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TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

Board of Selectmen

Meeting Minutes

December 4, 2017

6:30pm

Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Cherry C. Karlson, Mary M. Antes, Douglas A. Levine, Louis M. Jurist

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair; Announcements Chair L. Anderson called the meeting of the Board of Selectmen to order at 6:30p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. L. Anderson noted that because she lost her voice, Vice Chair C. Karlson will lead the meeting.

C. Karlson stated that N. Balmer appeared on The Buzz. N. Balmer noted that the Treasurer and Assessor are working on how residents can pay end of the fiscal year taxes this calendar year because of the change in the federal tax code.

A2. Licensing: Public meeting on Class II Used Car Dealer's License for Wayland Automotive at 322 Commonwealth Road Wayland Automotive co-owners Richard Devlin and Eli Elias appeared before the Board along with their Counsel Stephen Roberts. D. Porter, Executive Assistant to the Town Administrator, provided a summary of the issue. R. Devlin explained why they were in front of the Board and described their services, reputation and feedback they have received from Wayland residents and surrounding communities. He described the proposed site plan. Regarding complaints from abutters, he explained that they have started notifying truck companies to keep deliveries between the hours of 8am to 8pm. They have installed a key lock box, video motoring, window stickers, and are planning to add motion lighting as suggested by the Police Chief.

L. Jurist asked if they can adhere to the suggestions from the Police and Fire Chiefs. R. Devlin said those are reasonable considerations and all vendors said they will comply with the requests. D. Levine asked about the complaints of trucks idling. Again R. Devlin said they can reach out to vendors about the idling issue. L. Anderson asked if the limit of vehicles is increased can it be assured Wayland Automotive won't exceed the 19 car limit on the lot. Both owners said yes. It was stated that Wayland Town Counsel's opinion is that all of the cars physically located there are covered by the license, but they are independent if they are offered for sale online. Similarly, the license does not cover cars parked in the Framingham location. G. Larsen, Building Commissioner, stated that the revised site plan presented tonight would have to go before the ZBA before implementation. He stated the Board could grant conditions based upon the current site plan as approved, and the ZBA would only review compliance with the current site plan if there was a resident complaint. C. Karlson said this is not the most user friendly method.

Joy Alamgir, 9 Caulfield Road, worried about the noise and the smell of fumes from his backyard. He would like to know the notification requirements for possible site expansion.

Jim van Sciver, Holiday Rd., stated he's had good experiences at Wayland Automotive. He would like to see the business continue to stay viable.

Carole Plumb, Bald Rock Rd., would like to know if the site plan is accurate. She handed out a site plan and photos and expressed concern about a culvert potentially located near the property.

Bob Shelton, 5 Eden Rd., stated he's not an abutter but it is a short walk from his home to Wayland Automotive. He stated it provides a valuable service to the community and shouldn't be constrained.

Aracely Sansone, 7 Caulfield Rd., stated concern with the lack of communication and last-minute notice about the hearing. She is also concerned about the expansion of commerce on Route 30.

Mike Botticelli, Amey Road, stated he does not think the area has grown much. He thinks Wayland Automotive is trustworthy.

Christopher Gagney, 11 Caulfield Rd., stated he's lived in Wayland his whole life and has seen a dramatic increase in traffic on Route 30. He's concerned about the pollution, the noise and the impact on neighborhood children.

Ankur Bhaggava, 24 Fox Meadow Ln., asked about the crimes that were reported and the likelihood of those increasing.

Nancy Leifer, 73 East Plain St., said she walked past the business at one time and counted over 40 cars.

A3. Public Comment Chair of the BOA, Susan Rufo, cited the BOA's concerns about parts of the debt presentation by the financial advisor later this evening, specifically lines 11 and 51 of the report relating to estimates of property value growth and overlay. The BOA would like to be involved in future discussions.

Mike Lowery, Lake Shore Drive, discussed his concerns with the repurposing of the 5 Concord Rd. property. He stated in some ways it is too late and also too early. He opined that the town doesn't have enough time to do anything substantive before Annual Town Meeting. He distributed a copy of his remarks.

