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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

February 26, 2018

6:00pm

Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Cherry C. Karlson, Mary M. Antes, Louis M. Jurist (6:05pm), Douglas A. Levine (7:11pm)

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 6:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting likely will be broadcast and videotaped for later broadcast by WayCAM.

A2. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions, including grievance hearings, or contract negotiations with nonunion personnel; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to *Stephen Cass v. Town of Wayland, et al, USDC D. Mass., CA No. 1:17-CV-11441*. At 6:03pm, 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)(2), to conduct collective bargaining sessions, including grievance hearings, specifically to conduct a grievance hearing with the Wayland Police Officers Union in affiliation with the New England Police Benevolent Association; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to *Stephen Cass v. Town of Wayland, et al*. 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, C. Karlson. NAY: none. ABSENT: L. Jurist, D. Levine. ABSTAIN: none. Adopted 3-0. The Chair invites attendance by: Nan Balmer, Town Administrator; David Porter, Executive Assistant; Patrick Swanick, Chief of Police; Sean Gibbons, Lieutenant; Wendy Chu, Labor Counsel for the Town; Jennifer Ordway; Thomas Horgan, Counsel for Ms. Ordway; Mark Wilkins, Police Union President; Mark Hebert, Police Union Vice President; Chris Custodie, Police Union Secretary/Treasurer. The Board will reconvene in approximately one hour to address the issues listed on the public meeting agenda.

The Board reconvened in open session at 7:35pm. Both L. Jurist and D. Levine were now present.

A3. Announcements and Public Comment L. Anderson reviewed the agenda. M. Antes announced the League of Women Voters' Civics Bee this Sunday at 2pm at the High School. Next Monday will be the Town Meeting issues forum that is hosted by the LWV and will include information about the debt exclusion and the major Town Meeting articles. The next event in Wayland's Concert Series is Thursday. L. Anderson said the MMA Legislative Breakfast is on March 9 in Hudson.

Mike Lowery, 120 Lake Shore Dr., stated that in an aquifer protection district there is the ability to put porous pavement around the Library building and, therefore, it does not count as land coverage. This was not mentioned in the memo in our packet. He distributed a map and document of his calculations.

Gretchen Dresens, 155 Main St., stated her concerns about additional housing on Hammond Road and removal of buffer trees. She said that the Housing Trust has not reached out to neighbors regarding a possible duplex on the land and asked the Board to vote against the project to give some relief to the neighborhood..

Carole Plumb, 17 Bald Rock Road, suggested the BoS do more communication about the debt exclusion with residents.

Sheila Carel, 18 Joyce Road, said there is an issue of trust in Town. Rumors are going around about what is happening at the Loker Conservation area, and she noted that residents are really upset. She reminded the Board that the land was purchased for recreation and conservation, and if uses are shifted, she is hoping there will be a placeholder so the land can't be used for anything else.

Tom Maglione, 29 Rice Road, said he's concerned about the same issues as the previous speakers. He thinks the Loker field project is being rushed forward.

Reed Newton, 9 Haven Lane, said the field projects are not a wish list for them, but a need. Recreation programs cannot afford for the projects to be delayed. He asked the Board to continue moving forward in support of the fields projects and ATM articles.

Peter Briere, 6 Peck Avenue, registrar for Wayland Youth Soccer, expressed Wayland's great need for more fields and the difficulty in scheduling.

Alexia Obar, 18 Dean Rd., said there is a huge need for the fields and asked for the Board's support for the field projects. Around 6,000 athletes play on the fields, and the Loker area should not be used for school bus parking.

Richard Turner, 7 Nob Hill Road, commended the Fire Department for their work helping a choking victim in Michigan.

A4. 2018 Borrowing and Debt Refunding: Vote to authorize refunding of bonds, approval of bond sale, award of bonds and the execution of documents by the Board of Selectmen and Treasurer; Discuss future debt decisions with Town financial advisor Zoe Pierce, Treasurer, and Clark Rowell, UniBank, came before the Board and said it was a good day for Wayland. Wayland had nine bidders for the bond offering and accepted a bid resulting in an interest rate of 2.4633%. Both Z. Pierce and C. Rowell were pleased with the interest in Wayland and noted that the Aaa rating puts the Town in an elite category. The settlement date will be in early March.

