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TOWN OF WAYLAND

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

Board of Selectmen Meeting Minutes October 5, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Tony V. Boschetto (arrived 6:38 p.m.) Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center and the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al At 6:31 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 discuss the exchange, purchase, lease or value of real estate in regard to the municipal parcel at Town Center, and the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al, because a public discussion of the matter may have a detrimental effect on the bargaining, negotiating or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Council on Aging Director Julie Secord, Council on Aging /Community Center Advisory Committee members Steve Correia, Jean Milburn, Bill Sterling, and Bill Steinberg, Facilities Director Ben Keefe, Administrator/ Human Resources Director John Senchyshyn, 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 7:04 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:05 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. L. Anderson reminded the public that community flu clinics will be conducted through October.

A3. Public Comment Ken Isaacson, 228 Lakeshore Drive, and former WayCAM Director, described a new public access program, "The Buzz," on WayCAM television beginning Sunday, October 11, and said the first episode will be an interview with the Town Administrator.

A13. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

A14. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. Board members highlighted the town's receipt of the 2014 Water Fluoridation Quality Award from the U.S. Center for Disease Control and Prevention, the disapproval by the State Attorney General of the 2015 Annual Town Meeting petitioners' proposed bylaw regarding the distribution of advertising due to freedom of speech, and the invitation from the Town of Weston to meet on October 28 to discuss resolving differences regarding the funding of a new Minuteman High School.

A4. Continued Hearing on Application for Alteration of Premises, China Rose LLC, 15 East Plain Street C. Karlson re-opened the hearing from September 8, 2015, on the application for an alteration of premises at China Rose LLC. She noted that the two Board members who were not present at the September 8 hearing have reviewed the meeting on videotape. The Board was joined by the owner, Jeff Mei, his attorney Michael Guagenty, and Town Counsel Mark Lanza. N. Balmer reviewed the steps taken by J. Mei and the town staff to respond to the concerns of the neighbors. M. Guagenty distributed a schematic of the proposed design, and said the lounge area will be 1/6 of the floor plan. T. Boschetto noted that alcohol can be served anywhere in the restaurant. J. Nolan said the Police Chief had no concerns regarding the renovation, and that food would continue to be served.

Gretchen Dresens, 155 Main Street, expressed concern that the business will be dominated by the bar, and that traffic will increase. George Bernard, 103 East Plain Street, brought empty beer bottles and cans he had found near the restaurant. Jeff Horan, 15 Center Street, said dumpsters are being emptied in the early morning hours, and the expansion of the bar area was excessive. Michael Coons, 7 Stanton Street, commended J. Mei on the appearance of the property, and noted that traffic is also generated by Dunkin Donuts and the fitness club. Bruce Kennedy, 33 Pleasant Street, said the expansion is reasonable, and thanked J. Mei for his support of local sports teams. Andrew Ferguson, 22 Parkland Drive, supported the expansion and said he prefers to be able to patronize local businesses. David Pearlman 34 Pequot Road, said the expansion of the lounge was reasonable, and he supports local businesses.

The hearing was closed at 7:49 p.m. J. Nolan said he recognizes the concerns of neighbors but the Board should support local business. T. Boschetto said he supports the alteration, saying the restaurant would be more successful with a new layout. L. Anderson said she is sensitive to the needs of the neighbors, but felt that the expansion was a reasonable request. J. Nolan moved, seconded by L. Anderson, to approve the application of China Rose LLC for an alteration of premises under its common victualler pouring license. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

A5. Hearing on Liquor License Violation, Bertucci's Restaurant, 14 Elissa Avenue C. Karlson opened the hearing at 7:55 p.m. for the liquor license violation at Bertucci's Restaurant at 14 Elissa Avenue. The Board was joined by Police Chief Robert Irving, Police Detective Sergeant Jamie Burger, Bertucci's Regional Vice President John Testa, Bertucci's Attorney Timothy Perry, Wayland Manager Derrick Plante, and Assistant Manager Michael Bunnell. R. Irving explained the process for conducting compliance checks. J. Berger reviewed the events of August 20, 2015, in which an underage couple was served an alcoholic beverage. He said it was subsequently found there was no designated manager on duty, and no notice of TIPS Certification. Attorney T. Perry said that this is the first violation. He said Bertucci's wants to do the right thing, and the employee was terminated. He reviewed the steps Bertucci's has taken to ensure compliance. L. Anderson asked if Wayland's rules are different from other towns; T. Perry said the notification to the Police Chief of any change in assistant managers is unique. J. Nolan said he appreciates the acknowledgment of the incident by the principals of the company. C. Karlson said the town is grateful for the restaurant's fundraisers and community support. Board members discussed the turnover of staff and

the breakdown of the process. R. Irving said that while he is concerned that the incident occurred so soon after meeting with the manager, it is offset by the tremendous cooperation of the parties, and he recommended a one-day suspension and one-year probation. C. Karlson closed the hearing at 8:25 p.m.

