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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

**Board of Selectmen  
Meeting Minutes  
Monday, October 2, 2017  
6:30 p.m.  
Wayland Town Building, Selectmen's Meeting Room  
41 Cochituate Road Wayland**

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Douglas A. Levine  
(arrived 6:54pm)

**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 Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Rivers Edge Project at 484-490 Boston Post Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, relative to Property and Development located off 400-440 Boston Post Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), a Discussion of Strategy with Respect to Negotiations with Non-union Personnel, Town Administrator, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town** At 6:30pm, L Anderson 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 consider the purchase, exchange, taking, lease or value of real property in regard to the Rivers Edge Project at 484-490 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), to discuss whether the town should pursue legal proceedings with respect to the town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), to discuss strategy with respect to negotiations with non-union personnel, Town Administrator. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0. The Chair invites attendance by: Town Administrator Nan Balmer, Assistant Town Administrator John Senchyshyn and Town Engineer, Paul Brinkman. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:00pm.

**A1 and A2 Call to Order by Chair AND Review Agenda for the Public; Announcements** M. Antes announced the Library, Hear Our Voices, and the League of Women Voters are sponsoring a meeting on 10/12 dealing with the subject of communication with your legislators.

**A3. Public Comment** J. Milburn, Concord Road, delivered a letter for the record. Richard Turner, Nob Hill Road, stated his displeasure with the communication around the new Police Chief's swearing in ceremony. Turner was not able to attend since he did not know about it.

Gil Wolin, West Plain St., read aloud a letter from Malcolm Astley who could not attend the meeting. M. Astley requested that plow service be returned to those roads that were stopped 2 years ago.

B. Wright, Jeffrey Road, Recreation Commission, discussed the status of Oxbow Meadows project. He requested the Board's support for the project following the Zoning Board of Appeals decision.

**A4. Swearing in of Firefighter Nathaniel Bachman (*to be held in the Senior Center*)** The Board moved to the Large Hearing Room (new location) to attend the swearing in of new Firefighter Nathaniel Bachman. Following administration of the oath and pinning his badge, the Board congratulated Firefighter Bachman. The Board returned to the Selectmen's Meeting Room.

**A3. Public Comment, continued** Reed Newton, Haven Lane, Wayland Youth Soccer, asked for the Board's support for the articles at Special Town Meeting related to athletic fields.

**A5. Meet with the Chairman of the Board of Public Works to Discuss Maintenance and the Plowing of Private Roads** Chair Woody Baston came before the Board to discuss the suggestions from BOPW of private roads to be removed from the plowing list. He stated the BOPW's goal is to create a uniform policy. W. Baston discussed the history of the Town plowing private roads and stated the biggest concern is the danger to plow drivers when they are plowing these roads. He noted in an emergency, he believes emergency vehicles could respond in an adequate amount of time despite DPW having to respond and plow first. It was discussed that there is urgency in deciding this matter so residents have enough time to prepare for the upcoming snow season. D. Levine asked about lighting on the plow trucks and if there are any public ways that we plow without turnarounds. W. Baston said yes. Mike Lowery, member of the BOPW, stated the Town needs to consider the issue of using public money for private benefit. D. Levine said it would be helpful to look at what other towns are doing, and W. Baston had a summary document of what other towns plow. L. Anderson said the Board sympathizes with the residents who will no longer have their private roads plowed, but it is reasonable to have a standard for plowing roads and to make it fair to other residents who plow their own private roads.

The Board of Selectmen asked the BOPW to draft a policy to review and vote on at its Oct. 16 meeting. The Board of Selectmen will then discuss it at a subsequent meeting.

**A6. Presentation by the Chairman of the Finance Committee** Finance Committee Chair Dave Watkins shared the Finance Committee's presentation with the Board. He stated the purpose of the presentation is to think about the financial process and trends, and noted the information is generally consistent with the FinCom's expectations, but the numbers are subject to change. The presentation included the Finance Committee's goals, highlights, key financial issues, socioeconomic data and peer towns and discussion of the stresses on the Town's Moody's Aaa rating. The presentation is available online.

L. Anderson remarked that many funding decisions are changed at Town Meeting, so it's the Board and FinCom's responsibility to do a better job getting the financial message out to voters. The Board thanked D. Watkins for his committee's work on the presentation.