As the Clerk of the Board of Selectmen, C. Karlson moved, seconded by M. Antes, that the Board of Selectmen vote in the affirmative on the seven items shown in the memo about bond funding dated February 26. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board thanked Z. Pierce for her work on the bond offerings.

C. Rowell discussed debt exclusion funding, the existing debt being paid off, and the Board's options to keep payments relatively level while supporting future projects. Decisions will be made with the Board and the Treasurer as to how much to borrow each year. C. Rowell will advise. He discussed the Moody's report and said the Town was well represented by staff during the rating conversation with Moody's. They retained our Aaa rating and, while acknowledging our efforts, still continued the negative outlook. Moody's seemed to de-emphasize the issue of debt and suggested that the major projects be funded with exempt debt. L. Anderson mentioned that Moody's is looking for repeated years without using free cash to support the operating budget. She also noted that other Aaa towns have debt levels over 10% and asked C. Rowell to discuss that issue. C. Rowell said it would put the Town in a better position if the projects were funded with

exempt debt. Funding that way provides security to know the Town has decided on this course and has the resources to do so. Some red flags that Moody's discussed were using free cash to support operating costs and to avoid a drop in reserves. Z. Pierce noted that only 18 communities have the Aaa rating, it is a very elite group in MA and shows how well run the Town is financially. Z. Pierce asked the Board if they could come in and sign the bonds this week. L. Anderson noted that we need to do a better job of informing residents of the importance of these financial practices.

A5. Appointment: Interview and potential vote to appoint Pamela Roman to the Council on Aging – Community Center Advisory Committee P. Roman came before the board and discussed her desire to serve on the Council on Aging/CCAC. She reviewed her background and experience, listing some of her talents and accomplishments. C. Karlson stated her concern about the Committee consisting largely of proponents for this project and asked her to reach out to all residents.

D. Levine moved, seconded by M. Antes, to appoint Pamela Roman to the Council on Aging-Community Center Advisory Committee for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Wayland Housing Authority: Accept payment in lieu of taxes for the Bent Park and Cochituate Village apartments Susan Weinstein, chair of the Wayland Housing Authority, came before the Board and presented the Town with a check for payment in lieu of taxes in the amount of \$41,243.11. The Board thanked her, Brian Boggia and the Housing Authority.

A8. Annual Town Meeting Petitioners' Article 38: Property Tax Credit for Charitable Contributions to the Wayland School District Lead Petitioner, D. Galbi, Stonebridge Road, came before the Board and noted the FinCom did a good job with the Article write-up. However, he does disagree with its conclusion. He said just because something probably won't work doesn't mean the Town shouldn't try. Some states are looking at this on a statewide basis, but it is unique for a Town to be looking into this. He said it would cost the town nothing if the state and federal government said no. C. Karlson said she doesn't expect it to work year one, but thinks it's a good and unique idea. D. Galbi said he wouldn't bring it to Town Meeting floor if it is not supported by the FinCom and Board, but wants it in the Warrant. C. Karlson asked him to submit petitioners' comments for the Warrant of up to 150 words if interested.

A9. Loker Field Project: Meet with representatives of Recreation Commission K. Brenna, Recreation Director, and Brud Wright, Vice-chair of the Recreation Commission, came before the Board. C. Karlson discussed her concerns about the timing of the article, the outreach with neighbors and how she would like all residents to have complete information for an informed vote at Town Meeting. K. Brenna went over C. Karlson's questions. She mentioned that bidding the High School and Loker project together is estimated to save 10-15% and that in the current bidding environment, it may be as much as 30% if approved at this Town Meeting. Board members said they heard the likelihood of the field being ready in September is low, but it may be completed at the end of the fall. B. Wright noted that it would be ready by the spring sports season and provide much needed playing space. He also mentioned that the project is not a new one to Recreation; they know a lot of information about it. K. Brenna said even with these upgrades Wayland will still have fewer fields by state standards.

