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TOWN OF WAYLAND

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BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes February 29, 2016

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:02 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes said the Presidential Primary Election will be held tomorrow, March 1, and the League of Women Voters Civics Bee will be held on March 6 at the Weston Community Center. She noted that Wayland won the Civics Bee last year. L. Anderson announced "Coffee with Cops" on March 14 at Mel's Commonwealth Café, and said she will attend the Minuteman School Committee meeting tomorrow to review the next steps.

A2. Public Comment There was no public comment.

A12. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence.

A14. Report of the Town Administrator N. Balmer said the judge in the Glezen Lane case will hold in abeyance the requirement that the signs be re-erected until there is a written decision on motions before the court. In regard to the 150 Main Street litigation, she said the Massachusetts Appeals Court ruled that 150 Main Street LLC may amend the Land Court plan to replace "way" with "easement," and she reviewed the next steps in the process. She said the Treasurer has refinanced the town debt, and the health insurance increases came in lower than expected. She updated the Board on the Memorandum of Understanding between the School Committee, Board of Public Works, and Recreation Commission regarding town playing fields. She pointed out the notice from Minuteman regarding the approval of the new agreement and the withdrawal of six towns from the district, and she reported on her meeting with State Representative Gentile and State Senator Ross.

A3. Liquor License Hearing on Application filed by 110 Grill CW Wayland LLC, dba 110 Grill, for a New On-Premises Alcoholic Beverage License at 175 Commonwealth Road, and Discussion and Potential Vote on Common Victuallers License Application and Entertainment License Application At 7:15 p.m., the Chair opened the liquor license hearing on the application filed by 110 Grill CW Wayland LLC, dba 110 Grill, for a new on-premises alcoholic beverage license at 175 Commonwealth Road. The Board was joined by Kevin Eriksen, Attorney for 110 Grill CW LLC, and Douglas McLean, proposed manager of the Wayland restaurant. K. Eriksen said it will be the fifth location for the 110 Grill, and the company is locally owned and operated; he noted that there have been no liquor license violations in any of their restaurants. The Board reviewed and discussed the application. J. Nolan asked about the entertainment license application. K. Eriksen said that although they have requested seven nights a week, it is actually

infrequent, and he said they will be very conscious of the neighborhood and the volume. In regard to staffing, he said the principals been vetted and approved by the Alcoholic Beverages Control Commission. C. Karlson closed the hearing at 7:49 p.m.

The Board discussed the license applications; C. Karlson said she would like to see more specificity in the entertainment license. J. Nolan moved, seconded by M. Antes, that, pursuant to its meeting on February 29, 2016, the Board approve the application filed by 110 Grill CW Wayland LLC, dba 110 Grill, for a new all alcoholic beverage license to serve and sell such beverages to be drunk on the premises at 175 Commonwealth Road, Wayland, MA, with an opening time from 11:00 a.m. to 1:00 a.m., with last call being 30 minutes before closing. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. M. Antes moved, seconded by L. Anderson, to approve the Common Victuallers License for the 110 Grill CW Wayland LLC, dba 110 Grill, for the year ending December 31, 2016. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. L. Anderson moved, seconded M. Antes, to approve the Entertainment License for the 110 Grill CW Wayland LLC, dba 110 Grill, with the amendment that it include acoustical music only, for the year ending December 31, 2016. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A4. Energy Advisory Committee Update on State Solar Programs and Potential Board of Selectmen Letter to Support Continued Program The Board was joined by John Harper of the Energy Initiatives Advisory Committee to provide an update on the state solar programs. J. Harper advised the Board that the solar project in the town building parking lot was delayed due to conservation concerns, and subsequently did not make it into the state program before the cap was reached on February 5, 2016. He urged the Board to support a letter to state legislators and the DOER (Department of Energy Resources) to provide an extension to the cap. M. Antes moved, seconded by L. Anderson, to send a letter to state legislators, the Commissioner and the Secretary of the DOER, and the Governor, to raise the net metering cap, increase the Solar Renewable Energy Credit (SRAC) incentive program, and pass an energy bill to require a balanced plan for net metering and SREC incentives. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A5. River's Edge Advisory Committee: Discussion and Vote to Approve Changes to Request for Proposal The Board was joined by Jerry Heller of the River's Edge Advisory Committee to discuss a revised RFP. J Heller said that substantial changes were made due to the concerns of the original respondents, including full due diligence before bidding and the interpretation of the requirements of the Fair Housing Law. J. Nolan asked if the revised RFP was consistent with the votes of town meeting; J. Heller said yes. It was the sense of the Board that the River's Edge Advisory Committee continue to work with Special Counsel to revise the RFP, put it in a final form in a redlined version, and bring it back to the Board of Selectmen for a final vote of approval.

