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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

February 5, 2018

7:00pm

Selectmen's Meeting Room  
41 Cochituate Road, Wayland

**Attendance:** Lea T. Anderson, Cherry C. Karlson, Mary M. Antes, Louis M. Jurist, Douglas A. Levine

**Also Present:** Town Administrator Nan Balmer, Executive Assistant David Porter

**A1. Call to Order by Chair** Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:00 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.

M. Antes announced the Civics Bee will be held 4 weeks from yesterday. There is also a forum on the Library project Wednesday at 7pm in the Large Hearing Room.

**A2. Public Comment** Judy Ling, 274 Concord Rd., expressed her concerns about the reporting of a survey question in the Library grant application. She submitted a public information request and found that no documents outlining that analysis other than the Donahue Report were produced. She asked that the particular sentence be excluded from the application.

**A3. Major Capital Projects: Meet with project sponsors** L. Anderson distributed proposed discussion questions and a worksheet for taking notes during presentation of the major capital projects.

- 1. New Library** Chair of the Library Board of Trustees Aida Gennis came before the Board. She explained the Board of Trustees feel the article is ready and all concerns have been addressed. They believe there is another community use for 5 Concord Rd. She briefly described the schedule for the project and reminded the Board of the necessity of voting on the Article now because of the timing of the State grant money. Once the grant was awarded, if the Town doesn't approve it, there is no opportunity to resubmit. A. Gennis said they have talked to neighbors since the redesign. She went over some of the issues at 5 Concord Rd that were found in the prior studies, like parking limitations, environmental issues and space for programs.
- 2. School Athletic Facilities** School Committee Vice Chair Jeanne Downs came before the Board to discuss the two sports facilities projects at the High School. She said the School Committee feels the projects are ready for Town Meeting. The Owner's Project Manager (OPM) and design firm have been hired. She noted there is an outstanding Order of Conditions for the current turf field, but the DEP has said that by doing the project that will close out the existing Order of Conditions. J. Downs discussed the project schedule. Permitting will start when they have final designs. It will likely go out to bid at the end of May. The SC believes there is a compelling need to consider these projects at this spring's Annual Town Meeting. She noted the town's needs for athletic facilities. They will use the track and turf field until they fail, but then will have to rent space for athletics at about \$20,000 per season plus transportation. The SC has held three public forums, with another one scheduled next week and another one later in the spring. They plan to reach out to abutters.
- 3. Loker Field** Chair of Recreation Asa Foster came before the Board. He stated the article will be ready for ATM and went over the project's schedule. He said if the project doesn't go forward he

would come back next year. He went over the timeframe for the field to be usable by the fall, and the Board asked about the reality of it being ready for students while the other fields are closed for phase 1 and phase 2 projects.

4. **Community Center** Bill Sterling, co-chair of the Council on Aging/Community Center Advisory Committee, came before the Board and stated that this article is ready. He clarified that this article requests funds to prepare design and bid documents for approval at a future town meeting. COA Director Julie Secord expressed the great need for space for the COA. She said the proposed building will be multi-generational and multi-use and can serve many uses for the Town in the future. There has been community outreach.
5. **Town Building** Public Buildings Director Ben Keefe came before the Board to discuss the proposed Town Building renovations. He reviewed the expected schedule and explained there is a compelling need to get this done as soon as possible. L. Anderson asked about putting it off for a year. B. Keefe stated that renovations will have to be done eventually and repairs could increase in cost with delays, especially with the HVAC system. Also, this project has been on hold since he started with Wayland.
6. **Fire Station #2** Fire Chief Dave Houghton and Public Buildings Director Ben Keefe came before the Board to discuss the renovations at Fire Station #2. B. Keefe said they could get started on this project by August/September. Chief Houghton went over the compelling need for the renovations.

L. Anderson asked if the Town can handle the procurement for all these projects. N. Balmer said the large projects have OPM's and they handle all of that (procurement included).

