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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

August 26, 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, 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 Dudley Pond Association will be holding a walk/run event on Sept. 22.

Susan Weinstein, Chair of the Housing Authority, presented the Board with a pilot payment of \$40,103.14 for calendar year/fiscal year 2018.

Bill Sterling, Morse Rd., referred to an article, "Disconnected and Disconsolate" regarding isolation of seniors. He reiterated the importance of a COA/CC in Wayland for both old and young.

Nancy Leifer, East Main St., discussed the need for space for Wayland's seniors.

Pam Roman, Griscom Rd., discussed the need for seniors to have more space and privacy.

Betsy Soule, Chair of COA Board, asked the Board to move as fast as possible on potential new opportunities to lease property.

Carol Glick, COA member, discussed the need for a COA/CC.

C. Karlson noted that if the Town does pursue an opportunity to lease space, it will have to issue an RFP and be open to looking at all bidders.

**A3. Liquor Hearing on the application filed by CNC Golf, LLC d/b/a X-Golf Wayland for a retail All Alcoholic Liquor License to serve and sell such beverages on the premises at 60 & 66 Andrew Avenue, Wayland, MA 01778.**

C. Karlson opened the hearing at 7:13 p.m. She read the hearing notice out loud and discussed the hearing process. The applicant, Rob Granahan, and attorneys, Steve Buchbinder and Adam Schecter of Schlesinger and Buchbinder appeared before the Board.

Steve Buchbinder described the business and said that they anticipate opening in October of this year. X-Golf Wayland is an indoor golf simulator center that will serve light food and alcoholic and non-alcoholic beverages. He noted that all employees will be TIPS certified.

D. Levine asked how people utilize the facility in other locations. Rob Granahan, proposed manager of record, said that it is not required to play golf in order to consume food and beverages. C. Karlson noted that typically Sunday hours for alcohol licenses in Wayland start at noon, but there are some establishments who have special permission to start earlier. A discussion ensued about the importance Wayland places on preventing underage drinking.

Nancy Boyle, president of Arts Wayland, voiced her support for X-Golf Wayland.

C. Karlson closed the hearing at 7:31 p.m.

The Board discussed the hours of operation.

D. Levine moved, seconded by M. Antes, that the Board of Selectmen approve the application filed by CNC Golf, LLC d/b/a X-Golf Wayland for a retail All Alcoholic Liquor License to serve and sell such beverages on the premises at 60 & 66 Andrew Avenue, Wayland, MA 01778. The hours during which alcoholic beverages can be sold are Monday-Thursday 9am-10pm, Friday 9am-11pm, Saturday 8am-11pm, Sunday 12pm-closing, with exceptions for holidays and other times, as directed. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson noted this was the last All Alcohol Liquor License available in Wayland.

**A4. Liquor Hearing on the application filed by Ronak Patel, for a transfer of liquor license from, Kevin Gelsinon, manager, Eastbrook, Inc., DBA Sperry's Liquors, to Ronak Patel, Omshivaay, Inc., for ABCC # 00031-PK-1340, Annual All Alcoholic Liquor License, for Sperry's Liquors, 87 Andrew Avenue, Wayland, MA 01778.**

C. Karlson opened the hearing at 7:35 p.m. She read the hearing notice out loud and discussed the process. The applicant, Ronak Patel, and his attorney, John Mooradian of Demakis Law Offices, appeared before the Board.

John Mooradian presented the request for transfer of license and introduced Ronak Patel as proposed manager of record. R. Patel discussed the details of the application. Store hours and square footage will be the same as in the current Sperry's. D. Levine asked if anything would change. R. Patel said no and he discussed the number of hours he will be working each week and confirmed that he is TIPS certified. He discussed his professional background. C. Karlson reviewed the hours of operation of similar establishments in Town and noted the importance of not selling alcohol to minors.