Judy Ling, 274 Concord Rd, asked about the vote to approve bonding for the new library prior to ATM. She read a statement stating her concerns about a new library and provided a copy to the Board.

Steve Freundlich, 62 Cochituate Rd., read part of a statement and discussed his concerns about the expense and location of a new library.

A4. Debt: Presentation from Uni-Bank financial advisor on the impact of new debt for large projects to plan for Board's votes to place debt exclusion questions on ballot; update on refunding of existing debt N. Balmer explained that this presentation is a planning exercise to start the conversation on how to fund major projects with debt. Unibank Financial Advisor Clark Rowell came before the Board to explain the major Board of Selectmen's responsibilities regarding financial policy in Town. He went over the spreadsheet in the presentation that covers assumptions, general fund expenditures, pay as you go capital, and percent debt service to total revenue and projected levy. He reviewed the "big 4" projects (Library, HS Field Complex/Loker Field, Town Building Repairs and Council on Aging/Community Center), what years they might be funded and the list of capital projects FY2019 through FY2023. Other important lines and topics in the report include OPEB (recommended putting back into the budget rather than a separate article), Free Cash, Pay As You Go capital, proposition 2 ½, state aid and other local receipts. He discussed the terms assessed valuation, tax rate and tax levy.

Rowell concluded the "Big 4" can fit into Wayland's budget and recommended using a debt exclusion for funding. He stated that a goal of 10% debt service to revenue constraint can be satisfied understanding that

everything is dependent on the amount of future capital expenditures. L. Anderson asked about the Chair of the BOA's concern about the assumptions for the overlay and the process for updating assumptions going forward. At the Board's request, Rowell discussed interest rate assumptions. FinCom Chair D. Watkins thanked C. Rowell and said FinCom will discuss the presentation. C. Rowell then gave an update on refunding of existing debt.

A5. Capital Projects: Vote to approve capital projects for departments under the Board of

Selectmen N. Balmer reviewed each of the proposed FY19 capital projects and costs, reminding the Board that each of these projects had come before them previously. N. Balmer recommended that the Board submit the items #1-13 to the Finance Committee. L. Anderson asked about the Library window project. C. Karlson asked about Town Building items 2, 3, and 4 and the FY20 debt exclusion discussion related to prioritizing capital projects. N. Balmer said they should forward the requests to FinCom for consideration. C. Karlson said she's trying to be efficient with everyone's time, including the FinCom. D. Watkins distributed a document to the Board showing potential capital numbers and mentioned that the Finance Committee would like direction on prioritization of requests. N. Balmer noted that the Finance Committee is the only group that sees all projects and is in the best position to assist with prioritizing.

M. Antes moved, seconded by L. Jurist, that the Board of Selectmen vote to submit capital items 1-13 to the Finance Committee for the FY2019 capital budget. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0.

A6. Licensing: Discuss Wayland Automotive Class II Used Car Dealer's License and request to allow sale of additional vehicles; Vote to approve renewal of liquor licenses, common victualler licenses, entertainment licenses, and used car dealer licenses

M. Antes asked if the Board is being consistent in its review of all the Class II Used Car Dealer's Licenses. D. Porter explained that all the other Class II license holders were notified of the Wayland Automotive agenda item. M. Antes brought up the number of complaints throughout the years. L. Jurist noted that this is a matter of renewing a license and Wayland Automotive has agreed to the conditions. D. Porter clarified that the lot is in a Business A zone. The Board agreed that a uniform policy would be best regarding possible site or business restrictions rather than making demands on a single business. D. Levine offered to work with D. Porter to develop a policy.

L. Jurist moved, seconded by D. Levine, to approve the renewal of the Wayland Automotive license changing the number of vehicles on the site from 5 to 19 with a request that all reasonable efforts be made to meet concerns of public safety officials and residents, including time of delivery and idling time of trucks on the property. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0.

M. Antes moved, seconded by L. Jurist, to approve the 2018 renewal of liquor licenses, common victualler's licenses, entertainment licenses, auto dealer licenses, and sale of second hand articles licenses as presented in the December 4, 2017 memorandum to the Board of Selectmen regarding the 2018 license renewals. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0.

