 seconds, while maintaining adequate FLASHING DON'T WALK clearance intervals;
- Reallocate some green time to the side street phases
- Optimize the green progression along the Route 109 corridor (timing the signals to work in sync with the next signal)

With all of the proposed timing changes, the changes coincide with each other – additional green light timing for Windsor and Barlow (dead end) mathematically connects with the additional yellow timing along High Street and the reduced walk signals.

J. Hickey asked if the light at Summer Street could be a longer green light to reduce the backup along High Street and onto the highway and vice versa? T. Korchin agreed but added that this study, while extensive, has only proposed these low cost implementations at this time. T. Korchin asked about more comprehensive implementations of connected signals that could talk to each other. This solution will continue to be studied as it is an expense by the Town.

The changes will be made in the early spring time.

## **NEW BUSINESS**

### **Request to Post and Fill Position – Heavy Equipment Operator**

John Stanovitch is retiring from the DPW after 47 years. John served as the Department's Senior Foreman and coordinated and managed staff throughout numerous Snow Storms, Hurricanes, and hundreds of natural events over the years. John was also responsible for coordinating all day-to-day tasks for entire the staff and is a major reason the Town of Westwood looks as beautiful as it does.

T. Korchin explained that he is looking to promote internally and then post and fill the position of Heavy Equipment Operator to fill that vacancy.

**M. Walsh moved to authorize the DPW Director, Human Resources Director and Town Administrator to post and fill the position of Senior Foreman and, assuming the position will be an internal promotion, authorized the DPW Director, Human Resources Director and Town Administrator to post and fill the position of Heavy Equipment Operator. J. Hickey Seconded. Unanimous Vote: 3-0**

## **SCHEDULED ACTION**

### **Senator Michael Rush, Representative Paul McMurtry and Patrick Ahearn – Aid to the Elderly Home Rule Petition**

At the 2016 Annual Town Meeting, the Board of Selectmen sponsored an article for a Home Rule Petition to allow the Town to appropriate general funds into the Aid to the Elderly and Disabled Taxation Fund, an account which provides privately raised funding to qualified elderly and disabled residents to assist with payment of their annual real estate taxes. The account has been in place since 1999 with an average of \$40,000 per year donated to it. Currently, state regulations allow the account to be funded through gift donations only. Now that the Home Rule Petition has been adopted, the Town will be able to assist more residents in need.

Westwood Home Rule Petition was signed by Governor Baker on December 19, 2016. Former Selectmen Patrick Ahearn, who retired after 18 years of service, advocated for the establishment of the Aid to the Elderly and Senior population since he was first elected and was quick to support the article. The article was crafted by Town Administrator Michael Jaillet who worked closely with the Senate and House Counsel to ensure the language would be approved by both legislative bodies. Once the petition was approved by Town Meeting, both Senator Rush and Representative McMurtry advocated on Westwood's behalf and ultimately it approval.

Westwood is grateful for the hard work of all those involved in allowing Westwood to help its senior population to stay in their homes within the community.

Patrick Ahearn thanked Senator Rush and Representative McMurtry for getting the Home Rule Petition through the legislature so quickly. The senior population is grateful for their leadership.

Representative McMurtry stated that he was happy to work alongside the Westwood leadership and happy to partner with Senator Rush and work on Westwood's behalf. He added that Westwood is a leader for the remaining communities in the state and see it adopted throughout the Commonwealth.

Senator Rush stated it was one of the best examples of government and to work with Westwood with great leadership and engaged with its citizens and make decisions based on what they are hearing.

The Board thanked the Aid to the Elderly Committee as well as Senator Rush and Representative McMurtry for their leadership on getting this Home Rule Petition signed by the Governor.

### **FY18 Budget Update and Budget to Actual Report**

Pam Dukeman reported to the Board some current FY17 action items that will need the Board's review and approval. There have been a few positions reclassified in departments including Zoning, Procurement and Veteran's Affairs. Funds are needed to be transferred to accommodate these reclassifications.

- Procurement position (serve's as Veteran's Agent) – total transfer \$5,223 (Veteran's Department - \$2,089 / Selectmen's - \$3,134)
- The Youth Services department required supplemental coverage during a maternity leave in FY16 and was covered with a supplement to the FY16 budget. There was a small portion of coverage in the initial months of FY17 that now needs to be supplemented, transfer amount of \$5,720
- Zoning/Housing – this position was reclassified to a higher grade, and the new hire started at a higher step. Full year impact is \$17,000 FY17. Due to the timing of the hiring, the impact in the current year is \$2,000

**M. Walsh moved to approve the transfer of \$12,943 from the Selectmen's Reserve Account to the following accounts:**

- **Board of Selectmen Salary**           **\$3,134**
- **Veteran's Affairs Salary**           **\$2,089**
- **Youth and Family Services**       **\$5,720**
- **Housing/Zoning**                   **\$2,000**

**J. Hickey Seconded. Unanimous Vote: 3-0**

P. Dukeman reported that the Finance Department has produced the FY18 Municipal Proposed Budget Books (*available online*) and will finalize the FY17 Summary Budget details this week.

