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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

**Board of Selectmen
Meeting Minutes (Revised)
January 7, 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, Louis M. Jurist, 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 There will be Great Presenters talk at the Library tomorrow night. On Thursday, there is a MAPC long-range planning meeting in Ashland.

Maureen White, Sedgemeadow Road, Member of the Library Board of Trustees, read a prepared statement that she left with the Board. Her comments discussed how the library provides a unique function in the community, much like the schools. She said libraries and schools must be insulated from political pressures and that the Library Board of Trustees must maintain governance over the library programs.

Tom Maglione, 29 Rice Road, expressed his frustration over the planning process as an abutter to the Loker site. He described it as a painful path with escalating costs. He asked the BoS to act and release all requested public documents and distributed his remarks to the Board.

A3. Open Meeting Law Complaint: Review complaint filed by George Harris dated January 4, 2019

Louise Miller went over the two Open Meeting Law complaints filed by George Harris and outlined her recommendations on how the Town should respond. L. Anderson expressed interest in meeting with a representative from the Attorney General's office to explain how earnest the Town is when preparing the minutes and all of the effort (time and money) that goes into the preparation of minutes and the legal funds for answering the open meeting law complaints.

A4. FY20 Budget Update L. Miller reported that she and L. Anderson went to the FinCom meeting last Thursday. The FinCom did not vote but came to a consensus on both budgets. FinCom wants to move the \$50,000 increase in its reserve fund into the snow and ice budget instead. That is the only change to the Town operating budget and unclassified. FinCom changed the Capital Budget by recommending a reduction in road maintenance from \$700,000 to \$600,000 and delaying two School requests (HVAC at elementary schools and the Loker roof).

A5. Cable Advisory Committee: Update on Committee applicants Interviews with applicants Ken Issacson and Jake Mohnkern. Potential vote to approve

L. Miller noted the third candidate withdrew her application. L. Anderson asked the candidates to introduce themselves. Jake Mohnkern introduced himself and briefly gave a background of his IT experiences and how his skills and knowledge could be useful on the Cable Advisory Committee. Ken Issacson briefly discussed his background and experience working with WayCam and on the WayCam Board. The Board said they are lucky to have both of these volunteers.

C. Karlson moved, seconded by M. Antes, to vote to appoint Ken Issacson and Jake Mohnkern to the Cable Advisory Committee effective immediately. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Annual Town Meeting Petitioners' Workshop L. Anderson explained the purpose of this agenda item is to discuss the process. She asked if anyone had any questions and briefly went over some of the signature requirements.

- John Sax, 203 Willow Brook Drive, asked for clarification on the submission of 150-word petitioner comments.
- Nora Rothschild, 150 Concord Rd., asked about the purpose of the section for draft comments from the Finance Committee.
- Kim Winter, 11 Glover Road, asked if she needs the final version of the article before collecting all of her signatures. The Board advised that residents should know what they are signing.

L. Anderson mentioned the schedule on the website, the Finance Committee's ATM Article Workshop on January 28, and the League of Women's Voters issues event. C. Karlson introduced the group of students from the Middle School who are working to bring a resolution to Annual Town Meeting.

- Eliana Barenboym, Russell Road and a 7th grade student from the Middle School group, stated their resolution was to create a committee to bring a multi-generational music festival to Wayland for March 2020.
- Joss O'Heron, Stonebridge Road and a student from the Middle School, asked if the Board knew of other similar festivals either in town or other towns. Various Board members mentioned examples. L. Miller said she knows of some others she can talk to them about.
- Kyra Spooner, 22 Pine Ridge Road, Middle School student, asked if the Board could fund any expenses (custodial, police, planning expenses) if the resolution passes.

L. Miller said Petitioners are able to speak with Town Counsel; they should contact her, and she can make an appointment.

- Duane Galbi, Stonebridge Road, asked for clarification on changing the article wording and if there would be a chance to present an article concept for feedback. L. Miller offered to meet with him to hear the article idea.

