



TOWN OF WAYLAND

41 COCHITUATE ROAD
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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
April 22, 2019
7:00 p.m.
Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist (7:53pm)

Absent: Douglas A. Levine

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 7:01 p.m. in the Council on Aging 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 Board announced that tomorrow is election day and the polls are open from 7:00 a.m.-8:00 p.m.

Denise Yurkofsky, COA Board, reminded the Board how important it is that the Council on Aging have appropriate space and discussed the department's various needs.

A4. Introduction of new Treasurer, Maura O'Connor Maura O'Connor introduced herself, and L. Miller said the Town is delighted to have her on board. The BoS stated they looked forward to working with her.

A5. Review and vote to approve Board of Selectmen regular session minutes of April 8, 2019 M. Antes moved, seconded by C. Karlson, that the Board of Selectmen approve the regular session minutes of April 8, 2019, as amended. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: D. Levine, L. Jurist. ABSTAIN: none. Adopted 3-0.

A3. Liquor License Hearing for Mason Mack Petroleum, LLC, dba Wayland Gulf of Wayland, regarding their request for a transfer of liquor license from Manheim Mack, Manager, to Kyle Christopher Ueberroth, for their Annual Wines and Malt Liquor License classification for their 28 Boston Post Road premises L. Anderson opened the Liquor License Hearing at 7:15 p.m. and reviewed the hearing protocol. She invited the applicant Kyle (Casey) Ueberroth to join the Board at the table. C. Karlson asked the applicant if he's been in a business that serves alcohol in the past. K. Ueberroth said he has been in some capacity in the hotel industry. He said he has spoken with the Police Chief, has received the necessary information, and will attend the required training. He said he takes his role and responsibility of selling alcohol very seriously. L. Miller asked about the timeline of the transfer. C. Karlson asked Town Counsel about the process of approving a transfer of a liquor license.

L. Anderson asked if there were questions or comments from the attending public. Michael O'Connell, property and business owner of the liquor store located at 44 Boston Post Rd., expressed his shock at how fast the current owners and manager received a liquor license and stated the new manager should go through the same scrutiny that every applicant goes through.

Police Chief P. Swanick stated that every applicant goes through the same process and due diligence when applying for a liquor license. He noted most of the vetting process is done behind the scenes.

L. Anderson closed the hearing at 7:30p.m. C. Karlson expressed her previous concerns regarding a gas station having a liquor license but said she will support this transfer.

C. Karlson moved, seconded by M. Antes, to approve the application of Kyle Christopher Ueberroth for a transfer of ABCC Liquor License #89269-PK-1340 from Manheim Mack, Manager Mason Mack Petroleum, LLC, dba Wayland Gulf to Kyle Christopher Ueberroth of Boston's Finest Fuels, Inc. for an Annual Liquor License to expose, keep for sale, and to sell wines and malt beverages not to be drunk on the premises of Wayland Gulf located at 28 Boston Post Rd., Wayland MA. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: D. Levine, L. Jurist. ABSTAIN: none. Adopted 3-0.

A7. Warrant Hearing L. Anderson opened the Warrant Hearing at 7:35pm. The Board was joined by Town Moderator, Dennis Berry and Town Counsel, Carolyn Murray. L. Anderson led the attendees through a page-by-page review of the warrant and motions for Annual Town Meeting. Residents made suggestions and asked questions on the Warrant and articles. The following items were noted:

Report of the Finance Committee:

- Carol Martin, Finance Committee Chair, corrected a number in Table 1 of the Finance Committee (FinCom) Report on page 7.
- C. Martin noted the incorrect spelling of OPEB in Table 5 of the FinCom report on page 11.

Article 4: OPEB Funding: Page 24: Anette Lewis, Claypit Hill Road, questioned how the statement in the FinCom write-up for Article 4 on revolving funds that "..., Town Meeting cannot appropriate funds from School Revolving funds." reconciled with the motion language for Article 6 which has Town Meeting transferring funds from School revolving funds. It was agreed to add the word "compel" to the statement in Article 4.

