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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  
JOSEPH F. NOLAN

## Board of Selectmen

### Meeting Minutes

January 30, 2017

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

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer

**A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees; 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: Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect to Health Insurance Negotiations with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association; and a Discussion of Strategy with Respect 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: APPROVE FOR RELEASE WITH REDACTIONS: December 19, 2016, and APPROVE AND HOLD: January 9, 2017**

At 6:30 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 and in preparation for collective bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees because an open discussion may have a detrimental effect on the bargaining position of the Town; 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: (a) dated December 19, 2016, pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a discussion of strategy with respect to Health Insurance negotiations with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association; APPROVE FOR RELEASE WITH REDACTIONS: December 19, 2016; and (b) dated January 9, 2017, pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a discussion of strategy with respect 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: APPROVE AND HOLD: January 9, 2017. The Chair declares that a public discussion of strategy with respect to pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining, litigating or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, School Committee members Ellen Greico, Barb Fletcher, Kathy Steinberg, Jeanne Downs and Kim Reichelt; School Superintendent Paul Stein, Assistant School Superintendent Brad Crozier, School Administrative Assistant Diane Marobella, and Personnel Board Chair Deb Cohen. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:13 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:13 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 the Town Census has been delivered by mail and can be returned to the Town Clerk's office when filled out. M. Antes also announced that there will be a listening session tomorrow and one on Sunday. L. Anderson reminded residents that the Police Department will be holding a "Coffee with Cops" event at Panera tomorrow from 9 a.m. to 11 a.m.

**A3. Public Comment**

M. Lowery, Lakeview Drive, stated that he is speaking as a resident and he thinks the town should know the costs of relocations before they make a decision on River's Edge. He stated that now looking back the process was backwards and the town shouldn't make a decision for the sake of making a decision.

G. Wolin, West Plain Street, stated that the River's Edge project was a money pit. He reiterated that relocation needs to be defined before a decision is made.

A. Boelter, Lake Shore Drive, urged the Board to direct their attention to the unfinished business and asked them not to rush into a decision on River's Edge.

A. Michaels, 41 Joyce Road, discussed her concern with the potential location of the middle school for the buses. She brought up issues like air pollution for students, teachers, and sports field users. She noted the petition the Board had tonight signed by residents asking to find a suitable location before they vote. She said this location impacts more neighbors at a closer proximity than the other possible locations.

L. Segal, Aqueduct Road, read a passage about leadership from the MMA's Selectmen's Handbook. She said the Board is not ready to take the leap with all of the unknowns.

**A4. Interviews and Potential Vote to Appoint to Boards and Committees** The Board was joined by Seema Mysore to interview for appointment to the Historic District Commission. S. Mysore reviewed her background and interest in serving on the Historic District Commission and answered questions from the Board. L. Anderson moved, seconded by M. Antes, to appoint Seema Mysore to the Historic District Commission, effective immediately, for a term to expire on June 30, 2019. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board was joined by Amanda Ciaccio to interview for appointment to the Historical Commission. A. Ciaccio reviewed her background and interest in serving on the Historical Commission and answered questions from the Board. M. Antes moved, seconded by L. Anderson, to appoint Amanda Ciaccio to the Historical Commission, effective immediately, for a term to expire on June 30, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**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 because a Public Discussion of This Matter will have a Detrimental Effect on the Bargaining or Negotiating Position of the Town**

At 7:35 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)(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. The Chair declared that a public discussion of strategy with respect to pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining, litigating or negotiating position of the Town.

Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, River's Edge Advisory Committee Members Jerry Heller and Rebecca Stanizzi, and Attorney David Wiener of Anderson/Kreiger, LLP. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 8:08 p.m.

#### **A6. Vote to Issue Notice of Award to Developer for the River's Edge Project**

N. Balmer reviewed the status of the River's Edge process to this point. She introduced special counsel, David Wiener, who prepared the notice of award letter. N. Balmer stated that the Board had a copy of a potential vote and potential notice of award for Wood Partners. She said they needed to make a decision on whether they would be comfortable going forward with the notice of award.

M. Antes asked if there was any additional information about the former landfill location. C. Karlson said there isn't enough information to know about that land yet. M Antes asked if it's worth having another one-month delay before making the decision.

L. Jurist said it is troublesome that this has been in discussion for over 3 years and there has not been a resolution.

J Nolan stated that this project will generate positive revenue for the town. He said people had the same concerns with every other big project the town took on.

L. Anderson stated that she believes the town can come up with a solution. She said she looked back at the past master plans that imagined a project like River's Edge. She said this project will bring the town almost up to 10 percent affordable housing.

