

**SELECTMEN'S RECORD**  
**January 4, 2016**

**ATTENDANCE AND CALL TO ORDER**

The meeting was called to order at 7:38 p.m. in the Selectmen's Meeting Room at Town Hall by Chairman Michael Walsh. Also present were: Selectmen Patrick Ahearn, Selectmen Nancy Hyde, Town Administrator, Michael Jaillet and Town Counsel, Tom McCusker. Christine McCarthy was present to record the minutes.

M. Walsh led the Pledge of Allegiance.

M. Walsh asked if anyone wishes to record the meeting and granted permission to WestCAT to record.

**CHAIRMAN'S ACTION**

**Eagle Scout Ceremony**

The Board of Selectmen, specifically Nancy Hyde, attended and presented commendations to three members of the Westwood Troop 3 for achieving their Eagle Scout Honor on Saturday, January 2, 2016 at the First Baptist Church.

Skyler Beach served the troop in several leadership roles including Patrol Leader, Quartermaster, and Troop Guide. For his Eagle project Skyler led the construction of a vegetable garden used to grow food for the animals at the Animal Rescue League located in Dedham, MA. Skyler loved the hiking and summer camping trips as well as helped direct several sailing outings in Boston Harbor for the troop.

Peter de Reyna served as Senior Patrol Leader and Patrol Leader for Troop 3. In addition, Peter was inducted into the Order of the Arrow, Scouting's Honor Society. For his Eagle project Peter engineered and led the construction of a wood and stone staircase to reduce erosion and improve drainage at Hale Reservation in Westwood. He is a graduate of Westwood High School and is a freshman at the Berklee College of Music in Boston.

Sam Gantert led the Troop as Senior Patrol Leader and served as Troop Bugler. Sam was also inducted into the Order of the Arrow, Scouting's Honor Society. For his Eagle project, Sam led the creation of a Butterfly Garden at Westwood's Martha Jones Elementary School and developed materials for it to be incorporated into a segment of the Life Sciences curriculum there. He is a graduate of Westwood High School and is currently a freshman at the University of St. Andrews in Scotland.

**Main Library Opening**

The project was a truly collaborative effort, spearheaded by the Permanent Building Committee, and involving several construction entities, including Compass Project Management, Timberline Construction, Cheviot Corporation and Finegold Alexander

Architects, along with plumbers, electricians and other trades. The commitment to cooperation and communication from all parties was evident throughout the process.

While the Library was closed for construction, there was an opportunity to pull some additional wires above the ceiling in order to add technology components in the very well-used Community Room. The following options will be available for use by groups and patrons when the library re-opens in January.

- Installation of an FM Hearing Assistance System. This system can be used by up to four individuals at any one time and includes four receivers with earspeakers and a neckloop device to be used with hearing aids. Funding for this system has been generously provided by the Friends of the Westwood Public Library
- In addition, a large rolling cart with a flat panel television is also being installed. This will allow for additional viewing capability in the library's community room - and provides a moveable screen so that individuals sitting as part of a panel or forum are able to view what is being projected on the large screen without having to relocate into the audience.

The Library Director and Trustees express their sincere thanks to the staff and patrons of the Westwood Public Library for their patience, flexibility and positivity throughout this process. Moving staff from the Main Library to staff the branch on a full-time schedule required many adjustments, not only for staff, but also for patrons. Westwood's Islington Branch Library circulated almost 10,000 items in October and November, and programming for children and adults was continuous, and in some cases even expanded, while the Main Library was closed.

They are thankful to our Minuteman Library neighbors. Several local libraries, including Norwood, Dedham, Medfield and Needham, have seen a dramatic increase in the number of Westwood visitors, and have been very gracious in welcoming Westwood residents to their facilities to access computers, select materials, and pick up items on hold.

#### **Announcement from Patrick Ahearn**

As read into the record by Patrick J. Ahearn:

“It is with mixed emotions that I take this opportunity to announce that I have decided not to be a candidate in the town elections on April 26<sup>th</sup> and will leave the Board of Selectmen at the conclusion of the Annual Town Meeting in May.

I have decided to make this announcement tonight in advance of nomination papers being available next week so that those who may be interested in running can begin the process of running for the open seat.

I want you all to know that it was not a decision taken lightly or quickly. I have come to this conclusion after speaking with family, friends and close associates and that this is an appropriate time to step away from the board. I had a mentor tell me a long time ago that

knowing when to leave a job is often as important as when to take one and at this time it seems like this is the appropriate time.

