



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
February 4, 2019
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Douglas A. Levine (7:06pm)

Absent: Louis M. Jurist

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

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 Nomination papers are available from the Town Clerk for a number of elected positions, and there is information available on the website.

There was no Public Comment.

A3. Review/interview committee applications:

- **Interview with Cable Advisory Committee applicant Lauren Zajac; possible vote to appoint**
Lauren Zajac introduced herself and briefly discussed her background and experience in the technology field. C. Karlson stated the Committee so far seems to have a great balance of technology experience. L. Zajac agreed and said she would work well with town counsel KP Law.

D. Levine entered the meeting at 7:06pm.

C. Karlson moved, seconded by D. Levine, to appoint Lauren Zajac to the Cable Advisory Committee effective immediately. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

- **Vote to approve appointments of Robert Farrington and Evans Huber to ZBA**
C. Karlson moved, seconded by M. Antes, to appoint Robert Farrington as an Associate Member of the ZBA with a term to expire June 30, 2019 and Evans Huber as an Associate Member to the ZBA with a term to expire June 30, 2021. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A4. Update on permitting software L. Miller said they have finalized documents, the permitting report, workflow documents and goals for the permitting software. They have retained a consultant through the end of the year, and beyond if they still have funding, through Community Compact grant expiring on June 30, 2019. They are almost ready to issue an RFP and have been told the budget of \$135,000 is appropriate for the software. FinCom did not fund the software in full through its proposed FY20 capital plan. Its concern was that software would not be selected prior to Town Meeting. L. Miller said she would like to go back to the FinCom and request full funding for the software. Many department heads were in attendance to show their support for the project – Fire, Board of Health, Building, Facilities and Conservation. L. Miller asked

the BoS to speak with the FinCom on behalf of the project and fully funding it at ATM. L. Anderson said she would be happy to write a letter to the FinCom on behalf of the Board.

A10. Massachusetts School Building Authority (MSBA) Statement of Interest/Loker Roof: Discuss and possible vote L. Miller explained the Statement of Interest is due Feb. 15 and has already been signed by the School Committee. L. Miller and Facilities Director B. Keefe discussed the reimbursement process.

- **Vote to support** C. Karlson moved, seconded by M. Antes, to authorize the superintendent to submit to the Massachusetts School Building Authority the statement of interest form dated February 15, 2019 for the Loker Elementary School located at 47 Loker Street, Wayland, MA 01778 which describes and explains the following deficiencies and the priority category for which an application may be submitted to the Massachusetts School Building Authority in the future for the complete roof replacement at Loker Elementary School, a priority 5 project and hereby further specifically acknowledges that by submitting the statement of interest form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of an grant or any other funding commitment from the Massachusetts School Building Authority or commits the town to filing an application for funding with the Massachusetts School Building. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.
- **Vote to delegate signature authority for MSBA documents to Town Administrator** C. Karlson moved, seconded by M. Antes, to delegate signature authority to the Town Administrator for the Massachusetts School Building Authority Statement of Interested related to the Loker Elementary School roof. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A12. Minutes: (none) C. Karlson noted the minutes of Jan. 22 would be ready for the next meeting.

A6. Continuation of Liquor License Hearing of January 28, 2019: Review request of New Sandy Burr, Inc. of Wayland regarding their request for a change in corporate name and a change in their All-alcoholic Liquor License classification for their 103 Cochituate Road premises L. Anderson opened the continuation of the liquor license hearing at 7:30p.m. and reviewed the reason for the application.

Sandy Burr President and General Manager Ken Munsey came before the Board to explain their requests. Members of the Board asked K. Munsey various questions related to the business, and K. Munsey said the business is doing well right now. The Board reviewed the public comment received at the January 28th hearing for K. Munsey and expressed its thanks for Sandy Burr being a good neighbor to the community.

L. Anderson closed the hearing at 7:34pm.

C. Karlson moved, seconded by D. Levine, to approve the applications filed by New Sandy Burr, Inc to change their corporate name to New Sandy Burr Country Club, Inc., and to change their All-Alcoholic Liquor license classification from seasonal to annual for the premises of 103 Cochituate Road, Wayland, MA 01778. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A8. Election Warrant:

- **Discuss resignation from Planning Board** L. Miller explained that since a member of the Planning Board resigned effective today and that term will end in 2020, the BoS can vote to add the position to the election warrant which is currently open with the Town Clerk. So long as a Board vote occurs before February 14, the position can be added without requiring a special election or warrant. The Board discussed different ways to advertise the Planning Board openings. There seemed to be conflicting information in the memos provided by the Town Clerk for the Board's use.
- **Possible vote to add remainder of Planning Board term position to Election Warrant** D. Levine stated that in light of the information the Board received for the resignation of a full member of the Planning Board whose term expires in 2020, he moved, seconded by M. Antes, that the Board notify the Town Clerk to place on the ballot for the April 23, 2019 Annual Town Election the posting of the full Planning Board member for a one-year term. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A13. 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 the invoice from KP Law, Invoice. No. 119437, dated January 24, 2019, in the amount of \$8,166.42, for professional service through December 31, 2018**
3. **Vote the question of approving the applications filed by New Sandy Burr, Inc., regarding their retail All Alcoholic Liquor License to change their corporate name to New Sandy Burr Country Club, Inc. and to change the classification of their all-alcoholic license from seasonal to annual for the premises at 103 Cochituate Road, Wayland, MA 01778**

