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TOWN OF WAYLAND

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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

October 23, 2017

7:15pm

Wayland Town Building, Large Hearing Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Douglas A. Levine, Louis M. Jurist
(arrived 7:35)

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair, Announcements Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:15 p.m. in the Large Hearing Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

L. Anderson announced that the Town received a notice from MassWorks about the Infrastructure Grant Program and should plan on a visit and presentation Oct. 31 at 2pm. The Town applied for water main work on Rout 20. More details will be shared when they become available.

A2. Public Comment None.

A3. Rivers Edge: Vote to Extend Period of Land Disposition Agreement. Town Engineer Paul Brinkman came before the Board to explain why the extension was needed, citing the discovery of asbestos containing materials in the soil stockpile on the site. He explained the Town's next steps and process going forward.

C. Karlson moved, seconded by M. Antes to vote to authorize the Town Administrator to sign a First Amendment to Land Disposition Agreement in substantially the same form as presented. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

N. Balmer thanked the Board of Public Works and the DPW Director for lending the assistance of the Town Engineer to the River's Edge project.

A6. Minutes: Review and Vote to Approve Minutes of September 27 and October 2 M. Antes moved, seconded by D. Levine, to approve the minutes of September 27, 2017. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0-0.

M. Antes moved, seconded by D. Levine, to approve the minutes of October 2, 2017 as amended. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: Adopted 4-0-0.

A7. 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, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0-0.

L. Jurist joined the meeting.

A4. Private Roads: Presentation, Discussion, and Public Comment on Maintenance and Plowing Policies; Potential Vote to Adopt a Policy on Private Roads and Vote to Designate for Snow Removal Private Roads Open to Public Use

Town Counsel Amy Kwesell joined the Board for this discussion. BoPW Chair W. Baston and M. Lowery gave a presentation about Wayland's history of plowing private roads and the considerations taken into account while creating its draft policy. Safety of drivers and residents is of primary concern. D. Levine asked the BoPW to go into detail about the public safety issues for the DPW plow drivers. He also asked if there were any private roads that could become public and the process to accomplish that. DPW Director T. Holder said it's difficult and unlikely for private roads to become public ways since there are specific standards and meeting those would be very costly for abutters. He said there have been accidents by plowing these roads. The reason the BoPW has drafted a policy for the Selectmen is to have consistency in the Town's plowing practices. N. Balmer explained the prior insurance incident related to plowing a private way. Town Counsel A. Kwesell said the State's position is that towns cannot spend public funds on private property. KPLaw is dealing with this same issue in other communities.

Cathy Balben, 7 and 9 Quincy Rd, read a statement by an attorney about private ways and asked what has changed since 1982. She also requested a copy of town counsel's statement on plowing private ways.

Randy Kilmon, 11 Corman's Lane, stated it was disingenuous to say there is a safety concern and said it all comes down to money.

Gil Wolin, West Plain St., said the Board's primary responsibility is of the safety of the residents and this is what their tax dollars pay for. He urged the Board to vote to pave all private ways.

Kara Harvey, 8 Wampum Path, feels the backing up policy is unreasonable language and noted there is a public facility located on Wampum Path. She would like to better understand the difference between an easement and a right of way.

Malcolm Astley, 147 Boston Post Rd., went over the highlights of his handout describing his problems with the policy.

Dan Burke, 143 Boston Post Rd., stated he's disappointed about the insurance excuse and said plows today have equipment that make them capable of plowing smaller roads.

Michael VanRooyen, 18 Audubon Rd., stated that Audubon Road is a paved two lane road that leads to a public access area (conservation land) and should be plowed by the Town.

David Noble, 4 Winthrop Place, has safety concerns for his family if their way is not plowed and also asked if any additional safety devices can go on the plow trucks.

Hope Podell, 7 Jennison Rd., stated they move their cars in the driveway to make way for the plows and this new policy would cause financial stress on her family.

Ted Vassallo, 3 Pine Rd., asked why the Town is looking to reduce the services to some taxpayers without reducing the tax rate commensurately.

Doug Leard, 48 Pemberton Rd., and chair of the Emergency Planning Committee, discussed the safety issue of not plowing residential areas and his experience with emergency preparedness. He also expressed concern about increased costs for homeowners.

Brad Wilkerson, Hereford Rd., said there's an inconsistency with the definitions of some of the roads, specifically in how easement and private road are applied. He also asked about the steps to become a public road.

Brian Bell, 205 West Plain St., stated he lost plowing services from the Town two years ago and found it hard to find a good plow service. He also questioned the DPW's ability to change equipment to make it safer to plow these ways.

Ken Chase, 33 High Rock Rd., lost plowing services in 2015 and was notified in the end of November and the cost has been a burden. He would also like to understand the definition of a turnaround and suggested changing plowing equipment.

