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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

September 5, 2017

6:30 p.m.

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

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

Also Present: Town Administrator Nan Balmer

A1 and A2. Call to Order by Chair Chair L. Anderson called the meeting of the Board of Selectmen to order at 6:30 p.m. in the Large Hearing Room of the Wayland Town Building. The Board attended the Finance Committee's Special Town Meeting Warrant Article Workshop.

At 7:40pm, after the Workshop, Chair L. Anderson reconvened the Board 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.

A3. Public Comment Linda Segal, 9 Aqueduct Rd., said she is still looking for the WTA/Teacher's 2017-2020 contract on the website and has not received the document. She asked the Assistant Superintendent about its location and he said the actual contract is still with the attorneys.

A4. Interviews and Potential Vote to Appoint to Boards and Committees

Cultural Council, Adam Gutbezahl Adam Gutbezahl appeared before the Board to interview for a position on the Cultural Council. He reviewed his background and interest in serving, explaining that he is a new resident and his wife is from Wayland. He is aware of the time commitment and level of participation.

C. Karlson moved, seconded by D. Levine, to appoint Adam Gutbezahl to the Cultural Council, effective immediately, for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Zoning Board of Appeals, James Grumbach James Grumbach appeared before the Board to interview for a position on the Zoning Board of Appeals (ZBA). He reviewed his background and interest in serving on the board. He discussed his previous experience serving on the ZBA and with the Town's past 40b projects.

C. Karlson moved, seconded by M. Antes, to appoint James Grumbach to the Zoning Board of Appeals, effective immediately, for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Interview Lieutenant Patrick Swanick for the Position of Police Chief and Vote to Ratify Town Administrator's Appointment

N. Balmer discussed the hiring process for the Police Chief and expressed her confidence in Lt. Swanick's abilities. L. Anderson started the interview by asking Lt. Swanick to explain why he wanted to be Police Chief. He said he began his career in Wayland and it's been a career dream to lead the Police Department.

C. Karlson asked about his position paper on Tasers. D. Levine asked him to identify external and internal challenges that the Police Department faces. Lt. Swanick named some of the challenges including the opioid epidemic, child safety, road safety, and protecting the elderly from scams. M. Antes asked how he would handle the leadership role. Lt. Swanick explained that it has already happened gradually with his promotion from Sergeant to Lieutenant. This is the next step in the progression. L. Jurist asked him what the biggest challenge is facing the Wayland Police Department. Lt. Swanick replied he doesn't see one big challenge instead he sees many smaller challenges. He said the Town needs to constantly be aware and on alert. L. Anderson asked him about video cameras. He said he's a proponent of them and was involved in the decision process and implementation of them into the department. He said they are a good training tool and often help police when citizens have a complaint.

C. Karlson moved, seconded by M. Antes, to vote to ratify the Town Administrator's appointment of Lt. Patrick Swanick to the position of Wayland Police Chief, subject to a background check including physical and psychological examinations and an agreement on the terms of an employment contract. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board congratulated Lt. Swanick on his impending promotion to Police Chief of Wayland.

A6. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(6), to Consider the Purchase, 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)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes on the Following Topics: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of 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 a Discussion of Strategy with Respect to Litigation in a Pending Action regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect to and in Preparation for Collective Bargaining with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodial Union and Food Service Association Representing Town and School Employees, and a Discussion of Strategy with Respect to Negotiations with the Police Union Regarding Withdrawing From Civil Service; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), a Discussion of Strategy with Respect to Negotiations with Non-union Personnel, Town Administrator and Police Chief; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6), the Consideration of the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Municipal Parcel at the Town Center Project, and the River's Edge Project at 484-490 Boston Post Road, and Wayland Meadows, LLC, Lot 8, Old Sudbury Road, and the Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town: APPROVE

AND HOLD: August 7, 2017, July 24, 2017, May 15, 2017, and APPROVE AND RELEASE WITH REDACTIONS: August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015

