

## **SELECTMEN'S RECORD**

### **October 16, 2017**

#### **ATTENDANCE AND CALL TO ORDER**

The meeting was called to order at 7:30 p.m. in the Selectmen's Meeting Room at Town Hall by Chairman John Hickey. Also present were: Selectmen Nancy Hyde, Selectmen Michael Walsh, Town Administrator Michael Jaillet and Town Counsel Thomas 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.

#### **CHAIRMAN'S UPDATE**

##### **Veteran's Day Ceremony – Xavarian Brothers Hosting Wounded Warriors Flag Football Game**

For this year's Veteran's Day, Xaverian Brothers High School will be hosting a fundraiser event sponsored by and for the Wounded Warrior Amputee Football Team (WWAFT). This non-profit was established in 2012 and is not related to the Wounded Warrior Foundation. WWAFT hosts flag football events around the country. The WWAFT is composed of amputee veterans who play NFL Alumni teams.

However, the American Legion has indicated that it is still holding the ceremony at 11:00am at Veteran's Park and has invited the Chairman to make a speech and the other members to attend this ceremony. The Board will still be able to attend the opening ceremonies at Xaverian (not scheduled until 12:00pm). The Legion will be holding this event for those who do not wish to pay the \$10 fee for the football game.

#### **SCHEDULED ACTION**

##### **Public Hearing – One-day Beer & Wine at Audi and One-Day Beer and Wine for Mercedes Benz for the Oktoberfest Open Haus– Prime Motor**

Lori Talanian, Director of Corporate Partnerships for Prime, indicated that Prime Motor Group has submitted two applications for One-Day, Wine & Malt Beverages Licenses for Audi Westwood and one for Mercedes-Benz of Westwood for purposes of holding "Oktoberfest Open Haus" at each of the dealerships. The events will be held on Thursday, October 19<sup>th</sup> from 5:30 p.m. to 9:00 p.m. and are described as an evening celebration of German-inspired music with authentic food, beer and wine. SKY of Norwood is providing the food, beer and wine and will also provide the TIPS certified servers.

All forms, documents and fees have been satisfactorily submitted to the licensing administrator. Building, Fire, Health and Police departments have signed off on the required inspections for the event.

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N. Hyde asked if it was an invitation only event? Ms. Talanian responded yes, invitations were sent out. N. Hyde asked why other events held at Prime Motor Group did not require a one-day license from the Selectmen? J. Barba explained that those other events were catered by a Section 12C licensed caterer. These licenses are granted by the state to caterers specifically for alcoholic beverage serving. In this instance, Sky Restaurant is not a Licensed 12C Caterer so it is required to submit the appropriate application for a one-day license, including TIPs certification.

Paul Kelly, 107 Willard Circle, commented that one of the hearings before the Selectmen, Mr. Rosenberg told the Board that he would be a good neighbor and invite abutters to the open houses, but they were not. The Board asked Prime to speak with Mr. Kelly about the invites. Ms. Talanian responded she has spoken to Mr. Kelly in the past.

**N. Hyde moved to approve the issuance of a One-Day Wine and Malt Beverage License at Audi of Westwood and Mercedes Benz of Westwood for Thursday, October 19, 2017 from 3:30pm to 10:00pm (time includes setup and breakdown) for the Oktoberfest Open Haus events. M. Walsh Seconded. Unanimous Vote: 3-0**

#### **Public Hearing – Street Acceptance – Thompson Avenue**

Acceptance of a street as a public way means that the town accepts all responsibility for the maintenance, repair and liability for the section of roadway laid out and presented to Town Meeting. Prior to that acceptance, these responsibilities rest with either the landowners which front on the private way or the developer that retained ownership of the street, with a bond required by the town to ensure its completion.

If the roadway is simply not accepted, because of a failure of a majority of the residents to support the article at town meeting, the affected residents may petition the Board of Selectmen for reconsideration at a future Town Meeting. The residents, will be well advised, however to correct any issues raised at the Town Meeting which might have caused a lack of support before seeking another vote.

Thompson Avenue has been requested to be accepted as a public way by the developer.

