



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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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  
November 5, 2018  
7:00 p.m.  
Wayland Town Building  
Large Hearing Room  
41 Cochituate Road, Wayland**

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist, Douglas A. Levine  
(entered at 7:08 p.m.)

**Also Present:** Town Administrator Louise Miller, Assistant Town Administrator Beth Doucette

**1. Call to Order by Chair** L. Anderson called the meeting of the Board of Selectmen to order at 7:01 p.m. in the Large Hearing 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.

**2. Announcement and Public Comment** Tomorrow is Election Day and the polls are open from 7am to 8pm. There will be a Veterans Day program on Sunday, November 11 at 11am at the Veterans Memorial at the Town Building. Water main work is being done on Rt. 20 west from Rt. 27 from 10pm-5am at night and the notice is on the Town website.

Mike Lowery, Lake Shore Drive, called attention to an article that was in the Town Crier published Nov. 1<sup>st</sup> and singled out a quote from the BoS Chair about the lack of BoS support for a Special Town Meeting article on water meters. He provided the Board with a copy of the article. He discussed his displeasure and hoped Chair L. Anderson would retract her statement. L. Anderson apologized and agreed that her statement was inappropriate.

D. Levine entered the meeting at 7:08pm.

**7. Minutes: Review and vote to approve regular session minutes of October 15, 2018** M. Antes moved, seconded by C. Karlson, to approve the regular session minutes of October 15, 2018, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**8. 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 authorizing Town Administrator, Louise Miller, to sign the A/P warrant on November 26, 2018.**
- 3. Vote the question of approving the invoice from KP Law, dated October 24, 2018, Invoice No. 118256, for professional service through September 30, 2018, in the amount of \$13,943.35**
- 4. Vote the question of approving the placement of four (4) temporary lawn signs from Saturday, November 10, 2018 thru Sunday, November 16, 2018, to be placed at Fire Station Two in Cochituate, Old Connecticut Path and Cochituate Road (Five Paths), Route 20jold Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27), by the Drama Department of the Wayland Public Schools for their upcoming musical, *You're a Good Man, Charlie Brown*.**

5. **Vote to approve disbursement of \$993-33 from the Rail Trail Gift Account to reimburse Larry Kiernan for expenses related to his work as Wayland's representative to the Massachusetts Rail Trail Committee.**
6. **Vote the question of approving a One-day Liquor License for an event (Client Appreciation - Open House) at Moodz Salon and Day Spa, 19 Pelham Island Road, Wayland, MA 01778 on Thursday, November 16 from 6:00pm to 8:00pm**

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

**9. Correspondence Review** L. Anderson noted the resignation letter from Robert Weiland who is stepping down from the Senior Tax Relief Committee. The Board thanked him for his service. There was a useful document from M. Lowery, chair of the BoPW, in response to some of the questions raised at the last meeting about plowing private roads.

**3. Warrant Hearing** At 7:15pm, L. Anderson opened the Special Town Meeting Warrant Hearing and the Board was joined by Town Moderator D. Berry, Town Counsel C. Murray, and the Finance Committee. She explained the purpose of the hearing and described it as an opportunity to identify corrections in and questions pertaining to information in the Warrant. Copies of the warrant and draft motions are available online and as handouts at the meeting. L. Anderson led a page by page walk through of the Warrant and asked for any questions or comments. The following questions/comments were made:

Article 5, Fund Asbestos Mitigation at River's Edge: Mike Lowery, Lake Shore Drive, asked if the borrowing will be by debt exclusion. C. Karlson said it will be funded with short term debt with a state program that allows intra year borrowing; the Board anticipates moving to the disposition of the land in a short time frame. The Board anticipates that at the closing, the River's Edge soil account will be an offset to pay back the loan.

Article 6 and 7, Zoning: Establish District for Marijuana Establishments and Medical Marijuana Treatment Centers and Zoning: Prohibit Recreational Marijuana Establishments: L. Anderson provided background information and explained the notification issue that nullified the October 2018 ballot vote. The Planning Board is putting forward two articles at the STM. The first, Article 6, is to set up a zone for medical marijuana and for recreational marijuana. The second, Article 7, is a vote to ban recreational marijuana establishments in Wayland. Passage of this article is the first of two required parts to complete the ban, a vote at Town Meeting and then a vote at the voting booth in April 2019. She explained the Board's thought in ordering the articles.

