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BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes August 3, 2016

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer, Human Resources Assistant Katelyn O'Brien.

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:02 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. L. Anderson announced that on August 13th the Police Department and Fire Department will participate in Public Safety Day at the Sudbury Police and Fire Station, which includes "touch a truck" and car seat inspections. M. Antes announced that the League of Women Voters is sponsoring a forum on the Middlesex Sheriff race on the 29th in Newton before the primary.

A2. Public Comment There was no Public Comment.

The Board decided to move on with agenda items until Town Counsel Mark Lanza and other committee members arrived before entering into Executive Session.

A9. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Review Status of Board Policies Chair C. Karlson asked the Board if they had any thoughts on updating the policies. M. Antes stated that they certainly needed to be updated, some are from 2004, most are from 2010. L. Anderson mentioned the policy of payment of bills and that she would like to understand them a little better. The board agreed that they would focus on board procedure policies first, then go into policies that fall under facilities.

A10. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. The Board thanked David Hill, who resigned from the Board of Assessors, for his service. The Board would also like to clarify that they are always looking for the best qualified applicants to serve as volunteers. L. Anderson stated that although committee members should represent the town, this board was only focused on qualifications when picking members. L. Jurist stated that only qualifications, not age, plays a factor in their decision making. J. Nolan followed up by stating that picking volunteers in a town such as Wayland where there are so many qualified individuals is one of the hardest jobs in public service and the board works hard to make the best decision possible.

A3. Enter into Executive Session (a) Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief; and (b) Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to Review and Consider for Approval the Potential Release of the Executive Session Minutes of July 25, 2016, Pertaining to the Following

Subjects, because a Public Discussion of These Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Strategy with Respect To Health Insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Civil Service with Respect to the Police Union; 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 8 Glezen Lane, and 107 Old Sudbury Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Strategy with Respect to Pending Action regarding Boelter et al v. Wayland Board of Selectmen

At 7:25 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief; and (b) pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to review and consider for approval the potential release of the executive session minutes of July 25, 2016, pertaining to the following subjects: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of strategy with respect to health insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of civil service with respect to the Police Union; 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 8 Glezen Lane and 107 Old Sudbury Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of strategy with respect to a pending action regarding Boelter et al v. Wayland Board of Selectmen. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, negotiating or litigating 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, Town Counsel Mark Lanza, Representative from the Board of Public Works Chris Brown and Mike Lowery, Police Chief Robert Irving, Planning Board Representative Ira Montague, and Human Resources Assistant Katelyn O'Brien. The Board will reconvene in open session in approximately thirty minutes.

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

A4. Carroll School: Update on Review Process and Vote to Forward Comment to Planning Board

C. Karlson announced that she would recuse herself from the discussion about the traffic report since she lives on a street that is mentioned in the report, although she is not required. C. Karlson exits room at 8:09.

Town Counsel M. Lanza states that the town's ability to interfere with Carroll School is limited however it can impose traffic regulations. Police Chief R. Irving discussed his memo that states his recommendations to the board. He suggested that a school zone could be put in place at any time, but it might not be necessary. He recommended designing lighting in parking lot that focused on safety and decreased light pollution.

TEC Traffic Engineer Kevin Dandrade stated to the Board that the school had a good plan for parking and if events occur they don't require any changes to design. At this time there is no walking population so it doesn't appear a school zone is needed. K. Dandrade recommended trimming lower tree limbs for safety when entering and exiting the school. He also recommends a post-occupancy study.

J. Nolan stated that he hopes the town and school can have a mutually beneficial relationship. M. Lanza notes that town can't require a PILOT payment, school has mentioned a possible contribution to public safety.

