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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**Board of Selectmen  
Meeting Minutes  
July 29, 2019  
6:30 p.m.  
Wayland Town Building  
Large Hearing Room  
41 Cochituate Road, Wayland**

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, (6:56 p.m.) Thomas J. Fay, Douglas A. Levine (6:59 p.m.)

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

L. Anderson called the meeting of the Board of Selectmen to order at 6:40 p.m. in the Large Hearing Room in the Wayland Town Building when a quorum was present.

**A1. Swearing in of New Fire Chief Neil McPherson** L. Miller introduced new Fire Chief Neil McPherson and briefly discussed his background and experience. She congratulated and welcomed him.

Town Clerk Anna Ludwig performed the ceremonial swearing in. (N. McPherson was sworn in officially on July 1, 2019.) Fire Chief N. McPherson made a brief statement thanking everyone for their support and discussed his top priorities going forward.

Chair C. Karlson entered the meeting at 6:56 p.m. She made some brief comments and congratulated and welcomed Chief McPherson on behalf of the Board.

D. Levine entered the meeting at 6:59 p.m.

**A2. Call to Order by Chair** C. Karlson reviewed the agenda and stated that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

**A5. Announcements and Public Comment** M. Antes attended the MetroWest Regional Collaborative meeting last week and announced there will be a meeting tomorrow night in Hudson related to the 495/90 interchange project.

Thomas Klem, Conservation Commission member, spoke on in favor of the reappointment of Tom Davidson and Sherre Greenbaum to the Conservation Commission.

John Sullivan, 152 Oxbow Rd., Conservation Commission member, discussed the benefits of having Tom Davidson and Sherre Greenbaum on the Conservation Commission and expressed his support for their reappointment.

Mike Lowery, Lakeshore Dr., expressed his support for the reappointment of Sherre Greenbaum to the Conservation Commission.

Bill Sterling, Morse Rd., discussed the letter he sent urging the BoS to consider other sites for the future COA/CC in hopes of speeding the process up.

Tom Sciacca, Rolling Lane, discussed the EPA's newly released assessment of the safety of artificial turf fields and voiced his support for the reappointment of Sherry Greenbaum to the Conservation Commission.

Carole Plumb, Bald Rock Rd., requested the Board act on their oversight authority of the School Committee. She also asked for the status of funds from the Recreation fields fund.

Bill Steinberg, 49 Highland Circle, discussed the letter he sent to the Board. He suggested the Conservation Commission adopt a mission statement and expressed his concern about how residents are treated when they come before the Conservation Commission. He stated turnover for committees is not a bad thing for the Town.

**A7. Liquor Hearing: Application filed by BBRG TR, LLC d/b/a The Coach Grill of Wayland for a Change of Manager of Record to C.V 7-day All-Alcoholic Beverage License ABCC #00002-RS-1340 C.**

Karlson opened the Liquor Hearing at 7:22 p.m. and read out loud the legal notice and discussed the hearing procedures. The new manager of record at The Coach Grill, Patrick Lally, and his attorney, Meghan Smith, appeared before the Board. The Board asked him questions regarding his background and his responsibilities as the new manager of record. The Board suggested he stay on top of the administrative work and TIPS training.

M. Lowery, Lakeshore Drive, stated he would hope the applicant would use restraint in his use of plastic signs in the Town's right of way.

C. Karlson closed the hearing at 7:28 p.m.

T. Fay moved, seconded by M. Antes, to approve the application of BBRG TR, LLC d/b/a The Coach Grill of Wayland for change of manager of record. The Coach Grill of Wayland Restaurant is located on 55 Boston Post Rd. YEA: L. Anderson. M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Municipal Separate Storm Sewer System (MS4) Permit: Update from DPW Director Tom**

**Holder** DPW Director T. Holder came before the board with a presentation about the Municipal Separate Storm Sewer System (MS4) Permit. He briefly discussed the history and then went over the permit components' requirements and opportunities. The Storm Water Management Plan was discussed as well as the staffing of the team, their responsibilities, and program cost. Public education and outreach program, public involvement/participation, illicit discharge detection and elimination program, construction site runoff control, stormwater management in new development, and good housekeeping/pollution prevention were also discussed.

L. Anderson asked about getting public support. T. Holder said they are meeting permit requirements and it's the right thing to do and the right time to do it. L. Miller noted the EPA is not shy about fining communities for failure to comply with these regulations.