A7. Town Manager Special Act: distribute revision; discuss feedback from Board members; discuss article submission for 2019 Annual Town Meeting L. Anderson reviewed the materials before the Board and reviewed the editing process from earlier meetings. The question before the Board is deciding if this Special Act is ready for Annual Town Meeting or a subsequent meeting. L. Anderson led the Board through a detailed review of the questions and changes, reading each aloud and asking for feedback. L. Anderson went through some of the major changes and suggestions made by the Board and the Board of Library Trustees. The Board reviewed the document and questions. Some of the topics brought up for discussion included having the Town Manager be the CEO, appointing the Town Clerk's position, powers and duties of the Board, personnel responsibility, eliminating sections that are covered in the TA contract, and distributing Warrant information.

L. Anderson said it would be better to put it aside for Special Town Meeting in the fall. C. Karlson said the Board needs to keep pushing it forward so it will be ready in the fall. D. Levine stated they just have too many questions for Town Counsel. The Board is still getting feedback from people and still needs to hear from the community. C. Karlson said a lot of Boards have expressed concern over this Special Act but not to the extent and detail as the Library. D. Levine asked how this change has worked out in other peer towns. He said Wayland could learn a lot from other towns.

The next steps would be to give edits to Town Counsel for comparison to the Code and to have another Board meeting dedicated to reviewing a revised draft with Town Counsel. The Board decided the Special Act will not be ready for Annual Town Meeting in the spring.

A8. 2019 Annual Town Meeting Article Submission Update L. Miller said the staff will populate the articles from the BoS and updated the Board on the status of the articles the Board will submit. She also briefly reviewed the status of articles from other boards (Personnel, Rec, BoPW, CPC). D. Levine stated that the EDC might propose a study of the use of space in the Town Building other than holding the Town

Offices. Bill Steinberg, EDC member, was in attendance and explained the purpose of a prior report that was done in 2012. The proposed article would fund a \$25,000 study this year. L. Anderson asked if this would tie into a larger capital study. The Board explained that this article would need to be ready for the packet by Friday.

A9. 2019 Annual Town Meeting OPEB Funding Article and Multi-year Funding Proposal; vote to insert article Finance Director Brian Keveny came before the Board to discuss OPEB funding and distributed documents regarding the proposed OPEB Funding Article. B. Keveny went through the packet explaining where the Town stands on OPEB and the funding level he and L. Miller recommend. For the past few years, three levels of funding have occurred: a) parity payments from the Children's Way and Food Services; b) contributions from revolving funds; and c) the Town's contribution. Different funding schedules were discussed. B. Keveny suggested the Board support a contribution which keeps the Town on track and can afford for the section c) payment, which is \$500,000. L. Jurist noted Wayland is way ahead of other towns when it comes to funding OPEB. A discussion ensued about what other cities and towns are doing for OPEB.

L. Jurist moved, seconded by C. Karlson, to approve the OPEB multi-year funding proposal for \$500,000 per year. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Raytheon Property: Update and next steps in regards to draft LSP opinion for Town Center for Lot 4-1, Lot 8-1, Lot 9-1B, and Parcel R-20-1 C. Karlson went over the Raytheon LSP's draft report in the packet. If the Town Building is used for other purposes, L. Miller asked whether the town center property could be considered for uses other than a CoA/CC and what permissions would be required. C. Karlson reviewed comments from the CoA/CC chair asking for definitions and clarifications including potential limitations on a parking lot construction and the ability to do landscaping around the building. Bill Sterling and Jean Milburn, both of the CoA/CC committee were in attendance. C. Karlson will send her comments to L. Miller, and the Board agreed that L. Miller could summarize a response to send to Raytheon. C. Karlson asked that the Board schedule time to talk about next steps with Twenty Wayland and to complete the work of the CoA/CC committee charge.

