



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## Board of Selectmen Meeting Minutes April 4, 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 7:01 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 Massachusetts Department of Revenue has begun the 2016 tax amnesty program and it will be open until May 31, 2016. She said the town elections are tomorrow, April 5, and the Annual Town Meeting begins on Thursday, April 7.

**A2. Public Comment** There was no public comment.

**A9. 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.

**A10. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. Members discussed the procedures for following up on a resident's concerns regarding the property at 249 Main Street.

**A3. Hearing on Liquor License Violation, Coach Grill, 55 Boston Post Road** At 7:10 p.m., Chair C. Karlson opened the hearing for a violation of Massachusetts General Law, Chapter 138 Section 34, regarding: sale of liquor to underage persons, and for violation of the Wayland Board of Selectmen's Rules for Provision and Consumption of Alcoholic Beverages for not possessing a TIPS certification roster on premises at the Coach Grill. C. Karlson reviewed the procedures for holding a hearing. The Board was joined by Police Chief Robert Irving, Sergeant Detective Jamie Berger, Director of Corporate Security for BBRG Maurice Delvendo, Attorney for BBRG Karen Simao, and Coach Grill Manager Hector Tovar. J. Berger described the events of February 25, 2016. K. Simao said the Coach Grill has not had a violation in its fifteen years of business in Wayland, and noted that the manager cooperated with the police. H. Tovar said he did not know the TIPS list had to be physically posted; he said he had it in the computer due to privacy concerns. It has now been redacted and has been posted. K. Simao said the Coach Grill has reviewed its procedures, conducted internal training, and reinforced their zero tolerance policy. She said Wayland is now a test site for internal compliance checks. R. Irving confirmed that the Coach Grill has passed all its compliance checks in the past. C. Karlson closed the hearing at 7:20 p.m.

The Board reviewed and discussed the recommendation of R. Irving. J. Nolan moved, seconded by M. Antes, to place the liquor license for the Coach Grill Restaurant, 55 Boston Post Road, on probation for a period of one year, commencing on April 4, 2016 and ending on April 4, 2017. 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. The licensee will also maintain a certification roster in an easily accessible location on premise. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A4. Hearing on Liquor License Violation, Post Road Liquors, 44 Boston Post Road** At 7:35 p.m., Chair C. Karlson opened the hearing for a violation of Massachusetts General Law, Chapter 138, Section 34, regarding the sale of liquor to underage persons on February 25, 2016, at Post Road Liquors. C. Karlson reviewed the procedures for holding a hearing. The Board was joined by Police Chief Robert Irving, Sergeant Detective Jamie Berger, Post Road Liquor owners Jack Recco and Michael Connell, and attorney for Post Road Liquors Karen Simao. J. Berger described the events of February 25, 2016. He noted that the package store had failed previous compliance checks on November 25, 2014, and July 8, 2008. K. Simao said that Post Road Liquors is a family-owned business that has been in Wayland for 41 years. She said the employee involved was terminated the same evening, and that a more strenuous policy has been put in place to card all customers going forward. She noted that the TIPS list was posted as required. R. Irving emphasized the danger of alcohol being easily accessible to underage customers. C. Karlson closed the hearing at 7:57 p.m.

The Board reviewed and discussed the recommendation of the Police Chief. K. Simao requested that the suspension days be non-consecutive. J. Nolan moved, seconded by L. Anderson, that, for allowing the sale of alcohol to an underage person and violation of the terms of probation on February 25, 2016, the liquor license for Post Road Liquors, 44 Boston Post Road, Wayland, is hereby suspended for five days commencing on Sunday April 10, and continuing for five consecutive Sundays (April 10, April 17, April 24, May 1, and May 8, 2016). In addition, the liquor license of Post Road Liquors is placed on probation for a period of two years, commencing on April 4, 2016 and ending on April 4, 2018. 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: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

The Board discussed creating a policy for consistent penalties. K. Simao said she would be willing to work with the town to draft discretionary language, as she has worked with other towns on this matter. R. Irving said that WaylandCares is looking for an owner of a local package store to sit on a panel to discuss underage drinking. J. Recco said he would contact them.

