

**SELECTMEN'S RECORD**  
**March 14, 2016**

**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 Michael Walsh. Also present were: Selectmen Patrick Ahearn, Selectmen Nancy Hyde, Town Counsel, Thomas McCusker and Town Administrator Michael Jaillet. 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.

**SCHEDULED ACTION**

**Westwood Little League Parade Route Change**

The Westwood Little League requested the approval for its Annual Little League Opening Day Parade for Saturday, April 30<sup>th</sup> from 9:00am to 10:30am, as in previous years, beginning at the Hanlon School and proceeding to Morrison Park Field. The Board approved this request at its meeting on February 22, 2016.

After discussions with the Little League leadership, Police and DPW, the Little League Board has decided to reconsider its request, and change the location of the Opening Day celebrations to the Deerfield School for two reasons; 1) for safety reasons related to the construction of the Islington Fire Station and the amount of small children that attend the event; 2) to combine the Little League Opening Day with the Grand Re-opening of the Deerfield Fields.

The new route would begin behind Town Hall, walk up along High Street, turn left onto Gay Street and finally, left onto Deerfield Avenue until reaching the new field. Events and activities, as in previous years, are planned for the morning. The new Route will require closing High Street between Dover Road and High Rock Street and Gay Street from Fox Hill Street to High Street using officers to direct traffic respectively. The estimated closing time would be about 30-45 minutes. The Town will notify business and residents of the closing.

The Opening Day activities will also coincide with the Grand Re-Opening of the Deerfield Fields and include a Ribbon Cutting Ceremony.

Mary Ellen LaRose, Event Coordinator for the Westwood Little League, asked if Selectmen Ahearn would be the Master of Ceremonies and throw out the first pitch. P. Ahearn accepted with great gratitude.

**P. Ahearn moved to approve the Westwood Little League Parade route change for Saturday, April 30, 2016 beginning at 9:30am to start at Town Hall, proceed down High Street, turning left onto Gay Street, left onto Deerfield Avenue and ending at the Deerfield School; and that High Street and Gay Street be closed during the parade with detail Police Officers for an estimated time of 45 minutes for the parade. N. Hyde Seconded. Unanimous Vote: 3-0**

### **Public Hearing – Underground Fuel Storage Tank – 75 Providence Highway**

The owner of the gas station known as a the Shell Station located at 75 Providence Highway are finalizing the purchase of the adjacent lot (85 Providence Highway) and going through the process to permit the building of a convenient store, gas station and car wash on the newly combined lots. Providence Highway LLC 85 & Colbea Enterprises LLC located in Cranston Rhode Island has applied for and received its necessary approvals from the Planning Board, applied for and is waiting on approvals from the Conservation Commission, and is finalizing its Purchase and Sale Agreement with the current owners of 85 Providence Highway.

Colbea Enterprises LLC has applied for a license to store underground tanks for both gasoline and diesel to service the gas station. The Town, at the expense of the applicant, notified abutters via registered mail, including additional abutters of the adjacent properties (sent via certified mail) and public hearing notice has been published in the paper for the weeks of March 3<sup>rd</sup> and March 10<sup>th</sup>.

Chief Bill Scoble reported that since Colbea Enterprises LLC has purchased and has combined the abutting property, a new license is required for the underground tanks.

Colbea Enterprise LLC will need to continue to work with the Departments to obtain all final sign offs and approvals, a building permit and occupancy permit, which includes sign off from Building, Fire and Board of Health. It has received its approvals from the Planning Board and Conservation Commission.

P. Ahearn asked if the Town allows for drive thru? N. Loughnane responded that the applicant received approval from the Zoning Board of Appeals for a Special Permit for the car wash drive thru use.

Wassim Khoury of 102 Hillview Road stated that he was representing the residents of Hillview Road who have expressed concerns about noise and fencing that was damaged about 3 years ago. Mr. Khoury asked that the Board of Selectmen support the neighborhood to get the fencing fixed and seek a noise barrier.