A7. Annual Town Meeting Discussion: Article Z – Library Wastewater The Board was joined by Wastewater Management District Commission members Fred Knight, Sam Potter, and Rick Greene, Administrative Assistant Jane Capasso, Chair of the Board of Library Trustees Aida Gennis, and Library Director Ann Knight, to discuss wastewater capacity at the library. C. Karlson said this article was being submitted by the Board of Library Trustees in order to meet the requirements of the application under the Massachusetts Public Library Construction Program. The proposal is for the town to purchase additional capacity of 820 gallons per day; the Massachusetts Department of Environmental Protection has confirmed that they have no objection to the reallocation. The Board discussed whether the town had the flexibility to reallocate capacity amongst municipal buildings. F. Knight said there may be legal consequences to doing so,

as other users have been denied the ability to reallocate capacity. Members discussed the potential to combine and reallocate the 820 gallons with the 3,000 gallons allocated to municipal pad. F. Knight said the current use at the library is less than 200 gallons a day. S. Potter requested that the Board set a deadline for a commitment to the 820 gallons, so the commission can sell the allocation somewhere else if the town decides it doesn't need it. The Board discussed the current allocation to the town building, and the possibility that a greater allocation could be needed in the future if the use of the building changed. J. Nolan said the consolidated amount of the 3,000 gallons and the 820 gallons should go to the Board of Selectmen. C. Karlson suggested that the article include the 820 gallons per day in the text of the article, and that the Board of Selectmen be added as a co-sponsor. The Board discussed the potential impact on the Administrative Consent Order. J. Nolan moved, seconded by M. Antes, to co-sponsor the Annual Town Meeting article, "Fund Payment in Lieu of Sewer Betterment Assessment for Sewer Capacity for Town Library or Other Town Building." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. C. Karlson said she would like to have an engineering study done to determine what 3,000 gallons would support in terms of a building on the municipal pad.

A8. Annual Town Meeting: Discussion of all Articles and Vote on Potential Positions The Board was joined by Gretchen Schuler, Community Preservation Committee, to discuss the article on the Mainstone Conservation restriction. She said the committee voted 5-1 to amend the article by striking the funding from general borrowing and increasing the borrowing against Community Preservation funds to \$7 million, thereby providing that the entire project will be paid by Community Preservation funds. She said the wording of the conservation restriction will be available to post on the website before Annual Town Meeting. The Board reviewed the balances in the community preservation funds. M. Antes moved, seconded by L. Anderson, to recommend for approval to Annual Town Meeting the article, "Appropriate Funds to Purchase Conservation Restriction on Mainstone Farm." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. C. Karlson noted that the address being used for the former DPW facility, 193-195 Main Street, is actually 207-195 Main Street, and will be revised for town meeting.

Petitioner Alice Boelter appeared before the Board to discuss the advantages of holding the Annual Town Meeting at the end of April every year. Petitioner Chris Riley appeared before the Board to discuss the two articles submitted in regard to limiting the time and improving the attendance of town meetings. He said the petitioners withdrew the article calling for a 30-minute limit per article in response to the agreement of the Town Moderator to test a compromise. He said the petitioners have also agreed to withdraw the article on a seven-minute time limit on remarks, and will submit a resolution instead. Petitioner Duane Galbi appeared before the Board to discuss the article to clarify petitioner access to Town Counsel; he said he will add a clause that allows the Board to address any conflict of interest. C. Karlson noted it would take away the ability of the Board to promulgate guidelines for consultation with counsel.

