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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

July 24, 2017

6:45 p.m.

Wayland Town Building, Selectmen's Meeting Room  
41 Cochituate Road, Wayland

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist (arrived 7:16), Douglas A. Levine (arrived 6:47)

**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 6:45 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 that tomorrow's meeting on the solar initiative is the first of three and the only one in Wayland.

D. Levine joined the meeting.

**A2. Public Comment** Frank Stitham, 305 Troutbrook Road, discussed two of his main concerns about the development of a field at Oxbow Meadows: site conditions and safety.

Charlie D'Ambrosio, 17 Williams Road, previously emailed the Board a written statement about the field at Oxbow Meadow. He asked the Board to use its influence to bring the decision makers together to think about the timing and possible deferment of development on the site.

G. Schuler, Old Connecticut Path, discussed a new artifact that was found at the Rail Trail. A concrete tunnel that was used to move cattle from one side of the track to the other was uncovered, and it will cost about \$26,000 to stabilize it. She asked the Board of Selectmen for their support and stressed that this is an important artifact from Wayland's agricultural past.

Tom Gulley, 20 Meadowview Road, said he heard that the Wayland Rod and Gun Club was entering into a contract with Verizon to erect a cell tower. He said if this is true he would like the Board to put pressure on and/or suspend the progression of this and to hold a public hearing.

Joan Rubin, Lincoln resident at 234 Aspen Circle, said she felt the Oxbow Meadow land could be contaminated because of its history and is worried because there will be many children on a recreation field. She urged the Board to re-test the site.

Mike Lowery, Lakeview Drive, discussed the possible reuse of the current Library building. He said the town should try to better understand what the future purposes of the building might be, how long it will take to resolve the legal matters, how much it will cost, and what the likelihood of success would be. He said this

only postpones projects like a community center and field renovations. He asked the Board to not fund any additional legal actions to set aside public charity trust that has been established for 5 Concord Road.

Carole Plumb, Bald Rock Road, stated that she felt that William Steinberg being appointed to the Finance Committee with his wife being on the School Committee is a conflict of interest. She said she looked at the conflict of interest website and questioned if W. Steinberg had filled out the required forms yet.

Ginny Redpath, 3 Campbell Road, stated that her major concern about the proposed Oxbow field is the safety of drivers, bikers, and walkers. She said there are no sidewalks in the neighborhood and a lot of drivers speed. She said there would have to be speed bumps put in if there is going to be more traffic.

Brud Wright, Vice Chair of the Recreation Commission, stated that he appreciated everyone's comments so far tonight. He said he walked the Oxbow Meadows site and the project has cleared the hurdle of environmental safety and a traffic study was done. He said they have been addressing the issues with the neighbors. He explained that the poor conditions of Wayland's fields are because they are over used.

L. Jurist joined the meeting during the previous comment.

Pat Thompson, Lincoln resident at 116 Chestnut Circle (and former Wayland resident), said the Oxbow Meadow field will have a tremendous negative effect on the neighborhood. She said a "Friends of Oxbow Meadows" has been formed and they are looking for any suggestions from the Board on how this issue can be revisited.

Joey Rexler, Lincoln resident at 50 Windingwood Lane, said she didn't attend the last Recreation meeting because she didn't find out until a week before. She said a proper traffic study must be done again at an appropriate time. She also said that the field is being moved closer to Lincoln.

L. Jurist said anyone can go on the website to check to see when the Recreation meetings are held.

Alice Boelter, Lake Shore Dr., seconded the statements M. Lowery made about the Library building.

**A3. Liquor Licenses: Vote to Approve Change of Manager, Dudley Chateau** The Board met with the new Dudley Chateau manager, Mandy Phillips, to discuss the Change of Manager application. C. Karlson said she thinks Mandy is doing a great job. D. Levine asked if they had any official relationship with neighbors. M. Phillips said that whenever there is a problem they reach out to her. Chief Irving said the changes there have resulted in better management, and he commends the job that she has been doing.

C. Karlson moved, seconded by D. Levine, to approve the Change of Manager application for Mandy Phillips at the Dudley Chateau of Cochituate Inc., dba The Dudley Chateau, at 20 Crest Road. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A4. Joint Meeting with the Wayland Housing Authority for Potential Vote to Appoint Miriam Andrews to the Wayland Housing Authority to Fill a Term to Expire Upon the 2018 Annual Town Election** The Board was joined by members of the Housing Authority (Susan Weinstein, Kevin Goodwin, and Mary Antes) to consider the appointment of Miriam Andrews to the Housing Authority.

The Board interviewed Miriam Andrews at the last meeting but did not vote because the Wayland Housing Authority did not have a quorum.

C. Karlson moved, seconded by D. Levine to appoint Miriam Andrews to the Wayland Housing Authority for a term to expire at the 2018 Annual Town Elections. YEA: L. Anderson, C. Karlson, L. Jurist, D. Levine, NAY: none. ABSENT: none. ABSTAIN: M. Antes. Adopted 4-0-1.

