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TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

Board of Selectmen

Meeting Minutes

June 25, 2018

7:00 p.m.

Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Cherry C. Karlson, Mary M. Antes, Douglas A. Levine, Louis M. Jurist (7:47pm)

Absent: Lea T. Anderson

Also Present: Town Administrator N. Balmer

A1. Call to Order by Chair Vice Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:10 p.m. in the Selectmen's Meeting Room of the Wayland Town Building when a quorum was present, noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM, and reviewed the agenda.

A2. Executive Session - Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation in the matters of Cochituate Commons, LLC v. Town of Wayland, and Thomas E. Gulley v. Town of Wayland and Stephen Cass v. Town of Wayland; and pursuant to Massachusetts General Laws Chapter 30 A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real property with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (1), Section 21 (a) (2), Section 21 (a) (3), Section 21 (a) (6), and Section 21 (a) (7) to review and consider for approval and potential release the following Executive Session minutes: APPROVE AND RELEASE WITH REDACTIONS: Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018 C. Karlson moved, seconded by D. Levine, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation in the matters of Cochituate Commons, LLC v. Town of Wayland, and Thomas E. Gulley v. Town of Wayland and Stephen Cass v. Town of Wayland; and pursuant to Massachusetts General Laws Chapter 30 A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real property with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (1), Section 21 (a) (2), Section 21 (a) (3), Section 21 (a) (6), and Section 21 (a) (7) to review and consider for approval and potential release the following Executive Session minutes: APPROVE AND RELEASE WITH REDACTIONS: Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Anderson, L. Jurist. ABSTAIN: none. Adopted 3-0. The Chair invites attendance by Nan Balmer, Town Administrator; Beth Doucette, Assistant Town Administrator; Jeffrey Blake, Attorney with KPLaw; Tom Holder, DPW Director; Paul Brinkman, Town Engineer; Teri Hegarty, Executive Assistant; and by phone Amy Kwesell of KP Law and Maureen MacDonald of MIIA. The Board will reconvene in approximately 45 minutes to begin tonight's meeting discussing the items listed on the agenda.

The board reconvened in open session at 8:22 p.m. L. Jurist joined the meeting during Executive Session.

A3. Announcements and Public Comment M. Antes noted that resident Tom Largy received a Steward Award at River Fest. The COA continues its summer concert series this Thursday evening. Teri Hegarty is the new Executive Assistant in the Town Administrator's office. C. Karlson read the notice from the Water Division regarding outdoor water use restrictions

Representative Carmine Gentile announced he sponsored \$400,000 in a bond bill that should be approved by the Senate and eventually find its way to Wayland towards renovating a playground or field. The Board thanked Rep. Gentile for his support.

A4. Marijuana ballot question and Town Meeting article: Update with Town Planner and Health Director Health Director Julia Junghanns, Town Planner Sarkis Sarkisian, and Town Clerk Beth Klein came before the Board to discuss the potential ballot questions and Town Meeting article. J. Junghanns discussed the public forum that was held and noted that it is on the Planning Board website for people to watch. She reported that the Board of Health unanimously (5-0) recommends the Town ban recreational/commercial marijuana sales in Wayland. S. Sarkisian discussed the next steps. To implement a ban, both a ballot question and a town meeting article must pass. He explained that the Planning Board will create a zoning bylaw to regulate commercialization of marijuana and create an overlay district where this can be controlled as a plan "B", or dual path, if a ban is not approved. The BOH agreed that having a plan B in place if the vote doesn't pass is a good idea. The Board reviewed the packet information about the timing of a ballot vote. B. Klein opined on the difficulty of running concurrent local and state/federal elections. C. Karlson said since this issue was voted for in a high turnout election the Town needs to make sure there is a good turnout if it considers reversing that vote. The Board decided to hear from Town Counsel on the issues of a concurrent election and delaying a vote until spring 2019 and make a decision at its July 16 meeting.

A5. Town Committees: Interviews and appointments

A. Interview and potential vote to appoint for a three-year term, beginning 7/1/18 and ending 6/30/21:

1. **Economic Development Committee: Sharon Burke and Bill Steinberg** Sharon Burke, Highland Circle, and Bill Steinberg, Highland Circle, came before the Board and discussed their relevant backgrounds and interest in joining the Economic Development Committee. B. Steinberg's term on FinCom will end on June 30. The Board thanked both S. Burke and B. Steinberg for volunteering.