Article 6: FY2020 OMIBUS Report:

- Brian Keveny, Finance Director, corrected a word in the second part of the article on page 27 from "projected" to "projects".
- A. Lewis questioned the \$300 budget request on line 17, page 30, Elections Personnel Services. B. Keveny responded that the amount was submitted by the Town Clerk and if a change is needed it will be made through a transfer during FY20.
- B. Keveny corrected the Grand Total Omnibus Budget numbers for FY2017 and FY2018 on page 35.
- A. Lewis noted that the FTEs for the Water Fund on page 35 were overstated and the Grand Total FTEs was overstated for FY2019. Beth Doucette will work with B. Keveny to correct.

L. Jurist entered the meeting at 7:53p.m.

Article 9: Compensation for the Town Clerk: M. Antes corrected the wording in the second Argument in Favor by replacing "Town Meeting" with "the Planning Board and Board of Selectmen" on page 47.

Article 15: Loker Turf Field Construction: John Sax, Willow Brook Drive, asked to note on the Errata Sheet the updates in Conservation Commission actions on page 61 since the Warrant went to print. Dennis Berry, Moderator, noted that the Warrant was a snapshot in time and updates could be given on Town Meeting floor and were not considered Errata.

Article 14: Partial Funding for construction of Part 2 of the Wayland High School Master Athletic Plan: Gretchen Schuler, Old Connecticut Path and chair of the Community Preservation Committee, requested the word "limited" be added to the motion on page 59. It would then read "...athletic facilities, limited to tennis court...". L. Miller and C. Murray noted that the change would need to be authorized by bond counsel as the total project is suggested for debt exclusion funding.

Article 17: Rehabilitate Trailheads and Construct limited parking at Loker Conservation and Recreation Area: A. Lewis noted that on page 67, the FinCom vote of 3-0-0 did not represent a quorum. C. Karlson stated that the ATM article worksheet recorded the vote as 3-1-2.

Article 21: Accept Spencer Circle as a public way: A. Lewis asked about the Quantum of Vote for Article 21 on page 74. C. Murray responded that a majority vote is required.

Article 22: Zoning: Amend Article 26 Marijuana Establishments and Medical Marijuana Treatment Centers: A. Lewis stated that the parcel numbers shown in section 2603.1.1 on page 75 do not match with the parcels shown in Figure 1 on the next page. B. Doucette stated that the Planning Board was meeting tonight and would clarify the Figure.

Article 24: Limit Carrying of Weapons in Town Buildings and to Town Events: C. Martin stated that on page 84, the third bullet should be removed from the second paragraph of Arguments Opposed.

Appendix A: The Moderator's Rules and Regulations Governing Wayland's Town Meeting: A. Lewis asked if there were any changes to the Moderator's Rules on starting on page 88. D. Berry responded that there was a minor change on page 92 in section 5c.

Appendix G: Article 26, Report of the Planning Board: A. Lewis noted that the Town Planner's title should be listed on page 120.

A. Lewis asked why line 75 'Reserve for Salary Settlement' on page 34 was funded if all contracts are settled and why line 80 'Stormwater' was included in Unclassified. C. Martin responded.

L. Anderson closed the Warrant Hearing at 8:18pm.

A8. Prep for Town Meeting L. Anderson asked if there were any agenda items left in preparation for Town Meeting. The Board stated they have posted meetings to meet briefly before Town Meeting to take care of any last minute business. All notices about logistics have been sent out. D. Berry said from his end they are all set. C. Murray went over the possible two changes to motions that would be made on Town Meeting floor (based on the Warrant Hearing comments) and discussed the nomination process for the temporary Town Clerk.