P. Ahearn asked if these issues were expressed at the Planning Board Hearing? N. Loughnane responded that no residents expressed concerns about noise at the public hearings for the Planning Board, Conservation or Zoning Board of Appeals and all abutters were notified of those hearings.

Alan Micale of Ayoub Engineering representing the owners of Colbea Enterprise LLC added that the site abuts wetlands and the engineering company has added green space throughout the property and plans to improve the wetlands on the property. No trees have been proposed to be added because it would disturb the wetlands.

N. Loughnane added that the applicant will need to apply to MassDOT for a new curb cut since the property is on state owned highway and could ask for improved fencing and/or noise barrier to be installed.

P. Ahearn stated that the proposed plans are improvement including the installation of new tanks

The Board will ask its state Senator and Representatives to look into the matter further for the neighborhood.

**P. Ahearn moved to authorize the Chairman to sign the Underground Fuel Storage Tank License for 75 Providence Highway. N. Hyde Seconded. Unanimous Vote: 3-0**

**Continued Public Hearing – B2B Concept, Inc, d/b/a Blue Orchid Restaurant**

The Board opened the continued public hearing from Monday, February 22, 2016 regarding a petition to Change Corporate Ownership/Stockholders and Operations, a Request for Change of Manager on Record and an Entertainment Application for B2B Concept Inc, dba Blue Orchid Restaurant on High Street.

New President and Director Katy Wong of B2B Concept, Inc. d/b/a Blue Orchid Restaurant has submitted the appropriate paperwork for these requests to its existing restaurant with All-Alcoholic beverage license. Ms. Wong is requesting a change in Manager of Record from David Ng to Aaron Chen. Ms. Wong, Aaron Chen and her attorney will explain the new Officer /Director/Stockholder Agreement – Pledge of License/Stock – Transfer/Issuance of Stock for B2B Concept, Inc. Previous stockholder/officer, Amy Wong sold her stock back to B2B Concept, Inc. and Katy Wong is now 100% stockholder. This Petition for change in corporate operations will be submitted to the ABCC for its approval. The Board is being asked to consider approving this Petition contingent upon ABCC's approval.

The application for an Entertainment License to permit the installation of two televisions at Blue Orchid was reviewed. A floor plan was submitted showing the locations of the 2 – 60" screens TVs. General content will be shown on the televisions, including broadcast as news and sports, with the manager controlling channels and settings during business hours (Monday -Saturday 11 a.m. to 11 p.m., Sunday 12 noon – 11 p.m.)

The ARC met on February 17<sup>th</sup> and voted unanimously in favor to support Blue Orchid's petition to change corporate ownership/stockholders and operations, including change in Manager of Record, contingent upon CORI checks and ABCC approval. The ARC also voted unanimously to recommend that the Board of Selectmen approve Blue Orchid's request for a new entertainment license for two 60" TVs.

A legal notice of public hearing was posted with the Westwood Town Clerk on February 8<sup>th</sup>, advertised in the Westwood Press on February 12<sup>th</sup> and February 19<sup>th</sup> and abutters and parties in interest were mailed a copy of the legal notice on February 9<sup>th</sup>.

N. Hyde expressed to Katy Wong that the Town of Westwood takes alcohol licensing very seriously in Westwood and expect that Katy and Aaron are diligent with enforcing the Rules and Regulations Governing Alcoholic Beverages.