A11. Town Administrator's Report

- 1. Correspondence** ZBA's Open Meeting Law alleged violations were discussed – both deal with how the agenda lists minutes. L. Miller will respond on their behalf and suggested reviewing the Town's legal expenses in conjunction with responding to OML violations. D. Levine supported the idea of reaching out to the Attorney General's office to determine what type of relief there might be from these requests. L. Jurist wants to explain to the Town what these complaints are costing the Town when no Board is intentionally breaking the OML.
- 2. Affordable Housing Consultant** Asst. Town Administrator E. Doucette updated the Board about the Town's Affordable Housing Consultant application to the Community Preservation Committee (CPC). It would be the Town's second year with RHSO with a mission of supporting and developing affordable housing. M. Antes informed the Board that the CPC did not vote in favor of the application at its last meeting. The TA's office was not informed of that decision.
- 3. Water Enterprise Fund Update** L. Miller and B. Keveny have prepared a revised budget and will meet with the BoPW/Water Commissioners next week.
- 4. Wastewater Update** L. Miller reported that the Wastewater Operations Manager has been very effective. The town center plant is operating much better with maintenance and projects being completed. As part of the Wastewater Task Force, L. Miller has requested that the DPW Director summarize the costs and efficiencies achieved at this plant. Last week, MassDEP met with staff regarding the High School plant and advised the Town to reactivate the High School Plant as soon as practically possible. An RFP is being issued for contract operation of the plant and to complete the capital improvements (safety) that need to be done before reopening the plant. The appropriation was made at last ATM. The Wastewater Task Force has not met.
- 5. Capital Projects Update** L. Miller reported that the Town requested and will receive a third party cost analysis for the Loker and High School field projects. Results are expected this week. M. Antes heard from a resident that it is difficult for the public to know the full scope of potential capital projects being considered.
- 6. River's Edge Update** There was a productive meeting with Wood Partners last week about updates to the Land Disposition Agreement and a conference call with special counsel is scheduled for

Friday. MassDEP will oversee the digging for the test pits for wastewater disposal in the next two weeks.

7. **Web Site Update** L. Miller reported that her office has been working to streamline the website and make the pages more intuitive for users. If anyone has additional ideas, please let L. Miller know. Information about the updates to Bradford Hall were put online.
8. **Afterschool Program Update** The School Department has asked the Recreation Department for help offering an afterschool program now that School start times are changing. L. Miller is hopeful that the YMCA can assist in offering programs. Licensing the Town/Rec is an extended process.
9. **OSHA/Safety Regulations** The Town will now be subject to OSHA. L. Miller has started a Safety Committee with staff and union representatives to start brainstorming how to best adhere to new requirements. They are planning on meeting monthly and dealing with internal safety and changes in reporting requirements.

The next page in the packet is the pink sheet listing all materials handed out at the prior meeting. L. Anderson noted that the draft audit Management Letter should also be noted.

A12. Minutes: No minutes were available for review.

A13. 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, Invoice. No. 119041, dated December 21, 2018, in the amount of \$310.92, for professional service through November 30, 2018
3. Vote the question of approving the invoice from KP Law, Invoice No. 119054, dated December 21, 2018, in the amount of \$18,537.68, for professional service through November 30, 2018
4. Vote the question of approving the placement of three (3) temporary sandwich boards to be placed at Fire Station Two in Cochrane; Old Connecticut Path and Cochrane Road (Five Paths); and Town Center (corner of Routes 20 and 27) from January 14 – January 21 for the Wayland Children and Parents Association Curious Creatures event on January 21, 2019
5. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for 1634 Meadery, Dan Clapp, Manager, on January 19, February 2 and March 9, 2019
6. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Aaronap Cellars, Noel Powell, Manager, on February 2, February 16, March 2, March 9 and March 16, 2019
7. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Agronomy Farm Vineyard, Marissa O'Connor, Manager, on March 2, March 9 and March 16, 2019
8. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Artisan Beverage Cooperative, Garth Shaneyfelt, Manager, on January 19, February 9 and March 9, 2019
9. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Carr's Ciderhouse, Nicole Blum, Manager, on January 19, February 2, March 2, and March 9, 2019
10. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Coastal Vineyards, David Neilson Manager, on January 12, January 26, February 9, February 23, March 3, and March 9, 2019
11. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for House Bear Brewing, Carl Hirschfeld, Manager, on February 16 and March 9, 2019
12. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Mill River Winery, Rick Rousseau, Manager, on January 12, January 26, January 27, February 9, February 23, and March 9, 2019
13. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Stoneybrook Cider, Michael Lamontage, Manager, on January 12, February 9, and March 9, 2019
14. Vote the question of approving the application to sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post, for Westport Rivers Vineyard & Winery, Yvonne Rogers, Manager, on January 26, February 16, March 9, and March 16, 2019

