



TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

**Board of Selectmen
Meeting Minutes
October 9, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Douglas A. Levine (arrived at 7:08pm), Cherry C. Karlson, Louis M. Jurist (arrived at 7:35pm)

Also Present: Town Administrator Louise Miller

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room in 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 for the public.

A2. Announcement and Public Comment On Saturday there will be a Ride, Spin and Walk event showcasing electric cars and bikes at the Wayland Town Center from 11am-2pm. The Historical Society and the Mass Rail Trail will also be conducting walks. In Concord on Sunday there will be the Wild and Scenic Rivers Act 50th Anniversary Celebration from 2pm-5pm.

George Harris, Holiday Road, stated the Town committed a serious error in conducting the special town election on the marijuana question. He said the Town failed to properly provide notice to the public with a mailing to each residence. He asked the Board to discuss the topic at a future meeting as it was not on tonight's agenda.

A3. Executive Session: Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining and impact bargaining with Wayland Police Officers Union and International Association of Firefighters, Local 1978 At 7:11pm, L. Anderson moved, seconded by M. Antes, 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 collective bargaining and impact bargaining with Wayland Police Officers Union and International Association of Firefighters, Local 1978

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: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0. The Chair invites attendance by: Louise Miller, Town Administrator and Elizabeth Doucette, Assistant Town Administrator. The Board will reconvene in approximately 10 minutes for the purpose of conducting the regular agenda.

The Board reconvened in regular session at 7:25pm

A4. FY20 Budget Update

- **Capital recommendations** L. Miller said she has received 5-year capital requests from every department; however, the focus is on the FY20 request at this time. The requests had to be approved by the submitting boards. She is working on a presentation with a recommendation summarizing the projects with a supporting financial analysis of each project and how it fits in the fiscal plan for the Town. This fall they will only present FY2020. In the future she will work with every department to put together a 5-year capital outline. That will be available in the spring. L. Miller also stated she may be making recommendations on how the town approaches capital

projects in the future. She would like to focus on better alignment of town projects looking at a multi-stage approval and voting process and perhaps requiring board review/pre-approval to identify potential issues.

- **Final operating budget guidelines** The final operating budget guideline is in the Board's packet. It was distributed to all department heads and board and committee chairs last week to assist with preparing the FY20 budgets which are due on October 19.

A5. Cable Discussion Update: Discuss and vote creation and mission statement of Cable Advisory Committee D. Levine stated KPLaw believed a Cable Advisory Committee should be formally appointed by the Board. He said the Board needs to start this process by creating a charge and recruiting members. They hope to schedule their first meeting before the end of the year. The charge for the prior Cable Committee was in the packet for review. D. Levine reviewed the two main tasks – predicting future needs and reviewing current service levels.

D. Levine moved, seconded C. Karlson, to authorize the Cable Advisory Committee of up to five members with a mission statement identical to the language from the previous Cable Advisory Committee, which was dissolved in September 21, 2015. L. Miller noted that the Committee is being formed under MGL, Chapter 207, section 301. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

L. Jurist joined the meeting at 7:35pm.

A6. Special Town Meeting Articles:

- **Logistics review including Town Moderator and ELVIS Chair** The Board was joined by moderator Dennis Berry and ELVIS Committee chair David Bernstein to discuss the logistics for the Special Town Meeting including how it should be set up based on the popularity of some of the articles. D. Berry went over the logistics and his plans for the meeting, as well as discussing how the Town conducted previous meetings. L. Miller also discussed logistics for the meeting which included some new things (electronic notifications) the Town will be trying. She said all of it will be advertised before Special Town Meeting. D. Bernstein discussed electronic voting and ways to eliminate certain issues discovered at the 2018 ATM with some suggested changes and improvements. A discussion ensued about the order of the articles and the impact on attendance and logistics. The Board will review the order again at its next meeting when it knows which articles are going forward.
- **Report of Permanent Municipal Building Committee**
- **Discuss and vote to insert and/or take a position, if appropriate** L. Anderson led the Board through a discussion of the articles not yet inserted into the STM Warrant.

