



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

January 8, 2018

6:15pm

Selectmen's Meeting Room  
41 Cochituate Road, Wayland

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Douglas A. Levine  
(6:44pm)

**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 6:15p.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. Open meeting and 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 discuss strategy with respect to collective bargaining with the Fire Union and the Police Union** At 6:15pm, 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)(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 discuss strategy with respect to collective bargaining with the Fire Union and the Police Union. 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. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0. The Chair invites attendance by: Nan Balmer, Town Administrator, John Senchyshyn, Assistant Town Administrator/HR Director, David Houghton, Fire Chief, and David Porter, Executive Assistant. The Board will reconvene in Open Session in approximately 15 minutes.

The Board returned to open session at 6:28pm. L. Anderson reviewed the agenda.

C. Karlson moved, seconded by M. Antes, to approve the Memorandum of Agreement for Successive Collective Bargaining Agreement between the Town of Wayland and the International Association of Fire Fighters Local 1978 for the period of July 1, 2017 to June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

M. Antes announced that the next Wayland Little Theatre Concert is this Friday night at the High School.

**A3. Annual Town Meeting Articles: Meet with the Planning Board on ATM articles and update on Marijuana Moratorium** Dan Hill, Planning Board Chair, and S. Sarkisian, Town Planner, came before the Board to discuss the Planning Board articles planned for town meeting.

1. **Zoning Bylaw Amendment: Limited Site Plan** The Attorney General's office did not approve the article approved at 2017 town meeting as there was a procedural mishap with the advertising period and also suggested revisions to the language. The Planning Board would like to bring the article back this year. The article would require previously protected uses of land to be subject to a site plan review. S. Sarkisian stated the Planning Board is concerned that these types of uses can have a lot of impact on the town and should go through a public review process.
2. **Zoning Bylaw Amendment: Parking Requirements** This zoning amendment would provide flexibility in creating parking spaces for commercial and large-scale developments. The recent CVS was brought up as an example of land banking parking spaces and providing better buffer areas. The Planning Board supported this in 2013, along with the ZBA.

D. Levine entered the meeting.

D. Hill discussed the new subdivision on 209 Old Connecticut Path and proposed an article that would appoint the Planning Board the authority during a permitting process, which would include earth movement and removal. It was decided that due to time constraints, the Planning Board will bring this article to fall town meeting.

C. Karlson moved, seconded by M. Antes, to refer the two articles, one on land banking parking and one on site plan review, to the Planning Board. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Sarah Greenaway from the Wayland Youth Advisory Committee and Wayland Youth & Family Director Jason Verhoosky came before the board to discuss a potential Marijuana Moratorium. S. Greenaway previously met with L. Anderson and C. Karlson to discuss this. L. Anderson said it likely made sense not to bring an Opt Out article to Annual Town Meeting due to the many unknowns on the state and federal level as well as questions about the election process. D. Hill suggested an opt-out article on the warrant. C. Karlson and L. Jurist both said an opt-out is hard to do this spring since the Board just asked residents for the moratorium. C. Karlson said the Board wants to make certain both sides of the issue are examined. J. Verhoosky stated the draft regulations have been release by the state. L. Jurist suggested having an opt out in the fall as well as a potential zoning change. J. Verhoosky explained it's a two-part process for the opt out – ballot vote and town meeting vote. The Board discussed the upcoming deadlines and scenarios.

#### **A4. Swearing in of Christopher Custodie as a Sergeant in the Wayland Police Department**

Police Chief Patrick Swanick introduced the newest Sergeant, Christopher Custodie, and reviewed the Sergeant's background, skills and experience. Town Clerk B. Klein conducted the swearing in of Christopher Custodie as a Sergeant for the Town of Wayland. The Board offered its congratulations.

**A5. Public Comment** Gretchen Schuler, Old Connecticut Path, expressed her concern about the debt exclusion. She feels residents should be given an opportunity to take up each question separately.

Mike Lowery, 120 Lakeshore Drive, stated that when the Board requested Town Counsel to file a petition regarding use of 5 Concord Rd., the Board never had a vote. He suggested that the Board take a vote documenting that decision.