**A5. Meet with Paul Todisco, PRIT Senior Client Services Officer, Discussion and Potential Vote to Authorize Treasurer and Assistant Treasurer to Take All Required Actions to Invest the Wayland OPEB Trust Fund in State Retiree Benefits Trust or the Pension Reserves Investment Trust**

The Board was joined by Paul Todisco of PRIT, Chair of the OPEB Advisory Committee Cliff Lewis, and Treasurer/Collector Zoe Pierce. N. Balmer said the Town Administrator and the Finance Director are responsible for managing the investments in the OPEB Fund, and the Treasurer acts as custodian of the fund. She said that over the last twelve months, the participants reviewed the options for the management of the funds, and now recommend investing in PRIT. P. Todisco provided an overview of the program. He noted that Wayland has been ahead of the curve in dealing with its pension liabilities. C. Lewis said there is a need to be prudent in town management, and the return offered by PRIT meets the target set by the OPEB Advisory Committee. P. Todisco said that PRIT mitigates risk through diversity of allocations. Board members discussed the ability to withdraw from PRIT, the fee, the long-term return of 9%, and the impact of politics on the fund. P. Todisco said the Board consists of professionals who compete with their peers for recognition, innovation, research, and cost control, and are insulated from political pressures. C. Karlson asked about the reporting the Board will receive; P. Todisco said there is a monthly newsletter, a performance report, and monthly details of capital accounts and fees. Z. Pierce said she is satisfied with the reporting. M. Antes moved, seconded by J. Nolan, that it be resolved, that the Treasurer and the Assistant Treasurer of the Town of Wayland be authorized to execute and deliver the Investment Agreement with State Retiree Benefits Trust in substantially the form presented to this meeting and attached hereto, to sign checks and wire OPEB

trust funds to SRBT or to the Investment Pension Reserves Investment Trust, or as it may otherwise be directed by SRBT staff, and to make withdrawals and investments and enter into such agreements and deliver such certificates as SRBT or the Pension Reserves Investment Management Board may direct and resolved, that the sum of \$12,387,625.25 be appropriated as the initial investment into the OPEB Trust Fund. This is an act of the meeting of the Board of Selectmen on April 4, 2016. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. J. Nolan thanked everyone involved for their work.

**A7. Discuss Any Annual Town Meeting Business, Final Discussion of Articles and Preparation of Board of Selectmen Roles** The Board was joined by Town Counsel Mark Lanza to discuss legal issues in regard to the Annual Town Meeting. In regard to the decision to make current year transfers this year and not in other years, M. Lanza said this is a management issue; the town has to legal right to do so. In regard to the article, "Authorize the Transfer of 207, 195 and 193 Main Street to Library Trustees, Recreation Commission, and School Committee," he clarified the ownership and delineation of the three parcels. He said the current article is written so any board can transfer all or any part of the land for any purpose. He noted it is not unprecedented for Town Meeting to allow a transfer for more than one purpose and then decide later where the jurisdictional lines will go. In regard to the article, "Appropriate Funds for Design, Construction Documents and Bidding for a Proposed Council on Aging/Community Center at Wayland Town Center," he said the town can contract for design services for a building on land it doesn't own. He said he has issued an opinion to this effect and it has not changed; Bond Counsel also issued the same opinion. He said the Department of Revenue can issue a definitive opinion on municipal finance law if it becomes a court issue. Anette Lewis, 33 Claypit Hill Road, said she did not agree, and asked that her concerns be sent to Bond Counsel for an opinion. M. Lanza said that in regard to the article, "Appropriate Funds to Restore Cochituate Clock," the clock is owned by the town, and therefore does not violate the establishment clause of the Constitution. In regard to the article "Fund Glezen Lane Traffic Control Measures," he said the town has a legal obligation to proceed with the proposed construction, as there has been no decision in the litigation. C. Karlson noted that even if town meeting votes against the article, the court can order the town to provide funding. The Board discussed the use of eminent domain in the purchase of the Mainstone conservation restriction; M. Lanza said it is a friendly taking in order to clear title. J. Nolan asked for an opinion on the petitioners' article regarding access to Town Counsel. M. Lanza said that while it is legally sound, he has concerns about liability in regard to providing opinions on substantive legal issues. He said he will have an amended motion to provide clarification to the article, "Adopt Massachusetts General Laws Chapter 44, Section 53E ½ Revolving Accounts."