**A4. Major Capital Projects: Discuss scenarios for potential debt exclusion questions and potential vote on articles for major capital projects** The Board members discussed the potential scenarios for debt exclusion questions. C. Karlson stated that the high school, Loker and library will likely have land permitting issues. L. Anderson brought up the Finance Committee memo that discussed concern about the timing of all the expenditures. C. Karlson stated her push to get to the Collins Center report sooner rather than later is so the Finance Committee's time can be freed up to concentrate on capital planning. She feels it is financially irresponsible putting all of these out there in one year. C. Karlson said she would like to have a follow up conversation through N. Balmer with the Finance Committee Chair about confirming the funding sources for the Town Building (interior renovations, window design) and the Community Center projects within the Capital Budget. All of the Board members agreed to insert the major capital project Articles.

C. Karlson moved, seconded by D. Levine, to vote to insert the following Articles into the Warrant: Article X, *Appropriate Funds to Construct New Library Building*, Articles Y and NN, *High School Stadium Complex Renovations/High School Tennis Court/Softball Field Reconstruction*, Article Z, *Construction of synthetic turf athletic field at Loker Conservation & Recreation Area*, Article P, *Community Center at Town Center: Design, Construction and Bid Documents*, Article Q *Appropriate Funds for Wayland Town Building Renovations*, Article R *Wayland Fire Station #2 repairs*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

N. Balmer said all the text for all the articles came back from Town Counsel today, and she needs time to review the language. She stated feedback from the Board regarding the format of the debt exclusion questions would help her. L. Jurist said he doesn't think a project as big as the Library should be bundled with all the rest. C. Karlson brought up bundling the projects into two categories: new projects and existing projects. L. Anderson said they could bundle the field projects and bundle the Town Building projects. The Board narrowed it down to three choices: one question (bundle all 5 projects), two questions (Library question and a bundle of the other projects), or three questions (Library question, building projects as one question and field projects as one question). N. Balmer will work with counsel to develop language for vote next week.

**A5. ATM Article T: Meet with Energy Committee to discuss proposed resolution on energy and carbon savings in municipal building construction** Co-Chair Ellen Tohn came before the Board and

explained this is a non-binding resolution and has no cost. The Committee wrote an aspirational policy to reduce carbon energy use with all new town construction. She stated they want to push architects to consider this when developing town buildings, and this is also an opportunity to educate people at Town Meeting. The Board stated that the Finance Committee has asked about the cost benefit. E. Tohn stated it doesn't force inclusion of reduced energy use components, but instead encourages it.

C. Karlson moved, seconded by M. Antes to insert and support Article T *Resolution: Energy and Carbon Savings in Municipal Building Construction*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

#### **A6. Petitioners' Articles: Meet with lead sponsors**

- **Judy Ling – Article LL: Appropriate Funds to Design Renovation of Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library**  
J. Ling, 274 Concord Road, came before the Board to discuss her Petitioners' Article. Petitioners are asking for \$175,000 to study what can be done with the existing Library at 5 Concord Road without a defined amount of expansion area. She mentioned the current program overflow at the library and suggested it could go to the Town Center Community Center. Similarly, she suggested that additional parking could be found at the Public Safety Building. Petitioners want the Town to spend money on renovations and upgrades of the existing building, noting that even if the building were used for something else, the repairs would still need to be done. C. Karlson suggested the article be more solid before going forward.

**A7. Special Town Meeting: Discussion and potential vote to open Special Town Meeting within Annual Town Meeting** N. Balmer discussed the scenario before the Board. The dilemma is getting the Town Meeting vote on the Library article certified within the state's response deadline. A. Gennis discussed the situation and what the Board of Trustee's grant liaison said. C. Karlson noted that opening a Special Town Meeting warrant allows for submission of more articles. L. Anderson stated they would have to go through the whole warrant process again. C. Karlson suggested that A. Gennis go back and ask the state about the timing for submitting the certified vote. D. Levine asked what the importance is of the 48 hours to certify the form in the Town Clerk's office. He stated if it is within 48 hours to certify then the Clerk can do it as soon as possible. N. Balmer said the Board should decide tonight on holding an STM, so she left the room to clarify the question with the Town Clerk or Town Counsel.

**A10. Minutes: Vote to approve and release minutes of January 22, 2018** The minutes were not in the packet. The item was held for the next meeting.