**P. Ahearn moved to approve the Change in Corporate Ownership/Stockholders and Operations to Katy Wong; approved the Change of Manager on Record to Aaron Chen; and approve the issuance of an Entertainment License for two 60" TVs contingent upon all final required sign offs from Town Departments and ABCC approval. N. Hyde Seconded. Unanimous Vote: 3-0**

### **Public Hearing – Section 12 License – Wine and Malt Beverages – The Toast Office**

Mary Ellen Stefanides is the applicant and President/Sole Proprietor of Salty Sweet, Inc. *dba* The Toast Office to be located at 679 High Street. Ms. Stefanides is the proposed Manager of Record for a new Common Victualler with a Wine & Malt Beverages Only License for a new restaurant, described as a modernized diner with a focus on local, organic and high quality ingredients in a family-friendly setting. The proposed hours for The Toast Office are Sunday through Saturday, 7 AM to 9PM. The anticipated opening date is May 1, 2016, contingent upon all Town inspections, a certificate of occupancy and completed CORI application.

Mary Ellen is also applying for an Entertainment License for two TVs, for broadcast news, food/culinary based programming; manager will control channels and settings during business hours.

The Alcohol Review Committee (ARC) met on February 17, 2016 and voted unanimously in favor to recommend that the Board of Selectmen consider granting a Common Victualler with On-Premise Wine & Malt Beverages Only License, contingent upon fulfillment of all town requirements, including all inspections, and ABCC approval. The ARC also voted unanimously in favor to recommend that the Board of Selectmen consider granting a new Entertainment License to The Toast Office.

A legal notice of the public hearing was posted with the Westwood Town Clerk on February 19, 2016 and advertised in the Westwood Press on February 26, 2016 and again on March 4, 2016. Abutters and parties in interest were mailed a copy of the legal notice on February 25, 2016.

John Fortin, business partner of Mary Ellen and Manage of Record at The Rox in West Roxbury, have worked together for 10 years at that location and where Mary Ellen served as the Front House Manager including training of wait staff and the handling of alcoholic beverages.

Louise Fellin of 26 Windsor Road expressed many concerns he had for the property including trash collection, overflowing dumpsters, fencing and noise levels. Mr. Fellin has attempted to work with the previous tenants and current property owner to address many of these issues, but has had no success. Mr. Fortin assured Mr. Fellin that they would stay on top of trash collection and do their best to be good neighbors to the neighborhood. P. Ahearn also directed Mr. Fellin to file a complaint with the Board of Health on the overflowing trash so clean up can be enforced. Mr. Fortin explained that the diner was predominantly breakfast and lunch and that it would be introducing a dinner menu slowly.

Stephen Capoccia of 5 Oxford Road expressed concerns that the Town was allowing for too many “bars” in Westwood and indicated concerns for an Entertainment License at this location. The Board responded that Vello’s, the previous tenants at that location, was also issued an Entertainment License and that it was for TVs, just as proposed for The Toast Office.

P. Ahearn strongly disagreed with Mr. Capoccia’s comment that the Town was allowing too many “bars” and supported the business friendly environment the Town has taken to allow for restaurants to apply for and receive Alcohol Licenses. He believes that it adds to the community for a place for residents to go to within our town to get together.

Mr. Capoccia asked if they The Toast Office were to extend it hours past the stated 7:00pm what action would be taken to reduce noise? The Board responded that the applicant must return to the Board of Selectmen with a request for extension of hours which is a published public hearing meeting.

Mr. Fellin and Mr. Capoccia also expressed concern about trash pickup before 7:00am. N. Loughnane explained that the noise regulation in the Town's bylaw currently only applies to retail establishments. She continued to explain that there is a Town Meeting Warrant article for the May Town Meeting to amend this bylaw to include restaurants, coffee shops and ice cream parlors to restrict trash collection at those times as well.