J. Nolan moved, seconded by M. Antes, that, for allowing the sale of alcohol to an underage person, for not having a designated manager on duty, and for failure to maintain TIPS Certification on August 20, 2015, the liquor license for Bertucci's Restaurant, 14 Elissa Avenue, Wayland, is hereby suspended for a period of one day, on Monday, October 19, 2015, or, if there is a fundraiser that day, an alternate date at the discretion of the Town Administrator or the Chief of Police. The liquor license of Bertucci's Restaurant is also placed on probation for a period of one year, commencing on October 5, 2015, and ending on October 5, 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 three days suspension of the liquor license for each separate violation. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

A7. Potential Vote regarding "No Parking" Restrictions on Bradford Street The Board was joined by Police Chief Robert Irving and Housing Authority Director Brian Boggia. B. Boggia said the parking on Bradford Street poses a danger to pedestrians, and he requested that the Board designate a part of the street as a "No Parking – Loading Zone." The Board discussed the criteria for a loading zone, and suggested a grace period before enforcement. J. Nolan moved, seconded by M. Antes, to designate the area on Bradford Street, on the south side from Main Street to the Wayland Housing Authority driveway, as "No Parking," with some area to be designated as a commercial loading zone, to go into effect for six months, at which time it may be reviewed upon the recommendation of the Chief of Police. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

A6. Consideration and Potential Approval of One-Day Liquor License for Family Promise MetroWest, November 7, 2015 M. Antes moved, seconded by J. Nolan, to approve the one-day liquor license for Family Promise MetroWest on November 7, 2015, at Temple Shir Tikva from 7:00 p.m. to 11:00 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

A9. Discuss and Potentially Approve an Intermunicipal Agreement with the Town of Sudbury for Septage Disposal Facility Disposition The Board discussed the Intermunicipal Agreement with the Town of Sudbury for the disposition of the septage disposal facility, and the letter from resident Werner Gossels, and the opinion from Special Counsel. John Dyer, 30 Cochituate Road, and a member of the former Septage Committee, said he agreed with W. Gossels. He noted that he never saw the final management report, and he felt the final decision should be made at a town meeting. C. Karlson requested that the last financial statement of February 28, 2010, be sent to John Dyer. She noted the opinion of Special Counsel that the IMA does not need to be approved by town meeting, although any appropriations will require approval by town meeting. J. Nolan moved, seconded by L. Anderson, to approve the Intermunicipal Agreement with the Town of Sudbury for the septage disposal facility disposition. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: T. Boschetto. Adopted 4-0-1. T. Boschetto expressed concern that the terms were not made public after the vote in executive session.

A8. Discussion and Potential Vote on Positions, Withdrawal, and Order of Special Town Meeting Warrant Articles The Board discussed the article on the acquisition of the municipal parcel in town center. It was noted that liability issues are executive session material. M. Antes moved, seconded by J. Nolan, to

recommend to Special Town Meeting the approval of the article, "Acquire Municipal Parcel in Town Center." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

The Board was joined by the Recreation Commission (Asa Foster, Heidi Seaborg, Frank Krasin, Anna Meliones, and Brud Wright) and Recreation Director Jessica Brodie, to discuss the article, "Seek Special Legislation for Chapter 44 Section 53 E½ Municipal Revolving Fund." C. Karlson expressed concern about the effectiveness of the article, and suggested removing the article from Special Town Meeting in order to continue discussions regarding a financial plan. She said topics for review include a potential stabilization fund, an enterprise fund, and a possible targeted enterprise fund, citing the town beach as an example. J. Nolan said there is concern regarding the current balance in the revolving fund. T. Boschetto said the goal is to be well-prepared for town meeting, and it's possible the public may not have sufficient time to comment. B. Wright said Special Town Counsel has advised there are no limits on the 53 E½ balance, and the Recreation Commission envisions using the excess funds for capital improvements. A. Meliones said the article simply supports sending a request to the state level. B. Wright said there are irrelevant issues being raised. He said the Recreation Commission has a five-year capital plan to show the use of the funds. C. Karlson said the town made a promise to its auditors to match revolving fund expenses to income. The Board discussed removing the article from Special Town Meeting, citing the conflicting financial plans. T. Boschetto said he has never seen the Board remove an article proposed by another board, and felt there is merit to bringing it to town meeting. B. Wright expressed confidence in the article going forward. J. Brodie said the Recreation budget is an ongoing process, and there was never a model created after the formation of the DPW to pay salaries from the revolving fund; she said the current fee structure does not support salaries. J. Nolan moved, seconded by L. Anderson, to recommend to Special Town Meeting the approval of the article, "Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund." YEA: none. NAY: M. Antes, C. Karlson, J. Nolan. ABSTAIN: L. Anderson, T. Boschetto. The motion failed, 0-3-2.

