

SELECTMEN'S RECORD
May 2, 2016

ATTENDANCE AND CALL TO ORDER

The meeting was called to order at 6:05 p.m. in the Faculty Room at Westwood High School by Chairman Michael Walsh. Also present were: Selectmen Patrick Ahearn, Selectmen Nancy Hyde, Town Administrator Michael Jaillet and Town Counsel Tom McCusker. Michael Jaillet record the minutes.

M. Walsh waived the Pledge of Allegiance.

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

CHAIRMAN'S UPDATE

Annual Town Meeting Reminder

M. Walsh reminded everyone that the 2016 Annual Town Meeting was tonight starting at 7:00pm in the Auditorium in the High School.

SCHEDULED ACTION

Uniave Agreement

Special Counsel Daniel Bailey reported that the Town and Uniave have reached a settlement. D. Bailey explained in order to have adequate right of way for the expansion of the University Avenue, the Town did two takings from Uniave One LLC and two takings from Uniave Two LLC. Uniave One and Two own the two parcels of land on the north side of University Avenue at the University Avenue/Canton Street intersection. Two of the takings were done in 2007 in connection with the Westwood Station project; the other two were done in 2014 for University Station.

Uniave filed a lawsuit in 2010 alleging that the damages award paid in connection with the 2007 takings was inadequate. Uniave and the Town have for several years discussed settlement, but Uniave's demands were for years not acceptable to the Town. Earlier this Uniave's demands softened, and the Town was able to negotiate a favorable settlement. The terms are simple – the Town will support an amendment of the Mixed Use Zoning on University Avenue to reduce the minimum lot size for a mixed use development project in the University Avenue area from 30 acres to 10 acres. D. Bailey explained that the settlement agreement would be contingent upon Town Meeting passage of the article.

N. Hyde move approve Settlement Agreement between the Town of Westwood and Uniave One LLC and Uniave Two LLC to be executed upon the passage of Article 29 at the 2016 Annual Town Meeting Warrant. M. Walsh Seconded. Vote: 2-0-1 (P. Ahearn absent)

Right of First Refusal

Daniel Bailey, Special Counsel, noted that a compromise had been reached on the length of restriction period for the Right of First Refusal (ROFR). He noted that the Town wanted 50 years, Girl Scouts of Eastern Massachusetts (GSEM) wanted 30 years, and they settled on 40 years. He told the board that, despite the settlement of terms, everything was on hold because of the suit brought by the Westwood Adult Girl Scouts. M. Jaillet noted that the nothing could move forward until the court allowed GSEM to sign the construction contract, and that we were in danger of missing the window of opportunity for construction.

Dan asked the Selectmen to consider the proposed Letter of Agreement and a request for the court to allow GSEM to sign the construction contract and ROFR. With respect to the Letter of Agreement, Nora Loughnane, Community and Economic Development Director, expressed concern that the letter of agreement required the town to provide payment within 3 days of the signing of the construction contract, with no requirement that the ROFR also be signed. The Selectmen expressed their desire to see construction begin as soon as possible.

P. Ahearn arrived

N. Hyde moved to approve and sign the Right of First Refusal Agreement between the Town of Westwood and the Girl Scouts of Eastern Massachusetts. P. Ahearn Seconded. Unanimous Vote: 3-0

D. Bailey assured the Board that signing the Letter of Agreement and authorizing M. Jaillet to send a letter to the court requesting permission for GSEM to sign the ROFR and construction contract would be the right path to take.

P. Ahearn moved to authorize Town Administrator Michael Jaillet to send a letter to the court requesting permission for the Girl Scouts of Eastern Massachusetts to sign the Right of First Refusal and Construction Contract. N. Hyde Seconded. Unanimous Vote: 3-0

Continued Public Hearing - Life Time Fitness Wine & Malt Beverage License Application

Janice Barba, Licensing Coordinator, explained that she had asked Adam Luebke to provide a letter to the Selectmen taking responsibility and apologizing for violation holding events without benefit of required One-day Alcohol License and food service permits, and stating that Life Time Fitness would follow all state and local rules and regulations for here on out. Janice read the letter that had been received from Life Time Fitness VP and Senior Associate General Counsel James Spolar.