To the citizens of Westwood who have supported me and my family through the past 18 years I say a heartfelt thank you. It has been a pleasure to serve as your selectman and I will cherish the opportunity you the voters have given me over the last 18 years.

Now we have a lot of work to do between now and the May Town Meeting I am anxious to finish this process in a way that continues to serve in the best interest of the Town. Thank you”

N. Hyde thanked P. Ahearn for all of his dedicated commitment to the Town of Westwood. M. Walsh thanked Mr. Ahearn for his mentoring and guidance to the Board.

M. Jaillet spoke at the end of the Selectmen’s Meeting stating that Mr. Ahearn would be greatly missed by the Town and that he personally will miss his mentoring and friendship they developed over the last 18 years.

## **SCHEDULED ACTION**

### **Public Hearing – Bonefish Grill Discussion on Change of Manager on Record**

A legal notice of public hearing was posted with the Westwood Town Clerk on 12/17, advertised in the Westwood Press on December 25, 2015 and January 1, 2016; abutters and parties in interest were mailed a copy of the legal notice on December 18, 2015.

On July 21, 2014, the Board of Selectmen approved an On-Premise All Alcoholic Beverage License for Bonefish Grill to be located at University Station which was subsequently approved by the ABCC in September with Leigh Bull as the Manager of Record. The License, although granted, was not issued since the restaurant has not received an occupancy permit. Bonefish proceeded to renew its license again in November of 2014 for the 2015 year.

In May of 2015, in anticipation of its receipt of an occupancy permit, Bonefish submitted a request for a Change of Manager from Leigh Bull to Michael Garcia. On May 18, 2015, Bonefish Grill received its Certificate of Occupancy from the Building Department meeting all its necessary requirements. The same day, the Board of Selectmen held a Public Hearing approving an Entertainment license and the Change in Manager Request which was subsequently submitted to the ABCC for final approval.

Over the summer, the Town received the Police Chief approval of the CORI for Michael Garcia, but subsequently received a “Return No Action” from the ABCC on the Change of Manager request. No action was taken by the Town on the returned paperwork until October when the license renewals for the 2016 year came up. At the Board of Selectmen meeting on December 14<sup>th</sup>, the Board instructed Bonefish to assign Leigh Bull to serve as Manager until the matter could be cleared.

Greg Demakis, the Attorney representing Bonefish Grill, informed the Board of Selectmen that back in July after the Selectmen had contingently approved the Change in Manager and sent it to the ABCC, that Dennis O'Keefe, and investigator for the ABCC had reached out to Mr. Garcia to provide additional information as it related to a motor vehicle accident a few years prior. When Mr. Garcia went to Quincy District Court, he was told that the matter was dismissed. With that, Mr. Garcia assumed the matter had been cleared with the ABCC and was additional action was required from him. It was not until the Town notified Bonefish that it was brought to the attention of Mr. Garcia that he never closed the investigation with the ABCC investigator and therefore, the issue had been left unresolved.

Mr. Demakis apologized for the miscommunication and assured the Board of Selectmen that if it were to vote to approve the Change in Manager Request to be submitted for reconsideration to the ABCC, that it would follow the entire matter through to the end.

P. Ahearn asked how long the ABCC would take to return a decision? Steve Miller, Special Counsel for the Board of Selectmen responded that it would likely be somewhere between 30 and 45 days.

**P. Ahearn moved to approve the request for the Change in Manager on Record from Leigh Bull to Michael Garcia subject to Leigh Bull remaining the Manager on Record and present in the Westwood location until approve is received from the ABCC, and for the Board to sign Form 43 to be submitted to the ABCC for reconsideration. N. Hyde Seconded. Unanimous Vote: 3-0**

M. Jaillet added that Bonefish and its representatives have been very quick to respond to this matter and have worked with the Town every step of the process to ensure it will not happen again.

#### **Reconsideration of Taxi License Renewal for Alpha Taxi of Westwood**

At the Board of Selectmen meeting on December 14, 2015, the Board of Selectmen finalized its license renewals for the 2016 year. At that time, Alpha Taxi of Westwood failed to submit the appropriate paperwork required to renew its Taxi Company license. Alpha Taxi of Westwood did, however, submit its \$200 renewal fee and had one of its two approved vehicles inspected.

Salah Almosawi submitted a letter asking that the Board of Selectmen consider renewing his license, explaining that he has been out of the country on a personal matter during the entire renewal period. On December 17, 2015, Salah was sent via certified mail, the renewal paperwork and was asked to provide additional clarification on who was running his company during his absence since the Town does not allow for the transfer or lease of any taxi company licenses.