M. Antes moved, seconded by D. Levine, to appoint Sharon Burke and Bill Steinberg to three-year terms on the Economic Development Committee. YEA: M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

2. **Finance Committee: Kelly Lappin and Carol Martin** Kelly Lappin, Sears Road, discussed her background and interest in serving on FinCom. Carol Martin, Lake Road, discussed her interest in serving a third term. She stated that FinCom is in a transitional year and feels her continued service will be helpful. The Board asked K. Lappin and C. Martin questions, including challenges that FinCom is facing and noting the time commitment it takes.

L. Jurist moved, seconded by M. Antes, to appoint Kelly Lappin and Carol Martin to the Finance Committee for terms to end on June 30, 2021. YEA: M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

B. Re-appointments: Potential vote for a two-year term beginning 7/1/2018 and ending 6/30/20:

1. **Municipal Affordable Housing Trust Fund Board: Stephen Greenbaum, Brian O'Herlihy and Mike Staiti**
2. **Youth Advisory Committee: Brenda Ross**
3. **Permanent Municipal Building Committee: Brian Chase, Patrick Rowe and Eric Sheffels**

C. Re-appointments: Potential vote for a three-year term beginning 7/1/2018 and ending 6/30/21:

1. **Audit Committee: Randall Moore**
2. **Conservation Commission: Sean Fair and Barbara Howell**
3. **Council on Aging Board: Mary Antes, Elizabeth Patterson and Betsy Soule**
4. **Cultural Council: Adam Gutbezahel and Barbara Hoffman**
5. **Dog Control Board: Susan Koffman**
6. **Economic Development Committee: Ryan Scott**
7. **Energy and Climate Committee: Harvey Michaels**

8. **Historic District Commission:** Marjorie Ford (Realtor), and Desmond McAuley (Architect)
9. **Historical Commission:** Richard Conard, John Dyer, Tonya Largy and Elisa Scola
10. **Surface Water Quality Committee:** Jack Carr and Thomas Largy
11. **Wastewater Management District Commission:** Rick Greene
12. **Zoning Board of Appeals:** James Grumbach, Jonathan Sachs and Linda Segal (Associate)

D. Re-appointments: Potential vote for a five-year term beginning 7/1/2018 and ending 6/30/23:

1. **Personnel Board:** Deborah Cohen

M. Antes moved, seconded by L. Jurist, to appoint all of the people in Agenda items 5 B, C, and D for terms as noted. YEA: M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. The Board thanked the appointees for volunteering.

A10. Town Administrator Report

3. **Memo from Planning Board about parking at Congregation Or Atid** Town Planner S. Sarkisian asked the Board to note this item. N. Balmer explained that the information only memo in the packet was to prepare the Board for a future discussion as Traffic Commissioners. The Planning Board may discuss an amendment to a site plan addressing parking at Congregation Or Atid.

A6. FY 20 Budget Process: Update and vote to adopt policy The Board reviewed a draft policy. N. Balmer reminded the Board of the importance of considering the authority and responsibilities each party has under new policy. The current process makes it complicated for the Town Administrator to work with the Board, department heads and the Finance Committee, but there is authority within the existing bylaws and State law. She suggested that Town Counsel review this draft policy before it is approved. L. Jurist asked about the communication about the policy. N. Balmer said the policy represents a very commonly understood approach to the budget process. Any suggested edits to the policy should be given to N. Balmer. The Board was comfortable giving the Finance Director authority to start working on the FY2020 budget based on the draft policy understanding that there may be minor changes based on town counsel's review.

A7. Town Administrator Search Committee update D. Levine said the Search Committee will meet again on Wednesday to develop a list of finalists, and suggested the Board should consider being proactive and scheduling a meeting to interview candidates before July 16. He said it could possibly be as early as next Monday, July 2. The Board agreed to schedule meetings.

A8. Special Act: Update and review revised presentation for boards and committees There are updated slides available to use for Board member's presentations to boards and committees. Board members will schedule meetings with their liaison boards. L. Anderson has offered to attend any committee meetings to assist with the discussion.

A9. Cable Contract: Plan for negotiations D. Levine contacted KPLaw, reported several residents have expressed interest in joining the cable committee and suggested the committee start its work in the fall. D. Levine asked the Board's opinion on whether this group should be a negotiating team convened by the Town Administrator or as an advisory committee appointed by the Board. The attorney will explain the work plan when the group first meets. N. Balmer noted that the outcome would likely be the same. She said the request for volunteers was posted, but it can be readvertised as well. D. Levine and N. Balmer will work with the previous charge to update it as needed. D. Levine said he will run the charge by counsel.

