



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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## BOARD OF SELECTMEN

LEA T. ANDERSON  
MARY M. ANTES  
THOMAS J. FAY  
CHERRY C. KARLSON  
DOUGLAS A. LEVINE

**Board of Selectmen  
Meeting Minutes  
June 10, 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, Thomas J. Fay

**Absent:** Douglas A. Levine.

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

**A1. Call to Order by Chair** C. Karlson 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. Announcements and Public Comment** The Library will be hosting a program about climate-friendly home heating and cooling with heat pumps tomorrow at 7:00 p.m. The COA will kick off the 8<sup>th</sup> Annual Community Concert Series June 13 from 7-8 p.m. in the courtyard. RiverFest 2019 will be held on June 22 and 23. The merchants and property manager at Town Center are sponsoring the Wailin' Wednesdays concerts again. The first one is June 19 at 5:30-7:30 p.m. A pilot shuttle program along Route 20 will have two stops in Wayland at the Town Center and Coach Grill taking folks to the Riverside train station. The schedule and more information is available on the Town's website.

Kay Gardner-Westcott, 5 Richard Rd., clarified comments made at the last meeting regarding the Loker project, specifically information in the letter from Doug Harris of the Narragansett Indian Tribal Historic Preservation Office.

Lina Russo, 89 Oxbow trustee, discussed a letter she emailed to the Board regarding the planting that has taken place at Oxbow. She noted that the trustees are awaiting a response from the BoS.

Tom Sciacca, discussed cell tower proposals in the area and stated that the River Stewardship Council was notified in advance in the past. He noted that there is no visible cell tower from the river. He talked about the history of the Loker parcel, concern about removal of trees, and how he feels it would be unfair to the people living at the Willow Brook condominiums if the project goes forward.

Carole Plumb, Bald Rock Rd., asked if any language would be put into the Town Manager Special Act that would require the Town to communicate with the residents.

Lorraine Greiff, Charena Rd., stated she has lived in town for 53 years and read a letter protesting the proposed cell tower on Wayland High School property and distributed a signed petition to the Board.

Ed Collins, Plain Rd., echoed what had been said at that night's public comment about the proposed cell tower and expressed his concern and urged the Board to move cautiously and carefully.

Rose Marie Konowski, Kelsey Rd., asked the Board to figure out a different solution for the proposed cell tower.

**A3. 2019 Special Town Meeting: Discuss and vote schedule** The Board agreed that the schedule is similar to previous schedules and agreed to take a vote.

M. Antes moved, seconded by L. Anderson, that the Board of Selectmen accept the 2019 Special Town Meeting schedule, as amended. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

C. Karlson noted that D. Levine would not be able to attend the meeting tonight.

**A4. 2020 Annual Town Meeting: Determine final dates** The Board reviewed a document that includes input from Wayland's Interfaith Leaders. C. Karlson said it does include the dates that were already taken into consideration but does add comments. The High School Principal confirmed that the school would need 40-50 chairs with long white tables for their AP exams. Potential dates and scenarios were discussed by the Board. T. Fay asked the members of the Board if they prefer meeting on a Sunday. Every member said they could attend on a Sunday. The Board agreed that option 1, holding the election on Tuesday, March 31 and beginning Town Meeting on Sunday, April 5, would be the preferred option.

T. Fay moved, seconded by L. Anderson, that the Board of Selectmen choose option 1 for the scheduling of the 2020 Annual Town Meeting. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A5. Loker Field: Review discussion with Recreation Commission; Consider need for additional environmental review** The Board discussed the need for an additional environmental review. L. Miller said it would cost under \$10,000 and the Town has the funds. She suggested the review be done under the supervision of the Board of Selectmen. L. Anderson brought up the mapping of the Native American artifacts for the areas that are not in the survey of the Recreation area. Conservation voted to conduct a survey on that area but do not have the funds for it. L. Miller said Recreation might be able to pay for it out of their revolving fund. C. Karlson suggested there be a bigger conversation on how to best fund the survey.

T. Fay said he would follow up with Recreation on the different options of materials and the issue of hydrology in that area. C. Karlson noted that she had received notification from the BoPW that the field at the former DPW site would be discussed at a future meeting. T. Fay agreed to follow up with Recreation Commission Chair Asa Foster.

