



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

# 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

May 23, 2018

6:30 p.m.

Wayland Town Building

Large Hearing Room

41 Cochituate Road, Wayland

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Douglas A. Levine (7:10 p.m.)

**Absent:** Louis M. Jurist

**Also Present:** Town Administrator N. Balmer

**A1. Executive Session: Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(6), to discuss the purchase, exchange, lease or value of real property 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)(1), Section 21(a)(3), and Section 21(a)(7) to review and consider for approval and potential release of the following Executive Session minutes. Approve and Release with redactions: April 23, 2018; April 30, 2018; and May 7, 2018.** At 6:32 p.m., L. Anderson moved, seconded by M. Antes to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to discuss the purchase, exchange, lease or value of real property 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)(1), Section 21(a)(3), and Section 21(a)(7) to review and consider for approval and potential release of the following Executive Session minutes: April 23, 2018; April 30, 2018; and May 7, 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, C. Karlson. NAY: none. ABSENT: D. Levine, L. Jurist. ABSTAIN: none. Adopted 4-0. The Chair invites attendance by Nan Balmer, Town Administrator; Beth Doucette, Assistant Town Administrator; Amy Kwesell, Town Counsel; and Paul Brinkman, Town Engineer. The Board will reconvene in approximately 30 minutes to begin the open session of tonight's meeting discussing the items listed on the agenda.

Doug Levine arrived at 7:10 p.m.

**A2. Call to Order by Chair** L. Anderson called the meeting of the Board of Selectmen to order at 7:40 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.

**A3. Announcement and Public Comment** MetroWest Regional Collaborative has a survey on governance, and they are looking for public to respond. L. Anderson announced that the National Association of Housing and Redevelopment Officials named M. Antes as Board Member of the Year.

There was no Public Comment.

**A4. Marijuana: Update on action steps with Town Planner** Town Planner Sarkis Sarkisian came before the Board to discuss the working group made up of town staff and board and committee members that was started last month. The goal of the group is to prepare and inform the public as to what steps the town will be taking leading up to the State implementation of the commercialization of marijuana. They will hold a public forum on June 5 with proponents and opponents of commercialization of marijuana as speakers.

**A5. River's Edge: Update from Town Engineer; discuss and vote to approve extension to Land Disposition Agreement; review status of Sudbury water connection** Town Engineer Paul Brinkman said the DEP seems to be coming around to a mode that could allow the Town to continue remediation at a reasonable cost within a reasonable timeframe. He recommends extending for another three months to August 31. The latest communication from DEP has been positive.

The Town received State grant money to construct a water main, and, therefore, it will not be part of the River's Edge project. The water main project is underway (out to bid) and there is no time constraint to executing an Inter-Municipal Agreement with Sudbury related to River's Edge. The planned water main will have necessary redundancy for good water flow.

C. Karlson moved, seconded by D. Levine, to authorize the Town Administrator to sign the Fifth Amendment to the River's Edge Land Disposition Agreement. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A6. Town Organization: Discussion with town boards and committees, the proposed Special Act on Town Manager** L. Anderson thanked those volunteers who attended, gave a brief introduction and overview of the Town's history of considering town organization, reviewed the work of the Collins Center, listed the main points and goals of the resulting Town Manager Special Act and discussed feedback gathered to date. The following boards and committees attended: Board of Health (John Schuler), Board of Public Works (Mike Lowery), Surface Water Quality (Jack Carr), Public Ceremonies Committee (Richard Turner) and Library (Aida Gennis, Mark Hughes, Judy Dion).

The Special Act addresses two key areas: improving the budget process and streamlining the organization with all Town department heads reporting to the TM. L. Anderson started the discussion with the budget process first.

- M. Lowery stated the proposed process is a significant change and the outline includes boards arguing their case in front of two boards. He said the BoPW would like a single process (not a two-step process) that only includes FinCom. Personally, he does not feel the BoS will provide the appropriate adversarial role with the budgets.
- A. Gennis voiced her concerns about the budget process, including that the Library Trustees continue as an independent budget authority with that right given under State statute. Similarly, the statute allows for direct authority over the Library director. She stated that the Library has and will continue to work collaboratively on budgets.
- J. Schuler reminded the Board that the Board of Health is statutorily required by the State. The budget comes from the BoH director, is reviewed by the BoH and submitted to the FinCom. He thinks the department heads who are professionals in their fields should be doing the budgets, as opposed to a Town Manager.