Heidi Heilman, 99 Concord Road., asked the Board to explain its decision of not putting the more restrictive article (7) first. She thinks Article 6 can be bypassed and she thinks a lot of people, in Town and at the state level, are confused about the need for zoning. D. Levine said the Town needs to vote on Medical Marijuana anyway. H. Heilman said there might be a possibility for Wayland to zone for medical marijuana and then the state determines medical is the same as recreational and now there would be a recreational facility allowed in Wayland. Town Counsel C. Murray said any host community agreement has to have an executed host agreement in order for them to apply for a state license. Article 6 would request that both medical and/or recreation should also have an executive host agreement with the BoS. There were two communities that banned medical marijuana, but the Attorney General then changed her opinion and said that medical marijuana establishments could not be banned.

Rebecca Yeng asked for the reasoning behind the order of the articles. L. Jurist said the Board can't change the order now; it has to be changed on Town Meeting floor. C. Karlson noted that if the election was valid, the Board might have done the ban first, then zoning. She briefly discussed the Board's reasoning for the order.

Article 8, Zoning: Use of Pre-Existing Nonconforming Land that Consists of More than Six Dwelling Units: L. Anderson noted the latest motion for Article 8. She said the motion would drop the last clause of the wording in the article on page 27 in the Warrant. The change will be reported on Town Meeting floor.

Article 9, Loker Grass Field: Lead petitioner John Sachs noted an erratum and suggested that the first line on page 30 should say the field size is 100 yards by 60 yards. D. Berry said the petitioner will present the motion as written and as Moderator, he will ask if there is any difference in the motion then what is printed in the Warrant. The petitioner also suggested to take the wording U12 out of the motion.

Article 10, Discharge of Weapons: On page 36, M. Lowery said the consistency with the law provision in the Warrant does not sufficiently meet the requirements of the Town's bylaw. Town bylaws require a statement about whether or not the bylaw is repugnant and in what manner. L. Anderson said they will be treating this as an erratum and will provide a sheet at Town Meeting. C. Murray explained the ways in which the originally submitted language could be in conflict with state law and this will be summarized for town meeting.

Moderator D. Berry stated that there have been no changes to the Moderator's rules.

L. Anderson closed the Warrant Hearing at 7:50pm.

**4. Special Town Meeting Update** L. Miller stated the Board needs to notice a meeting for Nov. 13 before Special Town Meeting. If article 5 passes regarding Rivers Edge asbestos remediation, there will be a need to vote to enter into a contract with the contractor. The Board decided to take the vote on Nov. 13 before STM contingent on passage of the article.

#### **5. FY20 Budget Update**

- **Operating Budget** L. Miller sent out budget meeting schedules to the BoS, FinCom and Dept. Managers. The budget reviews started today, and she plans to conclude reviews of the budget requests with each department by the end of the week. The FinCom and BoS liaisons are invited to attend these meetings as well. The Board discussed attendance at the meetings.
- **Meeting Schedule** L. Miller reported that FinCom will be holding meetings on the Capital Budget for the next three meetings.