15. Vote the question of approving and signing the 2019 Seasonal Population Increase Estimation Form for the ABCC

M. Antes moved, seconded by D. Levine, to approve the Consent Calendar, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A14. Correspondence Review The Board noted full compliance with the most recent liquor compliance review and that they have received a number of good candidates for various board openings. The Board also agreed that Police Chief Swanick submitted a nice overview of his training trip to Israel.

A15. Selectmen's reports and concerns Publicity will be starting soon for the Citizen's Academy with exact dates and schedule to be determined for March and April.

A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A17. Executive Session: Enter into Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss with respect to collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with AFSCME1 III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with Fire and Police unions. IV. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to review and approve the Executive Session minutes of September 17, 2018 and September 24, 2018. APPROVE AND HOLD Executive Session minutes of September 17, 2018 and September 24, 2018

At 10:03p.m., L. Anderson moved, seconded by D. Levine, that the Board of Selectmen enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss with respect to collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with AFSCME1; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with Fire and Police unions; pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to review and approve the Executive Session minutes of September 17, 2018 and September 24, 2018, potentially to APPROVE AND HOLD those two sets of minutes.

Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by: Louise Miller, Town Administrator and Elizabeth Doucette, Asst. Town Administrator. The Board will reconvene in approximately 15 minutes for the purpose of adjourning.

The Board returned to open session at 10:28pm.

A14. Adjourn In open session, L. Jurist moved, seconded by D. Levine, to adjourn the meeting at 10:29 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, 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 January 7, 2019.

1. Article List for 2019 Annual Town Meeting
2. Agenda and flyer for Massachusetts Selectmen's Association Annual Business Meeting (for L. Anderson, Karlson, D. Levine, and L. Jurist)
3. Invite KP Law's Hospitality Reception on Friday, January 18, 2019
4. MAPC Calendar and Annual Report (for L. Anderson and C. Karlson)
5. Greeting card from Koutoujian Family
6. The Beacon, a Municipal Association publication (for L. Anderson, C. Karlson, D. Levine and L. Jurist)
7. Correspondence from Lea Anderson, Chair, Board of Selectmen, to Wayland Board of Selectmen, dated January 7, 2019, re: Town Manager Special Act

8. Draft of “An Act Establishing the Position of Town Manager in the Town of Wayland”
9. Copy of Chapter 60 Town Administrator
10. Correspondence from Aida Gennis, Library Board of Trustees, to the Board of Selectmen, dated January 2, 2019 re: feedback highlights on the Town Manager Special Act, distributed during Public Comment
11. Correspondence from Wayland resident, Tom Maglione, to the Board of Selectmen, dated January 7, 2019, re: Loker project
12. Correspondence from Aida Gennis, Chair, Board of Library Trustees, to Lea Anderson, Chair, Wayland Board of Selectmen, dated January 7, 2019, re: Town Manager Special Act and the role of the Board of Library Trustees
13. OPEB Funding Town Meeting Article dated January 7, 2019

Items Included as Part of Agenda Packet for Discussion During the January 7, 2019 Board of Selectmen’s Meeting

1. Wayland Community Preservation Act Project Application Cover Sheet – Affordable Housing Consultant
2. Licensed Site Professional Opinion, re: 430 Boston Post Road, Wayland, Massachusetts
3. Warrant Article Process: Guide for Petitioners
4. Instructions for Completing Petitioners Article Form
5. Petitioners Article Form
6. Reminder that will be given out once Warrant Article is completed and received at the Selectmen’s Office
7. Open Meeting Law Complaint filed by George Harris January 4, 2019