**P. Ahearn moved to approve a Section 12 On-Premise Wine & Malt Beverage Only License for Salty Sweet, Inc. dba The Toast Office to be located at 679 High Street, contingent upon all final inspections and approvals from Town Departments and the issuance of an occupancy permit as well as ABCC approval. N. Hyde Seconded. Unanimous Vote: 3-0**

**P. Ahearn moved to approve an Entertainment License for two TVs for Salty Sweet, Inc. dba The Toast Office contingent upon final inspections and approvals from Town Departments and the issuance of an occupancy permit. N. Hyde Seconded. Unanimous Vote: 3-0**

### **Public Hearing – Proposed Amendments to the Rules & Regulations Governing Alcoholic Beverages**

The Town of Westwood currently allows for a maximum 16-ounce serving size. One new establishment would like to seek permission to allow serving one of its standard serving sizes of 20-ounces

The Alcohol Review Committee met on February 17, 2016 and voted to support an amendment to the Rules and Regulations that would either increase the maximum capacity of a container to serve alcohol to 20 ounces and/or give the Board discretion to consider such a request by adding the words “except as expressly permitted by the Board of Selectmen.

### **Section III, SPECIAL ADDITIONAL RULES FOR SECTION 12 LICENSES**

I. Additional Operating Requirements for Section 12 Licenses, #4 - *No alcoholic beverages, with the exception of wine, shall be served in any container, the capacity of which is in excess of sixteen (16) twenty (20) fluid ounces, except as expressly permitted by the Board of Selectmen.*

A legal notice of public hearing was posted with the Westwood Town Clerk on February 19, 2016 and advertised in the Westwood Press on February 26, 2016 and again on March 4, 2016.

N. Hyde asked if the Police Chief could weigh in on this proposed change.

**P. Ahearn moved to continue the public hearing on Proposed Amendments to the Rules and Regulations Governing Alcoholic Beverages until Monday, April 11, 2016 at 7:30pm in the Selectmen's Meeting Room at Town Hall. N. Hyde Seconded. Unanimous Vote. 3-0**

Town of Westwood meeting March 14, 2016

### Financial Update

Pam Dukeman, Finance Director updated the Board on the most recent status of the proposed budget for FY17. The Department has continued to review the budget transfer requests and presented the figures to the Board to be brought forward at Town Meeting:

#### Article 1 Transfers

Transfer from Reserve to Snow & Ice	\$225,000
<b>Total</b>	<b>\$225,000</b>

#### Article 2 Transfers

Transfer to:	
Ambulance Services	\$108,000
Conservation Expenses	\$20,000
School Capital furniture, fixtures, equip	\$152,000
School – McKinney-Vento Program	\$41,000
Transfer from:	
Ambulance Receipts	\$108,000
Conservation Receipts	\$20,000
Free Cash	\$193,000
<b>Total</b>	<b>\$321,000</b>

P. Dukeman also informed the Board that it received the most recent OPEB valuation report and have made tremendous progress on addressing the Town's liability.

Specifically, the Town unfunded liability was \$55.9 million as of June 30, 2013 and has decreased to \$35.6 million as of June 30, 2015. P. Dukeman explained that this was terrific results based on hard work over the past few years by the Board of Selectmen, OPEB Task Force and the Town employees including transitioning to GIC, elimination of the Medi B payment, investment of trust funds with State PRIT Program and using health care savings to provide for \$1.35 million in annual appropriations within the budget. P. Dukeman recommended that the Board continue with the progress it has made. The OPEB Task Force will make a formal presentation to the Board at a future meeting.

### OLD BUSINESS

#### Fourth Quarter Capital Release

The capital articles approved at the 2015 Annual Town Meeting included language stipulating that "each listed capital equipment or project must be authorized by majority vote of the Board of Selectmen prior to any purchase and/or implementation of project and/or expenditure of funds."

For the first quarter of FY16, \$1,250,700 in capital was approved at the June 22, 2015 meeting; second quarter capital amounting to \$345,150 was approved at the September 14, 2015 meeting; and third quarter capital amounting to \$254,900 was approved at the December 14, 2015 meeting. Capital expenditures requested for the fourth quarter amounting to \$181,250 now require the Board's approval, should it determine the funding should be released.