The Planning Board recommends acceptance with the following four conditions. The Town has the initial street acceptance plans (attached) but prior to signing by Board of Selectmen and Planning Board, the plans should have the tree locations along with the updated Mylar.

Abby McCabe, Town Planner presented that the Planning Board met on October 3, 2017 and made the following conditions:

1. The street trees shall be planted. – Done, confirmed 10/10

2. The as-built plan entitled "Street Acceptance & As-Built Plan Thompson Avenue in Westwood, MA" prepared by Site Design Professionals, LLC, dated August 30, 2017 be updated to show the locations of the planted street trees. – pending
3. The Applicant shall apply for a final Certificate of Compliance with the Conservation Commission.- voted to issue the Certificate of Compliance with a condition that they submit the updated as-built plan
4. The Operation and Maintenance Plan shall be revised and submitted to the Planning and Conservation staff for approval. – received and approved 10/11

As of today, all four conditions have been completed.

N. Hyde asked how many lots have been built on? Paul Tyder, who is the contractor responsible for building the road, responded there are 12 lots. All of the lots have been sold to a developer. Nine lots have been sold and built out, 2 are partially completed with foundations started and 1 lot that has not been started.

N. Hyde stated that the Town often holds a bond for lots that are not fully developed and the Board has had concerns about recommending acceptance of roads where lots have not been developed before acceptance. N. Loughnane responded that the main difference in this instance is that one party developed the road and another party developing the lots. The purpose of the bond is for damage restoration caused to the road from the contractors during construction of remaining lots. The bonds are typically \$5,000.

T. McCusker added that the Town will negotiate an agreement so that when the developer sells the lot, the builder becomes a party to the agreement.

The Town staff will need to work out the details of the bonding and agreements with the builder of the lots. T. McCusker added that the Town will be able to work the details before a Town Meeting vote.

**N. Hyde moved to support the acceptance of Thompson Avenue, contingent upon final requirements of the Department of Public Works and Engineering Consultants as well as Town Meeting approval. M. Walsh Seconded. Unanimous Vote: 3-0**

### **Target Request for Extension of Hours – Black Friday**

Target is requesting to extend its holiday hours on Friday, November 24<sup>th</sup> (the day after Thanksgiving) to open its store from 12:00 midnight through 6:00 a.m. These shopping hours have become an industry norm for many large retailers who participate in Black Friday promotions for shoppers.

Target has submitted its crowd management plan which has been reviewed and signed off on by the Police Chief. The Chief recommends the appropriate number of Detail Officers for the extended hours.

**N. Hyde moved to grant a one-day Permit for Extended Hours of Operation in accordance with the Code of the Town of Westwood, Chapter 321 – Retail Stores and Food Establishments, §321-2 for Target located at 221 University Avenue for Friday, November 24, 2017 in accordance with the Police Chief's requirements for detail Officer coverage. M. Walsh Seconded. Unanimous Vote: 3-0**

### **Discussion on Blue Hart Tavern**

At its meeting on September 25<sup>th</sup>, the Board of Selectmen signed a Memorandum of Understanding with Petruzziello Properties to allow for the development of engineered plans, which are necessary for the submission of a special permit application to the Planning Board for the proposed Islington Center Redevelopment Project. One of the first steps in the design and engineering process involves consideration of the future location, ownership and use of the Blue Hart Tavern.

The Blue Hart Tavern has been proposed for municipal ownership and use, with an estimated cost of approximately \$1 million to accomplish the relocation and restoration work. As the Board prepares to negotiate a Disposition Agreement with Petruzziello Properties for the Islington Center Redevelopment Project, the Selectmen must consider whether the proposed location and municipal ownership of the Blue Hart Tavern is warranted in light of the costs, or whether the town would benefit more from an alternative arrangement.

Nancy Donahue, Marilyn Freeman, Jack Patterson and Mary Ellen LaRose of the Westwood Historical Commission were present along and disclosed that Nancy and Lura Provost are also members of the Historical Society.

N. Loughnane presented a PowerPoint to the Selectmen including the history of the Tavern (built in 1740) which remains one of the oldest surviving structures in Westwood. The building has typical architectural features on the exterior with some surviving wood on the interior. The first floor has had renovations for commercial uses and the second floor has been predominantly occupied as residential space.