C. Karlson said there has been a lot of work and time put into this decision. She said she did go back to the previous town meeting vote and concluded that what the Board is doing now is what Town Meeting asked them to do. She said there are many costs if the town doesn't go forward with this project. She stated she feels a commitment to putting housing there, especially affordable housing. She stated that she is confident the Schools and BOPW can find alternative locations and her major concern is that their work can still get done.

N. Balmer stated that there is no resolution at the moment and doesn't expect one if there was a month delay in the decision. L. Jurist said he doesn't think a delay would give us any more information.

M. Lowery stated that the BOPW does have an interest in the old landfill site.

Chair C. Karlson recognized members of the attending public to comment on the River's Edge Project. There was an extended comment period. R. Stanizzi stated that nothing happens without a deadline. She said what's on the table now is enough to make a decision.

J. Nolan moved, seconded by M. Antes, that:

WHEREAS, the Town of Wayland voted by a 2/3<sup>rd</sup> vote at the Annual Town Meeting on April 3, 2014 (the "Town Meeting Vote") to authorize the Board of Selectmen to (a) dispose of that certain land 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") and (b) solicit and receive recommendations from a nine member advisory committee in connection with said disposition;

WHEREAS, in August 2014 the Board of Selectmen appointed nine members to the River's Edge Advisory Committee ("REAC") to investigate and dispose of the Property in accordance with the Town Meeting Vote;

WHEREAS, with the assistance of REAC, the Board of Selectmen issued a Request for Proposals on April 21, 2016 as RFP #16-28 for disposition of the Property (the "RFP");

WHEREAS, with the assistance of REAC, the Board of Selectmen subsequently issued Addendum 1, Addendum 2 and Addendum 3 to the RFP (collectively, the "Addenda");

WHEREAS, two non-price proposals, each accompanied by a sealed price proposal were received by the Town from WP East Acquisitions, LLC ("Wood Partners") and Baystone Development LLC, respectively (collectively, the "Proposals");

WHEREAS, REAC prepared a Bid Selection Recommendation (the "REAC Recommendation"), which was presented to the Board of Selectmen at its October 17, 2016 meeting, that recommended Wood Partners as the preferable bidder under the RFP;

WHEREAS, in connection with issuing a Notice of Award, the Board of Selectmen has reviewed the following documents: (1) the RFP, (2) the Addenda, (3) the Proposals, (4) the REAC Recommendation, (5) workflow and financial updates from the Department of Public Works, (6) updates from the School Department concerning the relocation of the school bus parking area currently located on the Property and (7) the report titled "Fiscal Impact Analysis, River's Edge Apartments, Wayland, MA" dated January 12, 2017, as revised January 23, 2017, and prepared by Fougere Planning & Development, Inc.

WHEREAS, in an open meeting on January 23, 2017, the Board of Selectmen has made its findings, taking into consideration the Comparative Evaluation Criteria set forth in the RFP (including without limitation price), REAC's recommendations, and the Board of Selectmen's own judgment as to which RFP respondent best meets the Comparative Evaluation Criteria; and

WHEREAS, the Board of Selectmen has found that Wood Partners' proposal is the most advantageous to the Town taking all factors including price into account.

NOW THEREFORE, at a duly called public meeting of the Board of Selectmen on the date first written above, the Board votes as follows:

To issue a Notice of Award for the disposition of the Property to Wood Partners, on the terms and conditions set forth in the form of the Notice of Award presented to the Board of Selectmen at this meeting and approved by this vote. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Nolan said he is voting for all of the good that will come of this project. L. Anderson and C. Karlson said comments from the public have been very helpful. L. Jurist noted that all comments have to do with the relocation issues; none have questioned the value of the project.

#### **A7. Discuss and Vote Positions on Annual Town Meeting Articles**

- A. Recognize Citizens and Employees for Particular Service to the Town**
- B. Pay Previous Fiscal Year Unpaid Bills**
- H. Rescind Authorized but Unissued Debt**
- I. Accept Gifts of Land**
- J. Hear Reports**
- K. Choose Town Officers**
- L. Sell or Trade Vehicles and Equipment**

J. Nolan left the meeting at 9:25 p.m.

M. Antes moved, seconded by L. Jurist, that the Board support standard Articles A, B, H, I, J, K, and L. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

#### **E. Personnel Bylaws and Wage & Classification Plan**

The Board decided to wait on this article until more information is provided by J. Senchyshyn.