T. Holder defined the types of turnarounds. M. Lowery thanked everyone who came tonight and noted that this is a draft policy. He said the BoS and BoPW will discuss this and think about it. D. Levine asked about ownership of private ways with more than one abutter. Town Counsel A. Kwesell reiterated that public funds cannot be used for private property. She said the Inspector General's office gets involved and there could be an investigation. The list of roads is supposed to be looked over annually according to the statute. The Board decided it would review the policy in light of tonight's public comment, be sensitive to equity and make a decision that is right and fair for all residents. The Board said the policy wouldn't be implemented until the spring and residents will have a chance to appeal. C. Karlson asked T. Holder to let the Board know if there is something it can do to make plowing safer – including a financial commitment.

A5. Special Town Meeting Articles: Discuss and Vote Positions and Revisions, Including but not Limited to:

- **Article 1: Pay Previous Fiscal Years Unpaid Bills** There have been additional unpaid bills added to the Article. C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen vote to insert and support Article 1, Pay Previous Fiscal Years Unpaid Bills, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Article 11: Synthetic Turf Field at Loker Conservation and Recreation Area Design Fees** D. Levine and C. Karlson discussed their concerns regarding this article from a workflow and money perspective. L. Jurist moved, seconded by C. Karlson, that the Board of Selectmen vote to support Article 11, Synthetic Turf Field at Loker Conservation and Recreation Area Design Fees. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Article 14: Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings** N. Balmer updated the Board that this article is eligible for CPC funds which is new information from the last meeting and discussion. The Board decided to wait for more information and put this on an agenda before Special Town Meeting.

A8. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson stated she was sad to see Michael Patterson stepping down from the Wayland Community Fund. C. Karlson asked about the Town's process of reviewing Affordable Housing Units and why only one was in the packet. L. Anderson said the Vigil for Domestic Violence Awareness was a nice community event.

A9. Report of the Town Administrator:

- **Payroll** The implementation of "outsourced" payroll has been delayed at the recommendation of a municipal financial consultant. She said there are a lot of unanswered questions about payroll and many staff functions won't change with outsourced payroll reducing any potential savings. She said E. Doucette is doing the research and N. Balmer hopes to make a decision in the coming weeks.
- **Cable Advisory Committee** N. Balmer stated that Wayland will begin Comcast negotiations soon and the Board may want to re-constitute a Cable Advisory Committee. D. Porter will act as a liaison between the Board and the Cable Advisory Committee. The Board may also want to look at the Verizon license that expires in 2023 at the same time.

- **Council on Aging Letters** N. Balmer described the three letters from the COA received at the last meeting and outlined the requests. L. Anderson said she is inclined to get the planning appropriation for a new COA facility done at Annual Town Meeting if possible. N. Balmer said she will set up a meeting with B. Sterling to discuss this.
- **FY19 Budget Process** N. Balmer provided answers to the Board's questions from the Oct. 10 BOS meeting regarding the FY19 operating budgets. N. Balmer said she has asked the Finance Director to talk to the Board about the multi-year financial plan and FY19 budget guidelines. She said she makes final comments on all budgets by January 15. N. Balmer stated that the Board has the responsibility of deciding whether to place a debt exclusion on the ballot. C. Karlson said she was looking for an overall budget message and approach from N. Balmer to support the detailed operating budget requests. N. Balmer said she will create a brief memo to the Board.

A10. Selectmen's Reports and Concerns M. Antes briefly discussed the MAPC meeting, a MetroWest meeting and the Saturday MMA Selectmen's meeting she attended. She specifically discussed the community engagement component of the MMA Selectmen's meeting. She also announced meetings that are coming up in the future.

A11. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A12. 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 9:56p.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 23, 2017

1. Letter from N. Abend, re: Historical perspective on the plowing of private roads
2. Letter from K. Harvey, Director of Constance Rose House, re: Proposed removal of Wampum Path from maintenance of snow and ice (with enclosures)
3. "Questions and Responses Regarding DPW Report on Roads of 10.18.17 Re 'How We got Here'" from Malcolm Astley
4. Two photographs of plot plans on Jennison Road, submitted by D. Gilbreath and H. Podell
5. Draft Fiscal Year 2019 Operating Budget

Items Included as Part of Agenda Packet for Discussion During the October 23, 2017 Board of Selectmen's Meeting

1. Amended Rivers Edge Land Disposition Agreement
2. Memorandum from N. Balmer, re: Private Roads
3. Draft PowerPoint Presentation, Board of Public Works & DPW, "Private Roads Policy: Snow & Ice Removal," October 23, 2017
4. Draft "Residential Private Road Snow & Ice Policy"
5. List of Private Roads in Wayland
6. Chart of comparative policies on plowing and maintaining private roads in peer communities
7. Memorandum from N. Balmer, re: Special Town Meeting Articles
8. Draft of Special Town Meeting Article 1: Pay Previous Years Unpaid Bills
9. Draft of Special Town Meeting Article 11: Synthetic Turf Field at Loker Conservation & Recreation Area Design Fees
10. Email from Town Counsel, K. Klein, re: CPA funding for pedestrian crossings at Weston Aqueduct
11. Draft of Special Town Meeting Article 14: Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings

12. Draft Minutes – Board of Selectmen, September 27, 2017
13. Draft Minutes – Board of Selectmen, October 2, 2017
14. Town Administrator's Report for Week Ending October 20, 2017
15. Summary of Principal Terms of Proposed Comcast Renewal License