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TOWN OF WAYLAND

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BOARD OF SELECTMEN
MARY M. ANTES
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes December 8, 2014

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins (arrived at 6:40 p.m.), Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

A1. Open Meeting and Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), with the Wastewater Management District Commission, to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland At 6:37 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session with the Wastewater Management District Commission pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland. The Chair declares that a public discussion of strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: E. Collins. ABSTAIN: none. Adopted 4-0. Chair J. Nolan invites attendance by Wastewater Management District Commission members Sam Potter and Rick Greene, Town Administrator Nan Balmer, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:05 p.m.

A2. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:06 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. He reviewed the agenda for the public. J. Nolan thanked the town's public safety staff and the Town Administrator for taking part in a civics lesson for the Boy Scouts this past week.

A3. Public Comment Linda Segal, 9 Aqueduct Road, said the list of potential zoning articles in the Board packet had not been reviewed by the Zoning Board of Appeals. J. Nolan noted it was a very preliminary step. Richard Turner, 7 Nob Hill Road, said the Public Safety Building is very nicely decorated for the holiday.

A4. Hearing on Liquor License Violation, China Rose LLC, 15 East Plain Street J. Nolan opened the hearing on the liquor license violation of China Rose LLC at 7:12 p.m. The Board was joined by Police Chief Robert Irving, Detective Sergeant Jamie Berger, China Rose Manager Jaisy Deng and employee Ming Mei. R. Irving said he received a complaint from a Wayland resident expressing concern that the manager of record, Jaisy Deng, was not working at the restaurant. On November 14 and 15, 2014, Sgt. J. Berger determined that no manager was on the premises, no TIPS certification list was available, and two workers were serving alcohol without TIPS certified. R. Irving said the application for the ABCC (Alcoholic Beverages Control Commission) said the manager would be on site sixty hours per week. The ABCC confirmed that the lack of a manager on site is a violation of the license, and could be grounds for immediate suspension. M. Mei said his workers are TIPS certified, and J. Deng has a new baby and cannot be at the job all of the required time.

The Board asked for clarification of the regulations. M. Lanza said the manager requirement is an ABCC requirement and a state law; the owner does not have to be the manager, but both manager and owner must be United States citizens. The Board asked M. Mei about the ownership of the corporation; M. Mei said he and J. Deng are the owners and make the decisions. J. Nolan said he must file for a new manager, and it would be in his best interest to consult a lawyer as well. M. Mei agreed to appoint new manager. R. Irving recommended that the liquor license be suspended until such time as a new manager is approved. E. Collins moved, seconded by C. Karlson, to close the hearing at 7:57 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed possible actions. T. Boschetto moved, seconded by C. Karlson, to suspend the liquor license of China Rose for 24 hours, and that the application for a change of manager with all appropriate paperwork be filed within 48 hours, beginning on Tuesday morning, December 9, 2014, and that Jaisy Deng be on premises as manager until new manager is approved. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Discussion and Potential Vote on China Rose Application for an Entertainment License The Board postponed the consideration of granting an entertainment license until a future meeting.