On Monday, December 28, 2015, Salah brought in all of the appropriate paperwork back to the Selectmen's Office and was instructed to contact the Public Safety Office, Paul Sicard, to finalize his vehicle inspections.

**P. Ahearn moved to approve the renewal of a Taxi Company License to Alpha Taxi of Westwood for one (1) vehicle for the 2016 year.**

**P. Ahearn moved to approve, contingent upon a satisfactory inspection, the approval of Alpha Taxis of Westwood's second vehicle under the Taxi Company license for the 2016 year.**

**N. Hyde Seconded. Unanimous Vote: 3-0**

The Board reminded Mr. Almosawi to get his paperwork in on time next time.

### **FY17 Budget Update**

Pam Dukeman, the Finance Director, presented to the Board of Selectmen the first look at the proposed FY17 budget and details as it relates to FY17 Projected Budget Revenue, Propose Expenditure Summary and the Town's Financial Forecast which includes Town Meeting appropriations.

*(presentation available upon request)*

Pam presented a power point presentation (see attached) that summarized the current financial conditions and the progress made achieving most of the financial policies laid out by the Long Range Financial Planning Committee. The one noted fiscal goal still being worked on is the town's annual funding of capital improvements. Selectmen Hyde suggested that the LRPC consider establishing a phased plan for achieving this objective.

Pam reviewed the current budget conditions reviewing the moderate growth that is possible under existing financial conditions. Pam reviewed the balance that has been achieved over the years in allocations to the operating budgets, capital and debt investment, fixed costs and benefits and reserves. She pointed out that every 1% increase in the operating cost increases the allocation by \$580,000 (\$398,000 Schools, \$181,000 Municipal). Pam reviewed the new growth realized and anticipated from University Station and how it has been allocated thus far. Of the \$5 million in new growth expected when the project is fully built out, \$2 million is projected to be needed to service the development leaving, \$3 million net revenue. To date \$565,000 was allocated to cover direct services primarily public safety and \$1,575,000 to supplement FY16 operating budget. The balance for appropriation expected in the upcoming years is between \$2.3 million and \$2.7 million.

The recommendation is that the Selectmen consider:

Increase the base operating budget increase from 2.5% to 4%

• Schools	\$598,000
• Municipal	\$272,000
	<b>\$870,000</b>

• Allocate to Debt	\$800,000
• Tax Relief to Seniors	\$200,000
• Save for Future Direct Costs	\$800,000
<b>Total</b>	<b>\$2,670,000</b>

## NEW BUSINESS

### **Appointment to Recreation Commission – Associate Member**

Nicole Banks, Recreation Director, Paul Aries, Recreation Chairman, and the Town Administrator met with Mitch Katzman to review his interest and suitability to serve as an Associate Member of the Recreation Commission. Mitch is a lawyer working at his firm Katzman & Katzman P.C., for the past 16 years. He specializes in civil injury litigation, but also handles criminal and immigration matters. His prior career was with three other law firms spanning over 15 years where he served as a litigating attorney. He also is engaged as an arbitrator and mediator in personal matters. He received his Juris Doctorate in 1985 from Boston University School of Law and was admitted to the Massachusetts Bar in the same year.

Mitch has resided in Westwood since 1998 with his wife Sheryl. They have three children, Ben a freshman at Westwood High, Aaron is in the 7<sup>th</sup> grade at the Middle School, and Arianna is in the fifth grade. Over the years Mitch has been highly involved in coaching all three of his children, including soccer, baseball, and basketball. In addition to coaching youth sports, Mitch was a member of the Westwood Little League Board of Directors for five years, serving as the Secretary of the League, and then the Player and Development Coordinator and was a member of the committee during the improvements to the Morrison Field.

Mitch no longer serves as a member of the Westwood Little League Board but he desires to continue to be engaged in youth sports so he feels that this opportunity to serve as an Associate Member of the Recreation Commission would be a wonderful opportunity to do just that. Mitch is very articulate, knowledgeable, and has a proven dedication to serving out his commitment as a member of a Board, and would be a welcome addition to the Westwood Recreation Commission.

