



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
March 11, 2019
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland**

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

Also Present: Town Administrator Louise Miller, Assistant Town Administrator Elizabeth 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 The Wayland Community Garden sign up is open. The Citizens Academy registration has started, and the program begins on March 21. Residents can sign up online or send an email to M. Antes. The Office of Campaign and Political Finance will hold a workshop on March 13 at 6:30 p.m. at the Wayland Town Building. The Sudbury-Wayland-Lincoln Domestic Violence Roundtable will hold a discussion on the changing views of masculinity on March 12 at 3 p.m. at the Public Safety Building.

Judy Dion, Stanton Street, member of the Library Trustees, read aloud excerpts from a letter dated Feb. 1, 2019 sent to BoS Chair L. Anderson regarding her concerns with the Town Manager Special Act impacting Library programs and collections.

George Harris, Holiday Road, asked if the Board would research his request for an analysis of legal expenses due to OML complaints. He then read from and commented on his OML complaint dated Feb. 1, 2019 and the Board's response; he refuted the Board's response to his original complaints. He averred that the entire Board is responsible for paying attention to the motion when entering executive session, responding individually to a roll call vote and reviewing minutes for accuracy.

A3. FY20 Budget Update

- **Operating**
- **Capital**

L. Miller, L. Anderson and C. Karlson attended the FinCom budget presentation on March 7th. The FinCom did not make any changes to the budget at that meeting but will vote tonight on both the Operating and Capital Budgets. The Board's request for additional staff (still within Guideline) will be discussed at the FinCom meeting tonight. L. Miller reviewed the request for clerical assistance and one firefighter position. She outlined her proposed work plans for two interns. L. Anderson and L. Miller will attend the Finance Committee discussion of the FY20 budget tonight.

A4. 2019 Annual Town Meeting:

- **Discuss all articles and possible vote to insert/support all articles** The Board reviewed the following articles using the article listing provided in the packet and took action on those that were ready.
 - **Article C:** C. Karlson distributed and explained revised article language and suggested FinCom Comments based on updated information from the Finance Director. C. Karlson moved, seconded by M. Antes, to insert *Article C Current Year Transfers* with the revised language in the draft that was handed out tonight and recommend approval. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
 - **Article Q:** The Board briefly discussed the status of this article including the pending Conservation Commission approval. L. Jurist moved, seconded by D. Levine, that the Board of Selectmen insert and recommend approval of *Article Q Loker Turf Field Construction*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
 - **Article R:** L. Jurist moved, seconded by M. Antes, that the Board of Selectmen insert and approve *Article R High School Athletic Complex Renovation*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
 - **Article S:** M. Antes moved, seconded by L. Jurist, that the Board of Selectmen insert and support *Article S Revolving Fund for Funding Compliance Measures Under Chapter 194 By Law*. The Board discussed the readiness of the Conservation regulations and whether this article needed to proceed at this time. The motion was tabled by consensus. M. Antes moved, seconded by L. Jurist, that the Board insert *Article S Revolving Fund for Funding Compliance Measures Under Chapter 194 By Law*. YEA: L. Anderson, M. Antes D. Levine, L. Jurist. NAY: C. Karlson. ABSENT: none. ABSTAIN: none. Adopted 4-1. The Board decided to defer a recommendation until it has more information.
 - **Article GG:** Petitioner Duane Galbi, Stonebridge Road, came before the Board to describe the purpose of his article. A discussion ensued about how this potential bylaw change would be enforced and communicated. The Board received a letter from resident Tom Abdella on the topic. The Chair accepted comments from the attending public:
 - Dana Macleod, Keith Road, stated he doesn't think the article holds much meaning since there are no consequences. He also brought up the potential violation of rights.
 - Jared Nedzel, 15 Pequot Rd., urged the Board to vote against this article because it conflicts with state law.
 - Police Chief P. Swanick discussed his thoughts on the article, concerns with ceremonial uses, lack of clarity about dangerous weapons, and stated he does not think passage of the article will be helpful.

