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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 18, 2017
6:30 p.m.**

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

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Douglas A. Levine
(6:36pm)

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session 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 Rivers Edge Project at 484-490 Boston Post Road, and the Consideration of the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to Wayland Meadows, LLC, Lot 8, Old Sudbury Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), to discuss strategy with Respect to Litigation in a Pending Action regarding Bernstein, et al v. Planning Board, et al, 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 the Police and Fire; 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, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town 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 Selectmen's Meeting Room of the Wayland Town Building. At 6:31 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 to consider the purchase, exchange, taking, lease or value of real property in regard to Wayland Meadows, LLC, Lot 8, Old Sudbury Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), to discuss strategy with respect to litigation in a pending action regarding Bernstein, et al v. Planning Board, et al, 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 the Police and Fire; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), to discuss strategy with respect to negotiations with non-union personnel, Town Administrator and Police Chief, because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. 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. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0. Chair L. Anderson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Executive Assistant David Porter, and Town Counsel Carolyn Murray.

The Board returned to open session at 7:10 p.m.

A2. Call to Order by Chair Chair L. Anderson noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

M. Antes announced that Wednesday is National School Backpack Awareness Day and on Saturday there will be a Friends of Council on Aging fundraiser.

A3. Public Comment Gil Wolin 201 W. Plain St., read a written statement about the 2015 plowing decision and upcoming agenda item on private roads. G. Wolin said he would email the statement to the Board.

A4. Meet with Town Counsel

1. **Discuss Process for Proposition 2 ½ Debt Exclusion and Scheduling of Special Election for Library Project** Town Counsel Carolyn Murray went over the possible timeline and scenarios for an article at November's Special Town Meeting and a ballot question for funding the Library Project. It was noted the only access to the ballot is through Board of Selectmen. The Board agreed it might be best to wait until after it passes STM in November and to call an election in early January.
2. **Maintaining and Plowing Private Roads – Selectmen Role:** C. Murray stated that the DPW is looking to the Board of Selectmen to designate roads as private and reconsider whether the town should resume plowing private ways. No action required tonight but the DPW would like clarification. N. Balmer said the BoPW will come before the Board in October and give a recommendation.
3. **40 B Legal Costs** C. Murray stated the estimated legal cost going forward is approximately \$13,000 to complete the known 40B projects.
4. **Discuss Special Town Meeting Articles**
 - **F, G, H: Fund Personnel Costs** C. Murray said that typically within 30 days of town unions reaching a collective bargaining agreement to fund a contract, the contracts are to be presented to the appropriate body (town meeting) for funding the first year of the contract. She stated that Schools are different because they can either use funds from the existing appropriation or vote to appropriate additional funds.
 - **M: Marijuana Moratorium** When a zoning article is defeated at Town Meeting, it can be brought forward again at Town meeting after a favorable vote and report from the Planning Board. Since this Article was defeated at the last Annual Town Meeting, the Planning Board is holding a hearing on October 3. C. Murray recommended that if the Town votes a moratorium they should have it expire Dec. 31, 2018, because the State is not approving anything beyond that date at this time.

A7. Discuss and Vote to Approve the FY17 Annual Report of the Board of Selectmen C. Karlson asked for comments, feedback and corrections on the draft report. D. Levine said the substance of the last paragraph should be in the first paragraph. M. Antes also made recommendations.

M. Antes moved, seconded by D. Levine, to approve the Annual Report of the Board of Selectmen, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Minutes: Review and Vote to Approve Minutes of September 5 and 6, 2017. M. Antes moved, seconded by D. Levine, to approve the minutes of September 5, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by C. Karlson, to approve the minutes of September 6, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Review FY19 Capital Projects with Department Heads

1. **Conservation** Conservation Administrator L. Hansen discussed the installation of three pedestrian crossings for the Weston Aqueduct. N. Balmer said they will confirm if the project qualifies for Community Preservation Act (CPA) funding. L. Hansen then discussed the purchase of a small tractor. Two outstanding projects (dam repairs and shed repair) were also discussed.
2. **Information Technology** IT Director Jorge Pazos went over the Capital Project requests from the IT Dept. He discussed each issue including the Classroom A/V Hardware, Public Safety Datacenter Replacement, Library Telephone system, and Munis Revenue Modules. Lifespans of smartboards and how long the library phone system can wait for replacement were also discussed. A presentation (handout) was made about the Town's network. He defined the network and went over the network priorities and projects. Total project costs and purchase options were presented and discussed.
3. **Facilities** Public Buildings Director Ben Keefe discussed the Facilities Dept. 5-year budget plan and associated CIPs. Some of the projects include Town Building Exterior Panting/Sealing, TB Window Replacements, Fire Station #2 renovations, and Depot Repairs. He also briefly discussed the School Facilities plan.
4. **Fire** Chief Dave Houghton said he would be happy to show Selectmen Fire Station #2 so they can see what renovations need to be made. He discussed the Fire Dept.'s upcoming capital requests, including a new Ambulance, a new Engine 1, and two vehicles. He discussed ambulance receipts as a funding source and said by 2022 the Town will be caught up when it comes to big ticket Fire purchases.