At 8:20 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, 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)(7), to review and consider for approval the potential release of the following executive session minutes on the following topics: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of 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 a discussion of strategy with respect to litigation in a pending action regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a discussion of strategy with respect to and in preparation for collective bargaining with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodial Union and Food Service Association representing town and school employees, and a discussion of strategy with respect to negotiations with the Police Union regarding withdrawing from Civil Service; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), a discussion of strategy with respect to negotiations with non-union personnel, Town Administrator and Police Chief; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6), the consideration of the purchase, exchange, taking, lease or value of real property in regard to the municipal parcel at the Town Center Project, and the River's Edge Project at 484-490 Boston Post Road, and Wayland Meadows, LLC, Lot 8, Old Sudbury Road, and the property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone, because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town: APPROVE AND HOLD: August 7, 2017, July 24, 2017, May 15, 2017, and APPROVE AND RELEASE WITH REDACTIONS: August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015. The Chair declared 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. Chair L. Anderson invites attendance by Town Administrator Nan Balmer, Town Engineer Paul Brinkman, and River's Edge Advisory Committee member Rebecca Stanizzi.

The Board returned to open session at 8:56 p.m.

A7. Review Letter to Board of Library Trustees and Vote to Authorize Chair to Sign The Board agreed the letter was well written. L. Anderson wanted to clarify that they are sending the letter to the Wayland Board of Trustees, not the State. C. Karlson suggested edits including trying to be consistent when calling the meeting a Fall or Special Town Meeting. She will provide the edits and L. Anderson will sign the revised letter.

A8. Discuss and Assign All Submitted Special Town Meeting Articles Due Thursday, August 31, 2017, at 4:30 p.m. The Board assigned the articles.

- C. Karlson: Articles C (Accept Gifts of Land at Town Center), D (Change Filing Deadline for Circuit Breaker Match Program), G (Town Union Collective Bargaining Agreements 2017-2020) and H (School Union Collective Bargaining Agreements 2017-2020)
- L Anderson: Articles A (Pay Previous Fiscal Year Unpaid Bills), B (Current Year Transfers) and E (Compensation for Town Clerk).

- L. Jurist: Articles J (High School Stadium Complex Renovation Design Fees), K (Synthetic Turf Field at Loker Conservation and Rec Area), P (Appropriate Funds for Design of Part 2 of the High School Athletic Preferred Improvement Plan) and N (Non-Medical/Recreational Marijuana Six Month Moratorium- Zoning Bylaw Amendment).
- M. Antes: Articles O (Appropriate Funds to Restore/Preserve Stone Pillars to Castle Gate Road and West Plain Street), and M (Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings).
- D. Levine: Articles L (107 Old Sudbury Road Demolition) and I (Appropriate Funds to Construct New Library Building).

D. Levine asked for an explanation of the “assignee” roles. C. Karlson said it is to be another reader of the draft FinCom comments, to help the Board with any information for which they are looking, and to not necessarily be an advocate but to make sure the BOS has good information.

L. Anderson stated the Board will discuss STM articles at its next meeting on September 18th. She clarified that the BOS has the right to withdraw articles, not FinCom.

A9. Reorganization of the Office of the Town Administrator N. Balmer said she is looking for thoughts on the reorganization of her office. Both Human Resource Director/Asst. Town Administrator J. Senchyshyn and Executive Assistant MaryAnn DiNapoli are retiring, with M. DiNapoli leaving in a few weeks. N. Balmer will appoint David Porter as Executive Assistant. She said D. Porter has career aspirations to be a Town Administrator. He will also provide administrative support for the ZBA’s review of the 40B projects.

N. Balmer suggests creating a stand-alone position of HR Director for Wayland. She mentioned J. Senchyshyn’s accomplishments over the years. She said currently the Asst. Town Administrator is not able to accept other assignments and from a workflow perspective, she’s not able to delegate work to him. N. Balmer recommends a separate position for Assistant Town Administrator combining the work of the Financial Administrator and other tasks under the HR/ATA job. However, she mentioned she would like to talk to the Collins Center about this proposal as it also impacts the financial review they are conducting.