#### **F. Compensation for Town Clerk**

C. Karlson recommended that for negotiation reasons the Board keeps the same number. L. Anderson moved, seconded by M. Antes, to support Article F Compensation for Town Clerk. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

#### **M. Town Clerk to Be Appointed Rather Than Elected**

L. Anderson discussed the research she's done including talking to the current Wayland Town Clerk and to a selectman in a town that went through the process. L. Anderson said her sense is that the Town is not ready to take this to Town Meeting and she recommends that it be pulled. L. Anderson moved, seconded by L. Jurist, that the Board vote to pull Article M from the warrant for 2017 ATM. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

#### **S. Preservation of Historically Significant Buildings Through Demolition Delay**

E. Scola, Chair of the Historical Commission, stated that the presentation before the Finance Committee went well. She said that to demolish a significant building, an owner could go through a process of up to a year to 15 months. L. Jurist asked if the passage of this would affect rights of property owners. L. Jurist said he cannot support that. C. Karlson asked her to take L. Jurist's comments into account when preparing pro and con comments. The Board agreed to wait to take a position at a future meeting.

#### **U. Appropriate Funds for Alternative Use of Town Building Library**

B. Soule and B. Sterling of the Council on Aging came before the Board and stated that they think the Town should know what the library building will be used for before they move out of it. B. Sterling said the Town doesn't want to end up like Weston where the old library stood vacant for years.

C. Karlson stated that she is supportive of them bringing it up and having the much needed conversation. She said she is not ready to support this particular article. C. Karlson said she would like this article to be brought forward through the Town Administrator or Facilities.

N. Balmer said that if the Town owns the library building, then it falls under the Board of Selectmen and they would work with the Facilities Director to scope out a study.

C. Karlson said she does not think the article should go forward at Town Meeting. C. Karlson asked Nan to talk to the Facilities Director to see what the cost would be for this type of study. She said she would also like to see a legal point of view.

**V. Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application** A. Gennis, discussed the two components of the Article. She said that the approval is required by the state in order to get reviewed for a grant. She said the state requires that the preliminary designs are approved and they have authorization to file the application.

L. Anderson moved, seconded by L. Jurist, to vote to support Article V for Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson NAY: none. ABSENT: J. Nolan ABSTAIN: none. Adopted 4-0.

**A8. Review and Vote Changes to FY18 Budget for Departments under the Jurisdiction of the Board of Selectmen** N. Balmer stated that she received surprising news on Tuesday from the Finance Committee that the Town needs to make cuts to the budget. L. Jurist asked how this could happen when they stayed within the parameters of the budget guidelines. D. Watkins said they have applied some of N. Balmer's ideas. N. Balmer listed some of her suggestions to the Board to balance the budget. N. Balmer said she has discussed this with affected department heads. The Board asked N. Balmer to communicate her suggested budget changes to the Finance Committee noting the Board's reluctance and acknowledgement that these cuts are not sustainable and will show up again in next year's budget request. The Board thanked N. Balmer for her work on responding to the Finance Committee's request.

**A9. Minutes: Review and Vote to Approve Minutes of January 17, 2017** L. Jurist moved, seconded by M. Antes, to approve the minutes of January 17, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by L. Jurist, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A11. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. The board discussed the letter regarding the Religious Land Use and Institutionalized Persons Act Update.

**A12. Report of the Town Administrator** None

**A13. Selectmen's Reports and Concerns** None

**A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A15. Adjourn** There being no further business before the Board, L. Jurist moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:50 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of January 30, 2017**

1. Previous Finance Committee Comments on Articles A, B, E, F, G, H, I, J, K and L
2. Charge of the Historical Commission
3. MBLC Grant Application Submission & 1.26.17 Wayland Free Public Library, 195 Main Street, by Tappé Architects, 1/26/17
4. Letter of 1/30/17 from Michael Lowery to Board of Selectmen re: River's Edge Award Decision
5. Email from Amy and Harvey Michaels to Board of Selectmen re: Bus Parking
6. Petition from Wayland Residents re: Bus Parking
7. Letter of 2/1/17 from Board of Selectmen to Wood Partners re: 484-490 Boston Post Road, Wayland, Request for Proposals #16-28, and Record of Vote of the Board of Selectmen, January 30, 2017

**Items Included as Part of Agenda Packet for Discussion During the January 30, 2017 Board of Selectmen's Meeting**

1. Memorandum of 1/27/17 to Board of Selectmen re: Appointments to Boards and Committees
2. List of 2017 Annual Town Meeting Articles with Attached Text of Articles
3. Draft Board of Selectmen Meeting Minutes, January 17, 2016
4. Report of the Town Administrator for the Week Ending January 27, 2017