**A7. Special Town Meeting Articles: Discuss all Articles; Potential Vote to Insert Articles in Special Town Meeting Warrant and Potential Vote to Take a Position on Special Town Meeting Articles; and Meet with Article Sponsors:**

- (1) School Committee** School Committee member Jeanne Downs answered questions from the Board regarding Article J, High School Stadium Complex Renovation Design fees. C. Karlson asked if more rehabilitation work could be done instead of replacing everything. J. Downs said they did receive quotes from Weston & Sampson to compare costs, and, generally, the facility is in such disrepair that it is not worth spending the money to rehab. Repairs would not last as long as a new facility. She stated the article is written so the decision of grass or turf can be made by the School Committee at a later time. The School Committee anticipates that more information will be available to make this decision. C. Karlson asked about ADA compliance and also if the Facilities Department has enough time and staff to manage and complete the work required to prepare this project before the deadline for submission of ATM articles. N. Balmer said she doesn't think the

Town has the capacity in Facilities, but this project would be emphasized, possibly at expense of other projects if the STM article is passed.

**(2) Recreation Commission** Members of the Recreation Commission came before the Board to discuss Article K, Synthetic Turf Field at Loker. Chair Asa Foster stated Town Counsel's opinion that there shouldn't be any legal issues moving forward for a turf field at this location. N. Balmer clarified that Town Counsel used the language that 'they have found nothing so far' that would limit the use of the land for a turf field. A. Foster said they held a meeting with neighbors and residents to listen to their concerns. Neighbors were notified by mail about a week before the meeting. There were questions about lights and a possible traffic study. Rec proposes to fund the design study out of its stabilization fund and to come back in the spring for a vote on whole project if this article is passed this fall. D. Levine asked about a timeline if it is grass field instead. A. Foster said the project would take a year longer for grass instead of turf.

**(3) Board of Public Works** W. Baston answered questions regarding Article L, 107 Old Sudbury Road Demolition. He stated the property has been deemed dangerous by the Fire Department. He stated if the Article passes they are hoping to go out to bid in the winter and start demolition in the spring.

DPW Director T. Holder came before the Board to discuss Article M, Aqueduct Pedestrian Crossing. He discussed the DPW's role in it. He stated the whole project is a safety issue and while the DPW can oversee installation of ADA compliant crossings, it will bid out the work. L. Anderson asked if a short-term solution of painted crosswalks would be possible. T. Holder said it is possible, but painted crosswalks give a false sense of security to pedestrians. If the STM article passes, an April construction date is possible.

C. Karlson asked the Board for suggestions on Article C (Accept Gifts of Land at Town Center) noting that the packet contains the updated version. The Finance Committee hasn't discussed this article yet. L. Anderson gave one suggestion, otherwise said it was well written.

Article B, (Current Year Transfers) was discussed and C. Karlson explained that the request for the Septage Fund expenses will be removed since the town is still discussing this with Sudbury. A revised agreement and budget will come back to Annual Town Meeting.

C. Karlson moved, seconded by M. Antes, to revise the article text for a new cost estimate of \$35,655. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Anderson noted there are some changes to Article A (Pay Previous Fiscal Year Unpaid Bills).

C. Karlson moved, seconded by M. Antes, to support Article A "Pay Previous Fiscal Year Unpaid Bills" and Article B "Current Year Transfers." YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by M. Antes, that the BOS insert Article A "Pay Previous Fiscal Year Unpaid Bills" and Article B "Current Year Transfers" into the warrant. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karson moved, seconded by M. Antes, to insert and support Article C "Accept Gifts of Land at Town Center," Article D "Change Filing Deadline for Circuit Breaker Match Program," Article E "Compensation for Town Clerk," Article F "Personnel Bylaws and Wage and Classification Plan," Article G "Town Union Collective Bargaining Agreements 2017-2020," and Article H "School Union Collective Bargaining Agreements 2017-2020." YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by C. Karlson, to insert and support Article N. "Marijuana Moratorium." YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by L. Jurist that the Board support and insert Article L "107 Old Sudbury Road Demolition", O "Stone Pillars at Castle Gate", and P "Design Funds for Part 2 of High School Plan". It was discussed that Article P is dependent on Article J.

The Board decided that each article should have its own motion.

M. Antes moved, seconded by C. Karlson, to support and insert Article L "107 Old Sudbury Road Demolition." YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by C. Karlson, to support and insert Article O "Appropriate Funds to Restore/Preserve Stone Pillars at Castle Gate Road and West Plain Street." YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson suggested the new Police Chief weigh in on Article M (Weston Aqueduct Crossing) in a memo. The Board agreed they were comfortable holding off on voting a position on the rest of the articles.

#### **A8. Fiscal Year 19 Budget Discussion: Vote to Approve Capital Projects for**

**Departments under the Board of Selectmen** N. Balmer provided some thoughts on the process and deadline for reviewing and approving capital projects and asked the Board to delay this vote.

**A9. Town Administrator Review: Discuss Final Evaluation and Goal Setting** The Board discussed the evaluation and L. Anderson asked for feedback. She said the final evaluation will be presented at the next meeting and she's hoping over the next week everyone can put together ideas for the Board's goals for the next year.