N. Balmer requested approval to go to the Personnel Board with a proposed HR Director position and outlined the potential responsibilities of the position. Continuing the discussion, N. Balmer stated the job duties of the proposed job title of Assistant Town Administrator position, which would be sharing the workload of the Town Administrator, suggested eliminating E. Doucette’s current position of Financial Administrator, and transferring her to the new position of Asst. Town Administrator.

M. Antes asked about the status of the current HR Assistant’s role. N. Balmer said a review of HR staffing is required and for now the position is providing backup for the Board of Selectmen packets along with regular job responsibilities. D. Levine said it makes a lot of sense and asked how long the search would take for the HR Director position. N. Balmer said about 6 weeks for a search. C. Karlson said she’s pleased that N. Balmer is waiting to hear the Collins Center’s opinion because she feels E. Doucette’s workload is full already. C. Karlson said it seems early to be assigning a person to a role that hasn’t been created yet. N. Balmer said a reorganization can take years, and she thinks any recommendations from the Collins Center will be complicated, take time to implement and may require bylaw changes. C. Karlson asked N. Balmer to think about any new structure and how it will provide long-term stability for this Town. C. Karlson asked about the process and timing for advertising the HR Director and ATA positions.

The Board was supportive of bringing the HR Director position to the Personnel Board for review.

A10. Update on Town Administrator Evaluation L. Anderson distributed a hard copy of an updated and consolidated draft evaluation. She requested that members bring edits to the next meeting where it will be discussed and presented. She noted one copy will be put in J. Senshychyn's office for public record.

A11. Executive Session Minutes: Vote to Approve and Hold the Executive Session Minutes of August 7, 2017, July 24, 2017, and May 15, 2017; Vote to Approve and Release with Redactions the Executive Session Minutes of August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015 C. Karlson moved, seconded by M. Antes, to approve and hold the executive session minutes of August 7, 2017, July 24, 2017, and May 15, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by M. Antes, to approve and release with redactions the executive session minutes of August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Minutes: Review and Vote to Approve Minutes of August 21, 2017 M. Antes moved, seconded by C. Karlson, to approve the minutes of August 21, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. 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 D. Levine, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A14. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes said it concerns her that people are demanding the 40B housing project be halted when in fact it is probably going to proceed. She's concerned about unrealistic expectations. L. Anderson said she has suggested that the 40B consultant make clear the process at each meeting for any new attendees.

A15. Report of the Town Administrator

- 1. Correspondence** Town Counsel filed a complaint 8/23/17 in Land Court regarding 20 Millbrook. She said Counsel decided not to apply for a preliminary injunction, but by filing in Land Court, anticipates a case management conference which will get the issue before a judge and hopefully compel compliance.
- 2. Board of Selectmen Meeting Calendar** N. Balmer said she will email the revised Board of Selectmen meeting schedule as there have been some changes.
- 3. Capital Planning: FY19 Budget and Future Years** The Finance Committee will meet with the Financial Advisor on September 14th. The Board of Selectmen are invited. In mid-October, the Collins Center will provide a report with recommendations on structuring a capital planning process.
- 4. River's Edge Advisory Committee** The Board is asked to consider volunteer recruitment to fill the REAC "Member at Large" seat, preferably with someone that has a technical/scientific background.

A16. Selectmen's Reports and Concerns L. Anderson reminded the Board that they have a meeting posted for tomorrow morning at 8 a.m. M. Antes asked if Nov. 8 is clear with everyone for an Issues Night put on by the League of Women Voters. She also asked if there is any interest in another round of Listening Sessions.

A17. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any

The Chair said, "I know of none."

A18. 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 9:50 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, 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 September 5, 2017

1. None

Items Included as Part of Agenda Packet for Discussion During the September 5, 2017 Board of Selectmen's Meeting

1. Letters of Interest and Résumés of Adam Gutbezahl and James Grumbach
2. Memorandum of 9/5/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Appointment of Wayland Police Chief
3. Draft Letter from the Board of Selectmen to the Board of Library Trustees, dated September 5, 2017
4. November 2017 Special Town Meeting Articles
5. Memorandum of 9/5/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Town Administrator's Office Organization
6. Draft Minutes of August 21, 2017
7. Report of the Town Administrator for the Week Ending August 25, 2017