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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

January 29, 2018

6:30pm

Selectmen's Meeting Room  
41 Cochituate Road, Wayland

**Attendance:** Lea T. Anderson, Cherry C. Karlson, Mary M. Antes, Louis M. Jurist, Douglas A. Levine  
(arrived 6:53pm)

**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 6:30 p.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. Public Comment:** Sheila Carel, 18 Joyce Road, expressed her concerns about the school bus parking issue and her public safety and health concerns. She urged the Board to vote no to parking the buses at 195 Main Street.

Allie Wilkinson, 23 Hartford Road, discussed her reasons why she thinks the Board of Selectmen should bundle all the capital projects into one question for a debt exclusion ballot question.

Cynthia Lavinson, 40 Mitchell Street, followed up on a letter she sent recently on the debt exclusion. She feels strongly about a single debt exclusion debt question.

Peggy Patton, Plain Road, stated her concern about the affordability of all the capital projects in total. She also expressed concern about the Water Department's request for wireless water meters.

Richard Turner, Nob Hill Road, stated he doesn't support the bundled debt exclusion and prefers a menu option.

**A3. Annual Town Meeting: Meet with John Senchyshyn to review plan for large Town Meeting turnout.** Assistant Town Administrator/HR Director J. Senchyshyn, Fire Chief D. Houghton, Public Buildings Director B. Keefe, and Moderator D. Berry came before the Board to discuss the preparations for a large attendance at Town Meeting. The expected schedule for the articles was discussed as well as the layout for the Field House, an assistant moderator for town meeting, a second venue at the High School auditorium, two-way broadcasting ability, and child care arrangements. Parking will be a major logistical problem, with a minimum of 3 or 4 offsite venues with buses transporting people to the High School. Town Meeting will need more detail officers and attendees may need to be ushered in and out of seating. J. Senchyshyn stated the cost estimate came to \$126,550 for a two venue Town Meeting. B. Keveny said a \$60,000 current year transfer would be needed to fund it all.

D. Levine arrived at the meeting 6:53pm

Fire Chief D. Houghton stated they can't exceed the gym capacity. L. Jurist asked about the electronic voting. There will be two systems for electronic voting in two locations and 10 check-in stations. The Board agreed to work with the Moderator on article order, and understood the need to communicate which articles will be discussed which nights. L. Anderson said the Town will have a better idea on Feb 12 of the number of articles going forward. Money could be saved if the meeting is finished in 3 nights. L. Anderson noted that the Town has had big meetings like this before.

**A4. Appointment: Interview and potential vote to appoint Rachel Sideman-Kurtz to the Wayland Cultural Council** Rachel Sideman-Kurtz introduced herself and discussed her work experience and her interest in serving on the Wayland Cultural Council. She said she met with the chair and is aware of the time commitments.

M. Antes moved, seconded by C. Karlson to appoint Rachel Sideman-Kurtz to the Wayland Cultural Council, effective immediately, for a term to expire on June 30, 2019. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Departmental Report: Land Use** Town Engineer Paul Brinkman came before the Board and briefly described how the Town's land use meetings are conducted. The staff discuss their work projects, examine the permitting processes and share information. Finding ways to make the permitting process smoother for staff and residents is a priority. L. Anderson said having a computerized document management system in the future will be helpful.

**A14. 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, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Anderson said she will read the motion for item #2 into the minutes.

I, the Chairman of the Select Board of the Town of Wayland, Massachusetts, certify that at a meeting of the board held January 29, 2018, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$190,000 borrowing authorized by the vote of the Town passed at the 2017 April annual town meeting (Article 6, Motion 7) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

Purpose: Tractor.

Borrowing Amount: \$190,000.

Maximum Useful Life: 10 years

I further certify that the vote was taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the vote were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.30A, §§18-25 as amended.