**A6. Town Manager Special Act: Finalize presentation and schedule of outreach** The Board received a clean version and a redlined version in the packet. L. Anderson went through all of the changes page by page and Board members offered suggestions. A discussion ensued about collections for the Library. Library information and student information are separately protected under state or federal law. T. Fay asked Town Counsel's timeframe regarding the note on page 8 in reference to repealing any existing laws inconsistent with this Act. He said he would ideally like it done before it is sent out. L. Anderson said she would ask Town Counsel C. Murray. The Board then reviewed the presentation. T. Fay complimented the charts. L. Anderson said the presentation should provide examples of the consequences of the lack of coordination that happens in the Town. C. Karlson said the Board would try to schedule a meeting next week, possibly in the morning, with only the Town Manager Special Act on the agenda so that the Board could release a revised draft to the community for discussion purposes.

#### **A7. Town Administrator's Report**

- 1. West Suburban Health Group Update** L. Miller said she is now on the steering committee for the West Suburban Health Group. She discussed an initiative from the state about mental health and the provisions of services. She stated some services would go into effect July 1, 2019 and July 1, 2020. Since there was a vote to postpone implementation for a year, the Town is technically in violation of the initiative but health insurance companies do not offer it.
- 2. Verizon Cell Tower Update** There was a balloon test last week at the high school. The discussion will continue with the School Committee. L. Miller reported that the Fire Chief said coverage in Wayland is a public safety issue. She noted that Verizon would be able to have a cell tower if they can prove gap in coverage. L. Miller discussed the cell tower districts that were created and how that applies to this proposed cell tower. S. Sarkisian and L. Miller are in touch with Verizon. She said the next steps for this issue rests with the School Committee.
- 3. Massachusetts General Law 61 B: Rod and Gun Club change of use** The Rod and Gun Club would like to convert part of their land and change its official use. This would be regardless of what happens with Verizon. An indoor firing range will be proposed. L. Miller said this act would trigger the opportunity for the Town to purchase the property.
- 4. Permitting Software Update** The Town received the extension from the state for use of the remaining Community Compact funds.
- 5. Committee Appointments: Status** A number of committee members were appointed to the wrong terms for the Cultural Council. Council members can only serve two 3-year terms. It appears

some members are serving beyond their term limit or were sworn in for the wrong amount of time. That committee might take longer to get straightened out and the Town will advertise any openings when the assessment of the Cultural Council is complete.

6. **Police FLSA Update** L. Miller announced that the Town has reached an agreement with every police officer regarding overtime under the Fair Labor Standards Act and they are current with payments and on schedule.
7. **Public Records Update** At the end of the fiscal year the Town will produce a report about the public records requests throughout the year. L. Miller discussed an example where the Town is receiving daily public record requests of police logs from a company. L. Anderson suggested the Town approach legislative representatives about this problem. The Board discussed creating a position in Town to handle the many public records requests and other communication duties. C. Karlson said the Board has tried but will try again this year.
8. **Oxbow Meadows Field Project Update** A contractor is working to finish the field project. The field was not completed in the fall but the Town had requests for the plantings to be completed and instructed the contractor to go forward. Certain plants didn't survive the winter. L. Miller stated that the contractor would replace the plants. There's a new schedule and work should be completed by the middle of July. L. Miller discussed the irrigation issues and stated that Recreation will oversee the plantings. The plantings need to be completed in order for the order of conditions to be closed. L. Miller said the resident who made a public comment at a previous meeting regarding public records request was provided the documents that were available.
9. **FY21 Budget Schedule Update** The document included in the packet summarizes the findings of the meeting with FinCom's chair and vice chair, B. Keveny, C. Karlson, L. Anderson and L. Miller regarding the budget schedule and ways the Town can improve.
10. **Transfer of funds from the Board of Selectmen budget to pay Town Meeting vendors** L. Miller said Finance Director B. Keveny stated the Board can vote to spend the funds to pay the vendors as opposed to transferring the amount from the BoS budget to pay the vendors. E. Doucette discussed the outstanding expenses that total \$53,534.02.