M. Lowery, member of the Board of Public Works, attested that it's a real cost and it would be a big benefit to comply.

**A9. Board and Committee Appointments:**

1. **Update on committee vacancies:** There is a one-page summary on the status of vacancies in the packet.
2. **Conservation Commission: Interview and vote to appoint to two positions ending on June 30, 2022**
  - Tom Davidson – This will be rescheduled.
  - Sherre Greenbaum (interviewed July 15, 2019)
  - Frank Krasin (interviewed July 15, 2019)
  - Kathy Schreiber- This will be rescheduled.

**Permanent Municipal Building Committee:** Interview and vote to appoint one position ending on June 30, 2022

- Andrew Steneri

Andrew Steneri introduced himself and discussed his background and skills that would be helpful on the PMBC. T. Fay asked if there was anything that surprised him at the last meeting of the PMBC. A. Steneri reported that he was surprised to be considering field issues (horizontal construction as well as vertical construction). He said he thinks it would be a fast learning curve.

T. Fay moved, seconded by D. Levine, that Andrew Steneri be appointed as a member of the Permanent Municipal Building Committee with a term ending on June 30, 2022. YEA: L. Anderson. M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Economic Development Committee:** Interview and vote to appoint to two positions ending on June 30, 2022

- Kevin Fitzpatrick
- Jonathan Hyatt

Kevin Fitzpatrick came before the Board and discussed his background and experience. Jonathan Hyatt participated in the interview remotely. He introduced himself and discussed his background and skills. Board members asked the candidates about redeveloping Route 20, infrastructure, and EDC meetings. C. Karlson thanked both of the candidates for their time and said the Board will wait until they hear from the other candidates before any decision is made.

- Emily Kristofek – withdrew her candidacy
- Andy Oppenheimer – not present
- Becky Stanizzi – not present

**A10. Meet with Financial Advisor, Peter Frazier, Managing Director, Hilltop Securities; vote to sign contract** L. Miller discussed the RFP process for the Financial Advisor. Peter Frazier, Managing Director of Hilltop Securities, appeared before the Board. He introduced himself and discussed his background and experience. He introduced his colleagues Melissa Toland and Kristi Tofuri. He discussed the background of Hilltop Securities, which has worked with 180 municipalities in Massachusetts. P. Frazier noted Hilltop Securities offers finance workshops for municipalities.

L. Anderson moved, seconded by M. Antes, to authorize Town Administrator L. Miller to sign a contract on the Board's behalf entering into a 3-year financial advisory relationship with Hilltop Securities. YEA: L. Anderson. M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Discuss and potential vote on need for Fall 2019 Special Town Meeting** L. Miller reported that the 2018 Fall Special Town meeting cost \$63,671 for one session. She then broke down the costs. She suggested the Town could reduce the number of buses for offsite parking if a smaller Special Town Meeting is planned.

L. Anderson discussed the idea of waiting until Annual Town Meeting in the spring to bring forward the Select Board/Town Manager Act. Board members agreed there are pros and cons to waiting until the next meeting. T. Fay said he doesn't see any immediate need for a fall Special Town Meeting. C. Karlson said she is also sensitive to delaying the Spencer Circle Road acceptance. The saving of money and time were discussed as reasons to not have a meeting in the fall. The Board was inclined not to move forward with a vote pending agenda item A12.

**A12. Chapter 61B Rod and Gun Club Property Change of Use: Discuss and vote on Board of Selectmen right of first refusal** L. Miller referred to the memo dated July 29, 2019 that answered the Board's previous questions regarding Wayland's Right of First Refusal for approximately .5 Acres on Wayland Rod and Gun Club, Inc. Property. She discussed the appraisal process ahead in detail. She said that the Wayland Rod and Gun Club has the right to withdraw from the entire process during this time. She estimated the cost of the appraisal would be around \$2,000 for a tight turnaround time. L. Miller explained what the next steps would be if the Town were to purchase the property and try to negotiate with Verizon. There is currently no access to that property located in the Wayland Rod and Gun Club. Health and safety research regarding cell towers and the 5g Network were also discussed. It was noted that there also exists a gap in coverage in north Wayland. L. Miller suggested the Board get ahead of the issue in north Wayland. C. Karlson and T. Fay noted how much the law has changed. L. Anderson stated that she does not see the sense in pursuing the right of first refusal given the information in the memo. D. Levine said winning legally seems like a steep hill to climb. Board members expressed concern about the possibility of Verizon suing the town. The Board agreed it was a lose-lose situation and it would be best to be ahead of this issue in other locations for next time. L. Miller suggested having a public hearing on the issue before any vote is made. The Board discussed having the appraisal in hand for the next meeting. C. Karlson said once the Board has an idea of when the appraisal would be available they will set a hearing date for public input.