**A6. Liquor License Violation Hearing: Lavin's Liquors** L. Anderson declared the liquor license violation hearing open at 7:15pm, read the legal notice and went over the procedures for the hearing. Police Chief Patrick Swanick, Detective Jamie Berger, store owners Bob Lavin and Patty Lavin all came before the Board. Introductions were made. Chief Swanick discussed the situation. Detective Berger supervised the compliance checks and explained the event to the Board, sharing a photograph of the underage individual who was able to purchase alcohol. D. Levine asked if Lavin's had ever had a past violation. Chief Swanick said they have

not and have been in business for many years. P. Lavin explained their policy and training. Based on past recommendations for other similar violations and given Lavin's long record of compliance, the Chief recommended a year's probation for a first offense, which would start immediately. Any infraction during the probationary period would result in a loss of license for a day or more.

L. Anderson closed the hearing at 7:26pm

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen impose a one year probation on Lavin's Liquors liquor license effective Jan. 30, 2018. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A7. River's Edge Status: Update from Town Engineer** P. Brinkman updated the Board on the state of the River's Edge site project. The Town is still waiting for information from MA DEP before the asbestos remediation work can begin. The work can be scheduled (weather dependent) with about a week's notice and then 3 days to do the work on the site. Future efforts include sampling the dirt pile for asbestos in other areas, although a large percentage of the dirt pile has been moved with just the identified findings. There is 20 or more years of DPW-road type accumulation at that site. P. Brinkman stated the best-case scenario is that the project will break ground about a year from now; this estimate allows time for the soil remediation, completion of the 90-day due diligence period and permitting. The delay after finding the asbestos this fall is mainly due to slow response of the DEP.

**A8. School Bus Parking: Plan for South Landfill repurposing; Alternative bus parking proposals and FY19 budget** P. Brinkman discussed the status of the school bus parking issue. He discussed plans for repurposing the South Landfill area with bus parking and a DPW laydown area noting that the Town would have to do something with the landfill regardless. Project steps would include a short investigational phase study including more testing on site, then go to DEP to get approval to start designing. P. Brinkman said we will have more information, including costs, available by the fall. The space is big enough for both the DPW laydown area and bus parking. Project timing is about a year for construction, so best-case scenario is the area can be ready July 1, 2020. He also discussed alternative proposals for bus parking to cover the time between the start of the River's Edge project and completion of this new area (approx. March 2019 – July 2020).

**A13. Minutes: Vote to approve and release minutes of January 8, 2018 and January 16, 2018** M. Antes moved, seconded by D. Levine, to approve the minutes of January 8, 2018 and January 16, 2018, as amended YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. School Bus Parking: Plan for South Landfill repurposing; Alternative bus parking proposals and FY19 budget, continued** The Board returned to this discussion with P. Brinkman. In the FY19 budget, there is a need for funding to park the buses in some location from approximately March – June 2019. Budget and contract discussions for bus parking are ongoing, and the Board will receive more information at a later date.

**A9. Proposition 2 ½ Exclusions: Finance Committee presentation; Discussion of merits of projects and form of debt exclusion vote** The Board moved to the Senior Center to hear a presentation from the Finance Committee on Debt and Debt Exclusions at 7:57pm.

When the Board returned, members discussed the availability of town staff resources that will be needed to start the big capital projects if the Board went with the scenario FinCom just presented. The Board asked if the Town was staffed to start everything on July 1<sup>st</sup>. Public Buildings Director B. Keefe said the projects being discussed are really three projects, the way he looks at it – Library, fields, building repairs. He said the projects could start on time because his office has the support of OPMs on the big projects; it is the smaller ones that usually get delayed due to constraints of staff time. B. Keefe stated the capital cost numbers looked

correct in the presentation. L. Anderson stated she thinks the Board needs to hear from each article's proponents.