Each Selectmen discussed his/her opinion, and there was consensus that the article is a solution to a problem that doesn't exist in the Town. All were supportive of a safe town but did not think this was the right answer. L. Anderson recognized the efforts and concerns of the lead petitioner. C. Karlson moved, seconded by M. Antes, to recommend approval of *Article GG Limit Carrying of Weapon in Town Building and to Town Events*. YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. ABSENT: none. ABSTAIN: none. Not Adopted: 0-5

- **Article T:** L. Miller reviewed the memo from Conservation Administrator Linda Hansen explaining the expense and timeline of the dam project. L. Anderson noted that \$82,000 remains from prior appropriations. L. Miller noted that the town will likely be eligible for a Municipal Vulnerability grant in May which will offset some of the design cost. M. Antes asked about the danger of not moving forward now. L. Miller explained that at some point the dam will fail and this request is only for design and permitting, not construction. She acknowledged that the project could be phased to come back at a fall town meeting for full funding.

L. Jurist moved, seconded by M. Antes, to insert *Article T Appropriate Funds for Snake Brook Dam Valve Repairs*. YEA: M. Antes, D. Levine, L. Jurist. NAY: L. Anderson, C. Karlson. ABSENT: none. ABSTAIN: none. Adopted 3-2.

- **Article V:** D. Levine explained the technical purpose of the article, noting that if the ban fails at the polls, this article will be passed over. D. Levine moved, seconded by M. Antes, to insert and approve *Article V Medical Marijuana Overlay District – Amend Article 26*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

- **Article X:** M. Antes reviewed the concerns with the notation of a public boat launch. L. Miller noted that town counsel may add language regarding the private fundraising and the amount to be appropriated. M. Antes moved, seconded by D. Levine, to insert and approve *Article X CPA Recreation Projects to Include Construction of Board Ramp to Dudley Pond and Outdoor Classroom and Pollinator Garden at Cow Common*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Article AA:** M. Antes discussed the parking lot and decision points for proceeding with the project. C. Karlson noted that the FinCom Comments need to be adjusted to mention trailheads rather than walking trails. M. Antes moved, seconded by L. Jurist, to insert and support *Article AA CPA Recreation Project to Rehabilitate and Restore Walking Trails and Construct Limited Parking at Loker Conservation and Recreation Area*. YEA: M. Antes, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: C. Karlson, L. Anderson. Adopted 3-0-2.
- **Article BB:** M. Antes moved, seconded by D. Levine, to insert and support *Article BB Partial Funding for Construction of Part 2 of The Wayland High School Master Athletic Plan*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Article CC:** M. Antes gave an update on the FinCom comment process on the *Wayland Welcomes* article. L. Anderson noted the wording "...and codifies..." although it is stated as a resolution. The Board did not take a position.
- **Article DD:** D. Levine read aloud the petitioners' comments for the article *Accept Spencer Circle as a Public Way*. L. Miller gave an update on the easement – language has been provided by the Board of Public Works, not by town counsel. D. Levine recommended that the Board wait to take a position and the Board agreed.
- **Article FF:** C. Karlson reported that the lead petitioner is working to withdraw the article but needs to get the appropriate signatures. If that doesn't happen, the petitioner will pass over at Town Meeting. C. Karlson recommended that the Board not support the article because of discrepancies in the language. C. Karlson moved, seconded by D. Levine, to recommend approval of *Article FF Ban Plastic Straws in Wayland*. YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. ABSENT: none. ABSTAIN: none. Not Adopted 0-5.
- **Article HH:** L. Jurist moved, second by D. Levine, to approve *Article HH Build a Grass Athletic Field on Loker Recreation and Conservation Area Property*. YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. ABSENT: none. ABSTAIN: none. Not Adopted 0-5.
- **Discuss and vote possible article order** C. Karlson said she would send T. Hegarty the order of the articles reflecting any changes from tonight.

A5. Accept Public Comments on Ballot Questions L. Anderson opened the meeting to public comment on the proposed ballot questions. Revised ballot question language was provided at each place. No comments were received.