A10. Town Administrator Report, continued

1. **Correspondence:** None
2. **Bertucci's Liquor License** N. Balmer stated that KPLaw Attorney Blake recommended that the town send a notice asking them to turn in their application or transfer it at their earliest convenience. If that is not done within 6 months, the Board may be able to cancel it. The Board granted permission for N. Balmer to request a letter to start that process.

A11. Minutes: Vote to approve minutes of June 4, 2018 and June 11, 2018 and vote to release with redactions the Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018.

M. Antes moved, seconded by D. Levine, to approve the minutes of June 4, 2018 and June 11, 2018 as

drafted. YEA: L. Jurist, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

M. Antes moved, seconded by D. Levine to release with redactions the Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018. YEA: L. Jurist, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A12. Consent Calendar: Review and vote to approve

1. **Vote the question of approving and signing the weekly payroll and expense warrants**
2. **Vote to appoint Mary Antes as the Town of Wayland's representative to the Metropolitan Area Planning Council (MAPC) for a three-year term ending June 30, 2021**
3. **Vote to sign CPA Grant Agreement with Trinitarian Congregational Church**
4. **Vote the question of approving a One-day Liquor License for wine sampling and the sale of bottled wine (to be consumed off-site only) at the Russell's Wayland Summer Farmer's Market, 397 Boston Post Road, Wayland, Massachusetts 01778, on three Wednesdays: August 1, August 15 and October 10, 2018, from 12:00 p.m. to 5:00 p.m.**

M. Antes moved, seconded by L. Jurist, to approve the Consent Calendar. YEA: M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A13. Review Correspondence: (See Separate Index Sheet) The Board mentioned the comprehensive list of what COA is doing, the Covered Bridge condominium, and the Open Meeting Law complaints.

A14. Selectmen's Reports and Concerns M. Antes stated she wrote to DPW Director T. Holder and Town Engineer P. Brinkman about holding a storm water forum, and they are interested but will have to coordinate their schedules. C. Karlson and E. Doucette met with ClearGov for a short presentation on a budgeting and forecasting model under development.

A15. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A16. Adjourn D. Levine moved, seconded by L. Jurist, to adjourn the meeting at 9:38 p.m. YEA: M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of June 25, 2018.

1. Motion to enter executive session, dated June 25, 2018
2. Handbook for Massachusetts Selectmen, Fourth Edition, John Ouellette, Editor, Massachusetts Municipal Association (Handbook on file)

Items Included as Part of Agenda Packet for Discussion During the June 25, 2018 Board of Selectmen's Meeting

1. Email from Julia Junghanns, Director of Public Health, to Nan Balmer, dated June 22, 2018, re: Update to the Board of Selectmen (marijuana)
2. Report from Beth Klein, Town Clerk, to the Board of Selectmen, dated June 21, 2018, re: Dual vs. single election regarding marijuana question
3. Memorandum from Nan Balmer to the Board of Selectmen, dated June 25, 2018, re: Board and Committee Appointments
4. Board of Selectmen Policy: Appointments to Town Boards and Committees
5. Email from Sharon Burke dated June 7, 2018 re: Interest in joining the Wayland Economic Development Committee with attached resume
6. Correspondence from William Steinberg to Lea Anderson, Chair of Board of Selectmen, dated May 22, 2018 re: Interest in joining the Wayland Economic Committee
7. Email from Kelly Lappin to Nan Balmer and Lea Anderson dated June 19, 2018 re: Finance Committee Appointment with attached resume
8. Spreadsheet of data for Wayland Volunteer Database dated June 21, 2018
9. Board of Selectmen's Policy on the FY 2020 Budget Process (draft dated June 25, 2018)
10. PowerPoint slides on the Special Act establishing the position of the Town Manager in the Town of Wayland, dated June 20, 2018

11. Report of the Town Administrator for the week ending June 15, 2018
12. Memo from David Porter to the Board of Selectmen dated December 11, 2017 re: Quota of Alcoholic Beverages Licenses
13. Memorandum from Sarkis Sarkisian, Town Planner, to Lea Anderson, Chair of Board of Selectmen, dated June 22, 2018 re: Application by Congregation Or Atid to amend its site plan approval
14. Draft minutes of the Board of Selectmen meetings of June 4, 2018 and June 11, 2018