M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. The Board discussed that item 3 regarding Sandy Burr's revised liquor license was already acted upon. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A9. Finance Committee Presentation: Receive presentation and discuss debt exclusion and Prop 2 ½ ballot questions The Board was joined by the Finance Committee and Finance Director Brian Keveny. Finance Committee Chair Carol Martin came before the Board for the presentation related to the FinCom's debt exclusion recommendation memo. The presentation was distributed in hard copy.

C. Martin began the discussion with the definitions of debt exclusion, levy limit and levy ceiling. She reviewed the status of FY19 debt exclusion and Town Meeting actions. 2019 ATM approved two projects (Town Building, Fire Station 2) and deferred two (HS and Loker fields) and did not approve one (Library). This year the FinCom's FY20 recommendation is to fund certain capital requests with a multiple issue \$13M debt exclusion for HS athletic complex, Loker field and a bundle of capital projects. The FinCom stated it has not taken a position on the projects, and the recommendation is solely a funding mechanism recommendation. C. Martin also went over the eight projects included in the proposed bundle totaling \$1.5M. She discussed why the FinCom recommends capital projects in excess of \$1M be funded via debt exclusion and showed over the last 5 years the total budget increase and increase in taxation. C. Martin discussed the projected impact of the three excluded requests. She also provided a slide that showed a debt exclusion outlook from FY21 to FY24 assuming all capital projects go forward.

C. Karlson asked if the term "max levy limit" is a state term. B. Keveny said yes. She also asked about the FinCom's thoughts on why the eight projects are bundled into one \$1.5 million funding group. D. Watkins said the goal was to create more room in the levy for the future. These are the only projects for which FinCom suggests borrowing. Other projects are being recommended for cash or cash capital funding.

L. Anderson asked if this does anything to cash capital and if there will be more regular debt exclusion votes in the future. C. Martin said that any project of \$1M or greater may be recommended for funding by debt exclusion, but she can't say for sure. D. Watkins said the FinCom has not deliberated on that and it will have to be examined each year by project and by capacity. L. Anderson reminded the Board that the debt exclusion questions for the HS and Loker fields will appear on the ballot again this year.

L. Miller commented on the levy limit. She also cautioned that if the voters do not support the debt exclusion for some of the maintenance items bundled in the \$1.5 million request (e.g. replacement of carpet at the Middle School), the Town would be hard pressed to find money within the budget to do some of the projects. Some of the projects are not discretionary – such as the stormwater MS-4 compliance. L. Miller answered a question about how to manage the debt service line item within the Unclassified budget at a sustainable level.

C. Karlson asked if the FinCom had considered the Finance Director's recommendation to fund the \$1.5 million within the levy, as received by the Board at its last meeting. The FinCom has not considered this information due to timing of the Finance Director's presentation and its meeting schedule.

L. Miller raised the point of what bond rating agencies may or may not want to see in a debt exclusion. This proposal puts recurring capital items as excluded debt. L. Anderson reminded the Board that it needs to think about how to bundle or not bundle the questions on the ballot.

Carole Plumb, Bald Rock Road, suggested a discussion focused on which capital projects should move forward not when all of them will move forward.

The Finance Committee left the meeting.

C. Karlson stated there is a lot to think about and prepare for the meeting on the 25th. The FinCom needs the information from the Board on whether or not a debt exclusion vote will occur. L. Miller reviewed the levy limit slide and explained the capacity within the levy for funding projects without an operating override. Excluded debt does not change the levy limit but does change the level of taxation. The Board discussed L. Miller going to Town Counsel for different combinations of ballot question language.

A5. 2019 Annual Town Meeting:

- **Discuss all articles and possible vote to insert/support all articles.** L. Anderson noted the handout on articles and said FinCom is interested in the BoS' votes on the articles.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen insert Article L Personnel Bylaws. YEA: none. NAY: L. Anderson, C. Karlson, M. Antes, D. Levine. ABSENT: L. Jurist. ABSTAIN: none. Motion failed 0-4.

The Board reviewed the status of the other articles and the ATM schedule as it relates to the timing of the debt exclusion ballot question vote.