C. Karlson asked why the BoH professional would no longer be involved in creating the budget. The Board is suggesting that while the Town Manager is the CFO and has overall responsibility for putting the Town-side budget together, the Town Manager/Administrator would refer to department heads as usual. Ultimately the Board of Selectmen will review and authorize the town's side of the budget.

C. Karlson explained that the Collins Center mentioned Wayland's unusual method of budgeting, noted the lack of sophistication and suggested using professional management for budgeting. J. Schuler pushed to understand what will come from revising the budget process. N. Balmer described at length the budget process in other towns with all budgets going through the TA's office and what is allowed by State statute. She gave examples of how the proposed budget process would work with rebalanced roles and separation of powers.

J. Schuler asked why we need a Special Act to accomplish this. N. Balmer explained that while some of this is within the existing code, it is poorly written and weak and likely not the best vehicle for moving forward. C. Karlson read sections of code that are in conflict on who prepares the budget. L. Anderson reviewed how the budget process works now with those departments that submit their budgets to the TA and extrapolated that to those committees who would be asked to do so under the Special Act. She noted that one of the major complaints heard from residents is how the Town is "silo-ed" in its processes. M. Lowery stated he would like to know what the Finance Committee thinks about the Special Act. N. Balmer also provided perspective on costs associated with decentralized governments and on relationships between the Library Board of Trustees and Town management in other towns when it comes to budgeting.

The discussion moved to the proposed organizational changes.

- A. Gennis expressed continued concern about the reporting structure for the Library director and reported on how other towns are structured.
- J. Schuler asked if the organizational changes could be accomplished without the Special Act; N. Balmer said it was unlikely and that now each job description calls out the specific reporting lines.
- J. Carr asked clarifying questions on the existing and proposed reporting structures.
- M. Hughes said he doesn't think it's appropriate that the hiring and firing of the Library Director is done outside the trustees and also asked if the Library could have the same exemption as the School Department.
- J. Schuler asked about the timing of making organizational changes and hiring a new TA. C. Karlson explained that the hiring firm, Community Paradigm, noted our unusual structure and will talk with potential candidates about the proposed structural changes.

On the budget process, M. Lowery stated his concerns about the heavy workload before ATM for the Board, Town Administrator and FinCom and asked if they all could handle it. C. Karlson said they could and the Finance Committee would like to better segment its work throughout the next year to smooth the workload.

M. Lowery suggested creating a flowchart of how the budget process will work. A. Gennis returned to the topic of Mass General Laws giving the Library distinct responsibilities and authorities. C. Karlson pushed for thinking of responsibility to the taxpayers and developing budgetary and reporting efficiencies. M. Lowery said it is important to work with the Library as they defeated a similar proposal in the past. J. Schuler requested an organizational chart.

The Board explained there will be broad outreach with the Finance Committee and with Board members attending meetings of their portfolio boards. N. Balmer suggested thinking about how much responsibility the Town wants to give to a chief executive of an \$80 million budget. D. Levine read from the executive summary of the Collins report, noting that the financial management of the town is fragmented and our structure is unable to handle the accelerating changes in municipal government. L. Anderson said the current government structure is unsustainable, and the Board wants to make it a more professional organization, but not take away the civic engagement that is the hallmark of Wayland.

**A7. Contract for Independent Auditor: Vote to authorize the Town Administrator to engage Melanson Heath for a three-year contract** E. Doucette came before the Board and stated the Audit

Committee wants to continue with Melanson Heath for another three years. She reviewed the terms of the contract.

C. Karlson moved, seconded by M. Antes, to authorize the Town Administrator to engage in a three-year contract with Melanson Heath and Co. for the provisions of the Town's audits. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A8. Affordable Housing: Vote to sign an amendment to the inter-municipal agreement with Regional Housing Services Office** E. Doucette explained that all of the member towns have to sign the agreement by June 30, 2018. The Board is hopeful Wayland will continue to benefit from the services they will provide. M. Antes stated the Housing Authority will do the monitoring, and N. Balmer explained the Town will contract separately with the Housing Authority for those services.

