



TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

**Board of Selectmen
Meeting Minutes
October 15, 2018
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, Louis M. Jurist

Absent: Douglas A. Levine

Also Present: Town Administrator Louise Miller

A1. Call to Order by Chair L. Anderson 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. Announcement and Public Comment M. Antes informed the Board of the upcoming election, registration deadlines and early voting hours. All the information about voting is on the Town Clerk's website. The League of Women's Voters information session on Special Town Meeting articles is Nov. 1.

Mark Hughes, 26 Lake Road, Library Trustee, discussed his concerns about the Library's status under the proposed Town Manager Special Act. He asked that the Library be given the same legal status as the Schools.

A3. Liquor License: Hearing for Testa Restaurant Group, LLC, d/b/a as Giacomo's Wayland regarding their request for an All-alcoholic Liquor License and an Entertainment License for their 14 Elissa Avenue premises L. Anderson opened the Liquor License hearing at 7:05pm and read the legal notice. John Testa and Attorney Adam Ponte came before the Board. A. Ponte gave a brief background of Giacomo's and noted that J. Testa is an owner and will be responsible for the day-to-day operations. J. Testa comes to Giacomo's with almost 30 years of restaurant experience. A. Ponte said J. Testa met with the Police Dept. and understands the importance of TIPs training. A. Ponte discussed the property and said there will be no structural changes to the premise, mostly cosmetic.

L. Jurist returned from the School Committee meeting at 7:15pm.

C. Karlson noted J. Testa has been in front of the Board before as a representative for a Bertucci's violation in the past, but noted it wasn't under his authority. C. Karlson said she's thrilled to see a restaurant back at that property. J. Testa said he will be onsite full-time and the opening is scheduled for December 3. At this time there are no plans for entertainment, although they are considering it for a potential Sunday brunch in the future. C. Karlson noted that this is the last available full All Alcohol License in the Town.

At 7:21pm L. Anderson closed the hearing.

C. Karlson moved, seconded by M. Antes, to approve the application filed by Testa Restaurant Group, LLC, d/b/a as Giacomo's Wayland for a retail All Alcohol Liquor license to serve and sell such beverages on the premises of 14 Elissa Avenue, Wayland, MA 01778 and to vote to approve an Entertainment License for said premises. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A2. Announcement and Public Comment, continued Mike Lowery, Lake Shore Drive, chair of the Board of Public Works, came before the Board to ask for support for the BoPW water meter article and discussed the financial component of it.

A4. FY 20 Budget Update

- **Capital recommendations** L. Miller stated that all departments have submitted their capital budget requests. The total for the town and school is \$22,313,750 and that includes the enterprise funds at \$1.54M. The Finance Director and TA did ask for a 5-year capital request which came to the total of approximately \$92.9 million. They have met with all department heads and reviewed all the requests. They have a couple of recommendations. For large projects like the COA/CC building, they are suggesting that departments split up the costs for feasibility, design and then construction. For a project like the Recreation Department fields, it is difficult to estimate the cost until feasibility and design is completed. They have asked everyone to resubmit the requests by breaking out design from construction. The School Department had a long list of projects, and the TA/Finance Director asked them break out costs in a similar manner and to prioritize. This has been done.

The recommended total for FY2020 is \$16,937,000, but this does include money for Loker and the High School fields. This leaves the Town with a little over \$7M for both Town and School projects. L. Miller noted that there were two requests for the DPW's old dump site - one by the Schools and one by the DPW. She said there needs to be further discussions about what it would entail to do further work on the old dump site. For the school buses, they are hoping to find an alternative location. L. Miller said she will be meeting with B. Keveny, L. Anderson, and C. Martin to discuss what the capital process will look like this year and the role of each party.

C. Karlson asked if any school projects are eligible for MSBA funding. L. Miller and B. Keveny decided to put in the full project cost number but will include other potential funding sources in future reports.

A5. Special Town Meeting Articles:

- **Discuss and vote to insert and/or take a position, if appropriate**

B. Doucette explained the updates to the STM schedule in the Board packet. L. Miller updated the Board with the DOR information regarding the amount that could be borrowed as excluded debt. For the High School athletic project, the DOR said the Town could borrow \$283,100 more than the \$5.4 million previously approved, leaving a delta of about \$900,000. The Town could go forward with the article, but the excluded debt funding would be limited to the revised number. The Town would have to fund the balance through the general fund debt. L. Miller also discussed other options like going back to the voters to ask them to vote the balance of the project as excluded debt, and there is no time limit for that.

L. Anderson asked if there is any benefit going with a vote in the fall but holding an election in April during the Town's election. The Board discussed its options and the possible consequences of each. Public Buildings Director B. Keefe also discussed the options, the timing of signing a contract, project timelines, and his recommendation. The Conservation Commission approved an Order of Conditions.