T. Fay moved, seconded by M. Antes, to instruct L. Miller to start the appraisal process. YEA: L. Anderson. M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

### **A13. Town Administrator's Report**

1. **Cass Litigation Update** Litigation has ended and there was a jury verdict on one count, the state whistle blower count with fines for damages of \$100,000 for past wages and \$150,000 for emotional

distress and attorneys fees. The Judge will decide on the ordinary motions that occur after a jury verdict, most likely in September.

2. **Open Meeting Law Complaints** There are two pending against the Personnel Board, two against the Conservation Commission and some unresolved against the BoS. The Town is waiting to hear back from the Attorney General with a date for the mediation regarding the complaints against the BoS.
3. **Public Records Requests Update** Two appeals are pending with the Supervisor of Records at the Secretary of State's office.
4. **River's Edge Project at 484-490 Boston Post Road Update** The ZBA hearing had to be continued to August 13, 2019 because of a lack of quorum.
5. **David Bernstein v. Planning Board litigation update** The hearings did not end and there is another day scheduled for August 22, 2019.
6. **Oxbow Meadow Field Update** The contractor was out today and it's anticipated the project will be completed by August 19, 2019.
7. **Spencer Circle Easement Update** Town Counsel will look at requests for revised language. It should be available by the next BoS meeting.
8. **24 School Street 40B Development** The DEP upheld the decision of the Conservation Commission to deny the permit for the 24 School Street 40B project for lack of sufficient information. The application process would have to be started over again or the decision can be appealed.

**A14. Minutes: Vote to approve Board of Selectmen minutes of June 26, 2019 and July 15, 2019**

L. Anderson moved, seconded by D. Levine, that the Board of Selectmen approve the regular session minutes of June 26, 2019 and July 15, 2019, as amended. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A3. 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 Louise Miller, Town Administrator, to sign Contract No. 19-1063 Task Order No. 1 for Engineering Services to draft Chapter 193 Stormwater and Land Disturbance regulations at a cost not to exceed \$6,000
3. Vote to authorize Louise Miller, Town Administrator, to sign Contract No. 18-2017 Change Order No. 2 for Route 20 Water Main Improvements with C. Naughton, for \$61,574.35
4. Vote the question of approving and signing the invoice #130042 / 5415-001 from Anderson Kreiger dated July 11, 2019, for River's Edge Special Counsel in the amount of \$70
5. Vote to approve expenditure of \$15,000 from the Dudley Pond Grant Account to engage Solitude Lake Management for the provision of herbicide treatment of Eurasian watermilfoil, as recommended by the Surface Water Quality Committee. This is the second request for funding for this treatment. The Board of Selectmen approved the first request for \$15,000 on July 15, 2019
6. Vote to authorize Town Administrator, Louise Miller, to sign contract amendment with Solitude Lake Management, contract no. 20-1003, for additional water testing, \$1,500 to \$6,000 depending on test results.
7. Vote to approve the FY2020 program to allow veterans to reduce the veteran's tax bills as provided in Chapter 59, Section 5N of the Massachusetts General Laws as outlined in the attached Wayland Veteran Services FY2020 Property Tax Credit Program- The Valor Act
8. Vote the question of approving and signing an increase in the fee for marriage intention applications from \$35.00 to \$40.00 effective September 3, 2019
9. Vote to authorize Town Administrator, Louise Miller, to sign and submit a 2019 MassWorks Grant to fund sewer services and facilities on Route 20 in light of Wayland's planned River's Edge Project.

M. Antes moved, seconded by T. Fay, to approve the Consent Calendar, Monday July 29, 2019 in the Board Packet. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A4. Correspondence Review** The Board discussed item 5 regarding the property at 139 Cochituate Road. It has been suggested that this property might make a good group home. M. Antes said she hopes the Town would think about future group homes before selling any Town-owned land.

**A6. Selectmen's reports and concerns** M. Antes attended a MetroWest Regional Collaborative meeting and there were several concerns raised regarding House Bill 2740, which is promoting governmental

efficiencies. She noted that MetroWest Regional Collaborative drafted a letter and they are looking for examples from other towns. She suggested to L. Miller that Wayland be used as an example. She also provided updates on several transportation projects.