A6. 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 ratifying and signing the Upgrade Schedule Agreement with Vision Government Solutions, 19-1058A.
3. Vote the question of ratifying and signing the Master Software License and Services Agreement with Vision Government Solutions, 19-1061A.
4. Vote the question of ratifying and signing the Software Maintenance Services Schedule Agreement with Vision Government Solutions, 19106B.
5. Vote the question of approving and signing KP Law invoice #120051, dated March 25, 2019, for professional service through February 28, 2019, in the amount of \$846.20.
6. Vote the question of approving and signing Valerio, Dominello & Hillman Invoice No. 13, dated March 5, 2019, for general labor matters, in the amount of \$7,211.50.
7. Vote the question of approving and signing Valerio, Dominello & Hillman Invoice No. 14, dated April 3, 2019, for legal services rendered through March 31, 2019, in the amount of \$440.00.
8. Vote the question of approving an extension to May 24, 2019 of The River's Edge Land Disposition due diligence period; vote the question of authorizing Louise Miller, Town Administrator, to sign the extension.
9. Vote to authorize the Town Administrator to work with Town Counsel on answers to interrogatories and requests for admission and authorize Chair of Board of Selectmen to sign answers to interrogatories and requests for admission in Bernstein v. Town of Wayland.
10. Vote to appoint Mary Antes for a term of 3 years beginning April 22, 2019 as MAPC Council representative for the Town of Wayland.
11. Vote to appoint Louise Miller, Town Administrator, for an open-ended term beginning April 22, 2019, as the West Suburban Health Group representative for the Town of Wayland.

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

A10. Correspondence Review The Board congratulated the Water Department on its DEP Drinking Water Program award and the Town Planner for receiving a grant. The Board discussed the OML complaint information in items 5 and 6 and went over the two decisions related to the ZBA minutes. L. Anderson said this document would be helpful for all Committee and Board chairs and discussed how best to distribute the information.

A11. Update on Jennifer Ordway Arbitration L. Miller received the arbitrator's binding decision dated April 18, 2019. The Town was ordered to reinstate Sergeant Ordway to her prior position without back pay effective April 18, 2019. L. Miller said J. Ordway has to undergo some recertification training and then will resume her duties. There is a MA Commission Against Discrimination action scheduled for July 1st.

A12. Selectmen's reports and concerns The Board discussed the timing of approving minutes within the limits of the OML. C. Karlson asked about the memo to the Board of Assessors at each place. L. Miller stated her memo to the Board of Assessors on staff hiring status is informational, and she will send a follow up memo about questions related to bonding of the Tax Collector and the audit of uncollected committed taxes.

A13. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A9. Boat House Discussion with Clifford Lewis This item was tabled to a future meeting.

A14. Adjourn L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 8:41p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of April 22, 2019.

1. 2019 Annual Town Meeting Warrant booklet
2. Draft 2019 ATM Motions as of April 19, 2019
3. Draft Article 23: Appropriate Funds for Snake Brook Dam Valve Repairs
4. 2019 Annual Town Meeting Errata Sheet for Article 24: Limit Carrying of Weapons in Town Buildings and to Town Events
5. Correspondence to the Board of Assessors from Louise Miller, Town Administrator, dated April 29, 2019, re: Assessing Department Staffing
6. Correspondence from Michele Randazzo, KP Law, to Louise Miller, Town Administrator, dated April 18, 2019, re: Ability of Town Meeting to Mandate Payments from "School" Revolving Funds.
7. Information on the Commonwealth of Massachusetts Fuel Card Program (distributed to Lea Anderson, Cherry Karlson, Mary Antes, Louis Jurist)
8. Municipal Advocate publication, Vol. 29, No. 4 (distributed to Lea Anderson, Cherry Karlson, Doug Levine, Louis Jurist)
9. Correspondence from Teri Hegarty, Executive Assistant, to the Board of Selectmen, dated April 22, 2019, re: Liquor License Transfer of Mason Mack Petroleum, LLC, DBA Wayland Gulf

Items Included as Part of Agenda Packet for Discussion During the April 22, 2019 Board of Selectmen's Meeting

1. ABCC Licensing Authority Certification for transfer of ABCC Liquor License # 89269-PK-1340
2. Draft of April 8, 2019 Board of Selectmen minutes
3. Draft of Article 23: Appropriate Funds for Snake Brook Dam Valve Repairs
4. Draft 2019 ATM Motions as of April 18, 2019