**P. Ahearn moved to appoint Mitch Katzman to serve as an Associate Member on the Recreation Commission for a term to end June 30, 2016. N. Hyde Seconded. Unanimous Vote: 3-0**

### **Commonwealth Community Compact**

On January 23, 2015 Governor Baker signed his first Executive Order, creating the Community Compact Cabinet, in order to elevate the Administration's partnerships with cities and towns in all communities of the Commonwealth. The Community Compact is a voluntary, mutual agreement entered into between the Baker-Polito Administration and individual cities and towns of the Commonwealth. In a Community Compact, a community will agree to implement at least one (and up to three) best practice(s) that it selects from across a variety of areas. The community's chosen best practice(s) will be reviewed between the Commonwealth and the municipality to ensure that the best practice(s) chosen are unique to the municipality and reflect needed areas of improvement. Once approved, the written agreement which articulates the commitments the Commonwealth will make on behalf all communities will be generated and signed by both parties.

Communities will self-identify the best practice(s) from the list on the Community Compact website. Those communities participating in the Community Compact will, over a two year period, implement the best practice(s) they selected when entering into the Compact. Resources for technical assistance from the Commonwealth will be prioritized for those Compact communities. The Division of Local Services serves as the primary point of contact for communities looking for resources and best practice development and implementation.

The Board discussed reviewing this application grant further and surveying some communities that have already signed on to see what kinds of benefits have been realized.

### **Appointment to Dedham Westwood Water Commission**

Joe Carter, who has served three consecutive terms on the Dedham Westwood Water Commission, has informed the Town and the District of his desire to not be reappointed. Joe was a very valuable and consistent member of the Commission who served the community very well over the past nine years.

John Hickey was suggested as an excellent candidate to fill the vacancy on the Commission. John Hickey and his wife moved to Westwood in 2007 where they have resided on Sexton Ave, raising twin six years old boy and girl and a four year old boy. John and his wife love the community and want to be actively involved, so John is excited about this opportunity to be appointed to Dedham Westwood Water Commission.

Eileen Commane, the Executive Director for DWWD and Michael Jaillet had a joint discussion with John. John, who has his Law Degree from Suffolk University, is the Director of Employee and Labor Relations at the Boston Medical Center since 2014. Prior to his current employment he worked at National Grid for four years as the Manager of Employee and Labor Relations, Massachusetts Water Resource Authority (MWRA) for six years as the Manager of Labor Relations of Workers Compensation and as the Assistant Manager, Suffolk University for seven years as an Adjunct Faculty Member where he taught courses in Human Resources, Boston Water and Sewer Commission for

nine years where he served as the Manager of Employment Compensation, and Massachusetts House of Representative for two years as a Chief Legislative Aid.

As John's work history and education demonstrate he is very accomplished, especially in the fields of human resources and human relations. He has job experiences in both the public and private sector, which provides him with an understanding and appreciation for the differences in employee relations in both sectors. John is very personable, engaging, and extremely articulate. Both Eileen and Mike believe that John will be an excellent member of the Commission and his expertise in Human Resources, especially labor relations will be very timely as the Commission is just beginning to negotiate the terms of its next labor agreement with the employees.

**P. Ahearn moved to appoint John Hickey as a member of the Dedham Westwood Water Commission for a term to end December 31, 2018. N. Hyde Seconded. Unanimous Vote: 3-0**

#### **MIIA Nominating Committee Delegations**

It is once again time to select nominees for Directors of the Massachusetts Interlocal Insurance Association, Inc., and the MIIA Property and Casualty Group, Inc. The members for these Boards will be elected at the MIIA Annual Meeting on January 23, 2016.

The Property and Casualty Group, Inc. is the corporation that provides members with insurance coverage. The Massachusetts Interlocal Insurance Association, Inc. is the designated administrator for the organization. The Town of Westwood is a voting member of both corporations.

**P. Ahearn moved to appoint Michael Jaillet, Town Administrator, to be the voting delegate for the Town of Westwood to vote for the Director of the Massachusetts Interlocal Insurance Association, Inc. and the MIIA Property and Casualty Group, Inc. at the MIIA Annual Meeting on January 23, 2016. N. Hyde Seconded. Unanimous Vote: 3-0**

#### **Discussion for Joint Meeting with the Town of Dedham and the Dedham Westwood Water Commission**

Chairman Butler has reached out to Chairman Walsh regarding a joint meeting with the Westwood Board of Selectmen, Dedham Board of Selectmen and the DWWD Commissioners. Dedham is interested in receiving an update on how the District is progressing, especially since absorbing the staff and operations management. Nancy Baker, Assistant Town Manager in Dedham, has emailed to check on availability for late January/early February, and provide some dates that would work. Nancy and Michael will coordinate with the Town of Dedham and the DWWD Commissioners to confirm a date.