A6. Discuss All Special Town Meeting Articles: Potential Vote to Insert Articles in Special Town Meeting Warrant and Potential Vote to Take a Position on Special Town Meeting Articles. C.

Karlson reminded fellow Board members to follow up with the FinCom assignee on the status of STM article write-ups. L. Jurist stated that ultimately, it's the Board of Selectmen's responsibility to decide whether articles stay in the Warrant and many times there are good reasons why they have been submitted to STM. C. Karlson stated there are three new money articles and the rest are money articles that are transferring between line items, using revolving funds or using CPA funds. C. Karlson said it would be helpful to know if CPA funds are available for Article M, aqueduct crossings. The Finance Committee will make a presentation on Town finances to the Board on Oct. 2.

A9. 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 item #2 and agreed to continue to only allow signs on town property for Wayland based activities. No action was taken on the motion. C. Karlson moved, seconded by M. Antes, to approve items 1 and 3-10 on the Consent Calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson noted that the letter from the Planning Board regarding one of the 40B applications was thorough and well written and she hopes it is helpful to the ZBA. Other correspondence related to 40B projects and correspondence related to consulting assistance were discussed.

A11. Report of the Town Administrator

1. **Annual Town Meeting Schedule** It will be reviewed again by Town Counsel. M. Antes said Candidates Night can be added. N. Balmer stated that Town Counsel would like to see the discussion on debt exclusion moved back.
2. **Proposed New Positions** N. Balmer said positions will come back to the Board at the Oct. 2 meeting. She discussed increased staffing in the Fire Dept., Conservation, and the COA. Not included

is the position of project manager for Facilities. She said they are trying to see how it can best be used, looking at a potential position that would be part-time at facilities and part-time at DPW.

3. **Update on Town Administrator's Staffing Plan and Collins Center Report** N. Balmer said they are continuing to work with the Collins Center and will present a TA's office staffing plan to the Board when the Collins Center presents on financial structure.
4. **Oxbow Meadow Contract** The contract has not been signed because an appeal was filed with the Zoning Board of Appeals (ZBA) and in Land Court. The ZBA will address the appeal at its Oct. 10 meeting and make a decision. There will be a delay in awarding the contract until after the ZBA hears the appeal.
5. **Board of Public Works request regarding private roads** Memo is in packet and discussion will be scheduled.
6. **Wayland Meadows / Wastewater Management District Commission Update** N. Balmer reported that the project is inching forward and will come before the Board again.
7. **Town Administrator's Capital Project Work Group** N. Balmer stated she plans on doing the capital budget differently this year. She said there's a lot of leadership in the Finance Committee and the goal is to bring together the chairs of FinCom, BoS and the Finance Director to talk about Capital Projects and planning.
8. **Paving Route 20** D. Porter said he will provide a weekly press release with updates on the State paving project when it starts. The information will go on the web, Police Dept. Facebook page, news outlets and other places (in hard copy) for residents that do not use the internet.

A12. Selectmen's Reports and Concerns C. Karlson stated that this year's Special Town Meeting schedule never had a petitioner's workshop. She wants to make a note for next year's STM schedule so it's not missed again. In answer to a question, N. Balmer reported that interviews are being conducted to hire a new Recreation Director and she has discussed the hiring process with the Recreation Commission. M. Antes attended the MetroWest Regional Collaborative Meeting and discussed the agenda and many projects happening around the area. L. Anderson and M. Antes will be attending the MMA's Selectmen's Meeting on Friday.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A14. Adjourn There being no further business before the Board, L. Jurist moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 9:45 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 18, 2017

1. Public Comment, History of Wayland Plowing Rights-of-Way and Private Roads
2. Article List for 2017 Special Town Meeting Board of Selectmen and Finance Committee Assignees
3. Information Technology, Network Infrastructure Capital Plan and Capital Budget Request (FY19 - FY23)

Items Included as Part of Agenda Packet for Discussion During the September 18, 2017 Board of Selectmen's Meeting

1. Memorandum of 9/18/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Meet with Town Counsel
2. Memorandum of 9/18/17 from Elizabeth Doucette, Financial Administrator, to Board of Selectmen, re: Fiscal Year 2019 Capital Project Requests
3. Capital Appropriation Request (FY19 – FY23) for Conservation Commission
4. Capital Appropriation Request (FY19 – FY23) for IT
5. Capital Appropriation Request (FY19 – FY23) for Facilities

6. Capital Appropriation Request (FY19 – FY23) for Wayland Fire Department
7. Article List for Special Town Meeting with Revised Articles
8. Draft FY17 Report of the Board of Selectmen
9. Draft Minutes of September 5, 2017 and September 6, 2017
10. Report of the Town Administrator for the Week Ending September 15, 2017