Item	Amount
End User Technology	\$11,250
School Roofing	\$170,000
<b>Total</b>	<b>\$181,250</b>

**P. Ahearn moved to approve the release of the fourth quarter capital for a total of \$181,250 to the respective departments, contingent upon final procurement checklist submitted. N. Hyde Seconded. Unanimous Vote: 3-0**

**FYI: Discussion on Police Headquarters Energy**

M. Jaillet reported that the Town was looking to set up a meeting with a few individuals to discuss the energy saving plans for the proposed Police Headquarters. The Board discussed having a meeting on March 22<sup>nd</sup>, allowing for Selectmen Ahearn to call in.

**NEW BUSINESS**

**East Street Bridge Recommendation**

M. Jaillet reported to the Board that the MBTA was looking for input on the proposed 15% redesign of the East Street Bridge. The Board asked if the neighborhood was informed of the proposal, to which M. Jaillet responded no, but that the MBTA would be holding public hearings when it reached 25% design. He also stated that this proposal was based on public input sent to the MBTA.

The Board asked that M. Jaillet notify the residents of the proposal and seek additional public input.

**OLD BUSINESS**

**Review Annual Town Meeting Warrant Articles**

The Board discussed the location of Town Meeting if it should be held in the gym or the auditorium this year. It was discussed that if the Town feels there may be a large attendance, to hold the meeting in the gym.

The Board will hold off on removing its miscellaneous articles in the event it needs to place an additional article on the warrant prior to the Finance and Warrant Commission Public Hearing on March 28<sup>th</sup>.

### **Fire Station Update**

Masonry work continued in February. The mason subcontractor completed all first floor load bearing masonry in preparation for erecting the second floor structural steel. Structural steel erection began the last week in February. The next sequence of work will feature coordinated efforts between the mason, the structural steel erector, and the concrete plank (2<sup>nd</sup> floor) installer. The current schedule projected that the structural steel will be completed in early April.

The site contractor and electrician continued installation of the electrical service duct banks for the site including secondary feeds to support the lighting cabinet for the baseball/softball field lights. The project has coordinated with Westwood Little League and is targeting to have the ball field lights re-connected and energized by the start of the season in April. The Compass team also continued to coordinate project efforts with Westwood IT and fire station equipment vendors in preparation for transition in to the new building.

### **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 that the Board go into Executive Session to discuss one issue related to contract negotiations regarding potential real estate transaction on University Avenue of which would have a detrimental effect on the position of the governing body if discussion were in open session. The Board will not be returning to open session.**

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

The meeting was adjourned at 8:37 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, looping initial "M".

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M. Jillet  
Town Administrator

## ***LIST OF DOCUMENTS***

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Board of Selectmen  
3/14/2016 Selectmen's Meeting Room  
Regular Meeting

### **SCHEDULED ACTION**

- WLL Parade Route 43016 Request for Route Change Memo (PDF)
- New Proposed Route - Deerfield - with proposed closing intersections (PDF)
- Board of Selectmen Public Hearing Colbea Enterprises March 14, 2016.pdf (PDF)
- legal notice - petition to change license + entertainment blue orchid (PDF)
- Board of Selectmen March 14, 2016 PUBLIC HEARING The Toast Office.pdf (PDF)
- Board of Selectmen March 14, 2016 PUBLIC HEARING Section 12.pdf (PDF)
- Article 1 Transfers (PDF)
- PowerPoint Financial- 3.14.16.pptx [Read-Only] (PDF)

### **NEW BUSINESS**

- Domestic Violence Leave Policy\_DRAFT.docx (PDF)
- Draft Letter - East St Bridge Vertical Clearance (PDF)
- Email - MBTA Meeting Minutes and 13'-6" Vertical Clearance Auth (PDF)
- 021216 Meeting Minutes - MBTA and Town (PDF)
- Geothermal Energy (PDF)

### **OLD BUSINESS**

- Estimated Timing Schedule for Fy2016 Capital Expenditures (PDF)
- 2016 ATM Warrant List 032816.doc (PDF)
- Fire Station 2 - Progress Photos (PDF)