Anette Lewis, Claypit Hill Rd., urged the Board to allow the public to vote on individual debt exclusion items, so they can have a say on their own taxes.

Steven Klitgord, 274 Concord Rd., stated he believes the questions should not be bundled on the ballot. Each of the projects should get their own standing on their own merits.

Linda Segal, Aqueduct Rd., asked the Board to be mindful of the fiscal impacts on the larger community and take into consideration income levels of all residents when addressing the debt exclusion questions.

**A6. Appointments: Interview and potential vote to appoint candidates to vacant committee seats** The Board met with Rob Weiland and Wendy Levine about their interest in volunteering.

1. **Senior Tax Relief Committee:** Rob Weiland stated he would like to make sure everyone who is able to take advantage of tax breaks knows about them and know how to do it. He gave a brief history of himself and his past experiences. M. Antes said she is pleased with his interest and would like to see some forward progress on the committee.
2. **Council on Aging / Community Center Advisory Committee:** Wendy Levine came before the Board and discussed her background and experiences. She has been an environmental lawyer her entire career. She discussed why she was interested in the Committee and how she would bring her professional skills and experience to the role, especially in environmental work and permitting.

C. Karlson moved, seconded by D. Levine, to appoint Rob Weiland to the Senior Tax Relief Committee, effective immediately, for a term to expire on June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by D. Levine, to appoint Wendy Levine to the Council on Aging/Community Center Advisory Committee, effective immediately, 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. Petitioners' Workshop** N. Balmer described Wayland's unique Petitioners' process for town meetings summarizing the process and deadlines and noting that the timeline and submission form are on the website. The warrant closes at 4:30pm on Jan. 16, 2018, and the Finance Committee Article Workshop is Jan. 22, 2018. Petitioner's access to Town Counsel is described in the Board's policy which is also available on the website. Duane Galbi, Stonebridge Road, briefly described a possible article he might submit and would like Town Counsel to look it over. N. Balmer suggested he write up an article to submit and then town counsel can review it. Judy Ling, Concord Road, asked if an article can be rejected. C. Karlson explained that the Board has no authority to pull or reject Petitioners Articles and as long as an article is submitted with the appropriate number of signatures, it will go forward.

**A15. 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, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A14. Minutes: Vote to approve minutes of December 4 and December 11.**

M. Antes moved, seconded by D. Levine, to approve the minutes of December 4, 2017 and December 11, 2017 as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A16. Review Correspondence:** (See Separate Index Sheet) C. Karlson said she received a note at her residence that Eversource is doing tree trimming in Wayland and asked if the Board received any notice. L. Anderson noted there are 3 emails proposing the bundling of the debt exclusion questions.

**A17. Selectmen's Reports and Concerns** M. Antes and L. Anderson attended the River Stewardship Council meeting and discussed some issues of interest to the Council.

**A8. Liquor License Hearing: Application filed by Dudley Chateau, LLC, for a new on-premises annual all alcoholic beverages license, at 20 Crest Road; Vote on application filed by Dudley Chateau, LLC for an annual restaurant license to sell all alcoholic beverages**

L. Anderson opened the liquor license hearing at 7:46pm, read the legal notice, and briefly reviewed the Public Hearing process and order of events. The applicant would like to have her name, Mandy Phillips, on the liquor license as the owner. She's been the owner and operator for 8-10 years. Ken Phillips gave a brief overview of their situation and goals. Police Chief Swanick noted they are a very responsive establishment if there are any issues, but they have had very few. K. Phillips stated the ABCC is aware of the situation and will try to expedite the licensing process. He described the current state of litigation. M. Lowery stated the Chateau is a good member of the community and his wife gets a generous contribution from the Chateau for the Dudley Pond Fun Run.