C. Karlson closed the hearing at 7:45 p.m.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen approve the application for a transfer of an Annual All Alcohol beverages license from Eastbrook Inc., DBA Sperry's Liquors, located at 87 Andrew Avenue, Wayland, MA 01778 from Kevin Gelsinon, manager, to Ronak Patel, Omshivaay, Inc., ABCC # 00031-PK-1340, conditional upon the receipt of a signed lease and for the hours of 9am-10pm Monday-Saturday and 10am-8pm on Sundays and Holidays, as directed. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Board and Committee Appointments:**

**1. Update on committee vacancies:** The packet includes a list of the appointments posted online.

**2. Economic Development Committee: Vote to appoint to two positions ending on June 30, 2022 and one position ending June 30, 2020**

- Kevin Fitzpatrick (interviewed July 29, 2019)
- Jonathan Hyatt (interviewed July 29, 2019)
- Becky Stanizzi

B. Stanizzi appeared before the Board and C. Karlson discussed the open positions and the process ahead.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen appoint Becky Stanizzi and Jonathan Hyatt to 3-year terms on the Economic Development Committee with terms ending June 30, 2022 and Kevin Fitzpatrick to finish out a term ending June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A4. Annual Report: Review and discuss draft** The Board thanked M. Antes for her work. D. Levine noted that it is important to state to the community that the Town Administrator search was a very comprehensive process. The Board agreed to review the draft individually and bring back hard copies of edits to be collected at the next meeting.

Richard Turner noted a correction regarding the former Assistant Fire Chief's title.

#### **A9. Town Administrator's Report**

1. **ZBA Litigation Update** L. Miller reported that a neighbor has filed litigation regarding the ZBA decision on the cell tower. The Town has filed an appearance in the case and we expect Verizon to take some action. It could take 3-6 months to resolve.
2. **Open Meeting Law Mediation** L. Miller reported that the Attorney General has appointed a new mediator. Mediation involves the Board of Selectmen, Conservation Commission, Personnel Board, and ZBA. The process will start moving forward in early September. L. Anderson asked about the mediation process. The AG's office and the Town are learning a brand new process.
3. **Library Parking Lot: Feasibility, including DCR** L. Miller said there may be other options to reconfigure the parking lot to allow for additional parking. L. Miller said they will be working through the feasibility first. The Board authorized L. Miller to work with DCR.
4. **Transfer Station Revolving Fund: Financial Update** L. Miller reported that the Town is unable to pay all of FY19 invoices with the balance in the revolving fund as of June 30. The Town is starting the year at a deficit and the revenue is lower than was projected. L. Miller said she may come before the Board with the Finance Director with some options. T. Fay suggested revisiting the idea of working with Sudbury. The Board discussed what other towns are doing with their transfer station.
5. **River's Edge Project at 484-490 Boston Post Road Update** L. Miller reported that there is a presentation to the Design Review Board tonight. There will be a joint meeting of the ZBA and Planning Board tomorrow night.
6. **Contracts: Update** L. Miller reported that the Town has put out so many bids that we are falling a little behind with contracts. The Board will see them soon with a plan for going out to bid.
7. **Plowing Private Roads Appeals** L. Miller reported that the Plowing Private Roads Appeals process information should be posted on the website tomorrow. The Board agreed to advertise the option to appeal to residents and also to engage the DPW Director when reviewing appeals.
8. **Procurement Procedures: Update** L. Miller discussed the new procurement procedures and how they are being communicated to staff. C. Karlson reminded the Board that the Town is trying to be in compliance on large and small projects. The next step is to review procurement policies.
9. **Clothing Expense Reimbursement under AFSCME1 Collective Bargaining Agreement** L. Miller reported that she delivered a memorandum to the president of the union and all union members. She said they now understand the law regarding clothing reimbursements.
10. **School Bus Parking Update** L. Miller signed the agreement for parking buses, but she is still waiting to receive it back from MassDOT. The Wayland DPW will do the work to get the site ready for buses.
11. **Oxbow Meadow Field Update** L. Miller said the contractor is going to finish the contract, but any open claims from the neighbors should be kept separate from any contract issues.
12. **Annual Financial Audits: Update** L. Miller reported that the Town is still working on cash reconciliation. Additional work was needed, so the town is behind schedule for its audit. The audit should begin in the third week in September. Due to this delay, the Town will not be able to do any long-term borrowing in November. The Finance Director and Town Administrator will come before the Board in late September with a \$7 million BAN to tie the Town over.
13. **Cass Litigation: Update** L. Miller said the Town received the motion for attorney fees and damages on the whistle blower claim. The Town will be responding to this motion.

