

**Board of Selectmen
Meeting Minutes
December 9, 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 7:02 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 ELVIS Committee is meeting Thursday at 7 p.m. and the State of the Town presentation will take place tomorrow night at 7 p.m.

Clifford Lewis, Claypit Hill Rd., asked what time CPC (Community Preservation Committee) applications were being discussed on the agenda.

A4. Annual Town Meeting and Annual Town Election 2020

- **Vote to open Town Election Warrant**
- **Vote to open Town Meeting Warrant from December 13, 2019 through January 15, 2020 at 4:30 p.m.**

L. Anderson moved, seconded by D. Levine, that the Board of Selectmen vote to open the Warrant for the Annual Town Meeting to begin on Sunday, April 5, 2020 at 1:00 p.m. in the Wayland High School Field House, and the Annual Election to be held on Tuesday, March 31, 2020 at designated polling places. The warrant for said Annual Town Meeting will be open from Friday, December 13, 2019, at 8:30 a.m., through Wednesday, January 15, 2020, at 4:30 p.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 4:30 p.m. on Wednesday, January 15, 2020 YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A17. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any: C. Karlson reported that the Finance Committee would like to move their warrant article workshop from Jan. 21 to Jan. 22. C. Karlson asked members if they were available.

T. Fay moved, seconded by D. Levine, that the Board of Selectmen vote that the Finance Committee's article workshop date be changed from Jan. 21, 2020 to Jan. 22, 2020 on the Annual Town Meeting Schedule. YEA: L. Anderson, M. Antes, T. Fay, D. Levine. NAY: C. Karlson. ABSENT: none. ABSTAIN: none. Adopted 4-1.

A3. Discussion and potential vote to authorize Elizabeth Doucette, Assistant Town Administrator, to sign a Substantial Amendment to the Annual Action Plan, allocating \$11,020 of HOME program funds for a Tenant-Based Rental Assistance program. Public Comment will be accepted during the meeting and will be accepted for a 30-day period, through January 30, 2020, via email to edoucette@wayland.ma.us or in writing to Elizabeth Doucette, Assistant Town Administrator, at 41 Cochituate Road, Wayland, MA 01778.

E. Doucette briefly discussed the substantial amendment to the HOME Consortium Annual Action Plan, which would allocate \$11,020 of the HOME program funds for a Tenant-Based Rental Assistance program. She said this action would be adding the program in and authorizing the funds. C. Karlson asked about the 30-day period for public comment. M. Antes stated the Housing Authority has said this program would be very helpful. C. Karlson said the Board would accept public comment through Jan. 30, 2020 through direct mail or via email to Assistant Town Administrator E. Doucette.

M. Antes moved, seconded by L. Anderson, that the Board of Selectmen authorize Beth Doucette to sign a substantial amendment to the Annual Action Plan. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Licensing: Vote to approve renewal of liquor licenses, common victualler licenses, entertainment licenses, used car dealer licenses, and sale of second hand articles licenses as noted on the attached overview sheet. L. Miller noted the licenses that were being pulled temporarily for approval next week.

T. Fay moved, seconded by L. Anderson, that the Board of Selectmen approve the renewal of the Liquor Licenses that are listed in the packet excluding 110 Grill, China Rose, Coach Grill, Prime Bar, and Wayland Gulf. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by T. Fay, that the Board of Selectmen approve Second-Hand Articles Licenses. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by D. Levine, that the Board of Selectmen approve the Entertainment Licenses for The Local, The Villa, Giacomo's, and X-Golf Wayland. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Appointments:

- a) **Cultural Council : Interview and vote to appoint Richard Lee to a 3-year term ending June 30, 2022** Richard Lee appeared before the Board and introduced himself and discussed his background and interest in joining the Cultural Council. Board members asked him questions and thanked him for volunteering his time.

M. Antes moved, seconded by D. Levine, that the Board of Selectmen appoint Richard Lee to the Cultural Council for a 3-year term ending June 30, 2022. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

- b) **Audit Committee : Vote to appoint Victoria Mints to a 3-year term ending June 30, 2022** C. Karlson reported that Vika Mints was interested in serving on the Audit Committee; she had previously interviewed for the Finance Committee. M. Antes moved, seconded by L. Anderson, that the Board of Selectmen appoint Victoria Mints to the Audit Committee for a 3-year term ending June 30, 2022. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

- c) **Review updated vacancy list** C. Karlson discussed remaining vacancies.