*A copy of the PowerPoint presentation can be found by clicking on the following link:*

<http://westwoodtownma.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=5732>

N. Loughnane presented that the Tavern has been temporarily relocated to 9 School Street for the construction of a new mixed use building. The proposed plan presented by Petruzziello Properties currently has the relocation of the Blue Hart Tavern for municipal ownership and use with a final location yet to be determined.

Petruzziello Properties has estimated a total cost of renovation to the building to be over \$1 million for commercial or institutional use. Some of the possible uses suggested include, but are not limited to municipal office space, recreational programming space, cultural arts center, lease for office, retail or restaurant use, or

lease for affordable housing. If ownership is not desired by the Town, Petruzziello could restore the building for commercial or residential use, offer building in current state for relocation or demolish the building after the condition of the Planning Board expires on November 27, 2017.

Nancy Donahue commented that the Blue Hart Tavern is one of the oldest buildings in Westwood and is very much a part of the Town's history and should be preserved in some way. The Commission would like to see the building engaged with the library, perhaps an educational use similar to the Fisher School's use.

N. Hyde expressed that the proposed cost may be understated (no contingency included in cost estimate). N. Loughnane explained also that Petruzziello presentation valued the work for all the renovations and moving of buildings to be approximately \$5 million which included over \$1 million for the Blue Hart Tavern. This equates to about \$500 per square foot for the restoration of the building (the building is just under 2,000 square feet).

N. Loughnane explained that the cost of construction for residential is lower than construction costs associated with commercial uses and lower if Petruzziello were to renovate the building under private ownership.

J. Hickey commented that the Town is balancing all the interests and terms for negotiating a project with Petruzziello and that the estimated \$1.2 million is one variable. N. Loughnane explained some of those other variables include, but are not limited to the renovation and moving of Wentworth Hall (Branch Library), construction of a community space, traffic and pedestrian safety improvements, landscaping. The Town has not received a pro-forma for review and analysis, but the developer has indicated the Town would be receiving approximately \$5 million in these renovations/improvements. There would be a whole process including Peer Review of those costs estimated by Petruzziello.

The Board feels that the building has a lot of value to the Town, but it needs to review further what the cost and uses will mean. The building itself is non-compliant of building codes. M. Walsh commented that the building itself was not in great condition.

N. Hyde asked if the Blue Hart Tavern were to be preserved, what was the process that needed to go forward for that to occur? N. Loughnane explained those details would be in the Disposition Agreement between the Town and Petruzziello. A final proposal will need to be prepared that includes what parcels were owned by the Town and what parcels owned by Petruzziello. The whole package, if approved by the Planning Board, would be brought to Town Meeting with dollar amounts assigned and each building would be assessed. The Blue Hart Tavern could be shown under municipal ownership, private ownership or not on the plan at all with the option of moving it to another site in Town or it could be demolished.

The Board asked that Petruzziello consider extending the November 27<sup>th</sup> date so the Town could continue to assess the options.

J. Hickey asked if a replica would be acceptable? Marilyn Freeman responded that some of the piece would be repurposed and reused in a replica style.

M. Walsh asked if a 3-D documentation of the building has been done? He believes the cost of saving the building at \$500 a square foot is very high. A 3-D has not been done.

Marilyn Freeman added that keeping the building adds value to the character of the Town and in Islington. J. Hickey responded that the decision on what the use will be will also determine the location. N. Loughnane added that there are not many historic commercial buildings left.

N. Hyde suggested looking into how other communities may have used historical buildings to be used for cultural center or arts purposes. ADA compliance is required if used for public purposes.

The question the Board needs to address at the next meeting is where the building will be placed on the plans. Petruzziello needs to begin drawing out the proposal to be submitted for Planning Board review.

## **NEW BUSINESS**

### **Conflict of Interest Waiver – Pierce Atwood and Partners Health**

Special Counsel, Daniel Bailey, working for Peirce Atwood has informed the Town that his colleague Suzanne King has been asked to provide the Mass. General Hospital Institute of Health Professionals with advise on some labor and employment issues. The MGH Institute of Health Professionals is a Partners Health Care affiliate. Partners asked Pierce Atwood to run a conflicts check for any matter where they are adverse to any Partners' affiliate, and when they did the Brigham and Women's Hospital in Westwood matter came up.