L. Anderson declared the Public Hearing closed at 7:57pm.

M. Antes moved, seconded by C. Karlson, to approve the application of Mandy Phillips, owner of Dudley Chateau LLC, for a new annual on-premises liquor license to sell all alcoholic beverages at the Dudley Chateau restaurant located at 20 Crest Road. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. New Town Website: Presentation by Jorge Pazos, IT Director** J. Pazos came before the Board to discuss the new website. He discussed the design objectives including ease of use, the homepage, and better communications. He also stressed the importance of making it easy for web users to update information. They maintained the existing website content, although some of it may be stale so it will need to be replaced. He went over some of the important features including the calendar, "how do I" section, Town news, and the individual department pages. C. Karlson asked about Town Meeting documents. J. Pazos suggested Town Meeting have its own section and be easy to find. The cost of the new site is approximately \$9,000.

**A10. Capital Projects and Town Building Repairs: Meet with Ben Keefe, Public Buildings Director, to provide direction on Town Building repairs and FY19 building improvement projects for Town Building and Fire Station #2** Ben Keefe came before the Board and discussed the article regarding the Town Building repairs. Projects were evaluated and it was decided that some things can't be pushed off any longer, including electrical and mechanical. The HVAC upgrades will give the Town flexibility for future uses of the building. No changes were noted to the Fire Station #2 project. The Board and B. Keefe discussed timelines for the work. Further, he told the Board that a pipe burst in Town Building last week and caused damage. His team found ways to work around the damaged areas without getting temporary offices. B. Keefe also noted a septage pump recently failed.

**A11. Debt Exclusion: Vote to approve letter to Finance Committee requesting a recommendation on Selectmen's intent to place debt exclusion question for building improvements on March 27, 2018 Town Election ballot; update on next steps with Finance Committee** N. Balmer explained that the letter in the packet follows the Board's policy. The letter asks FinCom for its written recommendation on debt exclusion funding including a review of letters received from other boards/committees for debt exclusions projects. She discussed the process ahead. The Board asked about timing of formatting the ballot question. C. Karlson said she isn't ready to prepare the ballot question yet, but she approves of sending FinCom the letter.

C. Karlson moved, seconded by M. Antes, to approve a letter to the Finance Committee asking for its written recommendation on the Board's proposal to place a Proposition 2 1/2 Debt Exclusion question on the March 27th local election ballot to fund improvements to Town Building and Fire Station #2 and to allow the Chair and Town Administrator to make edits as necessary. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A12. Annual Town Meeting Articles: General discussion and vote to approve submission of:**

1. **Recognize Citizens and Employees for Particular Service to the Town**
2. **Pay Previous Fiscal Year Unpaid Bills**
3. **Current Year Transfers**
4. **Compensation for Town Clerk**
5. **Choose Town Officers**
6. **Accept Gifts of Land:** C Karlson suggested renaming article "Accepts gifts of Land including at Town Center"
7. **Sell or Trade Vehicles and Equipment**
8. **Rescind Authorized but Unissued Debt**
9. **Adopt Annual Revolving Fund Caps** N. Balmer said it's too soon to release fund caps.
10. **Hear Reports** N. Balmer said she still needs to confirm if this applies to the Annual Town Report.
11. **Close Recreation Commission 53D Beach Account** C. Karlson would like to understand the dollar amounts and where its going to.
12. **Transfer Balance of Non-insurance Fund to Stabilization Fund:** N. Balmer stated the Non-Insurance Fund will be better served having it in the General Fund Stabilization fund
13. **Fund Council on Aging Design** B. Keefe discussed the article and recent minor changes.
14. **And 15. Fund Building Design and Improvements for Town Building and Fire Station #2**
16. **Approve Five-year Lease for Information Technology Network**
17. **Close Septage Fund:** C. Karlson stated the Finance Director determined to close the fund and instead run it through the regular benefits line item.