A12. Minutes: Review and vote to approve minutes of November 21, 2019 and November 25, 2019 L. Anderson moved, seconded by D. Levine, to approve the minutes of November 21, 2019, as amended. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A14. 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 and signing invoice #123403 from KP Law, dated November 26, 2019, for professional services rendered through October 31, 2019, in the amount of \$16,205.13.
3. Vote the question of approving and signing invoice #130246 / 5415-001 from Anderson Kreiger, dated August 7, 2019, for River's Edge Special Counsel, in the amount of \$280.00.
4. Vote the question of approving and signing Community Preservation Act Grant Agreement, **Contract No. 20-1018** for **\$17,000**, to restore and preserve the fence located at the First Parish in Wayland Along Boston Post Road and Cochituate Road.
5. Vote to approve expenditure of **\$67** from the **Historic Marker Gift Account** to purchase a plaque from Ould Colony Artisans, as requested by the Historical Commission.
6. Vote the question of approving and signing Invoice No.: 1532773 from Locke and Lord Attorneys & Counselors, dated October 24, 2019, for legal services rendered in connection with the issuance of the \$700,000 Drinking Water Bond to the Massachusetts Clean Water Trust by the Town, in the amount of \$2,200.00

M. Antes moved, seconded by T. Fay, to approve the revised 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.

A15. Correspondence Review The Board noted that the correspondence was light.

A9. Sculling Shed: Discussion with resident Clifford Lewis on proposed sculling shed C. Lewis, 33 Claypit Hill Rd., appeared before the Board and briefly discussed the need for the sculling shed in Wayland. He said the Recreation Commission has voted to support the program and it would be done under the Recreation department. He distributed information on the proposed shed, including photos. C. Lewis discussed the design of the structure and the proposed process for the project.

L. Anderson asked if the project could be completed with all of the projects that are currently in process. The Recreation Commission supported the project with the understanding that it would not be a burden on current recreation staff. Safety was also discussed.

C. Karlson discussed potential issues around the lease, membership, and wages. L. Miller discussed issues such as an updated lease, review of the grant (building or funds), review of a business plan, RFP, and potential building and zoning issues that have not been vetted yet. T. Fay asked if any other towns have been in this situation. C. Karlson noted her concern about the Town's priority list for projects. T. Fay volunteered to work one-on-one with C. Lewis.

A7. FY2021 Capital Requests: Fields: Discuss Loker Field Project with Recreation Commission representatives Recreation Commission members Asa Foster and Brud Wright and Recreation Director Katherine Brenna appeared before the Board. D. Levine reviewed the outstanding issues from their last discussion including vernal pools, lighting, traffic study, Native American artifacts, hydro/storm water flow, budget, overall field planning for the Town, environmental review (including CMG report, and infill material. A. Foster and B. Wright responded to questions. L. Miller reported that she and K. Brenna are in the process of writing a fact based response to all of these issues. The Board agreed to continue the discussion.

A8. Discuss November 2019 Environmental Report on 412 Commonwealth Road (proposed Loker Field) and next steps C. Karlson noted a question from a resident who asked if the previously observed toxicity levels exceed current 2019 DEP standards. The Board asked L. Miller to ask follow-up questions of our Licensed Site Professional (LSP) Ben Gould, specifically whether the toxicity levels of chemicals studied on the former Dow site in the 1995-2000 timeframe fall within current DEP standards. C. Karlson reminded the Board that Ben Gould has worked with the Town on many environmental sites and that we have been very comfortable with his work. L. Miller stated that she does not think that all of the lingering questions on this site, or any other site, can be resolved. D. Levine asked if this topic could be on the agenda again at the next meeting.

A10. TA Review: Deliver and discuss Town Administrator Louise Miller's evaluation C. Karlson reported that Board members and L. Miller have received a copy of the final composite evaluation, which is now considered a public document. She stated that the overall composite rating is a 4 ½ out of 5 and that the Board was uniform in its praise of L. Miller's work in this first year and feels fortunate to have her at the helm. C. Karlson opened up the discussion to Board members to comment individually.

D. Levine discussed the potential for growth in the public relations/communications area. He suggested that citizens need to be aware of the competing priorities that the Town Administrator, Town staff and committees have to juggle. He asked for a more robust on-line presence. T. Fay agreed with the positive review, noting L. Miller's skills regarding environmental issues, legal knowledge, temperament, and hard work. He noted that the office has to be staffed properly and thanked L. Miller for her dedication. L. Anderson said it has been a pleasure working with her and also noted that filling open positions is critical to the functioning of the Town. C. Karlson and M. Antes noted the positive changes regarding negotiations, employee moral, and hiring practices.