C. Karlson said she doesn't disagree that there's a need for the fields; however, she's concerned about giving residents in town a good map of where the field is going and timely information. L. Jurist said there's never been a feel good vote on anything; there is always opposition.

A10. Annual Town Meeting Articles: Discuss and vote positions, possible withdrawals, and possible re-ordering of articles, including but not limited to

- **Article 11: Lease in Excess of Three Years for Information Technology Network / Middle School Networking Capital Project** N. Balmer gave an update on this project and is now convinced to pull the article from ATM. However, the Town still needs to complete the Middle

School project to prepare for installation of the new phone system. Both items for the Middle School are now in the capital budget recommended by FinCom to be considered at ATM.

C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen withdraw Article 11 from the Warrant. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

- **Article 20: Accept Gifts of Land at Town Center** C. Karlson stated she had nothing for discussion for this article.
- **Article 21: Community Center at Town Center: Design, Construction and Bid Documents:** C. Karlson said the Article text now referred to a different map to be consistent with the map used in Article 20 and to use a less busy map. C. Karlson recommended including all four parcels in the Article rather than two as now written. It was decided the language should be changed to reflect that.

C. Karlson moved, seconded M. Antes, to amend Article 21 as shown in packet so it mentions the four following Lots 4-1, 8-1, 9-1B and Parcel R-20-1 and for the Board to vote to recommend approval of the Article. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

- **Article 33: Zoning By-Law Amendment – Limited Site Plan Review** D. Levine said he's talked to the Town Planner and Chair of the Planning Board about this Article. It is the same Article that passed at 2017 ATM with language changed as recommended by the AG's office and the addition of agriculture as one of the uses for site plan reviews.
- **Article 34: Zoning By-Law Amendment - Off Street Parking** D. Levine discussed this Article as well. W. Steinberg from the Finance Committee came before the Board and said the Article clarifies the Planning Board's authority to not require all the parking to be built. This will mitigate the Building Commissioner's concerns.

D. Levine moved, seconded by M. Antes, that the Board of Selectmen vote to recommend approval of Article 33 *Limited Site Plan Review* and Article 34 *Off Street Parking*. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

- **Article 29: Construction of synthetic turf athletic field at Loker Conservation and Recreation Area** L. Jurist moved, seconded by D. Levine, that the Board of Selectmen vote to support Article 29 *The Construction of Synthetic Turf Athletic Field at Loker Conservation & Recreation Area*. In discussion, L. Jurist said if this is deferred the Town will lose valuable time and potential usage. Weston and Sampson has stated they believe there will be enough information available before Annual Town Meeting. L. Anderson said she supports it, but is still uneasy and will abstain for now. The Board discussed various issues with timing and whether the project can be completed on time. M. Antes said she supports it. YEA: M. Antes, L. Jurist, D. Levine NAY: none. ABSENT: none. ABSTAIN: L. Anderson, C. Karlson. Adopted 3-0-2.
- **Article 31: Limit the size of Oxbow Meadows athletic field and 32 Construct access road to Oxbow Meadows athletic field:** C. Karlson moved, seconded by D. Levine, to defer a vote on the Oxbow Meadows petitioners' Articles 31 and 32 until Town Meeting. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.
- **Article 9: FY19 Omnibus Budget:** C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen support Article 9 *FY19 Omnibus Budget*. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

- **Article 37:** C. Karlson moved, seconded by M. Antes, that the Board of Selectmen support Article 37 *Accept Chp 41, section 110A of MGL – Saturday Treated as a Holiday*. YEA: L. Anderson, M. Antes, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: C. Karlson. Adopted 4-0-1.
- **Article 38:** C. Karlson moved, seconded by D. Levine, that the Board of Selectmen support Article 38 *Property Tax Credit for Charitable Contributions to The Wayland School District*. In discussion L. Anderson said her heart is in it, but she is hesitant that it wouldn't go forward and she is worried about Wayland's reputation at the State House. C. Karlson said she thinks it's very creative and gives Wayland residents potential relief from federal tax law changes. L. Jurist said he doesn't see how the Town won't spend money to implement it. YEA: C. Karlson. NAY: L. Anderson, D. Levine, L. Jurist. ABSENT: none. ABSTAIN: M. Antes. Motion Failed: 1-3-1.