#### **A8. Minutes: Vote to approve Board of Selectmen minutes of August 12, 2019**

L. Anderson moved, seconded by D. Levine, to approve the regular session minutes of August 12, 2019, as amended. YEA: L. Anderson. M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

#### **A9. 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 approving a One-day Liquor License for an event (ALS Association Fundraiser) at the Longfellow Health Club, 524 Boston Post Road, Wayland, MA 01778 on September 22, 2019 from 11am to 3pm contingent upon the receipt of all paperwork (including certificate of insurance) and payment**
3. **Vote the question of approving a Common Victuallers License for CNC X-Golf, LLC, d/b/a X-Golf Wayland located at 60 & 66 Andrew Avenue, Wayland, MA 01778, contingent upon the completion of all required paperwork, inspections, and the receipt of all payments**
4. **Vote the question of approving an Entertainment License for CNC X-Golf, LLC, d/b/a X-Golf Wayland located at 60 & 66 Andrew Avenue, Wayland, MA 01778 consisting of playing background music only during the hours of operation, contingent upon the receipt of payment**

5. **Vote the question of approving the placement of (2) temporary sandwich signs from September 16, 2019 – September 22, 2019 at Fire Station Two in Cochituate; and Old Connecticut Path and Cochituate Road (Five Paths) to promote The Dudley Pond Run/Walk and Kids Fun Run taking place on September 22, 2019**

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

**A10. Correspondence Review** The Board reviewed the correspondence in the packet, briefly calling attention to several items. M. Antes noted item #1 on Housing. C. Karlson explained what the Town is currently doing to be an active leader in pulling together the housing groups for a discussion. L. Anderson noted that there will be an Open Meeting Law training in Brookline (item #11) on Sept. 19. An announcement on the training will be forwarded to committee/board chairs.

**A11. Selectmen's reports and concerns** L. Anderson reported that there will be a ribbon cutting event for the Wayland Middle School resiliency project on Sept. 17. M. Antes reported that there was a suggestion from a member of the Housing Trust that the Town should get something from Wood Partners if they are permitted to increase the number of affordable units. C. Karlson noted that negotiation strategy should only be discussed in executive session. T. Fay referred to a newspaper article about cell phones and 5G technology. He also suggested adding the COA/CC on the next agenda. T. Fay asked if the Town has hired an expert to view the paperwork on Loker. L. Miller said not yet, but that will happen in the fall. He also asked if there is a plan for rail trail maintenance. He suggested it might be useful to advise new residents of the Transfer Station's availability. C. Karlson said the next meeting date is September 9. She said an update on the Select Board Town Manager Act will be on the next agenda. She also suggested setting some time aside to think about prioritization of what the Board wants to do and what the Board asks L. Miller to do.

**A12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:** L. Miller said she received an email from the Health Director that Wayland's EEE risk was raised to moderate. There will be testing in town this week and next week.

**A13. 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, Pursuant to Massachusetts General laws, Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176, and Pursuant to Massachusetts General Laws, Chapter 30, section 21 (3) to discuss strategy with respect to collective bargaining with Wayland Firefighters Local 1978, International Association of Firefighters, AFL-CIO, 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 strategy with respect to collective bargaining with the Wayland Teachers Association, Wayland Educational Secretaries Association, Wayland Food Service Association, Custodians & Maintenance Local 116 regarding health insurance payroll deduction, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a)(6) to review and approve the executive session minutes of August 12, 2019**  
**APPROVE AND HOLD: Executive Session minutes of August 12, 2019**

At 8:52 p.m., C. Karlson moved, seconded by L. Anderson, 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, Pursuant to Massachusetts General laws, Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176, and Pursuant to Massachusetts General Laws, Chapter 30, section 21(a)(3) to discuss strategy with respect to collective bargaining with Wayland Firefighters Local 1978, International Association of Firefighters, AFL-CIO, 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 regards 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 strategy with respect to collective bargaining with the Wayland Teachers Association, Wayland Educational Secretaries Association, Wayland Food Service Association, Custodians & Maintenance Local 116 regarding health insurance payroll deduction, and

Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a)(6) to review and approve the executive session minutes of August 12, 2019 APPROVE AND HOLD: Executive Session minutes of August 12, 2019

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, D. Levine, C. Karlson, M. Antes, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator, Elizabeth Doucette, Assistant Town Administrator, and Arthur Unobskey, Supt. of Schools. The Board will reconvene in approximately 25 minutes for the purpose of adjourning.

