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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN  
LEA T. ANDERSON  
MARY M. ANTES  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes March 21, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson

**Absent:** Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer

### **A1. Open Meeting and Enter into Executive Session with Representatives of the Planning Board and the Board of Public Works pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Strategy with Respect to Pending Action regarding Bernstein, et al v. Planning Board**

At 6:46 p.m., C. Karlson 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 strategy with respect to a pending action regarding Bernstein, et al v. Planning Board. The Chair declares that a public discussion of this matter may have a detrimental effect on the litigating or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Town Counsel Mark Lanza, Chair of the Board of Public Works Chris Brown, Member of the Board of Public Works Michael Lowery, Planning Board Associate Member Nicole Riley, Town Planner Sarkis Sarkisian, Police Chief Robert Irving, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately fifteen minutes.

The Board returned to open session at 7:08 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:09 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. C. Karlson said the warrants for the Annual Town Meeting are in the mail, and the Moderator's Forum will be held on Wednesday, March 23, in the Wayland Town Building. L. Anderson said the Wayland Cleans Up program will take place on April 2, 2016.

**A3. Public Comment** Linda Segal, 9 Aqueduct Road, said she was disturbed by the trial of Stephen Cass on March 17, because tax dollars were spent to prosecute an innocent man and an educator. She requested three things: the amount of town funds spent from October 26 through the end of the trial; an assurance that town-wide procedures are put in place for employees that are respected and followed; and an on-the-record apology is made to Stephen Cass. Cynthia Hill, 54 Orchard Lane, agreed; she noted the number of police officers in court, and she said the town case was not well prepared. She said the town employees who were subpoenaed to court and were not present were in violation of the law.

**A4. Interview and Potential Vote to Appoint Jack Carr to the Surface Water Quality Committee for a Term to Expire on June 30, 2018** Jack Carr appeared before the Board to interview for an appointment to the Surface Water Quality Committee. He reviewed his background and his interest in serving on the committee. M. Antes suggested he may also be interested in the opening on the Cochituate Park Advisory Committee, and M. Lowery noted that the committee charge had been changed and the opening is no longer available. Member discussed the bodies of water in Wayland, grant applications, and the possibility of posting overhead drone videos of Wayland's water features. M. Antes moved, seconded by L. Anderson, to appoint Jack Carr to the Surface Water Quality Committee for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**A5. Vote to Sign Annual Town Meeting Warrant** L. Anderson moved, seconded by M. Antes, that the Board of Selectmen sign the warrant for the April 2016 Annual Town Meeting. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**A6. Vote to Set Compensation for Election Workers** Beth Klein, Town Clerk, appeared before the Board to request an increase in the compensation for election workers. She said the request is for the FY17 budget, and is in the budget. M. Antes moved, seconded by L. Anderson, to set non-employee compensation for election workers as follows: \$10.00/hour for inspectors, night tellers, ballot box workers and all training sessions; \$10.50/hour for clerks; and \$11.00/hour for wardens. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0. In regard to the Consent Calendar item regarding the reappointment of a registrar, C. Karlson requested that a notice be sent to the Republican and Democrat town committees to solicit volunteers, and proof that the applicant has the necessary qualifications. B. Klein said she will withdraw the request and submit it again in 45 days.

**A7. Meet with Finance Director and Treasurer to Discuss Investment of OPEB Funds in Massachusetts Pension Reserves Investment Trust (PRIT)** The Board was joined by Finance Director Brian Keveny and Treasurer/Collector Zoe Pierce to discuss the investment of OPEB funds in PRIT. B. Keveny said the final report of the OPEB Advisory Committee made recommendations for long-term investments, which included appointing a group of residents to invest the funds, or investing the funds in PRIT, the state agency. He said the consensus was that the best option is PRIT, as it offers an opportunity to take part in a wide range of investments, which the town couldn't access without substantially more funds. He said the advantages of PRIT also include its longevity, its oversight board, up-to-date reporting and reasonable fees. He said it will be beneficial to the town's rating with Moody's and the audit process. L. Anderson asked if the town had the ability to move out of PRIT and do something different in a few years; B. Keveny said yes. Cliff Lewis, 33 Claypit Hill Road, and Chair of the OPEB Advisory Committee, said his committee examined PRIT. He said the drawbacks were minimal and there were many advantages; he said PRIT has a good long-term track record. C. Karlson advised the Board to direct any questions to the Town Administrator. She said the Board must vote by April 4, or wait until June.