The Wayland Housing Authority also voted. M. Antes moved, seconded by S. Weinstein to appoint Miriam Andrews to the Wayland Housing Authority for a term to expire at the 2018 Annual Town Elections. YEA: K. Goodwin, S. Weinstein, M. Antes, Adopted 3-0.

**A5. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the River's Edge Project at 484-490 Boston Post Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to Litigation in Pending Action regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road, and 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 and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, and Teamsters, Representing Town Employees, because a Public Discussion of these Matters may have a Detrimental Effect on the Negotiating, Litigating or Bargaining Position of the Town**

At 7:38 p.m., 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) (6) to consider the purchase, exchange, taking, lease or value of real property in regard to the Rivers Edge Project at 484-490 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to litigation in pending actions regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen, and 20 Millbrook Road; and 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 and in preparation for collective bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, and Teamsters, representing Town employees. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, bargaining or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair L. Anderson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Town Engineer Paul Brinkman, Town Counsel Amy Kwesell, Special Counsel David Wiener, and Economic Development Committee Chair Rebecca Stanizzi.

The Board returned to open session at 8:40 p.m.

**A6. Potential Vote to Approve Memorandums of Agreement for Successor Collective Bargaining Agreements with the AFSCME-2 and Teamster Unions**

C. Karlson moved, seconded by M. Antes to Approve Memorandum of Agreement for Successor Collective Bargaining Agreement between the Town of Wayland and AFSCME-2 Local 690 for the period of July 1, 2017 through June 30, 2020 and to Approve Memorandum of Agreement for Successor Collective Bargaining Agreement between the Town of Wayland and the Wayland DPW Association Teamsters Local 170 for the period of July 1, 2017 through June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Vote to Approve the River's Edge Land Development Agreement and Authorize the Town Administrator to Execute the Land Disposition Agreement, and All Related Documents on Behalf of the Board of Selectmen**

C. Karlson provided a brief overview of the Board's work to date on the River's Edge project. C. Karlson moved, seconded by D. Levine to Record the Vote of The Wayland Board of Selectmen July 24, 2017 as follows: At a duly called public meeting of the Wayland Board of Selectmen on July 24, 2017, the Board voted as follows with respect to the land and improvements located at 484-490 Boston Post Road in Wayland, Massachusetts, identified on the Wayland Assessor's Map as Parcels #22-3, 22-6 and 22-7 and commonly known as River's Edge {the "Property"}: (a) To approve that certain Land Disposition Agreement for the Town's sale of the Property in substantially the form presented to the Board at its July 24, 2017 meeting, with final changes to be approved by the Town Administrator in consultation with town counsel or special town counsel as reasonably necessary (the "LDA"); and (b) To authorize the Town Administrator to execute the LDA, including the Escrow Agreement and Right of Entry Agreement, which are exhibits to the LDA, on behalf of the Board of Selectmen. In discussion C. Karlson explained this allows the Town Administrator to sign on the Board's behalf after working with Town Counsel. C. Karlson said this project has been going on for years but this part has been a culmination of a good solid year of negotiations. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson recognized some of the people who served on Rivers Edge Advisory Committee of past and present who helped to make this possible.

**A7. Meet with Town Counsel and Review Report**

1. Library Matters: Review Actions to Fund New Library, Re-use of 5 Concord Road  
Town Counsel A. Kwesell stated we need to hear from the town and specifically the Library Board of Trustees on what they need and what kind of future use they want. C. Karlson said the Library Board of Trustees also wants to understand its financing options and where the town is financially. A. Kwesell explained the difference between debt exclusion, capital expenditure and an override. Debt exclusion goes on for the life of the borrowing, capital expenditure is for one year and an override is forever. They discussed the timeframe and calendar with regards to special town meeting. A. Kwesell discussed the ways the town can use the old library building. The cost and timing of going to Probate Court was discussed. C. Karlson stated that knowing if the old library building can be used for something else would be key to know before the town votes. A. Kwesell said the first step may be finding out what most likely re-uses are for the building. She said if the town can incorporate library uses for the required portion of the building, then they could use the 5 Concord Road property and avoid Probate Court. She said it would save the Town money if they could give Town Counsel ideas on how the required portion of the building would be used, then Town Counsel can look into it. In the meantime, they can also consider Probate Court and get more information about that. L. Anderson suggested using the WRAP report to find uses for library portion of the building. It was brought up that the Trustees could also consult staff.
2. Wayland Meadows: Vote to Sign Deed, Vote to Sign IRS Land Donation Form, Vote to Approve and Sign Wayland Meadows Agreement  
L. Anderson said they will defer this topic to another meeting.
3. Review Special Municipal Employee Law  
A. Kwesell explained the law and the three requirements for the Board to designate a position as a Special Municipal Employee. She noted that the town can only designate a position not an employee.

She said in this instance the Assistant Football Coach was advised by the Ethics Commission so Town Counsel defer to that opinion.