For the Loker field, the DOR allowed an increase of \$198,070 to the original request of \$2 million. This again leaves an approximate \$900,000 shortfall in the excluded debt amount. The Conservation Commission is still reviewing this project.

M. Antes suggested that the Board think of the best way to explain all this information to the voters. L. Anderson stated she is leaning towards doing it cleanly in the spring with both a town meeting article and a ballot vote, and C. Karlson said she agreed. L. Jurist expressed his frustration with having to wait longer on these needed projects even though he understands the financial constraints.

C. Karlson moved, seconded by M. Antes, to insert articles J HS Athletic Complex, K CPC Funding for HS Athletic Complex, and L Loker Turf Field. In discussion, B. Keefe said any delays would be administrative and might total 4-6 weeks. YAY: L. Jurist. NAY: L. Anderson, C. Karlson, M. Antes. ABSENT: D. Levine. ABSTAIN: none. The motion failed to pass 1-3-0. The Board discussed ways to communicate this vote to residents and requested that the TA and Public Buildings Director prepare to move forward promptly after Annual Town Meeting.

C. Karlson moved, seconded by L. Jurist, to recommend approval of Article M Loker Grass Field. YAY: none. NAY: L. Anderson, C. Karlson, M. Antes, L. Jurist. ABSENT: D. Levine. ABSTAIN: none. Motion failed to pass 0-4-0.

L. Miller reported that she met with B. Keveny and T. Holder to go over the finances for the Advanced Water Meter Reading Article. She stated that B. Keveny was concerned with the sustainability of the Water Enterprise Fund. He stated the real issue is the sustainability of the fund as a whole with all the capital requests over the next five years. In 2022 the fund will no longer be able to sustain itself if cash is used or, if borrowed, it will be 2023. A lengthy discussion ensued about the article and the financial aspects including the possibility of using excluded debt. L. Miller noted that they have just started internal discussions about funding mechanisms for capital projects. L. Anderson said if the Town seeks advice from the financial advisors it should listen to it. C. Karlson said they would have to do the research to see what the mechanism is for bringing it back in the spring. C. Karlson stated that the BoS gets to decide whether to insert the article and to recommend it, but the sponsor presents the article and funding source on town meeting floor. She said it would be ideal if everyone was on the same page about the financial aspects of the article. The FinCom vote was 4-2-0 to recommend approval of the article.

L. Jurist moved, seconded by M. Antes, to insert Article O Water Meters. The Board discussed its options and asked L. Miller her thoughts about it. YAY: L. Jurist. NAY: L. Anderson, C. Karlson, M. Antes. ABSENT: D. Levine. ABSTAIN: none. Motion failed to pass 1-3-0.

L. Anderson said it doesn't make sense to vote to approve the article since the insertion failed. She hopes this article comes back with more answers in the spring including better information on funding options including the possibility of a debt exclusion.

- **Discuss and vote order of articles**

C. Karlson distributed a draft order of articles. The Board discussed the changes given its earlier votes not to insert articles. It was decided to put Article G Marijuana District before Article F Prohibition of Marijuana.

C. Karlson moved, seconded by M. Antes, to order the article as follows: A, B, D, H, C, G, F, I, M, and N. YAY: L. Jurist, L. Anderson, C. Karlson, M. Antes. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0-0.

A6. Special Act Working Session*: The majority of the discussion will be tabled to a future meeting, but the Board will briefly discuss the topic after the Town Administrator's Report tonight.

- **Review feedback from boards and committees**
- **Discuss next steps**

A7. Town Administrator's Report

1. **Correspondence** L. Miller noted number 5 in the correspondence regarding a proposed cell tower lease. She will get more information for the Board.
2. **Draft of letter to Raytheon** The Board discussed the draft letter to Raytheon requesting an LSP opinion on the proposed uses of the municipal parcel and surrounding land. Its purpose is to start discussion again on the property of the proposed Council on Aging/Community Center. C. Karlson reviewed the letter, discussed the history of the site and reported that Raytheon offered to review a draft letter to provide suggestions. The Board said it was an informative letter. L. Miller suggested C. Karlson be the point person with Raytheon.
3. **River's Edge Update** L. Miller stated the Town is ready to go out to bid this week on the asbestos mitigation. She stated she has talked to Wood Partners about the contract and work timeframe, and also reviewed for the Board the bid timeline.
4. **Marijuana Ballot questions** L. Miller met with the Town Clerk to review the ballot process and the Clerk's procedures related to ballot questions have been updated. The Town can go forward with both marijuana articles at Town Meeting. L. Miller is drafting a press release to explain the election error to residents and staff.