A6. Town Administrator Search: Discuss RFP process for executive search firm N. Balmer said the RFP has been advertised and sent to four companies. She is hoping that the selection committee can make a recommendation to the BoS by March 12 or 26 on which firm to employ.

A11. Town Administrator's Report

- **Correspondence:** None.
- **Moody's Bond Rating** The Town retained its Moody's Aaa bond rating with a negative outlook. Moody's did note the Town is making the right financial steps, specifically noting eliminating the use of free cash in the support of the operating budget and awareness of debt policies. The report will be on the website.
- **Comcast: Ascertainment** N. Balmer discussed the cable committee renewal process and went through each of the steps and deadlines. N. Balmer's suggests the Board reconstitute the Cable Advisory Committee, advertise for members and plan to conduct interviews in late April. She will develop a charge and membership criteria. She also suggests including Gregory Franks, Comcast's representative to the Town, and an appointment of legal counsel for conducting the process and contract reviews.

A12. Minutes: Vote to approve and release minutes of February 5, 2018 and February 12, 2018 M. Antes moved, seconded by D. Levine, to approve the minutes of February 5, 2018 and February 12, 2018, as amended. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. 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: none. ABSTAIN: none. Adopted 5-0.

A14. Review Correspondence: (See Separate Index Sheet) L. Anderson noted that Minuteman Vocational Technical School sent its preliminary capital assessment.

A15. Selectmen's Reports and Concerns M. Antes stated there needs to be more information for the public about the debt exclusion questions. Residents need to know what they mean and what happens if the questions pass or don't pass. The Board agreed that it should write an article explaining the debt exclusion process. C. Karlson suggested posting it to the website and news outlets.

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

A17. Adjourn L. Jurist moved, seconded by D. Levine, to adjourn the meeting at 9:58pm. 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 26, 2018.

1. Credit Opinion for Wayland (Town of) MA, dated 20 February 2018, from Moody's Investor Service
2. Tables and maps, prepared by Mike Lowery, regarding library expansion and the aquifer protection district, submitted as part of public comment
3. Vote of the Board of Selectmen, as read into the record on February 26, authorizing the Treasurer with regard to general obligation bonds and refunding bonds
4. Handout by K. Brenna of Wayland Recreation usage
5. Draft map of the Community Center at Town Center, for an appendix to the 2018 Annual Town Meeting Warrant, provided by C. Karlson.

Items Included as Part of Agenda Packet for Discussion During the February 26, 2018 Board of Selectmen's Meeting

1. Memorandum from Zoe Pierce, Treasurer, to Nan Balmer, dated February 22, re: Bond issuance
2. Memorandum from David Porter, Executive Assistant, to the Board, dated February 26, re: Appointment to the COA-CC Advisory Committee
3. Letter from Pamela Roman to the Board, dated February 16, re: Interest in serving on the Council on Aging-Community Center Advisory Committee
4. Article 38: Property Tax Credit for Charitable Contributions to the Wayland School Districts Article 29: Construction of Synthetic Turf Athletic Field at Loker Conservation and Recreation Area
5. Recreation Area
6. Article 11: Authority to Enter into Contract for IT Network
7. Article 20: Accept Gifts of Land
8. Article 21: Community Center at Town Center: Design, Construction and Bid Documents g.
9. Article 33: Limited Site Plan Review Zoning Amendment
10. Article 34: Off Street Parking Zoning Amendment
11. Town Administrator's Report for the week ending February 23, 2018
12. Draft minutes for the Board of Selectmen meeting on February 5 and February 12, 2018