The Board returned to open session at 9:45 p.m.

C. Karlson noted that the agenda for tonight's meeting was missing a parenthetical reference in the executive session motion. She stated that the third item in the executive session motion should read "Chapter 30, section 21 (a)(3)", as she had read it aloud when making the motion.

**A17. Adjourn** D. Levine moved, seconded by M. Antes, to adjourn the meeting at 9:46 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 August 26, 2019.**

1. Correspondence from Wayland resident Bill Sterling, to Louise Miller, Town Administrator, dated August 23, 2019, re: 5400.58-2-LM-Community Center Lease RFP
2. Correspondence from Wayland resident Susan Orlando, to the Board of Selectmen, dated August 24, 2019, re: Thank you for your recent appointments to the Conservation Commission
3. Dudley Pond Run/Walk newsletter (distributed to Cherry Karlson, Doug Levine, Thomas Fay, and Lea Anderson)
4. X-Golf Food & Drink Menu (as part of X-Golf Liquor Hearing)
5. Additional receipts of abutters' notices (as part of X-Golf Liquor Hearing)
6. "Cities are Saying 'No' to 5 G, Citing Health, Aesthetics—and FCC Bullying." Article distributed by Thomas Fay.

#### **Items Included as Part of Agenda Packet for Discussion During the August 26, 2019 Board of Selectmen's Meeting**

None.

#### **CORRESPONDENCE**

1. Correspondence from Rachel Bratt, Chair, Wayland Housing Partnership, to Board of Selectmen, dated August 22, 2019, re: Various housing issues
2. New release from Celeste Bruno, Communications Director, Massachusetts Public Library Construction Program (MPLCP), dated July 2, 2019, re: Construction Bond and Annual Cap Fall Short
3. Correspondence from Mira Netsky, Paralegal, Division of Open Government, Office of the Attorney General, to George Harris, dated August 13, 2019, e: Open Meeting Law Complaint.
4. Correspondence from Andrew Oppenheim, to Anna Ludwig, Town Clerk, dated August 13, 2019, re: resignation from Economic Development Committee
5. Correspondence from Stephen Greenbaum, to Anna Ludwig, Town Clerk, dated August 13, 2019, re: resignation from Municipal Affordable Housing Trust
6. Correspondence from Kamal Namou, to Teri Hegarty, Executive Assistant, dated August 13, 2019, re: resignation from Economic Development Committee
7. Correspondence from Cherry Karlson, Chair, Board of Selectmen, to Thomas Grassia, General Counsel, Wayland Rod and Gun Club, Inc., dated August 15, 2019, re: Chapter 61B Classification/4 Meadow View Road/Parcel 36C-003, Municipal Option to Purchase
8. Correspondence from Rebecca Murray, Supervisor of Records, The Commonwealth of Massachusetts, to Louise Miller, Town Administrator, dated August 2, 2019, re: Appeal of the response of the Wayland Zoning Board of Appeals, SPR12/1441
9. Correspondence from Barry Lorion, District 3 Highway Director, MassDOT, to the Board of Selectmen, dated August 9, 2019, re: National Bridge Inspection Standards (NBIS) Bridge Inspection Reports Pelham Island Road/ Sudbury River
10. Correspondence from Lauren Goldberge, KP Law, to Thomas Fay, Selectman, dated August 12, 2019, re: Congratulations on your election
11. Correspondence from Mira Netsky, Attorney General's Office, dated August 20, 2019, re: Open Meeting Law Training in Brookline, September 19, 2019 (includes event flyer)