C. Karlson reported progress on Article C River's Edge Asbestos Abatement. FinCom voted 6-0 to support the article, and the write-up is still being finalized by D. Watkins. Wood Partners is committed to working with the Town to complete the work within the estimated cost. L. Miller reported that the non-traditional work plan was filed with the MassDEP and the TA's office and Town Engineer are working with Vertex to issue a bid in mid-October. C. Karlson moved, seconded by D. Levine, that the Board insert Article C "Appropriate Funds for the Abatement of Asbestos at River's Edge site" and also recommend approval of the article. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Anderson began the discussion of Articles F and G by stating that the Town did not follow the bylaw procedure requiring notifying residents about the marijuana article. L. Miller explained that we can (1) go forward with the STM article F and then have a second ballot vote, (2) file special legislation with the Governor, or (3) not go forward with the article at STM and wait until April ATM for the article. L. Jurist asked how the Town missed this notification. A special election without an accompanying town meeting does not happen often, and the election procedures did not account for a mailing to all residences. The Board discussed the options and decided to go forward with both marijuana articles.

C. Karlson moved, seconded by M. Antes, to insert Article F "Prohibition of Marijuana" and recommend approval. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

D. Levine moved, seconded by M. Antes, to insert and take a position to approve Article G “Marijuana Establishment District A- Boston Post Road” which is an overlay district sponsored by the Planning Board. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Anderson received a call from FinCom member D. Watkins on Article I Pre-existing Nonconforming Land. He is concerned about unintended consequences with this article. M. Antes has not seen a draft write-up yet.

The Board discussed Article J High School Athletic Complex. L. Miller reported that the DOR requested additional information before making a decision on the amount of debt that can be excluded. Also, the state plumbing commission will not allow the Town to count existing bathrooms and this will result in additional cost of building additional bathrooms. Facilities Director B. Keefe anticipates that this will add about \$250,000 to the construction cost. A discussion ensued about the School Committee (Monday) and PMBC (Tuesday) meetings next week. The Town has bids out on two components of the HS complex now; these may need to be amended or pulled. The Board agreed they would like to know what the DOR, PMBC and the School Committee have to say about it and if the article is ready to go forward at STM.

Article L Loker Turf Field has the same issue with the DOR regarding the amount of debt that can be excluded. Recreation Commission chair A. Foster reported that the project is still in front of the Conservation Commission and is on the agenda for tomorrow night. While the field lights were in the first proposal at 2018 ATM, they were not included in the pricing as Rec was hoping for private funding. The STM article includes the Town funding the lights and is part of the price increase. After discussion, the Board agreed that the information from the DOR is key to making a decision on whether this article should go forward at this STM.

For Article M, the petitioners’ article for a grass field at Loker, M. Antes said FinCom member J. Gorke sent her both articles, and they working on them now, so they have the same information. C. Karlson raised a point of order that Finance Committee member George Uveges is an abutter, so he shouldn’t provide comments on the article. The Board agreed. M. Antes said she sent her comments to J. Gorke but hasn’t heard back yet. L. Jurist asked if the 2018 ballot question specified a turf field and, if it did, then this grass field would not be eligible for excluded debt without a new vote. A. Foster asked what happens if the article passes at STM and the Rec Commission does not want a grass field on its property. Town counsel has previously said that town meetings authorize spending but do not mandate it. L. Miller said the ballot question did say for construction of a multi-purpose synthetic turf field.

The write up for Article N Limit Discharge of Weapons is basically done and the FinCom voted not to support this article. As proposed, the article will not impact The Wayland Rod and Gun Club since they are grandfathered. It would however impact any future development of a police firing range and would implement the 1000’ buffer. The Board cannot take a position on whether to insert a petitioners’ article. Many residents attended last week’s FinCom meeting when this was discussed.

C. Karlson moved, seconded by D. Levine, to recommend approval of Article N “Limit Discharge of Weapons in Town of Wayland”. YEA: none. NAY: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. ABSENT: none. ABSTAIN: none. Motion not Adopted 0-5.