A7. Discuss and vote to approve charge for Committee to plan for re-purposing of 5 Concord Road

N. Balmer reviewed the genesis of the charge. L. Anderson further explained how the charge was developed and noted that the charge looks out years. M. Antes suggested naming the Board as appointing authority. The Board opted to review the charge and be prepared for specific suggestions for next week, and also asked for an update on Town Counsel's efforts to clarify potential uses of the property with the AG's office.

A8. ATM Warrant: Vote to open Annual Town Meeting Warrant

D. Levine moved, seconded by M. Antes, that The Board of Selectmen vote on Monday, December 4, 2017, to open the Warrant for the Annual Town Meeting to begin on Monday, April 2, 2018, at 7:00p.m. in the Wayland High School Field House, and the Annual Election to be held on Tuesday, March 27, 2018, at

designated polling places. The warrant for said Annual Town Meeting will be open from Friday, December 15, 2017, at 8:30am., through Tuesday, January 16, 2018, at 4:30p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30p.m. on Tuesday, January 16, 2018. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0.

A9. ATM discussion; Update on potential Planning Board articles N. Balmer explained that FinCom Chair D. Watkins revised the warrant article submission form and provided instructions. C. Karlson had some suggestions and will review them with N. Balmer tomorrow. N. Balmer said she will clean it up and get it back to the Board. N. Balmer said she is pressing the Town Planner to make a timetable for possible planning articles. She said the Chair of the Planning Board would like to come before the Board at the Jan. 8, 2018 meeting.

A10. Minutes: Vote to approve minutes of November 6, November 14, and November 27

M. Antes moved, seconded by D. Levine, to approve the minutes of November 6, 2017 as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0.

M. Antes moved, seconded by L. Jurist, to approve the minutes of November 14 and November 27. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0.

A11 Consent Calendar: Review and vote to approve (See Separate Sheet)

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

A12. Review Correspondence: (See Separate Index Sheet) C. Karlson and M. Antes both noted that it is disappointing to hear about E. Brideau's resignation. The Board discussed item number 4 regarding the Trustees of the Allen Fund and the potential for combining with other like funds. D. Porter will look into the options.

A13. Report of the Town Administrator

1. **Correspondence:** None.
2. **MMA Registration:** Board members should inform D. Porter if they would like to attend the MMA Annual Meeting.
3. **Presentation from River Stewardship Council:** N. Balmer stated the Council invited the BoS to attend its presentation to ConCom on December 21st for an update.
4. **Marijuana Moratorium: Youth Advisory Committee Plan of Study:** C. Karlson questioned the purpose of the plan. N. Balmer asked what role the Board would like her to play with this. C. Karlson said she sees two considerations - one being reactive to state regulations being developed, and secondly looking at an opt-out. She is concerned the timetable provided is already looking at an opt-out before the town has received information from the state. L. Jurist stated that putting the Youth Advisory Committee in charge of this is not giving the community a broad view, and M. Antes noted that we need a neutral view of the issue. The Board decided it should be on the agenda for the Jan. 8, 2017 meeting.

A14. Selectmen's Reports and Concerns L. Anderson reported she and C. Karlson went to a West Suburban Health Group presentation on high deductible health plans with health savings accounts. She stated it was well presented and interesting.

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Chair said, "I know of none."

A16. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2), Section 21(a)(3), Section 21(a)(6), and Section 21(a)(7) to review and consider for approval and potential release of the following Executive Session minutes because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town: C. Karlson moved, seconded by D. Levine, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2), Section 21(a)(3), Section 21(a)(6), and Section 21(a)(7) to review and consider for approval and potential release of the Executive Session minutes from September 18, 2017; October 30, 2017; and November 6, 2017. 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, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0.

The Chair invites attendance by: Nan Balmer, Town Administrator, and David Porter Executive Assistant to the Town Administrator. The Board will reconvene in open session in approximately 15 minutes.

The Board returned to open session at 9:37pm.