A10. Town Administrator Evaluation: Discuss Process and Review Draft Evaluation Form The Board reviewed the process for the Town Administrator evaluation. N. Balmer said she supports a public evaluation process. C. Karlson asked the Board to send their individual evaluations to her by October 19, and she will prepare a final evaluation for November 2. T. Boschetto said he would like to have a 360 evaluation, which includes feedback from many sources. C. Karlson agreed, although she noted it may be better suited to the discussion of goals.

A11. Town Administrator Goals: Discussion and Potential Vote to Accept N. Balmer reviewed the Town Administrator Goals. The Board asked for more specific goals, and suggested an IT implementation plan, improved interaction with the public regarding permitting, and staff training and support.

A12. Discussion and Potential Vote on Policies T. Boschetto moved, seconded by J. Nolan, to approve the Board policies, "Provision and Consumption of Alcoholic Beverages," "Appointments to Town Boards and Committees," and "Proclamations and Certificates of Recognition." YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

A15. Report of the Town Administrator N. Balmer said the Board is invited to tour Mainstone Farms on October 28. She said Sherman's Bridge was closed last week to replace planks. She said staff is still working on the application to invest OPEB funds in PRIT. She reported on a presentation on the Minuteman School Building project, and provided a response from Fire Chief Houghton regarding natural gas leaks.

A16. Selectmen's Reports and Concerns T. Boschetto said his resignation from the Board will be effective on November 10, 2015, and he will work to make it a smooth transition. The Board thanked him for his

contributions. M. Antes said the Lobster Fest on October 4 to support the Friends of the Council on Aging was a great success. She reported on the October 3 Massachusetts Selectmen's Association meeting. J. Nolan reported on the 495 Partnership meeting; he said he spoke to Lieutenant Governor Karyn Polito about regional transportation priorities. L. Anderson reported on the Massachusetts Municipal Association legislative breakfast on October 16. C. Karlson provided an update on the last meeting of the OPEB Advisory Committee, on September 29 and said she has prepared a list of follow-up items. She also reported on the Wayland Real Asset Planning (WRAP) Committee meeting on September 30.

A17. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center and the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al At 10:45 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 discuss the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone, because a public discussion of the matter may have a detrimental effect on the bargaining or negotiating position of the Town. The discussion of the municipal parcel at Town Center and the pending action regarding Bernstein et al v. Planning Board et al was discussed at an earlier executive session. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session for the purpose of adjourning in approximately five minutes.

The Board returned to open session at 10:55 p.m.

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

A19. Adjourn There being no further business before the Board, T. Boschetto moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:56 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 5, 2015

1. Recommendation of Police Chief Robert Irving for Decision of the Board of Selectmen regarding the Liquor License Violation of Bertucci's on August 20, 2015
2. Proposed Interior Remodeling Plan of China Rose LLC
3. Draft Town Administrator Evaluation Form, September 2014-September 2015
4. Two Versions of Article 3 for Special Town Meeting, "Acquire Municipal Parcel in Town Center"
5. Memorandum of 10/5/15 from Werner Gossels, Elaine Gossels, and Bonnie Gossels, to Board of Selectmen and Town Administrator re: Proposed Intermunicipal Agreement, Request for Town Meeting Approval
6. Intermunicipal Agreement between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition

Items Included as Part of Agenda Packet for Discussion During the October 5, 2015 Board of Selectmen's Meeting

1. Memorandum of 10/2/15 from Office of the Town Administrator, re: Application of China Rose for an Alteration of Premises
2. Notice of Hearing, 9/23/15, to Derrick A. Plante, Bertucci's Restaurant, re: Liquor License Violation, with Incident Report from Police Department, August 20, 2015
3. Application for a One-Day Liquor License for Family Promise MetroWest, November 7, 2015, at the Temple Shir Tikva
4. Memorandum of 7/27/15 from Police Chief Robert Irving to Nan Balmer, Town Administrator, re: No Parking Zones, Bradford Street
5. Chart of Special Town Meeting Articles with Assignees and Positions
6. Memorandum of 10/5/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Sudbury/Wayland Septage Intermunicipal Agreement
7. Guidelines for Town Administrator Evaluation, 10/5/15, prepared by Cherry Karlson, Chair, Board of Selectmen
8. Memorandum of 10/1/15 from Office of the Town Administrator, re: Revised Policies on Liquor Licenses, Appointments to Town Boards and Committees, and Proclamations and Certificates of Recognition
9. Memorandum of 10/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Town Administrator Goals
10. Town Administrator's Report for the Week Ending October 2, 2015