A11. Town Administrator's Report

1. **Correspondence** Representative Carmine Gentile is looking for Town input regarding potential projects that might be appropriate budget amendments. L. Anderson asked that it be mentioned to the Department Heads. She also reminded the public that the list of correspondence is posted online with the packet.
2. **River's Edge** There has been a request for a waiver from the BOH's regulations for the construction of the wastewater treatment facility. L. Miller said she has met with the Health Director, and it's not technically possible to construct a wastewater treatment facility on the site that complies with Wayland's requirements. Wayland's requirements have not been updated in 30 years and do not follow updated DEP requirements. L. Miller said we are still on target for a vote on an updated LDA for the end of February.
3. **Senior staff positions search update** The Town closed the advertisements for Human Resource and Treasurer/Collector today and will be interviewing over the next 7-8 days. L. Miller will provide an update at the next meeting. L. Miller said her plan for the Fire Chief position search is to open the search internally only and to put together an interview committee with an assessment team of Fire Chiefs from outside of Wayland. The plan is to do that quickly over the next 3-4 weeks so as to leave time open for an external search if necessary. D. Levine will represent the Board for this search.

A14. Correspondence Review Comcast and Verizon sent their annual response to complaints. MassHousing sent correspondence related to Craftsman's Village. The Open Meeting Law complaint was submitted past the deadline to be included in the packet. The agenda was amended today to include that topic.

A15. Selectmen's reports and concerns C. Karlson said a resident contacted her about the Verizon cell tower application. If requested, she offered the Board's assistance to the ZBA. C. Karlson suggested two Board members (herself as Clerk and Chair L. Anderson) and L. Miller should meet with the Open Meeting Law complainant. M. Antes attended the MetroWest Legislative breakfast and stated that MetroWest and MAPC will be holding a MetroCommon 2050 listening session on Thursday, February 28th in Framingham. L. Miller reported that the Cascade appeal of the ZBA decision was received today.

A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:

- **Open Meeting Law Complaint filed by resident George Harris, dated February 1, 2019** As noted, the complaint was received after the Board packet was put together on Friday. The response is due before the Board meets again. The Board discussed the complaint and the alleged violations. C. Karlson offered to update the minutes of Jan. 7 for the Board's review, and L. Anderson said she would put together a response.

A17. Executive Session: Enter into Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement and, II. Pursuant to Massachusetts General Laws, Chapter 30A, 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, III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to David Bernstein v. Planning Board of Wayland, and IV. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Kenneth Nelson v. Town of Wayland, et al. At 9:05 pm, 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 pursuant to the Public Employee Committee (PEC) agreement, and pursuant to Massachusetts General Laws, Chapter 30A, 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) (3) to discuss strategy with respect to litigation related to David Bernstein v. Planning Board of Wayland, and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Kenneth Nelson v. Town of Wayland, et al.

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 20 minutes for the purpose of adjournment only.

The Board returned to open session at 9:52pm.

A18. Adjourn D. Levine moved, seconded by C. Karlson, to adjourn the meeting at 9:53p.m. YEA: L. Anderson, M. Antes, C. Karlson, 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 February 4, 2019.

1. Correspondence from Beth Klein, Town Clerk, to the Board of Selectmen, dated February 4, 2019, re: Resignation of Elected Official
2. Correspondence from Beth Klein, Town Clerk, dated March 30, 2017, re: Nicole W. Riley duly elected to the Office of Planning Board
3. Correspondence from Wayland resident Nicole W. Riley, to Sarkis Sarkisian, Town Planner, re: Resignation from Planning Board
4. Correspondence from Beth Klein, Town Clerk, dated February 4, 2019, re: Resignation of Elected Official – Planning Board Member
5. Procedure for Liquor License Hearing (distributed to L. Anderson, C. Karlson and L. Miller)
6. Statement of Interest motion for Massachusetts School Building Authority Statement of Interest (distributed to L. Anderson, C. Karlson and L. Miller)
7. Motion to Go Into Executive Session (distributed to L. Anderson, C. Karlson and L. Miller)
8. Correspondence from Teri Hegarty, Executive Assistant, to the Board of Selectmen, dated February 4, 2019, re: New Sandy Burr, Inc. Application for a Change in Corporate Name and a Change in Classification from Seasonal to Annual
9. Updated listing of articles for April 29, 2019 Annual Town Meeting
10. Open Meeting Law Complaint filed by Wayland resident George Harris, dated February 1, 2019
11. The Beacon, a publication of the Massachusetts Municipal Association, dated February 2019 (distributed to L. Anderson, L. Jurist, D. Levine, and C. Karlson)
12. Finance Committee Presentation to the Board of Selectmen FY 2020 Debt Exclusion Discussion dated February 4, 2019
13. Flyer for Community Listening Session, Open House Expo for MetroCommon 2050 being held on February 28, 2019 at the Framingham City Hall, Framingham, MA

Items Included as Part of Agenda Packet for Discussion During the February 4, 2019 Board of Selectmen's Meeting

1. Resume of Lauren Zajac
2. Massachusetts School Building Authority – Next Steps to Finalize Submission of your FY 2019 Statement of Interest
3. Updated listing of articles for April 29, 2019 Annual Town Meeting