**A8. Meet with Energy Initiatives Advisory Committee; Potential Vote to Approve Project and Authorize Town Counsel to Review Contracts for Streetlight Project** The Board was joined by Ellen Tohn and Bill Huss of the Energy Initiatives Advisory Committee, and Facilities Director Ben Keefe. Julia Allman from Tanko Lighting joined the meeting via telephone. E. Tohn said the goal is to get the approval of the Board to go forward with the project. C. Karlson said the reasons to convert include improved technology, better lit streets, fewer outages, the strengthening of the green community commitment, and cost savings. B. Huss explained that the town can buy the streetlights from Eversource for \$1, then retrofit them with LED technology; he said the town will use Tanko Lighting to take them through the process. J. Allman provided background information on Tanko Lighting and described the services that they will provide during the conversion to LED. She discussed the quality of the lighting, and said they are compliant with the dark skies initiative. She said energy usage will be reduced by 2%, with an estimated energy savings over twenty years of \$1.9 million, and a payback of the cost of the installation in less than two years. She recommended lease purchase financing because it does not impact capacity against debt, allows the town to be cash flow positive, and would not require approval by Town Meeting. B. Keefe said it provides the town an opportunity to take advantage of the latest technologies, and the savings will be seen in the budget in a separate line item. It was the consensus of the Board to continue the project and have Town Counsel review the contracts.

**A9. Vote to Authorize the Application for a Massachusetts Historical Commission Grant for Restoration of Stone's Bridge and to Authorize the Board Chair and Town Administrator to Execute**

**Documents and Authorize the Town Administrator to Act as Local Project Coordinator** The Board was joined by Elisa Scola, Chair, Historical Commission, to review the application for the restoration of the Stone's Bridge grant. M. Antes moved, seconded by L. Anderson, to authorize Town Administrator Nan Balmer and Chair Cherry Karlson to execute any necessary documents for the application for a Massachusetts Historical Commission Grant for Restoration of Stone's Bridge, and also to authorize the Town Administrator to act as the Local Project Coordinator. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**A10. Review Open Meeting Law Complaint Dated March 10, 2016, and Discuss Response** The Board reviewed the Open Meeting Law complaint of March 10, 2016, and a draft response. C. Karlson said there is no law regarding the timeliness of minutes, but requested that a draft plan be in place by April 4. She noted the workload during this time of year, and said the Board is trying to practice good government. N. Balmer said that more resources are needed, and the Board discussed the cost and the impact on the budget. C. Karlson said she spoke to J. Nolan, and he supported the draft response letter. L. Anderson moved, seconded by M. Antes, to authorize the Chair of the Board of Selectmen to make edits to letter regarding Open Meeting Law complaint of George Harris and send it to the Attorney General. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**A11. Discuss Annual Town Meeting Issues: Discuss Selectmen's Warrant Hearing, Moderator's Hearing, Motions and Motion Assignments** The Board reviewed Annual Town Meeting issues and assigned members to motions. N. Balmer said she will review the motions with the Town Moderator, insert the motion assignments, and post the revised motions on the website.