The Selectmen were disappointed by the tone of the letter, which failed to admit that any violations had taken place.

N. Hyde moved to deny the Life Time Fitness Wine & Malt Beverage License Application. P. Ahearn Seconded. Vote: 2-0-1 (M. Walsh abstained)

NEW BUSINESS

Interfaith Mini Walk for Hunger

The Interfaith Project Bread Mini Walk for Hunger begins at Temple Beth David, 7 Clapboardtree Street, Westwood, on May 15, 2016, at 1:00pm. The walk is 3 miles long and will make a stop at the Westwood Food Pantry. Members and friends of multiple faith organizations will participate in the Walk. The Walk is open to everyone.

Families are encouraged to participate. Pledges can be obtained at any of the local parishes and as that participants bring a donation of non-perishable goods (like canned or boxed food), toiletries, or household paper products. All financial proceeds will be donated to Project Bread. All goods will be donated to the food pantry that serves the town. Snacks will be provided to participants and there will be prizes for the walkers who raise the most money.

N. Hyde moved to approve the Interfaith Project Bread Mini Walk for Hunger scheduled for May 15, 2016 at 1:00pm beginning and ending at Temple Beth David contingent upon all final approvals from Police and Fire. P. Ahearn Seconded. Unanimous Vote: 3-0

Request to Post and Fill Position – Part-Time Reference Librarian

Nancy Weinrich, a part-time reference librarian who works on Wednesday nights, has indicated that she will be resigning her position after 2.5 years. She works full time at another library, and her work schedule is such that she feels that she can no longer commit to her weekday evening shift in Westwood.

This is a part-time non-benefit position for reference desk coverage. Shifts shall include Wednesday evenings from 5:00pm – 9:00 pm and at least one Saturday (9:45 am – 5:00 pm) per month on rotation. (July and August Saturday Schedule is 9:45 – 1:00pm). Additional hours or shifts including Sunday hours may also be available on an as-needed basis.

P. Ahearn moved to authorize the Library Director to work with the Human Resources Director to post and fill the part-time, non-benefit Reference Librarian position. N. Hyde Seconded. Unanimous Vote: 3-0

OLD BUSINESS

Review Annual Town Meeting Warrant

The Board reviewed the 2016 Annual Town Meeting warrant. M. Jaillet notified the Board that there is a typographical error on Article 21, which should read:

“SECTION 1. Notwithstanding any general or special law to the contrary.../...”

M. Jaillet explained that this has already been brought to the attention of the Town Moderator who will announce the correction before reading the motion at Town Meeting.

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?

The Board asked that John Hickey, newly Elected Board of Selectmen member and Joan Courtney Murray to remain for an Executive Session Issue.

N. Hyde moved to enter into Executive Session to discuss one issue related to collective bargaining 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 Seconded.

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

The meeting was adjourned at 6:30 p.m.

Initial after reviewed



M. Jillet
Town Administrator

LIST OF DOCUMENTS

Board of Selectmen
5/2/2016 Faculty Room
Regular Meeting

SCHEDULED ACTION

- uniave agreement 2016 (W5467359-2x7AC2E).docx (PDF)
- Board of Selectmen Public Hearing Lifetime Fitness April 11, 2016.pdf (PDF)
- photos from social media (PDF)
- Application Withdrawal Letter_Westwood MA_4 25 2016.pdf (PDF)

NEW BUSINESS

- Interfaith Mini Walk Map Rt Dir..docx (PDF)
- Walk for Hunger 2016 flyer.docx (PDF)
- Reference Librarian - Part Time Reference Posting May 2016.doc (PDF)
- Refence Librarian Job Description (PDF)