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TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

Board of Selectmen

Meeting Minutes

December 11, 2017

6:45pm

Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Cherry C. Karlson, Mary M. Antes, Douglas A. Levine (arrived 6:59pm), Louis M. Jurist

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair L. Anderson called the meeting of the Board of Selectmen to order at 6:45p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

A2. FY17 Audit: Hear presentation by Melanson Heath on FY17 Audit with Finance Committee and Audit Committee Scott McIntyre of Melanson Heath came before the Board to discuss the FY17 Audit results and report. Finance Director Brian Keveny, George Uveges, FinCom, and Chris Ryan, Audit Committee, were also in attendance for this agenda item. S. McIntyre stated the audit of the financial statements went very well and financial books and records were in good working order with no disagreements between the town and the firm on application of Generally Accepted Accounting Principles. This is Wayland's third year producing a comprehensive annual financial report (CAFR). He went over the report and discussed basic financial statements both long term and short term. He discussed the town's net pension liability and net OPEB obligation estimated amounts and upcoming reporting changes.

D. Levine arrived at 6:59pm.

S. McIntyre explained changes to the unassigned fund balance number. Total revenues came in greater than anticipated for FY17 led by tax collection efforts and unspent appropriations. Management letter recommendations include: improve automation in tax collector's office, improve controls over payroll, and adhere to a formal water billing schedule. The Town has not yet responded to the Management letter. C. Karlson thanked the Finance Director and Treasurer for their hard work on behalf of the Town's finances. L. Anderson thanked the Audit Committee.

The Board announced that due to the changes in federal tax regulation the tax office will accept early payments of 3rd and 4th quarter before Jan. 2 and it will be credited as a 2017 payment. This information is also posted online.

A3. Public Comment Mike Lowery, Lakeshore Dr., discussed the three reasons he is opposed to Wayland petitioning probate court on alternative uses for the 5 Concord Road building. He distributed a copy of his comments.

Charlie D'Ambrosio, 17 Williams Road, updated the Board on the recent activity of the group that opposes Oxbow Meadows.

Lina Russo, 408 Trout Brook, gave the Board two expense estimates for constructing a separate entrance to Oxbow Meadows.

Gretchen Schuler, 126 Old Connecticut Path, stated her reasons why the town building could be a possible location for a larger and improved COA/CC rather than using a location at the town center.

Linda Segal, Aqueduct Road, explained her objection to the town using tax dollars to pursue legal options for the reuse of 5 Concord Road.

Steve Klitgord, 274 Concord Rd., stated he's concerned what the impact would be for the town if they spent capital money on the "big 4" with the new federal tax changes.

Town Engineer Paul Brinkman came before the Board to discuss the consent agenda item to sign an amendment to the Land Disposition Agreement for River's Edge to extend the due diligence period through Feb. 28, 2018. He explained that we are waiting on action from DEP and also discussed the process going forward.

A4. Community Compact Best Practice Project: Meet with Michael Ward, Director of Government Services at the Collins Center, regarding proposal for a Town Administrator Special Act; discuss next steps: Using the October 2017 draft Financial Management Structure Review report, M. Ward discussed how the town could advance some of the findings and recommendations found in the report. He drafted a Town Administrator Special Act, which could be one possible path towards implementing the recommendations. M. Ward briefly went over the main points in the report and the act. L. Anderson asked if there are other things the town can be doing. L. Jurist asked what the Board's strategy is going forward. The Board was interested to see how the role of the Finance Committee would fit into future discussion. The Board asked if the current level of staffing in the Town Administrator's office could handle these changes. N. Balmer said yes, it's just a matter of reorganization. C Karlson said whether or not Wayland is ready for these steps, they are good management practices. Ultimately it will come down to a ballot vote and Town Meeting discussion and vote to decide. The Board agreed that additional in depth discussion of the reorganization of positions and roles in the report is needed. L. Anderson said further questions can be funneled through N. Balmer

A5. Liquor License Hearing: Application filed by Mason Mack Petroleum, LLC dba Wayland Gulf, for a new off-premise Annual Wine and Malt Beverage License, at 28 Boston Post Road; Vote on application filed by Mason Mack Petroleum for an Annual Package Store License to sell wines and malt L. Anderson opened the Public Hearing at 8:05pm and gave an overview of the process noting the materials in the Board's packet. Applicant Manheim Mack described his business as a gas and convenience store which they bought in July 2017, and explained he is applying for an Annual Wine and Malt Beverage License to answer demand from local customers. L. Jurist questioned whether another store selling alcohol is necessary in the area.

L. Anderson asked for questions from attendees:

Mike Lowery, Lakeshore Dr., asked how many filling stations in Wayland might have a similar request. M. Mack said he's not aware of any other filling stations with a convenience store. M. Lowery said he's concerned about compliance and enforcement. M. Mack stated they now strictly adhere to tobacco and EPA standards so have experience with compliance issues.

Linda Segal, 9 Aqueduct Rd., asked the Board what other MetroWest towns have given this type of license to a combination gas station/convenience store.