4. 40B Process

A. Kwesell stated that the Town Planner's letter request for Housing Production Plan Certification from the DHCD was denied. She said she's not surprised by this decision. Based on her review of prior cases it would not be worth appealing the decision, but it was worth trying.

**A9. Vote to Appoint Assistant Football Coaches as Special Municipal Employees**

C. Karlson moved, seconded by M. Antes to Appoint Assistant Football Coaches as Special Municipal Employees. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Consent Calendar: Review and Vote to Approve (See Separate Sheet)** M. Antes moved, seconded by L. Jurist, to approve the Consent Calendar. The Board discussed the items to approve the appointment of Kamal Namou and Andy Oppenheim to the Economic Development Committee. The Board thanked both for their attendance at tonight's meeting. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A10. Minutes: Review and Vote to Approve Minutes of July 10, 2017** D. Levine moved, seconded by M. Antes to approve the minutes of July 10, 2017, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A12. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. C. Karlson said it was sad to see Carolyn Bargoot resign from the Audit Committee. L. Anderson asked what can be done about the letter from E. Scola regarding the barn located at 24 School Street. It was decided that N. Balmer would contact her and forward it over to the ZBA since they are taking up that property at their next meeting. N. Balmer explained the transitional audit on the Tax Collector's Office done at the Assessor's request.

**A13. Report of the Town Administrator**

1. **Correspondence:** N. Balmer said Correspondence was already discussed throughout the meeting.
2. **Police Chief Interview Panel:** N. Balmer said she's getting together with J. Senchyshyn this upcoming week to discuss the interview panel. She would like the Board to provide input on the composition of the panel tonight. L. Anderson requested feedback from the Board on our appointee. L. Anderson said she's interested but also realizes D. Levine has an interest in public safety and deals with Police Chiefs at his job. The Board agreed that L. Anderson would sit on the panel and D. Levine said he's happy to help if she has any questions. The Board discussed having a resident sit on the Board and whether the interviews would be public. N. Balmer will reach out to the CoA Director for a potential senior resident for the panel and will also research whether the interviews can be conducted in public.
3. **Open Meeting Law Training:** N. Balmer said M. DiNapoli is working on setting up a fall training with KPLaw. D. Levine offered to work with M. DiNapoli on that project.
4. **FY19 Budget Process:** Nan reported the Finance Committee met last week for the first time since its membership filled out. She said they are working together and they will come up with a process which will be different from last year.
5. **Board of Selectmen Schedule:** N. Balmer said there will be a meeting next Monday.

6. **Town Administrator's Update for Evaluation:** N. Balmer attached an update on her progress towards her goals.

**A14. Selectmen's Reports and Concerns** M. Antes announced that the Housing Authority lost its representative to the Housing Partnership. To explain the volunteer openings to residents, she suggested posting a more descriptive posting in the Town Crier and she would be willing to do this for other volunteer positions as well. L. Anderson announced the Suburban Coalition voted to disband at their last meeting. D. Levine asked if in light of all the public comments and letters the town has received regarding the Recreation field that will border the town of Lincoln it would be appropriate for a member the Board of Selectmen to reach out to Lincoln's Board of Selectmen and/or Town Administrator. L. Jurist said that the field shouldn't have been a surprise to people and he wouldn't want to give false hope to them. D. Levine said it would just be a conversation. C. Karlson said as good neighbors we should have reached out in some way as a courtesy and we should now if we didn't already. L. Anderson said she will let Lincoln's BOS Chair know when the next Recreation meeting is since there will be opportunity for public comment. The Board discussed the public comment on cell towers and asked about the process going forward.

**A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A16. 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 9:45 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 July 24, 2017**

1. Memorandum of 7/24/17 from Rick Conard and Gretchen Schuler, Historical Commission, to Board of Selectmen, re: Rail-Trail Construction and Artifacts
2. Excerpts from the Final Report, Investigation of Former Nike Missile Sites for Potential Toxic and Hazardous Waste Contamination, March 1986
3. Memorandum of 7/24/17 from Town Counsel Amy Kwesell to Nan Balmer, Town Administrator, re: Town Counsel Updates for Board of Selectmen Meeting, July 24, 2017, Open Session
4. Officers of the Town of Wayland, 1963
5. Draft Press Release, Board of Selectmen Signs Land Disposition Agreement for River's Edge Project

#### **Items Included as Part of Agenda Packet for Discussion During the July 24, 2017 Board of Selectmen's Meeting**

1. Application for Change of Manager for Dudley Chateau, 20 Crest Road
2. Email of 7/19/17 from KP Law to Nan Balmer, Town Administrator, re: Wayland Meadows, with Documents Agreement with Wayland Meadows, LLC, Deed from Wayland Meadows, LLC, IRS Form 8283, and Charitable Donation Letter
3. Email of 7/19/17 from Anderson Kreiger to Nan Balmer, Town Administrator, re: Proposed Vote to Approve the River's Edge Land Development Agreement
4. Draft Minutes of July 10, 2017
5. Report of the Town Administrator for the Week Ending July 21, 2017