J. Nolan recommended the Board support and forward the Police Chief's memo to the Planning Board. J. Nolan moved, seconded by L. Jurist, to forward the Carroll School Memo. YEA: L. Anderson, M. Antes, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0-0

C. Karlson rejoined the meeting at 8:35 pm.

A5. Discuss Open Meeting Law Complaint with Town Counsel, Attorney General Decision 2016-98

M. Lanza discussed the legal definition of intentions, which according to the Attorney General is defined as a presumption that an act was intentional if it happens twice. According to M. Lanza chances are slim the AG would change their definition. Towns can have a hearing or pay fine. L. Jurist stated his opinion that the Board knew what was going on and the AG was right to cite that. C. Karlson strongly stated she disagreed with him, town was busy and understaffed and unaware of minute backup. The Board directed M. Lanza to write a letter notifying the Attorney General that the Board respectfully disagrees with the decision but will pay the fine.

C. Karlson recommended the Board vote to pay the fine. J. Nolan moved, seconded by L. Anderson, to pay the fine. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed how to pay the fine and agreed that it would be paid out of the Selectmen's budget.

A6. Consider Adoption of Board and Committee Handbook; Discuss Volunteer Training and Relations; Review, Discuss and Vote Article about Volunteers for Media Distribution

N. Balmer discussed her handbook handout that she has developed for several towns that she has worked for over the years. Goal is to have a structured program and handbook for volunteers to learn about OML and Public Records Law and for a staff member to potentially manage it. The Board all agreed that the handbook was a great idea and that as volunteers this would be very helpful. The Board will look over and send revisions to Nan.

M. Antes suggested that the town bring back ice cream socials for volunteers. N. Balmer suggested events for the BOS to get to know staff.

The Board discussed M. Antes' article about volunteers for media distribution. The Board agreed that it was a great document that highlighted qualified volunteers in Wayland. J. Nolan moved to forward revised article to all media outlets, seconded by L. Anderson, YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Review and Approve Minutes of July 25, 2016; Potential Vote to Release Executive Session

Minutes of July 25, 2016 L. Anderson moved, seconded by M. Antes, to approve the minutes as amended of July 25, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Anderson moved to vote to release the redacted Executive Session Minutes of July 25, 2016, seconded by M. Antes, YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Report of the Town Administrator N. Balmer mentioned David Hill's resignation from the Board of Assessors and Brian Monahan's upcoming retirement as Conservation Administrator. She also stated she has Jury Duty August 22, 2016. She said that the solar panels will be installed starting August 15 and will cause limitations on parking at Town Building. Savings are estimated around \$110,000 from solar panels. Both J. Nolan and L. Anderson are very pleased with solar panels at schools. N. Balmer also mentioned the town was challenged by a resident regarding the procurement of a firewall but the town was found in compliance. N. Balmer thanked the work of Financial Analyst Elizabeth Doucette for her work with that challenge.

A12. Selectmen's Reports and Concerns L. Anderson mentioned she attended a local emergency planning meeting on power outages. C. Karlson stated that she will work with B. Keveny on the Cleargov contract, hopefully have it ready the next day, and she asked for an update on the rec plan as well. The Board agreed to develop a process at the next meeting for evaluating the Town Administrator, N. Balmer, since her annual anniversary is coming up soon. C. Karlson also reminded the Board that they need to be ready to provide commentary for upcoming articles for Special Town Meeting. Next meeting is August 15, 2016.

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, J. Nolan moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 9:25 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 3, 2016

1. Draft Press Release, 8/2/2016, from Board of Selectmen re: Committee Appointees
2. Email of 8/3/16 from 110 Grill Wayland re: Invitation to Grand Opening August 13, 2016

Items Included as Part of Agenda Packet for Discussion During the August 3, 2016 Board of Selectmen's Meeting

1. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Carroll School, and Draft Letter of 7/27/16 from Engineering Consultant TEC Inc. to Sarkis Sarkisian, Town Planner, re: Carroll School Wayland Campus, Traffic and Transportation Peer Review
2. Letter of 7/22/16 from Office of the Attorney General to the Board of Selectmen re: Open Meeting Law, Attorney General Decision 2016-98
3. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Board and Committee Handbook/Volunteer Training and Relations
4. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Board of Selectmen Policies
5. Draft Minutes of July 25, 2016
6. Report of the Town Administrator for the Week Ending July 28, 2016