**A11. Consent Calendar: Review and vote to approve (See Separate Sheet)** M. Antes moved, seconded by L. Jurist, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A14. Review Correspondence:** (See Separate Index Sheet) The Board noted the memo from the Health Director on wastewater and said it was a disturbing situation. They also noted there was a lot of action mentioned in the Police report. The Board will discuss the correspondence related to the FY19 budget when N. Balmer returns to the meeting.

**A.8 Annual Town Meeting Articles: Discussion and vote** The Board discussed the content and status of various articles for ATM resulting in the following votes.

C. Karlson moved, seconded by L. Jurist, to vote to insert and support Article S, *Approve Lease in Excess of Three Years for Information Technology Network*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by C. Karlson, that the Board vote to insert and support Article E, *Amend Revolving Fund By-Law to Add Community Garden Revolving Fund*. 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 M. Antes, to vote to insert and support Article B, *Pay Previous Fiscal Years Unpaid Bills*, and Article J, *Hear Reports*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by L. Jurist, to vote to insert and support Article AA, *Home Rule Petition to Exempt Small Construction Projects from Prevailing Wage Laws*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

N. Balmer returned to the meeting. She announced that IT Director J. Pazos has accepted another job closer to home and the Town has brought in a consultant to review the IT article and ongoing projects. She expects to have a better sense of whether to proceed next week. C. Karlson asked that N. Balmer/the consultant coordinate with the Schools on this project. The Board decided to keep the IT Article in for now, but can always pull it later.

M. Antes explained a correction that is needed to the FinCom comments on Article EE. M. Antes moved, seconded by C. Karlson, to vote to insert and support Article EE, *CPA: Set Asides and Transfers*. 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 M. Antes, to vote to insert and approve Article FF *Initial Year Funding of Town Successor Collective Bargaining Agreements*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by D. Levine, to insert and support Article HH *Personnel Bylaws and Wage & Classification Plan*. YEA: L. Anderson, M. Antes, C. Karlson, D, Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board reviewed the list of remaining articles to discuss at the next meeting.

**A7. Special Town Meeting: Discussion and potential vote to open Special Town Meeting within Annual Town Meeting, continued** N. Balmer was unable to confirm the rules around certifying the vote of Town Meeting. The Board was not inclined to open a Special Town Meeting. N. Balmer received a call from the Town Clerk and left the meeting.

**A.8 Annual Town Meeting Articles: Discussion and vote, continued** C. Karlson reported on her work to order the articles. Monday night is focused on the budget, and the large projects are planned over Tuesday and Thursday nights and the final, fourth night has all other business. The Board will review a draft next week.

**A7. Special Town Meeting: Discussion and potential vote to open Special Town Meeting within Annual Town Meeting, continued** N. Balmer returned to the meeting and reported that Town Clerk B. Klein said she needs to certify the vote to DOR within 48 hours. The Board agreed there is no need for a STM regarding the Library project.

#### **A9. Town Administrator's Report**

1. **Correspondence** None.
2. **Update on school bus parking** N. Balmer said the School Committee has committed to the budget cut, but isn't ready yet for a statement of what will happen with school bus parking at this time.

3. **Audit management letter** She said if any Board members have questions on the information in the packet to let her know. The next step is to take it to the Finance team.
4. **Reserve Fund Transfer** This document was developed by the Finance Committee and will also go to the staff Finance team to be put in a format that fits with our policies.
5. **Status of Annual Town Report** The cover (Mainstone) is included in the packet.
6. **Town office organization** N. Balmer reported that two finalists for HR Director backed out at the last minute. N. Balmer and J. Senchyshyn agree it is time to advertise for an Asst. Town Manager/HR Director. The current HR Assistant will be moving on. D. Porter will fill that role, and we will advertise for an executive assistant. These changes present opportunities for staffing, and N. Balmer would like to have a broader discussion with the Board about that at the next meeting.
7. **FY19 Budget** N. Balmer went over a memo from the Finance Committee Chair addressed to the TA and the School Superintendent requesting they jointly find \$300,000 in budget cuts. N. Balmer went over the proposed reductions to answer the FinCom questions and will put it on the agenda to talk about next week.
8. **Town Meeting costs** N. Balmer reported that B. Keefe and J. Senchyshyn came to her late in the day with a new estimate for Annual Town Meeting costs. For two venues it will be over \$200,000. The first estimate given last meeting didn't include the two way audio. L. Anderson said she thinks it is crazy to spend the money. C. Karlson said there are bylaws about what happens if town meeting attendance exceeds the building's capacity. L. Jurist suggested reordering the articles so the fields and library are not on the same night. The Board decided not to go with two venues and two way audio for Annual Town Meeting due to the expense.