P. Dukeman also reported that a report to the Finance and Warrant Commission was made on February 7<sup>th</sup> with an update on the FY18 budget and what is going forward. The next step is the Finance and Warrant Commission will begin working with its Subcommittees and start meeting with specific departments.

N. Hyde asked about the recommendation on the Police and Fire overtime and additional positions budget and that the Board will treat that separate so the Board can look at the timing of those positions.

P. Dukeman explained that the Town has a separate line item for University Station and that no funding can be used without the Board's approval.

### **FMUOD Petition Articles**

Nora Loughnane explained that state law provides that any property owner may obtain a Zoning Freeze in accordance with the provisions of MGL Chapter 40A, Section 6. To do so, a property owner must take specified actions to initiate that Zoning Freeze prior to the effective date of a proposed Zoning Amendment.

MGL Chapter 40A, Section 6 permits two forms of Zoning Freezes. In the first instance, a property owner may obtain a 3-year freeze on the allowed use of the subject land through the filing of an Approval Not Required (ANR) plan and the endorsement of said plan by the Planning Board. In the second instance, a property owner may obtain an 8-year freeze on all applicable provisions of the Zoning Bylaw, as applied to the subject land, through the filing of a Preliminary Subdivision Plan, followed by the filing and eventual approval of a Definitive Subdivision Plan within 7 months. Accordingly, Petruzzello Properties ("the Proponent") intends to file both an ANR Plan and a Preliminary Subdivision Plan to freeze the zoning on all of the properties it owns in Islington Center. The Proponent plans to file these applications prior to April 30<sup>th</sup>, in advance of the date on which either or both of the FMUOD Petition Article Zoning Amendments might become effective.

J. Hickey asked if there were other property owners in Islington? N. Loughnane explained that the parcels identified within the RFP are owned by the Town, and Petruzzello owns three adjacent parcels. However, there are other property owners along Washington Street and High Street who this zoning change would affect. Property owners receive the same notice as other residents for the Finance and Warrant Commission Hearing notices, but no specific owners are notified.

N. Loughnane explained if the Town decided not to freeze the properties it owned, Petruzzello intends to still file for a zoning freeze for his properties.

The Board discussed if these petition articles were to pass, that it would have gone through the whole RFP process with the other property owner and not be able to continue. N. Loughnane explained that the Planning Board would not be able to grant approval for a project under the FMUOD for anything that involves residential use. She continued to explain that even if a project were recommended, it would still need Town Meeting approval to advance and that proposal could include, or not include residential. The Islington Center Task Force (ICTF) has not made its recommendation on a proposal for a project to the Board yet.

M. Walsh disagreed and asked why the Town would consider putting a zoning freeze on the properties if the proposals needed to go to the voters for approval?

N. Loughnane explained that it also affects how the application gets processed. N. Loughnane also explained that from the beginning, she discussed with the petitioners that there was a possibility of a zoning freeze.

If the two zoning petitions do not pass at Town Meeting, the Board might want to consider doing it to protect it from future zoning changes.

N. Hyde explained that the zoning freeze does not obligate the Town to have residential, it just protects the Town's right to make choices later. The RFP recommendation has not made it to the Board of Selectmen or Planning Board or Town Meeting for review.

N. Loughnane explained that the ICTF deliberately slowed down the process of the RFP to have a comprehensive review in order to bring a complete plan to Town Meeting to consider.

N. Loughnane explained that the Town can either file jointly with Petruzzello or on its own. The Preliminary Subdivision Plan (surveyed) needs to show the outline of the right of way and parcels involved and other basic information. The Definitive Plan, which would need to be filed within 7 months, would more expensive. The applicant could file the Preliminary Subdivision Plan with the Town as a co-applicant, but it has not been discussed for funding if the Town files a Definitive Plan.

M. Walsh stated that in his opinion that the Town should not do the freeze and if the petition articles get the 2/3 vote it needs at Town Meeting, than the Town would have to work with that.

N. Hyde summarized that the Town needs to look out for the best interest of Town and that it needs to work with the abutting property owner to protect the interest of the Town which involves a private public corporation to combine resources for the greater good.