**A12. Discuss and Potential Vote on Special Town Meeting Date** C. Karlson reported on a meeting with the Town Clerk to determine a date for a fall Special Town Meeting that will not interfere with the November election. M. Antes moved, seconded by L. Anderson, to schedule a Special Town Meeting for Tuesday, November 15, 2016, at the Wayland High School Field House at 7:00 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**A13. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by L. Anderson, to approve the consent calendar with the exception of item 4, the reappointment to the Board of Registrars. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**A14. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. L. Anderson said there were two major events in regard to the Minuteman School issue: the Commissioner of Education approved the new agreement on March 11, and the Minuteman School Committee voted to approve the debt for the new high school on March 15. N. Balmer said the Special Counsel recommended writing a letter to the Minuteman School Committee, confirming the town's understanding of its status relative to the debt, and that by passing over the article at Annual Town Meeting, the town is not jeopardizing the project. L. Anderson said the Commissioner of Education ruled that assessments have to be based on the new agreement, which creates an additional approximate cost of \$24,000. C. Karlson asked that the Facilities Director be advised of the Board of Health concern regarding the proximity of the solar panels at the Middle School to a burn dump.

**A15. Report of the Town Administrator** N. Balmer said the Carroll School is considering the purchase of 45 Waltham Road, and she reviewed the town's interest in the property, including a historic structure, its proximity to town property, and the potential loss of property taxes. She said the finance department heads

have been discussing the use of a community compact grant to do an evaluation of its procedures, but in the meantime, they have requested that the Collins Center provide preliminary proposals regarding procedures, the budget process and an organization/form of government study. She said the Treasurer is revising procedures regarding the turnover of departmental receipts. She said John Senchyshyn has provided information regarding an FY17 increase in the cost to the town for employee life insurance of \$3,500.

**A16. Selectmen's Reports and Concerns** M. Antes reported on a MetroWest Collaborative meeting; she discussed their staffing, the revised assessment to the town, and legislative initiatives in member towns. L. Anderson said the Suburban Coalition is asking towns to support a resolution on Chapter 70 funding, and she forwarded the request to the School Committee. C. Karlson asked for an update on the open space plan, and the opinion from Bond Counsel as to whether the town could borrow to build on leased land. She said she met with Frank Dougherty of Twenty Wayland LLC on Friday, March 11, along with Town Planner Sarkis Sarkisian and Conservation Administrator Brian Monahan, to review outstanding items in regard to the town center project. She said the Order of Conditions from the Conservation Commission is still outstanding, and will be on the March 31 agenda. Other outstanding items include an update from the Board of Assessors on rebates, a financial reconciliation with the development agreement, and additional testing on municipal parcel.

**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, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 9:23 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 21, 2016**

1. Email of 3/5/16 from Fred Knight, Wastewater Management District Commission, to Nan Balmer, Town Administrator, re: Wastewater Documents on February 22, 2016 Meeting
2. Email of 3/10/16 from George Harris to Board of Selectmen re: Open Meeting Law Complaint
3. PowerPoint Presentation from Energy Initiatives Advisory Committee, Wayland Streetlighting, Preliminary Discussion of LED Retrofit Opportunity

**Items Included as Part of Agenda Packet for Discussion During the March 21, 2016, Board of Selectmen's Meeting**

1. Letter of Interest from Jack Carr, 3/15/16, for Appointment to the Surface Water Quality Committee
2. Memorandum of 3/21/16 from John Senchyshyn, Asst. Town Administrator/Human Resources Director, re: Compensation for Election Workers
3. PRIT Presentation to the Town of Wayland re: Overview of the State Retiree Benefits Trust Fund and Pension Reserves Investment Trust, March 14, 2016
4. Presentation from Energy Initiatives Advisory Committee, Wayland Streetlighting
5. Draft Letters to Massachusetts Historical Commission re: Support of Preservation of Stone's Bridge, Support for National Register, and Permanent Preservation Restriction
6. Annual Town Meeting, April 7, 2016, List of Articles and Draft Motions
7. Draft Letter of Response to Massachusetts Attorney General re: Open Meeting Law Complaint filed by George Harris, March 10, 2016
8. Town Administrator's Report for the Week Ending March 18, 2016