The Board discussed Article O Water Meters, the infrastructure and how it would be best funded. The Board discussed the water reserve fund and how it should be used. Previously, the balance in the water fund was higher and has been used to fund a number of items. Using \$1.3 million now brings the balance down significantly. L. Anderson mentioned that Moody’s includes this reserve fund in its calculation of Town reserves. L. Miller stated she had a meeting with Mike Lowery, BoPW chair, and T. Holder, DPW Director, and discussed the difference of opinion regarding the article funding and replenishment of the fund. She does not think the broad financial issues can be resolved before the Board’s next meeting. L. Miller suggested spending a few months reviewing the water enterprise fund, developing a policy on retained earnings, reviewing cash flow and potential replenishment of the fund, determining if there is a structural imbalance, and refining the 5-year capital plan for water infrastructure.

A7. Town Administrator's Report

1. Correspondence None discussed.

2. Wastewater Update The BoPW meeting on Oct 23 will include an agenda item to discuss bringing the Wastewater Commission operations under the Public Works Department. L. Miller, D. Levine and C. Karlson plan to attend.

3. Private Road Plowing Update The review of appeals will be on the Oct. 29 agenda and as of now there are no new addresses on the list. Over 20 residents have appealed, and this covers 12 roads. L. Jurist asked if he could get a list of the roads submitted for appeal earlier than the Friday before the meeting. L. Miller said the list will be ready by Oct. 18 including the analysis of the appeals by the DPW.

A8. Minutes: Review and vote to approve regular session minutes of September 24, 2018

C. Karlson moved, seconded by L. Jurist, to approve the minutes of September 24, 2018, as amended. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Consent Calendar: Review and vote to approve (see separate sheet)

1. **Vote the question of approving and signing the weekly payroll and expense warrants**
2. **Vote the question of approving and signing the Route 20 Water Main Construction Contract. The Contract is for the Construction of the water main replacement project by C. Naughton. The value of the project is \$1,044,600 and is being financed through the Massachusetts Clean Water Trust and the MassWorks Infrastructure grant**
3. **Vote the question of approving and signing Conservation and Access Road Improvements for the Transfer Station Access Road Construction Administration and Resident Project Representation. The Contract is for the engineering support of the construction project with a value of \$110,000 and will be performed by Weston & Sampson Engineers, Inc. Funding for the project will be from the original FY18 capital authorization for the project.**
4. **Vote the question of approving the placement of two (2) temporary sandwich boards for the Friends of the Public Library Fall Book & Bake Sale to be placed at Old Connecticut Path and Cochituate Road (Five Paths); and Route 20/Old Connecticut Path by the Coach Grill, during the one (1) week time period of Sunday, November 11, 2018 through Sunday, November 18, 2018.**
5. **Vote the question of signing a certificate of commendation for Henry Field Stafford, the most recent Eagle Scout from Troop 1 Cochituate Boy Scouts. Henry and his team built a Gaga ball pit at Happy Hollow Elementary School for the students to use during recess time**

L. Jurist moved, seconded by M. Antes, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Correspondence Review Regarding item 10, L. Miller said she will be attending the Pre-Disaster Hazard Mitigation training on Oct. 25 with Police Chief P. Swanick. The Board recognized the Police report and the thank you notes.

A11. Selectmen's reports and concerns D. Levine updated the Board on the status of the Route 27 and 30 intersection. It is almost complete and only temporary utility poles still remain.

A12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A13. Adjourn D. Levine moved, seconded by L. Jurist, to adjourn the meeting at 9:12 p.m. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 9, 2018.

1. Article Listing for Special Town Meeting with updated info on position voting by Selectmen and Finance Committee
2. Invite/flyer for Sudbury-Wayland-Lincoln Domestic Violence Roundtable on October 18, 2018

Items Included as Part of Agenda Packet for Discussion During the October 9, 2018 Board of Selectmen's Meeting

1. FY2020 Operating Budget Guidelines
2. Cable Advisory Committee Mission Statement
3. STM Article Listing
4. Pay Previous Fiscal Year Unpaid Bills Article Draft
5. Current Year Transfers Article Draft
6. Fiscal Year 2018 and Fiscal Year 2019 Funding of Town Successor Collective Bargaining
7. Agreement for Police Union Article Draft
8. Limit Discharge of Weapons in the Town of Wayland Article Draft
9. Board of Selectmen Meeting minutes from September 24, 2018