A6. Hearing on Liquor License Violation, Post Road Liquors, 44 Boston Post Road J. Nolan opened the hearing for a liquor license violation at Post Road Liquors at 8:13 p.m. The Board was joined by Police Chief Robert Irving, Detective Sergeant Jamie Berger, Attorney Steve Moore, and Michael Connell and John Recco from Post Road Liquors. R. Irving corrected the record; he said there was a manager on the premises, and the violation was for sale to an under-aged person only and a server not TIPS certified. On November 25, 2014, Sgt. J. Berger said Post Road Liquors failed a compliance check by selling alcohol to an under-age person. Attorney S. Moore said the staff person was part-time, and helping over the busy holiday week. M. Connell apologized to the town on behalf of all his family; he said the staff person was aware of her mistake and was terminated. R. Irving said that Post Road Liquors has passed every compliance check since 2008, and he recommended a suspension of one day on December 15, 2014, and a two-year probation, with a five-day suspension if it happens again under probation. M. Antes moved, seconded by C. Karlson, to close the hearing at 8:32 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes moved, seconded by T. Boschetto, that, for allowing the sale of alcohol to an underage person and failure to maintain TIPS Certification on November 25, 2014, the liquor license for Post Road Liquors, 44 Boston Post Road, Wayland, be hereby suspended for a period of one day, on December 15, 2014. The liquor license of Post Road Liquors is also placed on probation for a period of two years, commencing on December 8, 2014, and ending on December 8, 2016. During the period of probation, any violation of Massachusetts Liquor Laws, Chapter 138, or the rules supplement for "Provisions and Consumption of Alcoholic Beverages," will result in an automatic penalty of five days suspension of the liquor license for each separate violation. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Follow-up Discussion on Class II Used Car Dealer's License, Wayland Automotive Sales Inc., 322 Commonwealth Avenue M. Lanza appeared before the Board to discuss Class II Used Car Dealer licenses. Attorney Steve Robertson, and Eli Elias and Richard Devlin, from Wayland Automotive Sales, were also present. M. Lanza advised that, at the time of license renewal, the Board renew under existing conditions, with two stipulations: if the Building Commissioner finds that a zoning special permit is necessary, they apply within thirty days, and that cars be clearly marked for sale. J. Nolan asked about internet sales; M. Lanza said the license only applies to cars physically on the premises. Attorney

S. Robertson asked, in the case of Wayland Automotive Sales, if the current license is acceptable for five cars without a zoning review. M. Lanza said a zoning modification is outside the jurisdiction of the Board of Selectmen, and must be determined by the Building Commissioner. J. Abelli said he will need to review all the addresses and site plans. J. Nolan said he encourages the Zoning Board of Appeals to take into account that these are businesses that have been a part of Wayland for many years. C. Karlson suggested allowing ninety days to apply for zoning approval. J. Nolan asked J. Abelli to draft a cover letter to all the current license holders.

A8. Approval of Renewal of Liquor Licenses, Common Victuallers Licenses, Entertainment Licenses, and Used Car Dealer Licenses C. Karlson moved, seconded by M. Antes, to approve the following licenses:

Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Liquor License On Premise All Alcoholic
Broomstones Inc.	1 Curling Lane	Liquor License, Club, All Alcoholic
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Liquor License On Premise All Alcoholic
Donelan's Supermarkets Inc.	177 Commonwealth Road	Liquor License Pkg Store Wine & Malt
Dudley Chateau of Cochituate Inc.	20 Crest Road	Liquor License On Premise All Alcoholic
Lavins Inc. of Wayland	330 Old Connecticut Path	Liquor License Pkg Store All Alcoholic
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Liquor License On Premise All Alcoholic
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Liquor License On Premise Wine & Malt
New Sandy Burr Inc.	103 Cochituate Road	Liquor License On Premise All Alcoholic
Post Road Liquors Inc.	44 Boston Post Road	Liquor License Pkg Store All Alcoholic
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Liquor License On Premise All Alcoholic
Sperry's Fine Wine Brew and Cigars (Eastbrook Inc.)	87 Andrew Avenue	Liquor License Pkg Store Wine & Malt
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Liquor License On Premise All Alcoholic
The Villa Inc.	48 East Plain Road	Liquor License On Premise All Alcoholic
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Liquor License On Premise Wine & Malt
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Liquor License On Premise All Alcoholic
Wayland Variety and Deli Corporation	70 Boston Post Road	Liquor License Pkg Store Wine & Malt
Wayland Wine and Spirits (P & P Liquors Inc.)	302 East Commonwealth Rd	Liquor License Pkg Store All Alcoholic
Baypath Elder Services (Meals on Wheels)	33 Boston Post Road Marlborough MA	Victualler License
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Victualler License
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Victualler License
Dudley Chateau of Cochituate Inc.	20 Crest Road	Victualler License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Victualler License
Liberty Pizza (MC&G Pizza Inc.)	116 Main Street	Victualler License