**A11. FY19 Budget: Discussion and vote on response to Finance Committee** N. Balmer said the document in the packet is based on the Board's previous direction. It's a generic approach that looks at correcting health insurance estimates, deferring police Tasers, and delaying the hiring for the new police and firefighter positions. The Board was provided a draft cover letter from the School Superintendent and Town Administrator with a summary cover sheet and the School's budget revisions. L. Anderson worked with the Chair of School Committee over the weekend on this new cover memo. The Board stated the biggest change is noting the allocations between the Town and School on the shared reductions (healthcare, OPEB). L. Anderson stated it might be helpful to have a summary to simplify and present a consistent message to the Finance Committee. Ellen Greico, Chair of School Committee, stated she did not add any new language about Town reductions to the memo. N. Balmer said there is some context missing. E. Greico stated that the School Committee voted to not consider the former DPW site for temporary bus parking, and, instead, reserved money to pay for temporary bus parking if needed. N. Balmer said she does not feel comfortable signing the memo. L. Anderson stated she as chair will sign it. The Board agreed to attach the descriptive memos, one each from the Town Administrator and from the School Superintendent.

C. Karlson moved, seconded by D. Levine, to authorize the Chair of the Board of Selectmen to sign the Budget Guideline Adjustment cover memo with the edits as discussed. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A10. Annual Town Meeting Articles: Discussion and vote** C. Karlson discussed Article H Rescind Debt, Article O Terminate Non-insurance Stabilization Fund, and Article MM Close Septage Fund. M. Antes asked about the similarities between Articles O and MM and suggested the motion language be similar. C. Karlson agreed and said Town Counsel hasn't provided the final language yet. L. Anderson briefly discussed Article F Compensation for Town Clerk.

C. Karlson moved, seconded by M. Antes, to vote to insert and support Articles F, H, O and MM. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

## **A12. Town Administrator's Report**

- 1. Correspondence** N. Balmer stated the Town received a request for space from the Parmenter Foundation for a food pantry. She asked the Board members to send any ideas her way. M. Antes suggested using space in Town Center. N. Balmer reported counsel is seeking assent from the AG to the Town's petition regarding 5 Concord Rd.
- 2. Town Building repairs** N. Balmer discussed a report of J. Senchyshyn's meeting with MIIA about the damage in the hallway and land use area. There is a presence of asbestos. The work will take 5-7 days to replace floor, sub floor and associated materials, and the Town is looking at relocating the land use staff to the large hearing room on a temporary basis. M. Antes asked that the CoA be informed.
- 3.** The Board received a letter stating that the Library ballot question is only for a debt exclusion; no ballot vote is required for project approval.
- 4.** The Board received a document of past debt exclusion formats and discussed the content to determine past practices re: bundling debt exclusion questions. Discussion will continue at future meetings.
- 5.** The Planning Board has requested a reserve fund transfer of \$25,000 to do a stormwater study related to a 40B project. N. Balmer stated that other studies like this are underway by an abutter, Conservation, and the ZBA. She said there are questions about the role of the developer and whether he would be responsible for this work and also the role of the various town boards. There has been no input yet from the ZBA on the need for this study. Based on discussions to date, N. Balmer said she does not have enough information to sign the request. She explained the Town Administrator's role with reserve fund transfers as defined in the Town Code. Town Planner S. Sarkisian stated he would go to the Finance Committee and ZBA to see what he can find out. D. Levine asked about the timing of the 40B projects

and the ZBA's authority to authorize the information it needs. N. Balmer said the expectation is that the individual boards (ConCom, Board of Health) should conduct studies within their particular scopes of work. N. Balmer said she's asking departments to weigh in on whether this request has relevance to the work already underway.

L. Segal, Aqueduct Rd., reported timelines for the two 40B projects (at the Board's request) and also said the ZBA has not seen anything in writing about this study request.

**A15. Review Correspondence:** (See Separate Index Sheet) C. Karlson noted that the state election will be on the first day of school and the Attorney General approved the Town's Special Town Meeting Articles.