C. Karlson moved, seconded by M. Antes, to vote to submit the 16 Articles listed on the Agenda plus the 17<sup>th</sup> Article put at our place referencing the Septage fund for the Annual Town Meeting Warrant and authorize the Chair and Town Administrator to make minor edits as needed before submission. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A13. Town Administrator's Report**

- **Correspondence:** None
- **FY19 Budget: Receive Town Administrator's recommendations on all departmental budgets except schools:** FY19 detailed budgets were submitted to the Board in the packet and hard copies are also available. N. Balmer reported that the FinCom will ask the Board to make cuts to the operating budget. N. Balmer said she has some ideas about what can be cut. The Finance Director provided a document describing the FinCom guidelines and the budget costs. N. Balmer briefly went over the numbers. She wants to wait and see what FinCom decides on for reductions. C. Karlson said she was looking for a summary of budget changes on the Town side. N. Balmer went over the Town and School's new FTE's
- **Annual Town Meeting logistics:** J. Senchyshyn provided a memo in the packet, and N. Balmer will come to Board at the end of the month with more information on logistics and expenses associated with Annual Town Meeting.
- **Collins Center update:** The final Collins Center Report will be posted on the Selectmen's web page next week. N. Balmer asked the Board's opinion of when to discuss the recommendations in the report. L. Jurist and D. Levine stated they would like to take this up after Town Meeting. C. Karlson stated she would like to go over it while the current Board, that requested and received the report, is in place. The Board decided to wait until March to decide the next step.
- **Conservation Open Capital Projects:** The Conservation Administrator prepared a memo regarding their open capital projects. FinCom did not recommend funding the tractor due to

open capital projects. N. Balmer stated that maybe they could go back to FinCom to convince them on the potential cost savings and acknowledging the change in leadership in the department.

- **Update on 5 Concord Road petition:** N. Balmer reported that town counsel has not yet completed the petition. In response to a public comment tonight, the Board agreed they told Town Counsel to proceed with the filing and noted that there was not a vote taken.
- **Update on HR Director position:** This has been a difficult position to fill. There is one new candidate but N. Balmer will look at alternative solutions (interims) just in case.
- **IT Munis Capital Project:** IT Director J. Pazos responded to FinCom's Chair regarding the question if sufficient funds/staffing were requested for this capital project

**A17. Selectmen's Reports and Concerns, continued** C. Karlson continued Selectmen's Reports and Concerns. She stated she would like an update on the LED lights, Oxbow Meadows, and if there was a response on the Audit Management letter.

**A1. Continued, 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 discuss strategy with respect to collective bargaining with the Fire Union and the Police Union** At 9:38pm, 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)(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. 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 return to open session solely for purpose of adjourning in approximately 15 minutes.

The Board returned to open session at 9:56pm.

**A18. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** The Chair said, "I know of none."

**A19. Adjourn** There being no further business before the Board, L. Jurist moved, seconded by C. Karlson, to adjourn the meeting of the Board of Selectmen at 9:56 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 8, 2018**

1. Public Comment by Gretchen Schuler, re: Debt Exclusion
2. Table showing expenses and payroll for FY19 (requested) and FY18 (approved), source B. Keveny
3. Town Meeting article: "Terminate the Septage Fund and transfer balance to the General Fund"
4. Town Meeting article: "Appropriate funds for design, construction documents and bidding for a proposed Community Center at Wayland Town Center"

#### **Items Included as Part of Agenda Packet for Discussion During the January 8, 2018 Board of Selectmen's Meeting**

1. Email dated January 3, 2018 from Dan Hill, Chair of the Planning Board, to Nan Balmer and Sarkis Sarkisian, re: Meet with Board of Selectmen, with two attachments: Off Street Parking Zoning Amendment and Limited Site Plan Review Zoning Amendment
2. Memorandum dated January 8, 2018 from David Porter to the Board of Selectmen, re: Appointments to the Senior Tax Relief Committee, the Economic Development Committee, and the Council on

Aging/Community Center Advisory Committee (with attached letters and resumes from prospective committee members

3. Warrant Article Process: Guide for Petitioners
4. Form for petitioners to submit an article for Wayland Town Meeting
5. Board of Selectmen policy on Petitioners' Access to Town Counsel
6. Memorandum dated January 8, 2018 from David Porter to the Board of Selectmen, re: Application of Dudley Chateau LLC for a new annual on-premises all alcoholic beverages license
7. Procedure for Liquor License Hearing
8. Copy of the legal notice published in the Wayland-Weston Town Crier, dated 12/28/2017
9. Memorandum dated January 3, 2018 from Chief Swanick, re: Dudley Chateau Liquor Application