**A15. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:**  
None.

**A16. Adjourn** T. Fay moved, seconded by D. Levine, to adjourn the meeting at 10:19 p.m. YEA: L. Anderson, M. Antes, T. Fay. C. Karlson, 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 July 29, 2019.**

1. Correspondence from Teri Hegarty, Executive Assistant, to the Board of Selectmen, dated July 26, 2019, re: Liquor License Revisions for BBRG TR, LLC d/b/a The Coach Grill of Wayland, 55 Boston Post Road, Wayland, MA 01778
2. Correspondence from Chief Patrick Swanick, from the Board of Selectmen, dated July 24, 2019, re: New Manager of Record—Coach Grill
3. Correspondence from resident Lawrie Glick, to the Board of Selectmen and Louise Miller, Town Administrator, dated July 28, 2019, re: Sherre Greenbaum—Reappointment to ConCom
4. Correspondence from resident William Steinberg, to the Board of Selectmen and Louise Miller, Town Administrator, dated July 28, 2019, re: Wayland Conservation Commission – Selecting Members for New Team
5. Correspondence from resident Kathie Steinberg, to the Board of Selectmen and Louise Miller, Town Administrator, dated July 29, 2019, re: Public Comment for ConCom Appointments
6. Correspondence from Louise Miller, Town Administrator, to the Board of Selectmen, dated July 29, 2019, re: Questions Regarding Wayland's Right of First Refusal for Approximately .5 Acres on Wayland Rod and Gun Club, Inc. Property
7. Correspondence from resident Mark Thirman, to the Board of Selectmen, dated July 26, 2019, re: hope we are getting proper infrastructure in place to accommodate ongoing cellphone use in our area
8. Chart of Annual Rent re: cell tower
9. Map of Wayland Rod & Gun Club, Inc.
10. A copy of the Summer 2019 Beacon Publication was distributed to Cherry Karlson; Doug Levine; and Lea Anderson

**Items Included as Part of Agenda Packet for Discussion During the July 29, 2019 Board of Selectmen's Meeting**

1. Town of Wayland Board/Committee Appointment Vacancies as of July 22, 2019
2. Cover memo and resume of Emily Kristofek
3. Resume of Jonathan Hyatt
4. Letter of interest from Kevin Fitzpatrick
5. Cover memo and resume of Andrew Steneri
6. Resume of Thomas Davidson
7. Resume of Katherine Schreiber
8. Correspondence from Carrie Benedon, Assistant Attorney General, Director, Division of Open Government, to Jessica Green, Chair, Personnel Board, dated July 19, 2019, re: request for extension to respond to complaint
9. Correspondence from Carrie Benedon, Assistant Attorney General, Director, Division of Open Government, to Jessica Green, Chair, Personnel Board and Miro, Netsky, Attorney General's Office, dated July 15, 2019, re: OML complaint request for extension of time to respond
10. Draft of June 26, 2019 Board of Selectmen meeting minutes
11. Draft of July 15, 2019 Board of Selectmen meeting minutes

**CORRESPONDENCE**

1. Correspondence from Mira Netsky, Paralegal, Division of Open Government, to resident George Harris, dated July 12, 2019, re: Open Meeting Law Complaint

2. Correspondence from Rebecca Murray, Supervisor of Records, Commonwealth of Massachusetts, to resident Duane Galbi, dated July 19, 2019, re: appeal SPR19/1441.
3. Correspondence from Louise Miller, Town Administrator, to Pat Bender and Megan Bender, dated July 15, 2019, re: Public Records Requests
4. Correspondence from Louise Miller, Town Administrator, to Rebecca Murray, Supervisor of Records, Commonwealth of Massachusetts, dated July 15, 2019, re: Appeal of SPR19/1195
5. Correspondence John A. Leith, Taylor, Ganson & Perrin, LLP, to Sarkis Sarkisian, Town Planner, dated July 16, 2019, re: 139 Cochituate Road, Wayland, MA
6. Correspondence from resident Mary Barber, to Louise Miller, Town Administrator, dated July 23, 2019, re: Abandoned property at 24 School Street
7. Correspondence from resident Sherre Greenbaum, to the Board of Selectmen, dated July 24, 2019, re: Conservation Commission interview follow up
8. Correspondence from Daniel Szczebak, to Bruce Morgan, Director of Assessors, dated July 8, 2019, re: Town-owned parcels
9. Correspondence from resident Elaine Donnelly, to Board of Selectmen, dated July 12, 2019, re: Question regarding Board of Selectmen
10. Report from Julia Junghanns, Director, Board of Health, to the Board of Selectmen, dated July 8, 2019, re: Director's Report
11. Survey of Inquiries of Those Charged with Governance dated July 23, 2019
12. Flyer, rec'd July 12, 2019, re: Affordable Homeownership Opportunity at 307 Trout Brook Road, Oxbow Meadows, Wayland, MA