The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Victualler License
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Victualler License
New Sandy Burr Inc.	103 Cochituate Road	Victualler License
Panera Bread Bakery-Café (Panera LLC)	21 Andrew Avenue	Victualler License
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Victualler License
Starbucks Coffee Company	44 Main Street	Victualler License
Spice 'n Pepper (Aprileileen Corporation)	236 Boston Post Road	Victualler License
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Victualler License
The Villa Inc.	48 East Plain Road	Victualler License
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Victualler License
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Victualler License
Wayland Pizza House	336 Boston Post Road	Victualler License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Entertainment License
The Local Restaurant of Wayland dba The Local	11 Andrew Avenue	Entertainment License
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Entertainment License
Starbucks Coffee Company	44 Main Street	Entertainment License
The Villa Inc.	48 East Plain Road	Entertainment License
MetroWest Precious Metals LLC	241 Boston Post Rd Suite 5	Sale of Second Hand Articles
Michelle's Jewelry Boutique	310 Boston Post Road	Sale of Second Hand Articles
Herb Chambers of Wayland Inc. dba Aston Martin Boston, dba Bentley Boston, dba Rolls-Royce Motor Cars of New England, dba Herb Chambers Lamborghini of Boston, and dba Herb Chambers Maserati	533 Boston Post Road	Sale of Used Vehicles I

YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Potential Vote to Adopt Order of Abandonment for Dudley Street Dennis Berry, 8 George Street, appeared before the Board to request that it vote to adopt an order of abandonment for Dudley Street. M. Lanza explained the process; he said that Dudley Street is not registered land, and the town is relinquishing any rights to it. T. Boschetto moved, seconded by E. Collins, that the Board of Selectmen authorize the abandonment of any interest the Town may have in Dudley Street, containing approximately 9,000 square feet, and extending between East Plain Street and Center Street. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Meet with Energy Initiatives Advisory Committee to Review Proposed Solar Projects The Board was joined by Energy Initiatives Advisory Committee members Ellen Tohn and Tom Sciacca, Associate Member John Harper, and Mike Zimmer, project manager of Ameresco. E. Tohn reviewed the four sites that are proposed for solar projects. She said town meeting needs to vote to approve the lease of the land, and the payment in lieu of taxes. T. Boschetto asked if the energy will be used by the town; J. Harper said the town will buy the electricity, but the overage will provide a rebate from NSTAR. T. Boschetto asked if there was an installation cost; E. Tohn said no. M. Zimmer said there is an estimated annual savings of \$175,000, with no cost up front. E. Tohn said a financial analysis will be provided for town meeting, and the Board asked for input from the Finance Committee and the Board of Assessors. The Board discussed potential liability for damage, the cost of maintenance, impact of snow, and interference with any future plans. J. Nolan asked if the projects could be phased, and T. Sciacca said no, as the incentives will expire. The committee agreed to meet with the Board again in January.

A11. Discussion with Treasurer/Collector Paul Keating regarding Tax Lien Program Treasurer/Collector Paul Keating and Financial Analyst Beth Doucette appeared before the Board to discuss tax lien sales. P. Keating advised the Board that tax titles continue to grow every year; he said the town has pursued two foreclosures, which took approximately 12-18 months to complete. He described the process of a tax lien sale. The Board asked about exemptions for seniors and veterans, and the experience in other towns. J. Nolan expressed concern about the hardship on individuals, and said the Board needs a greater comfort level before moving forward. J. Nolan asked N. Balmer to evaluate the experience of similar towns for continued discussion at a later meeting.

A12. Review FY16 Budget: Utilities The Board was joined by Ben Keefe, Facilities Director, to review the FY16 utilities budget. J. Nolan said the Board is concerned that there is an accurate baseline to measure future savings. B. Keefe said he reviewed costs and spoke to suppliers in order to come up with the current numbers; he said there is an overall reduction in the budget, in spite of working with more conservative numbers than in the past. T. Boschetto asked about the impact of ESCO. B. Keefe said it is not prudent to use those estimates until there is a year's worth of results. C. Karlson said the projects wouldn't be complete until late 2016. E. Collins asked how the savings will be determined. C. Karlson discussed tracking by building, and separating product costs from delivery costs, noting the need to account for usage. T. Boschetto asked who would be responsible for managing the contract; C. Karlson said the procedures for tracking savings will be sent to N. Balmer, B. Keefe, and Financial Analyst Beth Doucette.