C. Karlson moved, seconded by D. Levine, to sign the Amendment to the Inter-Municipal Agreement with Regional Housing Services Office to share costs of affordable housing services including monitoring of the Town's affordable housing properties with seven other towns. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A9. Town Administrator Search: Update** L. Anderson reported that the first meeting for the Screening Committee will take place on May 30, 2018. The Board hopes to interview finalists the last two weeks of July.

**A10. Special and Annual Town Meeting: Vote dates** E. Doucette discussed the many options for dates and possible conflicts for November's Special Town Meeting. C. Karlson reminded the Board to consider the timing of the Tax Recap hearing and start that planning with department heads. The Board discussed the date options for STM.

C. Karlson moved, seconded by D. Levine, to vote to schedule Special Town Meeting for Tuesday November 13, 2018 to be continued on November 14, 2018, if necessary. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

E. Doucette then reviewed the research she conducted and the dates and possible conflicts for Annual Town Meeting. The Board discussed the options for ATM noting that this year there are many options that avoid religious holidays and school vacation schedules. D. Levine suggested holding the election and Town Meeting later to avoid weather impacts on events leading up to Town Meeting. The Board asked for follow-up information on the cost of electronic voting and practicality of using the Field House during AP exams.

C. Karlson moved, seconded by D. Levine, to hold the 2019 Annual Election on Tuesday, April 23, 2019 and to start Annual Town Meeting on Monday, April 29, 2019 and the Board will fix the days to be continued at a future meeting. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

#### **A11. Town Administrator Report**

1. **Correspondence** None.
2. **Proposed line item transfers** E. Doucette discussed the items and the funding sources identified by the Finance Director as available for replacement chairs, legal services for cable negotiation, staff in the Building Dept., permitting project design, and a human resource consultant. Once the Board approves these requests they will be forwarded to the Finance Committee for concurrence. The Finance Director is still working to determine if he will require additional funding in the Unclassified: Medicare Insurance line item. The Board will review and vote these items at a future meeting.
3. **Town Administrator office staffing** There is a candidate for the Executive Secretary position, but N. Balmer is not ready to announce it yet. D. Porter will take on more HR duties when that person starts. N. Balmer has been working with the Chief of HR Practice from the Collins Center and they

have been working on best practices for memorandums of agreements and reorganizing duties of payroll and HR. This will provide some continuity when N. Balmer leaves and allow the next TA to hire into the position. N. Balmer is working on delegation and transition plans.

**A12. Minutes: Vote to approve and release minutes of May 7, 2018 and March 26, 2018**

C. Karlson moved, seconded by D. Levine, to approve and release the minutes of May 7, 2018. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

C. Karlson noted the minutes of March 26 were revised based on an Open Meeting Law complaint. C. Karlson moved, seconded by M. Antes, to vote to approve the minutes of March 26, 2018, as amended. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A13. Executive Session Minutes: Vote to approve and release with redactions the Executive Session minutes of April 23, 2018; April 30, 2018; and May 7, 2018**

C. Karlson moved, seconded by D. Levine, to approve and release with redactions the Executive Session minutes of April 23, April 30, and May 7, 2018. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A14. Consent Calendar: Review and vote to approve**

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote to approve 2018-19 Governance Guidelines
3. Vote the question of approving the application to sell wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Coastal Vineyards, David Neilson, manager, on three Wednesdays: July 18, August 29, and September 12, 2018, from 12:00 p.m. to 5:00 p.m.
4. Vote the question of approving the application to sell wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Stoneybrook Cider, LLC, Michael Lamontagne, manager, on three Wednesdays: July 11, August 8 and September 26, 2018, from 12:00 p.m. to 5:00 p.m.