C. Karlson said motions have been assigned to movers. M. Antes said that Duane Galbi, 190 Stonebridge Road, has contacted Habitat for Humanity to advise them that he plans to make a motion to remove the capital budget item for the Stonebridge Water Main. She said Mike Lowery, Board of Public Works, is prepared to speak to the issue. C. Karlson said she has posted a meeting of the Board of Selectmen at 6:45 p.m. on Thursday, April 7, in the Wayland High School.

**A6. Discussion and Potential Vote, Suburban Coalition Resolution on Chapter 70 School Funding** L. Anderson said the School Committee voted two weeks ago to support the Suburban Coalition resolution on Chapter 70 School Funding, noting the funding has not kept pace with costs in special education and health insurance. L. Anderson moved, seconded by M. Antes, that the Board of Selectmen sign the Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendations. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A8. Discuss Plan for Timely Preparation of Minutes** N. Balmer reviewed a plan for the preparation of minutes. She said that minutes will be prepared within sixty days of a meeting, and office staff will provide backup during busy times. The Board discussed the changes in Open Meeting Law requirements, and the standard for a reasonable timeframe.

**A11. Report of the Town Administrator** N. Balmer said she met with representatives of the Carroll School; they agreed to meet informally with the land use team in May and make a public presentation in June. She provided a summary of the legal fees paid in the Glezen Lane case. She reported on a legal opinion regarding sales for profit on town property, the hiring of an Executive Information Technology Director, residential political signage, recreation budgets, and the impact of the Mainstone Conservation restriction on property taxes. She reported on operational issues regarding the Wastewater Management District Commission, and she said she has received confirmation from the Minuteman School Committee that the town's understanding that it should take no action on the Annual Town Meeting Minuteman MSBA article is correct.

**A12. Selectmen's Reports and Concerns** J. Nolan reported on a meeting of the MetroWest Regional Transportation Authority Board of Directors. M. Antes said the Housing Authority, the Municipal Affordable Housing Trust Fund Board, and the River Stewardship Council were not in the 2015 Annual Town Reports. L. Anderson said that Sudbury Selectman Len Simon had contacted her regarding post-Minuteman planning; she said he suggested a collaboration to address common issues such as transportation.

**A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A14. Adjourn** There being no further business before the Board, L. Anderson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:20 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 April 4, 2016, Board of Selectmen's Meeting**

1. Notice of Hearing for Coach Grill and Post Road Liquors, and Procedure for Liquor License Hearings
2. Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendations, Suburban Coalition
3. Investment Agreement between SRBT Fund Board and Municipality with Attachments
4. Redlined Motions for the 2016 Annual Town Meeting
5. Memorandum of 4/4/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Board Minutes
6. Town Administrator's Report for the Week Ending April 1, 2016

#### **Items Distributed for Information and Use by the Board of Selectmen at the April 4, Meeting**

1. Revised Powerpoint Presentation, Overview of the State Retiree Benefits Trust Fund and the Pension Reserves Investment Trust, April 4, 2016
2. Certification of the Vote of April 4, 2016, regarding the Investment Agreement with the State Retiree Benefits Trust
3. Interim Report of the Wayland Real Asset Planning (WRAP) Committee, March 29, 2016
4. Email of 3/25/16 from Rebecca Stanizzi, River's Edge Advisory Committee, to Nan Balmer, Town Administrator, re: Revised RFP, Revised LDA, Revised Design Guidelines