**A16. Selectmen's Reports and Concerns** C. Karlson asked for an update on the Annual Report, the audit management letter, and asked that the Board discuss a draft policy on reserve fund transfers from the Finance Committee. N. Balmer said the response deadline is Feb. 22. M. Antes reported on the MetroWest Regional Collaborative meeting last week. She reported that Wellesley is facing an unprecedented number of 40B projects and mentioned that other towns are purchasing golf courses and that perhaps this is something that Wayland should consider. M. Antes also suggested that one idea to show residents how badly town building renovations are needed would be to hold tours of the town building and fire station 2.

**A17. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any** None.

**A18. Enter into Executive Session 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)(3) to review and consider for approval and potential release of the Executive Session minutes of January 8, 2018 and January 22, 2018 because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town** At 10:10 pm, L. Anderson moved, seconded by D. Levine, that the Board of Selectmen enter into executive session 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)(3) to review and consider for approval and potential release of the Executive Session minutes of January 8, 2018 and January 22, 2018. 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, D. Levine NAY: none. ABSENT: none ABSTAIN: none. Adopted 5-0. The Chair invites attendance by: Nan Balmer, Town Administrator. The Board will reconvene in approximately 15 minutes to approve and potentially release with redactions the executive session minutes of January 8<sup>th</sup> and January 16<sup>th</sup>. No additional public business will be discussed in open session tonight.

The Board returned to open session at 10:36pm.

**A19. Executive Session Minutes: Vote to approve and potentially release with redactions the Executive Session minutes of January 8, 2018 and January 16, 2018** C. Karlson moved, seconded by D. Levine, to vote to approve as amended and release with redactions the Executive Session minutes of January 8, 2018. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by L. Jurist, to vote to approve as amended and release with redactions the Executive Session minutes of January 22, 2018. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A20. 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 10:38 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 January 29, 2018.**

1. Draft memorandum from N. Balmer and A. Unobskey, dated January 30, re: FY 2019 Budget Guideline Adjustments, prepared by L. Anderson and E. Greico
2. Email from A. Gennis, dated January 29, re: Wayland Library Project – ballot question – debt exclusion warrant article
3. Summary of major town buildings funded via excluded debt ballot questions, prepared by N. Balmer
4. Email from David Porter, dated January 29, re: Public Officials' Statements and Actions on Ballot Questions

**Items Included as Part of Agenda Packet for Discussion During the January 29, 2018 Board of Selectmen's Meeting**

1. Memorandum from John Senchyshyn, Assistant Town Administrator and HR Director, re: 2018 Annual Town Meeting Plans
2. Diagram of Town Meeting Setup for a large Town Meeting, dated April 2013
3. Budget estimates for Spring 2018 ATM
4. Memorandum from David Porter, Executive Assistant, re: Appointment to the Wayland Cultural Council
5. Letter from Rachel Sideman-Kurtz, dated January 10, 2018, re: Interest in joining the Wayland Cultural Council
6. Memorandum from Nan Balmer, re: January 29 Agenda Items (5, 7, 8, 9)
7. Notice of Hearing for Lavin's Liquors, dated January 9, 2018
8. Memorandum from David Porter, Executive Assistant, re: Brief history of decisions for recent liquor license violations
9. Memorandum from Patrick Swanick, Chief of Police, re: Lavin's Liquors Recommendation
10. Wayland Police Department Incident Report for liquor license compliance check on December 21, 2017
11. Wayland Police Department Alcohol Compliance Check Form for Lavin's Liquors, dated December 21, 2017
12. Article List for 2018 Annual Town Meeting, updated January 25, 2018
13. Town Meeting Article F: Compensation for Town Clerk
14. Town Meeting Article H: Rescind Authorized but Unissued Debt
15. Town Meeting Article O: Terminate the Non-insurance Stabilization Fund
16. Town Meeting Article MM: Close Septage Enterprise Fund
17. Memorandum from Nan Balmer, re: FY19 Budget
18. Town Administrator's Report
19. Draft minutes from Board of Selectmen meeting of January 8, 2018
20. Draft minutes from Board of Selectmen meeting of January 16, 2018