**A10. 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 to authorize the transfer of funds from the Board of Selectmen budget to pay Town Meeting vendors (*complete information will be available on Monday, June 10, 2019*)
3. Vote the question of approving and signing invoice #120893 from KP Law, dated May 23, 2019, for professional services rendered through April 30, 2019, in the amount of \$64.75
4. Vote the question of approving and signing invoice #121013 from KP Law, dated May 23, 2019, for professional services rendered through April 30, 2019 in the amount of \$8,548.67
5. Vote the question of approving the application to sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post, for 1634 Meadery, Dan Clapp, Manager, on July 3, 2019; July 31, 2019; August 28, 2019; and September 25, 2019
6. Vote the question of approving the application to sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post, for Aaronap Cellars, Noel Powell, Manager, on July 24, 2019; and September 4, 2019
7. Vote the question of approving the application to sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post, for Stoneybrook Cider, Michael Lamontage, Manager, July 10, 2019; August 21, 2019; September 18, 2019; and October 2, 2019 (*conditional approval pending receipt of payment*)
8. Vote the question of approving the application to sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post, for House Bear Brewing, Carl Hirschfeld, Manager, July 17, 2019; August 14, 2019; and October 9, 2019
9. Vote the question of approving the application to sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post, for Mill River Winery, Rick Rousseau, Manager, on June 26, 2019; August 7, 2019; and September 11, 2019 (*conditional approval pending receipt of completed paperwork and payment*)
10. Vote to approve and sign HUD Capital Fund Program Annual Contributions Amendment
11. Vote to authorize Louise Miller, Town Administrator, or Cherry Karlson, Chair, Board of Selectmen, to sign Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project Local Action Units

M. Antes moved, seconded by L. Anderson, to approve the Consent Calendar, as amended with the addition of "\$53,534.02" added to #2. YEA: L. Anderson. M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A8. Open Meeting Law: Review and discuss response for complaint filed by George Harris on May 29, 2019** The Board reviewed the response to the most recent Open Meeting Law complaint filed by George Harris. C. Karlson suggested two changes. L. Miller noted that Town Counsel said that the Town could request mediation with the Attorney General since it has received more than five OML complaints. M. Antes moved, seconded by T. Fay, that the Board of Selectmen approve the Open Meeting Law response for the complaint filed by George Harris on May 29, 2019. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A9. Review and vote to approve Board of Selectmen regular session minutes of May 20, 2019 and June 3, 2019.**

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen approve the regular session minutes of May 20, 2019, as amended. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A14. Enter into Executive Session: Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate 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) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers Edge Project at 484-490 Boston Post Road and, Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss and strategy with respect to litigation – Stephen Cass v. Town 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.** At 9:23 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate 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) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers Edge Project at 484-490 Boston Post Road and, Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss and strategy with respect to litigation – Stephen Cass v. Town 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, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0. The Chair invites attendance by Louise Miller, Town Administrator, Elizabeth Doucette, Assistant Town Administrator, Paul Brinkman, Town Engineer, and Sean Fair, Chair of the Conservation Commission. The Board will reconvene in approximately 30 minutes for the purpose of completing the agenda.

The Board returned to open session at 10:24 p.m.

T. Fay left the meeting at 10:24 p.m.

**A11. Correspondence Review** M. Antes asked if Conservation has weighed in on the application of herbicides (item #3). L. Miller said they didn't have an issue with it but were instead waiting for the Board of Health to take a vote. The BOH voted to approve the use but with certain notifications. C. Karlson noted the Town Clerk did a thorough job researching item #5.

**A12. Selectmen's reports and concerns** C. Karlson noted she contacted Paul Dale and he will follow up with a statement regarding plastic bag alternatives after he consults with the organization that supported the bylaw.

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

**A15. Adjourn** L. Anderson moved, seconded by M. Antes, to adjourn the meeting at 10:26 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: D. Levine, T. Fay. ABSTAIN: none. Adopted 3-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of June 10, 2019.**