A13. Review of Potential Zoning Articles for 2015 Annual Town Meeting Colleen Sheehan, Chair, Planning Board, provided a list of fourteen potential zoning articles for future town meetings, and asked for a commitment from the Board of Selectmen that the five current articles being proposed will be approved for placement in the warrant for Annual Town Meeting. The Board said it would support articles that are fully prepared, and discussed the possibility of a fall town meeting if necessary. C. Karlson asked if the Planning Board had met with other boards; C. Sheehan said yes, and they have also met with legal counsel. E. Collins asked if the Planning Board was taking into consideration the state legislation regarding recodification. Dan Hill, member of the Planning Board, said they were aware of it, but noted the proposed changes were more substantive in nature. E. Collins asked the Board to ensure there was funding in their budget for recodification.

A14. Review and Approve Consent Calendar (See Separate Sheet) The Board recognized Allen Horine, Troop 1 Cochuante Boy Scouts, for achieving Eagle Scout. T. Boschetto moved, seconded by E. Collins, to approve the consent calendar. The Board recognized Horan for Eagle Scout. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A15. Review Correspondence (See Separate Index Sheet) The Board discussed the week's correspondence. T. Boschetto noted the resident's concern regarding traffic at the intersection of West Plain Street and Old Connecticut Path. J. Nolan discussed the traffic calming design, and N. Balmer said the Chief of Police is aware of the traffic issue.

A16. Report of the Town Administrator N. Balmer reported on the recent meeting of department heads; she said participants discussed goals and improving communication. She said she has put together a group to talk about potential solar projects, and noted there is an issue regarding ice which will require a change in design. The Board reviewed future agenda items and a draft schedule for the 2015 Annual Town Meeting. She noted that the League of Women Voters candidates' night is scheduled for March 19, and the Town Moderator is considering a Moderator's hearing. The Board asked that E. Collins work with the Town Moderator to prepare a presentation to the Board for further discussion and clarification. Linda Segal, 9 Aqueduct Road, said that in the past, not all proponents have been present at the warrant hearing. She said there were also hearings in which the Town Counsel was not present.

A17. Selectmen's Reports and Concerns T. Boschetto said he received many compliments on the holiday lights. C. Karlson said there will be a School Committee Forum on December 11 to discuss Open Meeting Law complaints. C. Karlson reported on a tour of the River's Edge site, and her attendance at the Raytheon PIP meeting. T. Boschetto reported on a potential article for town meeting being circulated by the Minuteman Regional School.

A18. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any J. Nolan said, "I know of none."

A19. Adjourn There being no further business before the Board, E. Collins moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:19 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. 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 8, 2014

1. Letter of 12/8/14 from Gaglini Law Group re: Request for Enforcement of Truck Exclusion, Danforth Green LLC Agreement
2. Draft 2015 Annual Town Election and Annual Town Meeting Schedule
3. Revised Memorandum of 12/8/14 from Office of the Board of Selectmen re: 2015 Licensing
4. Revised Abandonment and Release of Dudley Street, Wayland Massachusetts
5. Artist's Rendition of Proposed Solar Panels at Wayland High School presented by Ellen Tohn, Energy Initiatives Advisory Committee
6. List of Proposing Zoning Articles for 2015 Annual Town Meeting presented by Colleen Sheehan, Planning Board

Items Included as Part of Agenda Packet for Discussion During the December 8, 2014 Board of Selectmen's Meeting

1. Memorandum of 12/3/14 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Violations of Liquor License, China Rose
2. Application for Entertainment License, China Rose
3. Memorandum of 12/1/14 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Violations of Liquor License, Post Road Liquors

4. Memorandum of 12/8/14 from Nan Balmer, Town Administrator, re: Follow-up to Board Discussion on Wayland Automotive Auto Dealers License
5. Memorandum of 12/4/14 from MaryAnn DiNapoli, Executive Assistant, re: 2015 Licensing
6. Abandonment and Release of Dudley Street, Wayland
7. Proposed Solar Arrays on Wayland Lands and Buildings
8. Memorandum of 12/8/14 from Elizabeth Doucette, Financial Research/Analyst, re: Tax Title Sale
9. Memorandum of 12/5/14 from Ben Keefe, Facilities Director, re: Municipal Utilities Budget FY16
10. Town Administrator's Report, December 8, 2014