Town Counsel Carolyn Murray explained what would happen to the license if applicant closed his business or moved locations. She said other communities have had similar situations and there was the

same hesitation to grant the license. She said towns have to weigh the public's need and the public's want in considering the license.

There being no other comments or questions from attendees or the Board, L. Anderson closed the Public Hearing at 8:24pm. The Board started its deliberations.

L. Anderson noted the Police Chief's comments and the Fire Chief's report of full compliance. M. Antes said she doesn't see anything that would disqualify them and has no objections. L. Jurist said he agrees, but doesn't think there is a community need. D. Levine said he's torn and stated they had a very logical presentation tonight. He said he's thinking about the character of the town. Both C. Karlson and L. Anderson stated they are on the fence when looking at the issue from a public need point of view.

D. Levine moved, seconded by M. Antes, that the Board of Selectmen vote to approve the license application of Mason Mack, LLC for an off-premise liquor license to sell wine and malt at the Wayland Gulf convenience store located at 28 Boston Post Road. YEA: L. Anderson, M. Antes, L. Jurist, D. Levine. NAY: C. Karlson. ABSENT: none ABSTAIN: Adopted 4-1.

A6. 2018 License Renewal: Vote to approve renewal of liquor licenses, common victualler licenses, entertainment licenses, and used car dealer licenses D. Porter, Executive Assistant to the Town Administrator, came before the Board to present an updated list of licenses for 2018 (updated from information in packet). D. Porter noted that two establishments are not yet ready for review and he explained the follow up still needed. D. Porter and Ken Phillips, a representative from The Dudley Chateau, discussed the change in management and beneficial interest situation with this business and asked who can legally sign the Liquor License renewal this year. D. Porter said he discussed this with town counsel and the renewal license can be signed by anyone who has a beneficial interest. It was suggested that the current beneficial interest sign this year's renewal form, then they go through the process to change the manager and beneficial interest. The Board agreed with this approach.

C. Karlson moved, seconded by M. Antes, to approve the following Auto Dealer Licenses for 2018: Herb Chambers of Wayland including all dba's, State Road Auto Body, and Wayland Foreign Motors. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0

C. Karlson moved, seconded by M. Antes, to approve the following Entertainment Licenses for 2018: China Rose and Starbucks. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0

C. Karlson moved, seconded by M. Antes, to approve the following Common Victuallers Licenses for 2018: China Rose, the Dudley Chateau of Cochituate Inc., The Local Restaurant of Wayland LLC dba The Local Restaurant, New Sandy Burr Inc., Spice 'n Pepper (Aprileileen Corporation), and Starbucks. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0

C. Karlson moved, seconded by M. Antes, to approve the Liquor License for 2018 for New Sandy Burr, Inc.; and to approve a Liquor License for 2018 for the Dudley Chateau contingent upon receiving a properly signed application. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0

A7. 5 Concord Road: Review draft of Town Counsel petition to Probate Court Town Counsel C. Murray briefly reviewed the background of 5 Concord Road and legally what could be done with the existing portion of the building that sits on the Roby parcel. The Board authorized KP-Law to go forward with drafting a petition seeking clarification on using the building for other uses or for other library uses. The Library Planning Committee made suggestions to the Board, including using the parcel as a cultural center for visual arts or as a technology center. The Board liked both of the suggestions. C. Murray noted that both suggestions are related to the uses of a current modern library. There is an argument to be made that the

parcel still continues library practices. She stated the purpose of the draft petition presented is to deviate from the terms of the deed stating it will not be used as primary/sole library for the town. C. Murray described the process going forward with the Probate Court. The Board asked questions and gave some suggestions for revisions of the draft.

Larry Orloff, Glezen Lane, thinks 5 Concord Road could be a branch library but that Wayland is too small of a town to take on those additional costs.

A8. FY19 Capital Projects: Review priorities N. Balmer stated that FinCom has requested information about the Board's priorities regarding the FY19 Capital Projects. She discussed recommendations from the Public Buildings Director, Finance Director, IT Director, and staff, and briefly went over all of the Capital Projects. She stated the total amount of money for the capital projects without a debt exclusion. C. Karlson asked questions regarding costs, timing, and ability to complete projects.

The Board worked to prioritize the capital items. Members agreed that items 10 and 11 should go forward. C. Karlson said she would like to see departments spend the money they have already appropriated in years prior before requesting new project funds. N. Balmer said she brought D. Watkins' questions and comments about the MUNIS Module to IT Director J. Pazos and the resulting information is in the packet. N. Balmer asked what the Board wants to do with the Town Building renovations project. C. Karlson said she's disappointed it could be pushed off until FY20. After discussion, the Board decided to put projects 4 (town building mechanical), 5 (Fire Station 2 renovations), 10 (MUNIS module), at the top of the priority list in the 1st category; projects 3 (town building renovations), 11 (Fire vehicle – ambulance receipts), 12 (Conservation tractor) in the 2nd category; and project 2 (town building window design) in the 3rd category. Projects funded by CPC funds (1 Library windows and 6 Depot repairs) were not prioritized as they will be separate articles, not part of the budget article.