J. Hickey asked if there was a disadvantage to filing for the freeze separately? N. Loughnane and M. Jaillet explained that the Town had the right to file separately, but that if it filed jointly with the other property owner, it would have a better plan to be presented to the Planning Board for review.

The Board explained that town properties in Islington were once privately owned (i.e. the Islington Community Center, the municipal parking lot, etc.) and that the purpose of the Town purchasing these lots was to intercede in what was being contemplated by developers for these parcels and to ensure that the Town would be involved in the discussions and design of developers wanting to make changes to the center.

The next Islington Center Task Force meeting is Wednesday, February 15<sup>th</sup> at 7:30pm at the Thurston Middle School.

**J. Hickey moved to obtain a Zoning Freeze pursuant to MGL Chapter 40A, Section 6 by filing a Preliminary Subdivision Plan jointly with Petruzziello Properties. N. Hyde Seconded. Vote: 2-1; M. Walsh Opposed.**

## **NEW BUSINESS**

### **Proposed Ballot Question**

The recent passage of the Regulation and Taxation of Marijuana Act, Ch. 334 of the Acts of 2016 (“2016 Act”) legalized the recreational use of marijuana. That act also authorized cities and towns to limit or prohibit recreational marijuana facilities by ordinance or by law, if so approved by the voters of a city or town.

Following the enactment of the Humanitarian Medical Use of Marijuana Act, Ch. 369 of the Acts of 2012 (“2012 Act”), Westwood adopted a zoning bylaw allowing medical marijuana facilities, known as Registered Marijuana Dispensaries, to be approved by special permit within the Administrative-Research-Office District. That bylaw expressly prohibited all other marijuana uses. With the recent passage of the 2016 Act, towns may not restrict the sale of recreational marijuana unless such prohibition is specifically authorized by the voters within that municipality by ballot question at a general election.

Pursuant to MGL CH. 54 Sec 42C, the Board of Selectmen must vote to place a question on the ballot at a general election and provide notice at the Town Clerk no less than 35 days prior to the date of the election (February 28).

**M. Walsh moved to insert the following question on the 2017 Town Election Ballot:**

***Shall this Town prohibit the operation of all types of marijuana establishments as defined in MGL Chapter 94G, Section 1, including***

*marijuana cultivators, marijuana testing facilities, marijuana product manufactures, marijuana retailers or any other type of licenses marijuana-related businesses within the Town of Westwood, except for any Registered Marijuana Dispensary which might be granted a special permit pursuant to Westwood Zoning Bylaw Section 7.4?*

**J. Hickey Seconded. Unanimous Vote: 3-0**

#### **Update on Public Records Law**

The Public Records Law and its Regulations were updated with changes effective January 1, 2017. Among other things, the updated law sets limits on fees, provides deadlines for the provision of records, and requires the designation of a "Records Access Officer." The Records Access Officer (RAO) is the person responsible for responding to requests for public records.

The Town Administrator has appointed Dottie Powers, Town Clerk, as the Records Access Officer and will appoint others in the future.

The Town has all the updated regulations on the Town's website.

#### **East Street Bridge – Proposed Easements**

The MBTA and MassDOT have been designing a replacement for the East Street Bridge which will widen and increase the height clearance making the bridge less susceptible to accidents. In an effort to expedite the process, the MBTA and its engineers asked the Board to approve and sign a letter which provides its consent for the use of the eminent domain process for acquiring permanent and temporary easements on public property.

There are six (6) total temporary easements from the Town and six (6) temporary easements from private land owners. The MBTA will work with the private land owners separately.

**M. Walsh moved to approve and sign the letter addressed to Janelle Chan, Chief of Real Estate at the MBTA indicating its consent for the use of the eminent domain process for acquiring permanent and temporary easements on public property in cooperation with the MBTA's effort to expedite the replacement of the East Street Bridge, which is scheduled for proposed construction in 2018. J. Hickey Seconded. Unanimous Vote: 3-0**



## OLD BUSINESS

### Review Annual Town Meeting Warrant Articles

#### Removal of Articles

As the Executive Function Group prepares language and backup information related to each article, it recommends that the Board remove the following articles:

- *Acceptance of MGL, Chapter 40U [Municipal Fines]*
- *Acceptance of MGL, Chapter 40, Section 58 [Municipal Charges Lien] – Planning Board Fees and Fines*
- *Acceptance of MGL, Chapter 40, Section 58 [Municipal Charges Lien] – Zoning Board Fees and Fines*