#### **6. Town Administrator's Report**

1. **Correspondence** L. Miller reported that with the resignation, there are now two vacancies on the Senior Tax Relief Committee.
2. **TA Office Organization** L. Miller reviewed her thoughts on a reorganization of the Town Administrator's Office. There are two staffing vacancies now (HR Director and Financial Analyst), and she suggested the positions be changed to a Human Resources Manager and a Managerial Analyst. The Personnel Board was interested in seeing job descriptions, which she will provide with the Board's approval. She hopes the positions could be filled this winter. C. Karlson asked about the total cost and L. Miller reported that the total dollar amount of salaries would not change. L. Anderson said she thinks it is a good idea, and it is clear the office is understaffed. C. Karlson noted that the Board waited on a reorganization pending the new TA, so was expecting this type of change.
3. **Letter to Raytheon** The draft letter to Raytheon regarding the request for an LSP opinion on proposed uses of the municipal parcel was distributed in the packet. C. Karlson stated that the LSP John Drobinski did not have any specific comments or concerns for what the Town is proposing and, she suggested issuing the letter in final form. C. Karlson said the letter will be sent off for official consideration if the Board approves it tonight. C. Karlson moved, seconded by D. Levine, to approve the letter to Raytheon requesting an LSP opinion for proposed uses at the Town Center municipal parcel area. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
4. **River's Edge Update** The bid opening for the proposed asbestos mitigation was today, and the bids came in close to what the Town anticipated. The Phase 1 apparent low bidder was \$417,120. C. Karlson noted that the Board was hoping the bid would come in a little less than the article request. L. Miller confirmed that the bids did provide funding for an additional 1000 cu yds of material removal. There was a total of eight bids. The bid documents included wording to handle a second mobilization if additional materials are found.
5. **Sudbury DOT Letter** L. Miller said a draft letter was sent to Herb Chambers, but she has not heard anything back yet. L. Miller has traded phone messages with the Sudbury Town Manager; she wants to explain the potential arrangement with the DOT and Herb Chambers.

L. Jurist left the meeting to attend the Board of Health meeting (discussion of the TM Special Act) at 8:10pm.

6. **Wastewater Update** The Board reviewed the draft project document (distributed). C. Karlson explained that the document is a result of a few emails and meetings with representatives from the BoPW and the Wastewater District Commission. It tried to recognize all of the issues that were

raised and to organize a project plan that can be overseen by the Town Administrator. C. Karlson reviewed the proposed plan of managing the project and the roles of the working group participants. L. Miller noted this is a study, and the Town will need to be flexible when it comes to who it brings in to participate at different stages. The structure might be that the TA oversees the project with a working group consisting of a Selectmen, a WWMD C commissioner and a BoPW member with staff and other board involvement as needed. C. Karlson said this is a broader community conversation about the future of wastewater in Wayland and not a project to be owned or driven by one board or committee. Once started, the project timeframe is about six months. L. Miller explained some of the topics to be covered by the project. M. Antes mentioned that there have been discussions of needing wastewater facilities in other areas of town or with housing developments. C. Karlson asked that the Board send any comments/suggestions to L. Miller.

- 7. Annual Town Meeting** L. Miller reported that she is working on the draft schedule, and it should be done shortly. The meeting date is posted on the website.

**10. Selectmen's reports and concerns** D. Levine asked how the Town should recruit for the Cable Advisory Committee. L. Miller said her office will advertise the vacancies, and the Board will interview as needed. M. Antes mentioned putting an article in the paper and online. L. Anderson said she sat in for D. Levine at the LEPC meeting and found it very interesting. She briefly discussed the meeting and techniques used at the meeting to get the departments involved. C. Karlson noted the League of Women Voters forum last week.

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

**12. Adjourn** D. Levine moved, seconded by C. Karlson, to adjourn the meeting at 8:25 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 5, 2018.**

1. Wayland 2018 Veterans Day Program
2. Copy of the November 13, 2018 Special Town Meeting Warrant and draft motions
3. Draft Wastewater project plan.
4. Correspondence from resident Tom Maglione to Lea Anderson, Board of Selectmen Chair, dated November 3, 2018, re: process used by the Recreation Commission to notify neighbors of the proposed athletic field at Loker Conservation and Recreation site
5. Susan Wagner and Ken Isaacson, "*Articles not coming to special Town Meeting*," Town Crier, Wayland, MA, November 1, 2018 page A3. Source: Mike Lowery.

**Items Included as Part of Agenda Packet for Discussion During the November 5, 2018 Board of Selectmen's Meeting**

1. Draft of letter to Jerry Cellucci, Senior Director, Corporate Real Estate, Raytheon Company, from Louise Miller, Town Administrator, dated November 5, 2018, re: redevelop an area of the former Raytheon Company property for a Council on Aging/ Community Center facility
2. Draft minutes of the October 15, 2018 Board of Selectmen meeting