A9. FY19 Debt Exclusions: Discuss Board policy and position on project funding N. Balmer asked the Board if they want to use a debt exclusion for funding town building improvements and Fire Station 2 renovations. If so, she will start putting it together. C. Karlson asked her what she needs to start the process. The Board is happy to consider debt exclusions for large projects, but first would like a presentation on those large projects from FinCom. The Board stated they would consider a letter to FinCom requesting debt exclusion funding to start the process. L. Anderson asked if it makes sense to do a debt exclusion on the fourth item, Town building mechanical repairs.

A10. ATM Discussion: Review potential articles for Board sponsorship, ATM schedule/Special Town Meeting N. Balmer provided a list to the Board of potential articles and asked if they wanted to remove any of them. She said the Planning Board with the Youth Advisory Committee will come to talk about a possible marijuana opt out article at the Jan. 8, 2018 meeting. The Board suggested moving Article 14 (annual revolving fund caps) up to standard articles and noted that consideration of Article 22 (Special Act for TA) is premature at this time. N. Balmer stated the Moderator does plan to have a forum, but has not set a date.

A11. Report of the Town Administrator

1. **Correspondence** The Attorney General disapproved ATM Warrant Article 14: Limited Site Plan Approval due to a procedural error with regards to advertising.
2. **Update on Oxbow Meadows construction contract:** The project is going back to Conservation Commission on Dec. 21 for further review and potential resiting.
3. **Board of Selectmen meeting schedule:** Schedule through ATM is included in packet.

A12. Minutes: Vote to approve minutes of November 20, November 27 C. Karlson moved, seconded by M. Antes, to approve the minutes of November 20, 2017 and November 27, 2017 as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Juri, D. Levine. NAY: none. ABSENT: none
ABSTAIN: Adopted 5-0

A13. Consent Calendar: Review and vote to approve (See Separate Sheet) M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none ABSTAIN: Adopted 5-0

A14. Review Correspondence: (See Separate Index Sheet) C. Karlson stated from an organizational perspective, items 2, 3, 4 are all part of item number 2 and do not need to be listed separately. N. Balmer noted this for future packets.

A15. Selectmen's Reports and Concerns None.

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, D. Levine moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 10:10 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 December 11, 2017

1. Handout prepared by Michael Lowery, re: Public Comment: Petition to Probate Court re 5 Concord Road, December 11, 2017
2. Handouts prepared by Gretchen Schuler, re: Public Comment – Town Building and COACC
3. Handouts prepared by Steven Klitgord, 274 Concord Road, re: 2018 Tax Changes will Impact Wayland Residents, December 11, 2017
4. Handout – Charlie D'Ambrosio – re: Public Comment to BOS (Oxbow Meadows), December 11, 2017
5. Estimate from Weston Property Management for tree removal and installation of separate gravel driveway, submitted by Lina Russo, dated December 6, 2017
6. Estimate from Shaun Powers for tree removal and installation of separate gravel driveway, submitted by Lina Russo, dated December 9, 2017
7. DRAFT of An Act Relative to the Position of Town Administrator in the Town of Wayland
8. Procedure for Liquor License Hearing to consider the application of Mason Mack Petroleum, LLC
9. GIS Map showing 28 Boston Post Road and intersection with Old Connecticut Path for use during the Mason Mack liquor license hearing
10. Revised memorandum from David Porter, re: 2018 License Renewals
11. Board of Selectmen schedule through 2018 Annual Town Meeting
12. Press Release from the Wayland Treasurer's Office re: Opportunity to pre-pay third and fourth quarter real estate taxes

Items Included as Part of Agenda Packet for Discussion During the December 11, 2017 Board of Selectmen's Meeting

1. Management Letter for Year Ended June 30, 2017
2. Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2017
3. Email from Michael Ward and Frederick Kingsley, dated December 7, 2017, re: Draft TA special for discussion.
4. Draft Act Relative to the Position of Town Administrator in the Town of Wayland
5. Memorandum from David Porter, re: Application of Mason Mack Petroleum d/b/a Wayland Gulf for a new wine and malt license
6. Retail Application of Mason Mack Petroleum for a new Wine and Malt License
7. Draft Petition to Probate Court, dated December 7, 2017
8. Memorandum from Nan Balmer, re: Annual Town Meeting Discussion g. 2018 Annual Town Meeting:
9. Potential Articles as of December 11, 2017.

10. Annual Town Meeting schedule
11. Memorandum from Nan Balmer, re: FY19 debt exclusions
12. Board policy on debt exclusions
13. Memorandum from Nan Balmer, re: Review capital budget priorities and make any recommendations to the Finance Committee on priority projects
14. Staff recommendations on FY19 capital projects -12/11/17 (for departments under the Board of Selectmen)
15. Memorandum from Jorge Pazos, IT Director, re: MUNIS revenue module capital request
16. Information Technology Network Infrastructure Capital Plan
17. Memorandum from David Houghton, Fire Chief, re: Capital Items
18. Memorandum from David Porter, dated December 11, 2017, re: 2018 License Renewals
19. Town Administrator's Report for the week ending December 8, 2017
20. Board of Selectmen Schedule through 2018 Annual Town Meeting
21. Draft Minutes from November 20, 2017 and November 27, 2017