**A15. Selectmen's Reports and Concerns** None.

**A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any** None.

**A17. 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 16, 2018 because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town** At 10:09pm L. Anderson moved, seconded by M. Antes to 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 to review and consider for approval and potential release of the Executive Session minutes of January 16, 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 open session in approximately 15 minutes to approve and potentially release with redactions the minutes of January 16th. No additional public business will be discussed in open session tonight.

The Board returned to regular session at 10:24pm

**A18. Executive Session Minutes: Vote to approve and potentially release with redactions the Executive Session minutes of January 16, 2018** L. Jurist moved, seconded by M. Antes to approve and release with redactions the executive session minutes of January 16, 2018. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A19. Adjourn** There being no further business, L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 10:26pm. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 5, 2018.**

1. Email from Linda Segal, received February 5, 2018, re: Finance Memo re articles Y and Z
2. Capital Projects Discussion outline, prepared by L. Anderson, Chair of the Board of Selectmen
3. Capital Projects worksheet, prepared by L. Anderson, Chair of the Board of Selectmen
4. Article List for 2018 Annual Town Meeting, dated February 2, 2018 (from packet), with articles for discussion in bold
5. Article EE: Community Preservation Fund General Budget – Set Asides and Transfers (current as of February 2, 2018)
6. Email from David Watkins, Chair of the Finance Committee, dated February 4, 2018, re: Good Afternoon (response to budget adjustment memos from Town Administrator and School Superintendent)
7. Memorandum from Nan Balmer to David Watkins, dated February 5, 2018, re: Finance Committee's Questions (response to 2/4 email) with attached Parks and Recreation FY19 budget detail
8. Excerpt from Article X: Appropriate Funds to Construct New Library Building, with highlighted language making an allegedly false claim regarding a 2015 town-wide survey
9. Letter from David Porter, Records Access Officer, to Judy Ling, dated January 23, 2018, acknowledging receipt of public records request
10. Memorandum from T. Fay, Chair of the Library Planning Committee, to Judy Ling, dated February 1, 2018, re: response to public records request
11. Presentation by the UMass Donahue Institute to Wayland Free Public Library Trustees, dated June 17, 2015
12. Items Included as Part of Agenda Packet for Discussion During the January 29, 2018 Board of Selectmen's Meeting

**Items Included as Part of Agenda Packet for Discussion During the February 5, 2018 Board of Selectmen's Meeting**

1. Memorandum from David Porter, re: Meeting with sponsors of major capital projects (with attached draft Town Meeting articles X, Y, NN, Z, P, Q, and R)
2. Memorandum from David Watkins, Chair of the Finance Committee, re: Fiscal Year 2019 Asset Prioritization Recommendations
3. Draft Town Meeting article T – Resolution: Energy and Carbon Savings in Municipal Building Construction
4. Draft Town Meeting article LL – Appropriate Funds to Design Renovation of Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library
5. Memorandum from Nan Balmer, re: Special Town Meeting within Annual Town Meeting
6. Memorandum from Board of Selectmen to All Boards, Committees, Commissions, Departments and Staff, re: 2018 Special Town Meeting (Warrant Opening)
7. Article List for 2018 Annual Town Meeting, current as of February 2, 2018 (with attached articles for Board of Selectmen consideration)
8. Town Administrator's Report for the week ending February 2, 2018
9. Draft response letter to Melanson Heath & Company, PC, re: Town of Wayland, MA Management Letter for the Year Ended June 30, 2017
10. Draft Finance Committee Reserve Fund Policy Guidelines, dated January 3, 2018
11. Cover of the 2017 Annual Town Report