- **Proposition 2 ½ Debt Exclusions – possible vote on ballot questions** C. Karlson moved, seconded by D. Levine, that the Board of Selectmen approve the text of question 1 and question 2, as handed out this evening, for the Proposition 2 ½ exemptions related to the High School Athletic Complex work and secondly for the Loker Conservation and Recreation Area work, and these questions will appear on the ballot for the April 23, 2019 election. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Marijuana Prohibition – possible vote on ballot question** C. Karlson moved, seconded by M. Antes, that the Board of Selectmen approve the ballot language question regarding the prohibition of recreational marijuana, as distributed this evening, to appear on the ballot on April 23, 2019. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Town Administrator's Report

1. **Special Town Meeting: Discuss school play schedule. Begin November 14, 2019 or November 21, 2019?** E. Doucette passed out a calendar for November and discussed a date for Special Town Meeting that would not conflict with the School's Fine Arts schedule. The Board agreed that STM could be held the week of November 12 and the High School play the week of November 18.
2. **River's Edge Land Disposition Agreement (LDA) amendment** The 8th amendment was signed, and the Town has started to work on the potential waivers for a wastewater treatment plant with the Board of Health.
3. **Spencer Circle** This has already been discussed.

4. **Town Clerk Resignation** The Town Clerk has resigned effective at the end of the month. L. Miller will talk with Town Counsel about Election and Town Meeting coverage. Lois Tombs, former Town Clerk, has agreed to provide assistance in the interim. To withdraw her name from the ballot, Beth Klein will need to appear in front of the Board.
5. **Update Treasurer/Collector appointment** A new Treasurer/Collector is starting April 8. Maura O'Connor has been the Treasurer/Collector in Ware, MA.
6. **Update Fire Chief search** The schedule is all set for a full day of interviews on Thursday, March 21, 2019. D. Levine will participate on behalf of the Board. L. Miller said she is hoping there will be a recommendation ready for the BoS to ratify at the March 25 meeting.
7. **DOT Bus parking update** DOT should be sending over a license soon for the Town to review and sign. The Town will need a permit from the Sudbury Conservation Commission to proceed with improvements to the area.
8. **David Bernstein, et al. v. Wayland Planning Board, et al.** The hearing is on March 22 and we anticipate a quick decision. Former Chief Irving will assist with preparation.
9. **Open Meeting Law Complaints against Board of Selectmen, Conservation Commission and Zoning Board of Appeals** L. Miller updated the Board on open OML complaints. The TA's office and Chair will prepare a response this week for the BoS complaint. There was also a complaint against the Conservation Commission and the ZBA, and the TA's office will assist with those responses.

L. Miller stated that Moody's has requested a rating call, and it is scheduled for March 21. The purpose is to determine if the Town's Triple-A rating will remain or be downgraded.

L. Anderson and L. Miller left the meeting at 9:12p.m. to attend the Finance Committee meeting. C. Karlson became acting Chair of the meeting in the Chair's absence.

A7. Minutes: Review and vote to approve regular session minutes of February 25, 2019 M. Antes moved, seconded by D. Levine, to approve the regular session minutes of February 25, 2019. YEA: M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A8. 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 signing the annual, all alcoholic liquor license for the New Sandy Burr Country Club, Inc., approved by the Alcoholic Beverage Control Commission on March 1, 2019.**
3. **Vote the question of approving the invoice from KP Law, Invoice No. 119646, dated January 31, 2019, in the amount of \$148.00, for professional service through February 25, 2019**
4. **Vote the question of approving the invoice from KP Law, Invoice No. 119753, dated January 31, 2019, in the amount of \$10,604.29, for professional service through February 25, 2019**
5. **Vote the question of approving the invoice from Valerio, Dominello & Hillman, LLC, Invoice Number 12, dated February 4, 2019, in the amount of \$3,867.88, for legal services rendered through January 31, 2019**
6. **Vote the question of recommending Lawrence Scult to serve as our representative on the Governing Board of the South Middlesex Opportunity Council (SMOC) located in Framingham**
7. **Vote the question of approving the placement of three (3) temporary sandwich signs to be placed at Fire Station Two in Cochituate; Old Connecticut Path and Cochituate Road (Five Paths); and Town Center (corner of Routes 20 and 27) from March 19, 2019 – March 26, 2019 for the Wayland Children and Parents Association's Parenting Talk event on March 26, 2019.**

M. Antes moved, seconded by D. Levine, to approve the Consent Calendar. YEA: M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. M. Antes recognized the extended service of Larry Scult on SMOC.

A9. Correspondence Review None was mentioned.

A10. Selectmen's reports and concerns M. Antes referred to the public comment at the February 25th meeting regarding mercury levels in rivers and noted that a response is due on March 25. Also, MAPC is going to update the block groups and census tract boundaries for all the towns in its catchment area and will be reaching out to towns shortly.