1. "Keep Residential Neighborhoods Free of Wireless Towers and Antennas" signed petition (presented during Public Comment)
2. Correspondence from Paul Brinkman, Town Engineer, to resident Kay Westcott, re: parcels of land and impacted conservation areas (presented during Public Comment)
3. Draft correspondence from Cherry Karlson, Chair of the Board of Selectmen, to Wayland resident George Harris, dated June 11, 2019, re: Open Meeting Law Complaint
4. Correspondence from Rebecca Murray, Supervisor of Records, Commonwealth of Massachusetts, to Louise Miller, Town Administrator, dated June 5, 2019 re: SPR19/1095 – administrative appeal closed
5. Plan of land in Wayland, Mass. owned by Wayland Rod & Gun Club, Inc.
6. Correspondence from Rev. Dr. Stephanie May, First Parish of Wayland, to Cherry Karlson, Chair, Board of Selectmen, dated June 6, 2019, re: Religious Holiday 2020
7. Correspondence from Tom Sciacca, to Jeanne Downs; Ellen Grieco; Nate Buffum; Kim Reichelt; Kathie Steinberg; and Arthur Unobskey all of the Wayland Public Schools, dated June 7, 2019, re: Tower at High School
8. Image of balloon test passed around for viewing by Louise Miller
9. Settlement Agreement and Release, Trustees of the Residences at 89 Oxbow Condominium Trust v. Town of Wayland Recreation Department and Wayland Planning Board dated July 31, 2018 (presented during Public Comment by Lina Russo, 89 Oxbow)

**Items Included as Part of Agenda Packet for Discussion During the June 10, 2019 Board of Selectmen's Meeting**

1. Draft of Select Board/Town Manager Act (dated June 6, 2019)
2. Draft of Select Board/Town Manager Act (dated June 6, 2019 – red-lined)
3. Correspondence from Wayland resident Tonya Cunningham and Lina Russo, Trustee, on behalf of The Residence at 89 Oxbow Condominium Trust, to Sarkis Sarkisian, Planning Board; Katherine Brenna, Recreation Department; Linda Hansen, Conservation Commission; and Louise Miller, Town Administrator; dated May 29, 2019, re: Field at Oxbow Meadows
4. Open Meeting Law Complaint filed by Wayland resident George Harris, dated May 20, 2019, re: Board of Selectmen meetings 5/6/19 and 5/13/19
5. Draft v4 of 2019 Special Town Meeting Schedule
6. Draft Discussion on Spring 2020 Annual Town Meeting Date (dated June 10, 2019)
7. Draft FY 2021 Budget Schedule and Process (dated June 10, 2019)
8. Correspondence from Rebecca Murray, Supervisor of Records, Commonwealth of Massachusetts, to Wayland resident Tonya Cunningham, dated May 24, 2019, re: public records response appeal SPR19/1034
9. Correspondence from Rebecca Murray, Supervisor of Records, Commonwealth of Massachusetts, to Louise Miller, Town Administrator, dated May 28, 2019, re: public records response appeal SPR19/1034
10. Correspondence from Rebecca Murray, Supervisor of Records, Commonwealth of Massachusetts, to Wayland resident Tonya Cunningham, dated May 31, 2019, re: public records response appeal SPR19/1095
11. Correspondence from Louise Miller, Town Administrator, to Wayland resident Tonya Cunningham, dated June 4, 2019, re: public records response
12. Draft of Board of Selectmen minutes of May 20, 2019

**CORRESPONDENCE**

1. Correspondence from Louise Miller, Town Administrator, to Gregory Watson, Manager, Planning and Programs, Massachusetts Housing Finance Agency, dated June 4, 2019, re: Cost Examination for Wayland Meadows Development (includes attachment of MassHousing Review of Cost Examination Report of Wayland Commons created by Denise Cataldo, CPA, P.C.)
2. Copy of Commonwealth Massachusetts License Request from Ashley Sutton, received May 20, 2019, re: permit for seasonal dock on Lake Cochituate (North Pond)
3. Correspondence from William Hayes, Supervisor, Eversource, to Municipal Official, dated May 24, 2019, re: selective application of herbicides along power lines rights-of-way that pass through municipality

4. Correspondence from Joanne Campo, Deputy General Counsel, Commonwealth of Massachusetts, Office of Consumer Affairs and Business Regulation, to the Board of Selectmen, dated May 30, 2019, re: Recent Audit of Dealership (includes attachment of correspondence from Joanne Campo, to Giovanni Tosti, Herb Chambers Maserati, Wayland, MA, dated May 14, 2019, re: Lemon Law Sticker Audit)
5. Correspondence from Anna Ludwig, Wayland Town Clerk, to Secretary of the Commonwealth, Public Records Division, dated June 6, 2019, re: Notice of Acceptance, provisions of Massachusetts General Law, C. 41, sec. 110A – Saturday treated as a holiday
6. Flyer re: Affordable Single-Family Home Rental Opportunity, 11 Hammond Road, Wayland, MA