A17. Executive Session Minutes: Vote to approve and potentially release with redactions the Executive Session minutes of September 18, 2017; October 30, 2017; and November 6, 2017

M. Antes moved, seconded by D. Levine, to approve and release with redactions the Executive Session Minutes of September 18, 2017; October 30, 2017; and November 6, 2017, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0

A18. Adjourn There being no further business before the Board, L. Jurist moved, seconded by D. Levine, to adjourn the meeting of the Board of Selectmen at 9:38 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of December 4, 2017

1. Letter from Stephen M. Roberts, counsel for Wayland Automotive, dated December 1, 2017, re: Request to Amend November 8, 2017 letter about pre-owned cars at 322 Commonwealth Road, Wayland, MA
2. Notification letter from Richard Devlin and Eli Elias, co-owners of Wayland Automotive, dated November 27, 2017, to neighbors re: public meeting on December 4, 2017
3. Email from Al Taleb, December 4, 2017, re: Wayland Automotive – Residents’ concerns
4. Email from Phil Radoff, December 4, 2017, re: Used cars
5. Email from Susan Wagner, December 4, 2017, re: Wayland Automotive – please incorporate into public comment tonight
6. Op-ed by Susan Wager, May 14, 2014, re: Wayland Automotive
7. Slides prepared by Wayland Automotive, December 4, 2017
8. Photographs of the Route 30 sidewalk in front of Wayland Automotive, December 2, 2017, presented by Carole Plumb.
9. Site Plan for 304-322 Commonwealth Road, November 2009, presented by Carole Plumb.
10. Handout prepared by Michael Lowery, re: Committee to plan for repurposing of 5 Concord Road, December 4, 2017
11. Letter from Judy Ling, December 3, 2017, re: Vote to Approve Bonding for a New Library at the Spring 2018 Town Election & Town Meeting
12. Chart and draft Debt Service Schedule prepared by Unibank Fiscal Advisory Services, December 4, 2017
13. Presentation to the Board of Selectmen, December 4, 2017, prepared by Unibank Fiscal Advisory Services
14. Draft FY18 Capital Budget Requests
15. 2018 Capital Projects Status, dated December 4, 2017

Items Included as Part of Agenda Packet for Discussion During the December 4, 2017 Board of Selectmen's Meeting

1. Memo from David Porter to Board of Selectmen, re: Class II Used Car Dealer License for Wayland Automotive, 322 Commonwealth Avenue
2. Letter from Stephen M. Roberts, counsel to Wayland Automotive owners Rich Devlin and Eli Elias, dated November 8, re: Request for a hearing to review license to sell pre-owned cars at 322 Commonwealth Road, Wayland, MA, with attached site plan
3. Memo from Nan Balmer to Board of Selectmen, re: Capital Project and Debt, with attached chart of budget projections
4. Town of Wayland Debt Service Schedule, prepared by UniBank Fiscal Advisory Services
5. Board of Selectmen Policy on Proposition 2 ½ Ballot Questions
6. Memo from Nan Balmer, re: FY19 Capital Projects, with attached chart of FY19 Capital Projects for Departments under the Board of Selectmen
7. Draft chart of FY19 Capital Budget Requests
8. FY18 Capital Budget page from the 2017 Annual Town Meeting Warrant
9. Memo from David Porter to Board of Selectmen, re: 2018 License Renewals
10. Draft charge for the 5 Concord Road Advisory Committee, dated December 4, 2017
11. Memo from Nan Balmer, dated December 4, 2017, re: ATM Warrant Opening: Draft Announcement for Board and Committees and Revised Article Form
12. Memo from the Board of Selectmen, dated December 4, 2017, re: 2018 Annual Town Meeting and Annual Town Election
13. Memo from Sarkis Sarkisian, Town Planner, dated December 4, 2017, re: Proposed Articles for the Annual 2018 Spring Town Meeting, with attached list of zoning bylaw revisions
14. Draft minutes of the Board of Selectmen meetings held on November 14, 2017
15. Town Administrator's Report for the week ending December 1, 2017
16. Massachusetts Municipal Association Annual Conference registration form
17. Sudbury, Assabet and Concord Wild and Scenic River Conservation Plan Update Process Summary
18. Youth Advisory Committee, Marijuana Moratorium Timeline and Planning Overview