J. Nolan moved, seconded by L. Anderson, to recommend for approval to Annual Town Meeting the article, "Fund Payment in Lieu of Sewer Betterment Assessment for Sewer Capacity of Town Library or Other Town Building." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. J. Nolan moved, seconded by L. Anderson, to recommend for approval to Annual Town Meeting the article, "Amend Chapter 36 of Current Bylaws (36-1)." YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, J. Nolan. none. ABSENT: none. ABSTAIN: none. Motion failed, 0-4. L. Anderson moved, seconded by J. Nolan, to recommend for approval to Annual Town Meeting the article, "Clarify Petitioner Access to Town Counsel." YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, J. Nolan. none. ABSENT: none. ABSTAIN: none. Motion failed, 0-4. J. Nolan moved, seconded by M. Antes, to recommend for approval to Annual Town Meeting the article, which will become a resolution,

“Amend Chapter 36 of the Town Bylaws Relative to Remarks at Town Meetings.” C. Karlson advised that she has two household members who signed the petition, and stated that she does not stand to benefit financially. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. J. Nolan moved, seconded by M. Antes, to take no position on the article, “Funding to Design a Multi-Purpose, Rectangular, Artificial Turf Field 193 and 195 Main Street, Also Known as the Former DPW Site.” YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

It was the consensus of the Board to place the “Hear Reports” online. M. Antes moved, seconded by L. Anderson, to recommend for approval to Annual Town Meeting the article, “FY17 Omnibus Budget.” YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A10. Annual Town Meeting: Discussion and Potential Vote to Withdraw Articles; Review and Confirm Order of Articles The Board reviewed the proposed order of the articles. It was the sense of the Board to authorize the Chair to work with the Town Administrator to finalize the order of the articles.

A9. Discussion with Town Moderator The Board was joined by Town Moderator Dennis Berry to discuss town meeting procedures. The discussion included the use of abbreviated procedures, moving towards a consent calendar, setting a goal for each session, and the use of the motion to terminate debate. J. Nolan commended the Town Moderator for working with petitioners to consider options to limit the time of each article.

A11. Discuss Annual Town Meeting Public Information Plan The Board discussed the use of the website, Facebook, and the media to provide information on the town meeting.

A15. Selectmen’s Reports and Concerns M. Antes discussed the League of Women Voters Candidate’s Night; she said that as there are no contested seats, they are considering discussing the town meeting issues. C. Karlson said that in regard to the February Special Town Meeting petitioners’ article on Stonebridge Road, the Board should consider talking with the neighbors and pursuing an appeals process with the Massachusetts Department of Transportation. She expressed concern about the presentation of the Wayland Real Asset Planning (WRAP) Committee report, noting that it only advised on two articles. M. Antes said there was a suggestion that WRAP collect information and then hire someone to make recommendations; L. Anderson said the report was not ready for town meeting. The Board discussed the Open Meeting Law complaint filed by George Harris regarding the February 1 executive session. C. Karlson said the issue is whether the Board of Selectmen can discuss legal matters in executive session when they are not a named party. She asked to have the executive session minutes of February 1 prepared for the next meeting for Board review.

A16. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Chair said, “I know of none.”

A17. Adjourn There being no further business before the Board, L. Anderson moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:44 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Items Included as Part of Agenda Packet for Discussion During the February 29, 2016, Board of Selectmen's Meeting

1. Announcement, "Coffee with Cops," March 14 at Mel's Commonwealth Café
2. Application filed by 110 Grill CW Wayland LLC, dba 110 Grill, for a New On-Premises Alcoholic Beverage License at 175 Commonwealth Road Common, and Common Victuallers License Application and Entertainment License Application
3. Sample Letters to State Representatives and Senator re: Energy Initiatives Advisory Committee Activities
4. Conclusions on Revisions to River's Edge RFP, from River's Edge Advisory Committee, February 24, 2015
5. Annual Town Meeting Articles for Discussion
6. Town Administrator's Report for the Week Ending February 26, 2016

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 29, 2016

1. Memorandum of 3/2/2106 from Petitioners to Board of Selectmen re: Streamlining Town Meeting Discussion
2. Massachusetts Municipal Association Best Practices Series, January 2016, Fiscal Policy Committee, Municipal Reserves
3. Revision of Article 30, Annual Town Meeting, Appropriate Funds to Purchase Conservation Restriction on Mainstone Farm
4. Revision to Article Z: Sewer Capacity for Library
5. Email of 2/29/16 from Wayland Real Asset Planning (WRAP) Committee to Board of Selectmen re: Annual Town Meeting 2016 Articles
6. Open Meeting Law Complaint filed February 26, 2016, from George Harris, re: Public Notice of Executive Session, February 1, 2016
7. FY17 Budget for Adoption by Finance Committee, February 29, 2016