A11. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:

None.

A12. Attend Finance Committee Meeting At 9:20pm, the BoS recessed and moved to Hearing Room 2 to attend the Finance Committee meeting for the FY20 budget discussion. The Board will adjourn from there. M. Antes and L. Jurist left the meeting.

A13. Adjourn D. Levine moved, seconded by C. Karlson, to adjourn at 10:03pm. YEA: C. Karlson, D. Levine, L. Anderson. NAY: none. ABSENT: M. Antes, L. Jurist. ABSTAIN: none. Adopted 3-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 11, 2019.

1. Annual Town Meeting Article Listing (grouped by sponsor)
2. Annual Town Meeting Articles—Article C: Current Year Transfers; Article Q: Loker Turf Field Construction; Article R: High School Athletic Complex Renovation; Article S: Revolving Fund for Funding Compliance Measures Under Chapter 194 Bylaw; Article T: Appropriate Funds for Snake Brook Dam Valve Repairs; Article X: CPA Recreation Projects to Include Construction of Board Ramp on Dudley Pond and Outdoor Classroom and Pollinator Garden at Cow Common; Article V: Zoning – Amend Article 26 Marijuana Establishments and Medical Marijuana Treatment Centers; Article AA: Rehabilitate Trailhead and Construct Limited Parking at Loker Conservation and Recreation Area; Article BB: Partial Funding for Construction of Part 2 of the Wayland High School Master Athletic Plan; Article CC: Wayland Welcomes; Article DD: Accept Spencer Circle as a Public Way; Article FF: Plastic Straw Reduction Bylaw; Article GG: Limit Carrying of Weapons in Town Buildings and to Town Events; Article HH: Build a Grass Athletic Field on Loker Recreation and Conservation Area Property
3. Correspondence from resident Tom Abdella, to the Board of Selectmen and the Finance Committee, dated March 10, 2019, re: Town Counsel Opinion--Consistency of Law, Article GG: Limit carrying of Weapons in Town Buildings and to Town Events
4. November 2019 calendar and 2019 monthly calendar
5. Ballot questions 1 and 2
6. Correspondence from Linda Hansen, Conservation Administrator, to the Board of Selectmen, dated March 8, 2019, re: Snake Brook Dam Engineering Design warrant article
7. The Beacon, a publication of the Massachusetts Municipal Association, dated March 2019 distributed to: Doug Levine; Cherry Karlson, Lea Anderson and Louis Jurist
8. 495/MetroWest Partnerships Annual Report 2018-2019

Items Included as Part of Agenda Packet for Discussion During the March 11, 2019 Board of Selectmen's Meeting

1. Correspondence from Lea Anderson, Chair, Board of Selectmen, to Carol Martin, Chair, Finance Committee; and Steve Correia, Finance Committee Vice-chair, dated February 27, 2019, re: Operating Budget Memo
2. Correspondence from Louise Miller, Town Administrator, and Lea Anderson, Chair, Board of Selectmen, to Carol Martin, Finance Committee Chair, and Steve Correia, Finance Committee Vice-chair dated February 27, 2019 re: Operating Budget Request
3. Correspondence to Board of Selectmen, from Louise Miller, Town Administrator, dated February 22, 2019, re: FY 2020 Operating and Capital Budgets Update
4. Article Listing for 2019 Annual Town Meeting, grouped by sponsor
5. Article GG: Limit Carrying of Weapons in Town Buildings and to Town Events
6. Article V: Medical Marijuana Overlay District – Amend Article 26
7. Prohibition of Recreational Marijuana Ballot Question
8. Debt Exclusion Selected Option – updated February 27, 2019
9. General Law – Part 1, Title VII, Chapter 41, Section 14 – re: Temporary Town Clerk
10. Eighth Amendment to Land Disposition Agreement
11. Correspondence from resident George Harris, to Kerry Kilcoyne, Zoning Board of Appeals, dated March 7, 2019, re: Open Meeting Law Complaint against ZBA
12. Correspondence from resident George Harris, to Linda Hansen, Director, Conservation Commission, dated March 5, 2019, re: Open Meeting Law Complaint against Conservation Commission

13. Draft Board of Selectmen minutes of February 25, 2019