**M. Walsh moved to remove the following articles from consideration at the 2017 Annual Town Meeting:**

- **Acceptance of MGL, Chapter 40U [Municipal Fines]**
- **Acceptance of MGL, Chapter 40, Section 58 [Municipal Charges Lien] – Planning Board Fees and Fines**
- **Acceptance of MGL, Chapter 40, Section 58 [Municipal Charges Lien] – Zoning Board of Appeals Fees and Fines**

**J. Hickey Seconded. Unanimous Vote: 3-0**

#### Minor Revisions to Article titles

- *Acceptance of MGL, Chapter 40 Section 21D [Noncriminal disposition of ordinance, by-law, rule or regulation violations] and MGL Chapter 40, Section 21E [Municipal charges and bills; due dates; interest] – the purpose of this article was to accept MGL Chapter 40, Sections 21D and 21E.* The staff has confirmed that MGL Chapter 40, Section 21D was previously accepted by Town Meeting (1999 ATM by Art. 20; amended 2000 ATM by Art. 30; amended 2007 ATM by Art. 29.), and that Westwood General Bylaw Article 1, Section 6 was then adopted to permit the assessment of fines by the Health Director, Building Commissioner, and Conservation Agent for violations of any rule or regulation of the Board of Health, the Town of Westwood, or the Commonwealth of Massachusetts. However, no action was taken with regard to MGL Chapter 40, Section 21E, which allows for the establishment of due dates for the payment of municipal charges and bills, and allows for the setting of an interest rate that shall accrue if such charges remain unpaid after such due date. The staff recommends that Town Meeting consider amending Article 1, Section 6 of the Westwood General Bylaws to establish a due date and interest rate in a manner permitted by MGL Chapter 40, Section 21E.

The title for Article 23 be changed to read:

*Amendments to Westwood General Bylaw Article 1, Section 6 to establish a due date and interest rate for the payment of municipal charges and bills in a manner permitted by MGL, Chapter 40 Section 21E [Municipal charges and bills; due dates; interest]*

**M. Walsh moved to accept the revised article title language to read as follows:**

- **Amendments to Westwood General Bylaw Article 1, Section 6 to establish a due date and interest for the payment of municipal charges and bills in a manner permitted by MGL, Chapter 40, Section 21E [Municipal charges and bills; due date; interest].**

**J. Hickey Seconded. Unanimous Vote: 3-0**

The Board was asked to keep the remaining articles for Municipal Charges and Liens for the Building Division, Health Division and Conservation Division. M. Jaillet explained that currently, the Town has no ability to lien a property for unpaid fines issued by those departments. It is suggested that the Board consider establishing a committee consisting of the Chair of the Board of Selectmen, Chair of the Board of Assessors and the Town Treasurer to oversee the enforcement of the collection of any fee/fines issued because of a violation. The process would be as follows:

- Violation ticket issued
- Violator wishes to appeal and/or refuses to correct issue
- Violation is appealed to the Town Administrator
- If the Town Administrator upholds the violation for the collection of the fine, or the violation just remains uncorrected the collection of the fines/fees can be brought to the Committee to place a lien on the property, if applicable.

The purpose of violations is to first have it corrected.

## **REGULAR MINUTES**

*January 9, 2017*

**M. Walsh moved to accept the Regular Minutes of January 9, 2017 for a total of 8 pages, as written. J. Hickey Seconded. Unanimous Vote: 3-0**

*January 24, 2017*

**M. Walsh moved to accept the Regular Minutes of January 24, 2017 for a total of 3 pages, as written. J. Hickey Seconded. Unanimous Vote: 3-0**

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

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

**PUBLIC AND PRESS**

N. Hyde asked if there were any questions from the public or press?

**EXECUTIVE SESSION**

**NEXT MEETING**

The Board of Selectmen's next meeting will be held on Monday, February 27, 2017 at 7:30pm in the Selectmen's Meeting Room at Town Hall.

**M. Walsh moved to adjourn. J. Hickey Seconded. Unanimous Vote: 3-0**

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

The meeting was adjourned at 8:59 p.m.

Initial after reviewed

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

---

M. Jillet  
Town Administrator

## ***LIST OF DOCUMENTS***

---

Board of Selectmen  
2/13/2017 Selectmen's Meeting Room  
Regular Meeting

### **SCHEDULED BUSINESS**

- H 4573 Chapter 345\_Westwood.pdf (PDF)
- December 31 Budget to Actual.pdf (PDF)

### **NEW BUSINESS**

- Responding-to-a-Public-Records-Request-Municipal-Timeline-Jan-2017 (PDF)
- Back Up for Consent for Eminent Domain Takings for the East St Bridge.pdf (PDF)

### **OLD BUSINESS**

- 2017 Annual Town Meeting Warrant List 021317.doc (DOC)
- FinCom Public Hearing Notice.docx (PDF)