**A10. Minutes: Review and Vote to Approve Minutes of September 18, 2017** M. Antes moved, seconded by D. Levine, to approve the minutes of September 18, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Consent Calendar: Review and Vote to Approve (See Separate Sheet)** C. Karlson stated she would like to add the number \$70,000 to item 2 and David Porter's job title to item 4. M. Antes moved, seconded by L. Jurist, to approve the Consent Calendar as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A12. Review Correspondence (See Separate Index Sheet)** The Board reviewed the Correspondence packet. M. Antes mentioned the Fire Chief's report and the idea of publishing it for better communication with residents. She will follow-up.

#### **A13. Report of the Town Administrator**

- 1. Correspondence** N. Balmer stated the letter from Verizon has been forwarded to WayCam.
- 2. Wastewater Management District Commission –Wayland Meadows Land Agreement and PILOB** The Conservation Administrator, Town Counsel, and the Conservation Commission are all satisfied and deem the title restrictions on Lot 8 not relevant to the Conservation Commission's intended passive use of the property. The Board agreed that N. Balmer could release the land agreement and related documents to Wayland Meadows. The PILOB Agreement was signed by the Board on 4/21/17 but was lost in the office. The WWMDC re-signed it and the BOS are being asked to re-sign. Terms will be implemented upon receipt of the Land Agreement from Wayland Meadows.

3. **Class II Auto Dealer's License** N. Balmer said this is an old issue that has come back again. Town Counsel concluded that the cars sold over the Internet also count towards the maximum number of cars for sale on the property. N. Balmer stated she has sent a letter to Wayland Automotive asking them to come up with a reasonable solution, which will be reviewed by the land use departments before their license is renewed. C. Karlson stressed the importance of working with the business to resolve this.
4. **Oxbow Meadows Contract** Appeals have been filed in Land Court and to the Zoning Board of Appeals. The ZBA will take up the matter on Oct. 10. Acknowledging that there is risk involved in moving ahead with construction during the appeal period, N. Balmer said she would like to hear the Board's input. The Board discussed the possible pros and cons of going forward with the project despite the appeals or waiting until the appeals are over.
5. **Executive Session – Motion for Minutes** Town Counsel advised that when reviewing Executive Session minutes, the Board can change its practice to list only the meeting dates being reviewed rather than also listing the detail of topics discussed in motions for entering Executive Session.
6. **Town Engineer: Update on River's Edge** The Town Engineer provided a written update on River's Edge for the public distribution giving information on the status of the asbestos removal. N. Balmer noted there would be additional information added to the public record about costs to remove the asbestos.

**A14. Selectmen's Reports and Concerns** M. Antes asked if any other Selectmen were attending the MMA's meeting on Oct. 14.

**A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** The Chair said, "I know of none."

**A16. 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 10:06 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, 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 October 2, 2017**

1. Letter of 10/2/2017 from Ann Baker, Steven Klitgord, Judy Ling, Mike Lowery, Steve Garone to Board of Selectmen re: Vote against the proposed new library, delivered by hand by Jean Milburn
2. Overview of Neighboring Town Policies on Plowing Private Roads, from Woody Baston, BoPW
3. Email from Malcolm Astley re: Following Through on Commitments
4. Finance Committee Presentation to the Board of Selectmen: Financial State of the Town
5. Article List for November 14, 2017 Special Town meeting
6. Article for Special Town Meeting on Current Year Transfers

#### **Items Included as Part of Agenda Packet for Discussion During the October 2, 2017 Board of Selectmen's Meeting**

1. List of private roads in Wayland
2. Aerial and terrestrial photographs of select private roads in Wayland
3. Map of Wayland with proposed road maintenance and snow plow adjustments
4. Memorandum from Nan Balmer to the Board of Selectmen, re: STM Articles
5. Article List for November 14, 2017 Special Town Meeting, including sponsors and assignments
6. Article Text for all articles, excluding Finance Committee comments which are not yet prepared

7. Revised STM article, re: Previous Years Bills
8. Revised STM article, re: Current Year Transfers
9. Draft Finance Committee comments for STM Article C
10. Title research by Town Counsel, re: synthetic turf field at Loker
11. Memorandum from Elizabeth Doucette re Fiscal Year 2019 Capital Project Requests
12. Draft Minutes of September 18, 2017
13. Report of the Town Administrator for the Week Ending September 29, 2017
14. Memorandum from L. Hansen, Conservation Administrator, to the Board of Selectmen, re: Wayland Meadows land donation
15. Email dated from C. Murray, Town Counsel, to N. Balmer, re: Executive Minutes Motion
16. Memorandum from P.Brinkman, Town Engineer, to N. Balmer, re: Rivers Edge Due Diligence Update