A11. Town Administrator's Report

1. **Community Preservation Act Applications** Requests were submitted for two playgrounds, as well as two options for each of the playgrounds (total resurfacing and accessible paths for wheelchairs). The Town received \$50,000 from the state to purchase more accessible playground equipment. The Library application includes making two entrance doors handicap accessible. Funding for the two entrance doors needs to be addressed even if the CPA funds are not granted. It is a safety issue for egress from the main floor for people in wheelchairs.
2. **Council on Aging/Community Center Building** RFP has been advertised and there have been two submissions so far. The RFP will be released soon. E. Doucette said it was advertised for at least a month. The different options are purchase of a building, purchase of land, or a lease.
3. **Loker Field Project Update** This item was already discussed.
4. **River's Edge Update** The Conservation Commission voted the issuance of their permit. The ZBA has scheduled the next hearing for December 17. It was noted that the Town's Safe Harbor expires on Jan. 15, 2020. We applied for a state grant for removal of soil for up to \$500k.
5. **Cass Litigation** This case has been resolved in its entirety. The Town is responsible for the payment of \$50,000.
6. **State of the Town Update** L. Miller and C. Karlson will be presenting tomorrow and taking questions.
7. **Cascade 40B Update** This is still in mediation and L. Miller asked for consent to proceed with Town Counsel to get the matter moving forward. It has been in mediation for a year. The Board agreed to let her proceed.
8. **MMA Annual Meeting** Schedule of activities is included in the packet.

L. Miller reported on an additional item that the Town has received 5 proposals for the Automatic Meter Reading (AMR) project.

A13. Review and potential vote of revised Community Preservation Act applications for Housing The Board reviewed the affordable housing CPA applications that have been revised by the Municipal Affordable Housing Trust. M. Antes reviewed the changes proposed by the Trust. C. Karlson noted that the Chair of the CPC is willing to look at amended applications.

T. Fay moved, seconded by L. Anderson, that the Board of Selectmen approve revisions to the CPC applications for housing set forth within the project application that is before us. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A16. Selectmen's reports and concerns D. Levine said he was approached by a resident who asked the Board to consider the amount of time a resident has lived in Wayland when it comes to the plowing of private roads policy. He said in this resident's case she has lived in Wayland for five decades. He said he would connect with DPW Director T. Holder for further discussion. L. Anderson said she received complaints regarding the lack of plowing for the sidewalks in the center of town on Sunday morning. L. Miller said that school route sidewalks are a priority. L. Anderson reported that a Selectperson in Weston contacted her regarding the Public Lands Preservation Act. She said she would contact Wayland's Conservation Chair to discuss any possible action. Town Counsel will have a revision of the Select Board/Town Manager Act based on feedback from the community forum soon.

A17. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
There were no additional topics.

A18. Enter into Executive Session 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) 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 30A, Section 21 (a) (3) to discuss strategy with respect to litigation—Jane Doe v. Town of Wayland

At 9:36 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 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) 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 30A, Section 21 (a) (3) to discuss strategy with respect to litigation—Jane Doe v. Town of Wayland

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: T. Fay, M. Antes, C. Karlson, D. Levine, L. Anderson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator; Elizabeth Doucette, Assistant Town Administrator; and Paul Brinkman, Town Engineer. The Board will reconvene in approximately 30 minutes for the purpose of adjourning.

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

A19. Adjourn M. Antes moved, seconded by T. Fay, to adjourn the meeting at 10:24 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 December 9, 2019.

1. Revision II of Board of Selectmen December 9, 2019 agenda
2. Community Preservation Act Project Application for Affordable Housing Consultant Services
3. Community Preservation Act Project Application for Consultant to Facilitate and Prepare Wayland's Housing Production
4. Community Preservation Act Project Application for 5 Concord Road Americans with Disabilities Act (ADA) Improvements
5. Community Preservation Act Project Application for Accessibility and Inclusivity at Public Playgrounds: Claypit Hill and Happy Hollow
6. "The Future of Rowing," handout from Clifford Lewis

Included as Part of Agenda Packet for Discussion During the December 9, 2019 Board of Selectmen's Meeting

1. Listing of 2020 License Renewals
2. Memorandum from Board of Selectmen to all Boards, Committees, Commissions, Departments and Staff, dated December 9, 2019, re: 2020 Annual Town Meeting and Annual Town Election
3. Correspondence from Beth Doucette, Assistant Town Administrator, dated December 9, 2019, re: Substantial Amendment to Annual Action Plan – FY20
4. Cover letter and CV from Richard Lee
5. CV of Victoria Mints
6. Listing of Board/Committee vacancies as of December 5, 2019
7. Correspondence from Benson Gould, Principal, CMG Environmental, Inc., to Board of Selectmen, dated October 29, 2019 (revised November 21, 2019), re: Preliminary Document Review Finds of former Down Chemical Property
8. Schedule of 2020 MMA Annual Meeting & Trade Show
9. Draft of minutes of Board of Selectmen Meeting of November 21, 2019

CORRESPONDENCE

1. Correspondence from residents Jennifer Riley and Karl Klapper, to Cherry Karlson, Chair, Board of Selectmen; Lea Anderson, Selectman; and Louise Miller, Town Administrator, dated December 3, 2019, re: Support for Community Aggregation
2. Police Department Monthly Report from Patrick Swanick, Chief of Police, to the Board of Selectmen, dated November 2019.