Pierce Atwood's role for MGH's Institute of Health Professionals will be limited to labor and employment issues negotiations. Dan Bailey, Gareth Orsmond or anyone else that works for Westwood will not be working on this issue.

Nonetheless, because Partners asked Pierce Atwood to run a conflict check for all of its affiliated entities, Pierce Atwood needs the Town of Westwood's consent to represent the MGH Institute of Health Professionals does not result in a conflict of interest.

**N. Hyde moved authorize the Chairman to sign and send a letter that the Town of Westwood consents to Pierce Atwood, LLC's representation of the Massachusetts General Hospital (MGH) Institute of Health Professionals and it is not a conflict of interest. M. Walsh Seconded. Unanimous Vote: 3-0**

## **OLD BUSINESS**

### **Review Fall Town Meeting Warrant Articles**

The Finance and Warrant Commission's Public Hearing on the warrant articles will be Tuesday, October 17, 2017 at 7:30pm in the Community Room at the Library. The Board of Selectmen reviewed the listing of warrant articles and discussed the removal of the following:

- Interim Office Space – Town Hall and/or Carby Street
- Municipal Facilities Conceptual Planning
- Placeholder – Amend the Town Bylaws (language being considered to allow for electronic voting at Town Meeting)
- Miscellaneous (3 total)

**N. Hyde moved to remove the following articles from consideration at the 2017 Fall Town Meeting:**

- **Interim Office Space – Town Hall and/or Carby Street**
- **Municipal Facilities Conceptual Planning**
- **Placeholder – Amend Town Bylaw (language considered for electronic voting)**
- **Three (3) Miscellaneous Placeholder articles**

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

The additional article of Hedgerow Lane Abandonment is not ready to go forward at this time and would like to withdraw the warrant article place holder for this town meeting.

**J. Hickey moved to remove the article titled "Hedgerow Lane Abandonment" from the 2017 Fall Town Meeting Warrant. M. Walsh Seconded. Vote: 2-0-1; N. Hyde abstained.**

### **Future Board of Selectmen Meetings**

The Board of Selectmen scheduled the following meetings:

- Tuesday, November 21, 2017 at 7:30pm

## **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?

## **EXECUTIVE SESSION**

**N. Hyde moved to adjourn into Executive Session to discuss one issue related to an potential litigation with the Girl Scouts of which would have detrimental effect on the position of the governing body if the discussion were in open session. M. Walsh Seconded.**

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

## **NEXT MEETING**

The Board of Selectmen's next meeting will be held on Thursday, November 2 at 7:30pm in the Selectmen's Meeting Room at Town Hall.

The meeting was adjourned at 8:47 p.m.



Initial after reviewed



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M. Jailliet  
Town Administrator

## ***LIST OF DOCUMENTS***

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Board of Selectmen  
10/16/2017 Selectmen's Meeting Room  
Regular Meeting

### **SCHEDULED ACTION**

- Street Acceptances Thompson FTM 2017 (DOC)
- Street Acceptance As Built Plans Westview Estates Thompson Ave.pdf (PDF)
- Planning Board Thompson Ave Street Acceptance-Motion-2017-10-03.pdf (PDF)
- T2649 Black Friday Letter 9.21.17.docx (PDF)
- 2017 AP Crowd Management Planning Guide.pdf (PDF)

### **OLD BUSINESS**

- Open Meeting Law Complaint\_ AG.pdf (PDF)
- Open Meeting Law Complaint - D. Conant.pdf (PDF)
- OML Complaint - D. Conant 032017 Response.pdf (PDF)
- 2017 Fall Town Meeting Warrant Listing 101617 (PDF)
- Microsoft Word - Draft - Warrant Articles for 101717 Public Hearing (DOC)
- FINCOM MEMO ON PETITION ARTICLES 10 6 17 (2).pdf (PDF)
- Article 29 of the 2016 ATM (PDF)
- Future Board of Selectmen Meetings (PDF)