The Board decided it would go to a Dedham Board of Selectmen meeting and asked that the Town Administrator provide some dates so it could arrange for that joint meeting.



## **OLD BUSINESS**

### **Fire Station Update**

The Permanent Building Committee, Compass and Dore & Whittier are working diligently with the General Contractor to ensure the highest quality of the accepted work, maintain control of the budget and return the construction to its original schedule.

### **Construction Overview:**

Despite plans and expectations to complete the foundation work by the end of October and recover some of the lost time incurred by the unforeseen asbestos piping discovered in August, the project suffered another set-back in November. Nauset's concrete foundation sub had poor work performance and was inefficient and completely failed to maintain schedule. The sub required intensive quality control oversight and often took several attempts to correctly form and place the foundations. In addition, the foundation, while structurally sound, was very poor in finish and required intensive remedial work to get the foundation ready for accepting load bearing masonry walls. The project team, including Compass, Dore & Whittier and its engineers, worked closely with Nauset Construction in putting together a Corrective Action Plan (CAP) for the foundation in December. Nauset began implementing the Corrective Action Plan in mid-December and all foundation work was substantially completed. The masonry sub, who has a good performance reputation, mobilized to the site in mid-December and began laying block on 12/28/15. The project team is closely monitoring the first course of masonry, as some additional remedial work to the foundation might be necessary in order to correctly place the block in some areas. Masonry work is expected to continue throughout the winter and Structural Steel erection is expected to start in February.

### **Schedule Status:**

The project is approximately 13% complete and is currently about two (2) months *behind* the baseline schedule due mostly to the poor foundation work that required extensive remedial action.

### **Budget Status:**

The project is tracking to be on budget.

### **Issues or Concerns:**

There is still a concern that some additional foundation re-work could be required, which will impact the mason's schedule. In addition, the project team is working diligently to help coordinate the follow on trades to the mason (steel, concrete plank, MEPs, etc) so that the project can gain and maintain some momentum. Winter weather conditions now present a major challenge and could severely impact the mason's work and the current schedule, further delaying the project.

### **Annual Town Meeting Warrant**

The 2016 Annual Town Meeting Warrant was opened at the Board of Selectmen meeting on December 7, 2015. The Board reminded residents, staff, and committees that the Warrant will be closed at its next meeting on January 20, 2016. All articles must be submitted by then to be considered.

Important Upcoming Dates to keep in mind:

- January 20, 2016 – Board of Selectmen to close warrant
- January 26, 2016 (and 27<sup>th</sup> if necessary) – Finance and Warrant Commission Article Sponsor Meeting(s)
- March 7, 2016 (and 8<sup>th</sup> if necessary) – Finance and Warrant Commission first Public Hearing on Articles
- March 28, 2016 (and 29<sup>th</sup> if necessary) Finance and Warrant Commission Final Public Hearing on Articles
- April 26, 2016 – Local Town Elections
- May 2, 2016 – Annual Town Meeting

### **Regular Minutes**

*December 14, 2015*

**N. Hyde moved to approve the December 14, 2015 Regular Minutes as written. P. Ahearn Seconded. Unanimous Vote: 3-0**

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

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

### **PUBLIC AND PRESS**

M. Walsh asked if there were any questions from the public or press?

**P. Ahearn moved to adjourn. N. Hyde Seconded.**

**P. Ahearn, aye. N. Hyde, aye. M. Walsh, aye.**

The meeting was adjourned at 9:26 p.m.

Initial after reviewed

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

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M. Jailet  
Town Administrator

# *LIST OF DOCUMENTS*

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Board of Selectmen  
1/4/2016 Selectmen's Meeting Room  
Regular Meeting

## **SCHEDULED ACTION**

- Events in Chronological Order Bonefish License (PDF)
- Emails with Joe Devlin - Attorney for Bonefish (PDF)
- Salah Ltr to Westwood (PDF)
- Ltr to Salah - Final.pdf (PDF)
- Alpha Taxi of Westwood Renewal Application (PDF)
- FY2016 Projected Budget Revenue (PDF)
- Best Practices - Community Compact Application (PDF)
- Community Compact Status Map (PDF)
- Microsoft Word - FY16 Top Goals (PDF)

## **NEW BUSINESS**

- Mitch Cover Ltr and Resume (PDF)
- Hickey Cover Letter and Resume (PDF)

## **OLD BUSINESS**

- Calendar (DOC)
- MIIA - Nominating Committee Report and Papers (PDF)
- Fire Station #2 Project (PDF)