M. Antes moved, seconded by C. Karlson, to approve Consent Calendar items 1, 3, and 4. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A15. Review Correspondence: (See Separate Index Sheet)** N. Balmer will add the Garden Club request to create a garden at the Depot to the next Consent Calendar. The Board expressed concerns about keeping track of the Open Meeting Law violations. N. Balmer said her office will implement writing thank you notes to volunteers who step down from boards and committees.

**A16. Selectmen's Reports and Concerns** D. Levine stated Verizon has completed its work at the Rte. 27/30 intersection, and Eversource began its work, but was pulled away to Connecticut. He was told they should be back this week. C. Karlson asked if it makes sense for the Board to see a revised Private Road snow removal policy and plan for appeals. The Board agreed an appeal process needs to be created. C. Karlson suggested discussing the proposed FY2020 budget process with the School Committee. L. Anderson received a request to appear on The Buzz to discuss the proposed TA Special Act.

**A17. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:**

C. Karlson raised a point of order that the Consent Calendar did not show the dates of the Warrants being approved. N. Balmer said she will discuss the procedures around signing Warrants at the next meeting and suggested taking a vote under this agenda item. M. Antes moved, seconded by D. Levine, to approve and sign a Warrant dated May 29, 2018 under topics not reasonably anticipated by the Chair 48 hours in advance

of the meeting. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A18. Adjourn** D. Levine moved, seconded by M. Antes, to adjourn the meeting at 10:20 p.m. YEA: L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 23, 2018.**

1. Motion to enter executive session, dated May 23, 2018
2. Flyer for the information session on the Pros and Cons of Marijuana Legalization in Wayland, hosted by the Marijuana Working Group on June 5, 2018
3. Memorandum from Mike Lowery, Chair of the Board of Public Works, dated May 22, 2018, re: Draft Financial Management Structure Review – October 2017
4. Draft of An Act Establishing the Position of Town Manager in the Town of Wayland
5. Memorandum from David Porter to Board of Selectmen dated May 23, 2018 re: Accounts Payable Warrant dated May 29, 2018

**Items Included as Part of Agenda Packet for Discussion During the May 23, 2018 Board of Selectmen's Meeting**

1. Memorandum from Paul Brinkman, Town Engineer, to the Board of Selectmen, dated May 18, 2018, re: Rivers Edge Update
2. Fifth Amendment to the Land Disposition Agreement, Rivers Edge
3. Questions for participants in discussion regarding Town Organization, dated May 23, 2018
4. Draft of "An Act Establishing the Position of Town Manager in the Town of Wayland"
5. Memorandum from Elizabeth Doucette, Assistant Town Administrator, to Lea Anderson, dated May 23, 2018, re: Vote to authorize Town Administrator to engage Melanson Heath & Co., PC in three-year contract
6. Memorandum from the Wayland Audit Committee to the Board of Selectmen, dated May 17, 2018, re: Auditor engagement letter.
7. Engagement letter from Scott McIntyre, VP of Melanson Heath, to Brian Keveny, Finance Director, dated April 6, 2018
8. Memorandum from Elizabeth Doucette, Assistant Town Administrator, to Lea Anderson, dated May 23, 2018, re: Vote to sign Amendment to Inter-Municipal Agreement with Regional Housing Services Office
9. Exhibit A and Exhibit B from the Amendment to Inter-Municipal Agreement with Regional Housing Services Office
10. Amendment to Inter-Municipal Agreement with Regional Housing Services Office
11. Inter-municipal Agreement with Regional Housing Services Office
12. Memorandum from Elizabeth Doucette, Assistant Town Administrator, to the Board of Selectmen, dated May 23, 2018, re: Discussion and potential vote dates for Fall Town Meeting 2018, with attachment: Tentative schedule based on Fall STM beginning on Wednesday, November 14, 2018
13. Memorandum from Elizabeth Doucette, Assistant Town Administrator, to the Board of Selectmen, dated May 23, 2018, re: Discussion and potential vote dates for Spring 2019 Annual Town Meeting, with attachment: April/May Calendar indicating school, holiday, and religious observance dates
14. Town Administrator's Report for the week ending May 18, 2018
15. Memorandum from Elizabeth Doucette, Assistant Town Administrator, dated May 23, 2018, re: FY18 Line Item Transfers