* *The Special Act refers to the Town Manager Special Act (draft). This revision is made to adhere to the Board's commitment to update the minutes for improved specificity.*

A6. Special Act* Working Session: A more lengthy discussion was tabled to a future meeting.

- **Review feedback from boards and committees** Each Board member discussed the feedback and comments received from their assigned boards. It was noted that some boards haven't sent any feedback yet. L. Anderson said D. Levine is working with the Planning Board to get their feedback. L. Anderson said some of the feedback they received is very detailed. For instance, the Library letter was excellent and discussed each section with which the Trustees are concerned. C. Karlson reported that the Board of Assessors had an issue with the tone, in particular the word "shall" and also its lack of interaction with the Collins Center staff. The Personnel Board was concerned with consistency between the Special Act and the TA contract. The Board discussed whether this article could go forward at Annual Town Meeting and recognized that it will take a considerable effort. C. Karlson suggested having a session to see if they can submit an article in two months.
- **Discuss next steps** Tabled to a future meeting with full attendance.

A8. Minutes: None available for review.

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 the invoice from KP Law, dated September 27, 2018, Invoice No. 117707, for professional service through August 31, 2018, in the amount \$525.49**
3. **Vote the question of approving the applications filed by Testa Restaurant Group, LLC, d/b/a/ Giacomo's Wayland for a retail All Alcoholic Liquor License to serve and sell such beverages on the premises at 14 Elissa Avenue, Wayland, MA, and for an Entertainment License at said premises**
4. **Vote the question of signing the Warrant for the 2018 State Election**
5. **Vote the question of authorizing the Town Administrator to amend the contract with The Vertex Companies in the amount of \$19,700**
6. **Vote the question of approving the placement of four temporary sandwich board signs from Saturday, October 20, 2018 through Saturday, October 27, 2018, to be placed at Fire Station Two in Cochituate, Old Connecticut Path and Cochituate Road (Five Paths), Route 20/Old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27), for a Trunk or Treat event being sponsored by the Wayland Children and Parents Association on October 27, 2018**
7. **Vote the question of approving the placement of four temporary sandwich board signs from Monday, November 5, 2018 through Monday, November 12, 2018, to be placed at Fire Station Two in Cochituate, Old Connecticut Path and Cochituate Road (Five Paths), Route 20/Old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27), for the Stacey Peasley Band Concert for kids being sponsored by the Wayland Children and Parents Association on November 12, 2018.**

The Board removed item 3 from the consent calendar since the Board has already approved it under agenda item 3. M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A10. Correspondence Review The Board discussed the MAPC municipal elections item, and M. Antes said she can vote since she's the representative to the MAPC. L. Miller asked the Board to delegate to her the authority to sign a grant and anything related to the grant in item 2. It was noted the deadline to be signed is Nov. 30. L. Anderson said in her role L. Miller should be able to sign it without the Board's authorization.

A11. Selectmen's reports and concerns. The Board was invited to the 2018 Veterans Day Ceremony. L. Anderson said she will contact Public Ceremonies Committee Chair Richard Turner for more details. M. Antes noted that yesterday was the 50th Anniversary Celebration of the Wild and Scenic Rivers. She distributed the updated conservation plan. She said she went to the MMA's Legislative breakfast on Friday. C. Karlson said she heard a complaint from a resident about an ongoing issue with the gas station on Commonwealth Road. Previously they have committed to doing trash removal at reasonable hours and the resident reached out to say that is not happening.

* *The Special Act refers to the Town Manager Special Act (draft). This revision is made to adhere to the Board's commitment to update the minutes for improved specificity.*

A12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:

None.

A13. Adjourn L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 9:34 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 15, 2018.

1. Special Town Meeting Article listing updated with position votes by Selectmen and Finance Committee, revised October 15, 2018
2. Letter from Richard Turner, Chair, Public Ceremonies Committee, to the Board of Selectmen, dated October 15, 2018, re: inviting them to the 2018 Veteran's Day ceremony.
3. Sample menu from Giacomo's Ristorante, source J. Testa.
4. Financial analysis of the DPW Water Meter article, provided by M. Lowery.
5. Proposed article order, updated, source C. Karlson

Items Included as Part of Agenda Packet for Discussion During the October 15, 2018 Board of Selectmen's Meeting

1. Application by Testa Restaurant Group, LLC d/b/a Giacomo's Wayland for a retail all alcoholic liquor license
2. 2018 Special Town Meeting Schedule, revised October 11, 2018
3. Article List for November 13, 2018 Special Town Meeting, revised October 11, 2018
4. Proposed Special Town Meeting 2018 Article Order (draft for discussion Sept./Oct. 2018), provided by C. Karlson
5. Draft Town Manager Special Act and comments from town boards and committees
6. Draft letter to Jerry A. Cellucci, Senior Director of Corporate Real Estate, Raytheon Company