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TOWN OF WAYLAND

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BOARD OF SELECTMEN
MARY M. ANTES
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes September 8, 2014

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer, Acting Town Administrator/Human Resources Director John Senchyshyn, Executive Assistant MaryAnn DiNapoli

A1. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 6:30 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. He reviewed the agenda for the public. He announced that the Board will hold a public forum on the Glezen Lane issue on September 15 at 8:30 p.m., and M. Antes said there will be a reception for the new Town Administrator, Nan Balmer, on September 15 at 4:30 p.m. in the Town Building. J. Nolan reminded the public that the State Primary Election will take place on September 9. The Board thanked John Senchyshyn for his work as Acting Town Administrator, and greeted Nan Balmer as the new Town Administrator.

A2. Enter into Executive Session Pursuant to MGL Chapter 30A, Section 21a (3), with the Wastewater Management District Commission, to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland; and to Discuss Strategy with Respect to a Pending Action regarding the Glezen Lane Judgment At 6:41 p.m., J. Nolan moved, seconded by E. Collins, to enter into executive session with the WMDC pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland; and to discuss strategy with respect to a pending action regarding the Glezen Lane Judgment. The Chair declares that a public discussion of strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland, LLC, and the Town of Wayland and the Wastewater Management District Commission, and potential litigation regarding the Glezen Lane judgment, will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Nolan invites attendance by Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene, Town Administrator Nan Balmer, Assistant Town Administrator/HR Director John Senchyshyn, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 8:00 p.m.

A3. Public Comment Nancy Carapezza, 233 Boston Post Road, said the deadline for wastewater betterments has come and gone, and decisions need to be made. She reviewed a list of betterment charges and noted the impact of the cost on residents. She asked the Board to be creative and find a solution to the issue. Bob Goldsmith, 235 Concord Road, and Co-Chair of the Surface Water Quality Committee, submitted his committee's suggestions for the potential use of the \$2.5 million in the state bond bill. Alice Boelter, 106 Lakeshore Drive, said the application for a MassWorks grant should have been made available for other projects in town. J. Nolan said the application was open to all departments. Barbara Holtz, 11 Spring Hill

Road, asked that the town address the issue of overgrowth blocking the street signs. Todd Boulay, son of Margaret Boulay of 65 Edgewood Road, expressed concern about construction at 63 Edgewood Road. He cited a lack of notification regarding the appeal process, uncontrolled runoff, and noncompliance with the height restrictions. E. Collins said zoning violations should be brought to the attention of the Building Inspector. The Board asked N. Balmer to follow up. Michael Lowery, 120 Lakeshore Drive, and Chair of the Board of Public Works, submitted his board's recommendations for the potential use of the \$2.5 million in the state bond bill.

A4. Presentation by Town Planner Sarkis Sarkisian on MassWorks Grant Town Planner Sarkis Sarkisian appeared before the Board to discuss the town's MassWorks grant application. He said that MassWorks is a consolidation of state grants for the purpose of providing infrastructure for the creation of jobs, growth and housing, administered by the Office of Housing and Economic Development. He said the application request is for \$1.7 million to provide water and sewer to the River's Edge project, and funds for a bike trail. The Board discussed the effect of the additional water and sewer use on the capacity of the town, the effect on the operating costs, and the accuracy of the numbers in the submission. T. Boschetto questioned who would absorb the additional cost if the actual cost is higher; S. Sarkisian said it would be the responsibility of the developer. J. Nolan asked if there was any risk in submitting the application. T. Boschetto said the information should have been provided to the Board in a more timely manner; he said that if the grant is not well thought out and rejected, it could jeopardize the future chances of the town. E. Collins said the Board was asked to support a grant application it had not seen. T. Boschetto said he would not give his approval, as the Board has an obligation to follow appropriate processes and allow for public input. J. Nolan asked S. Sarkisian if the application has been sent and received, and if, in his opinion, it was ready for submission; S. Sarkisian said yes. He said some components are not shovel-ready, but the zoning by right is in place. T. Boschetto said in his opinion, it is a grant submission for an idea, not a project. C. Karlson asked who would benefit from the funding; S. Sarkisian said the town would use the funds to provide water and sewer, and would be reimbursed by the developer. J. Nolan said department heads are hired for their expertise in making a grant application. T. Boschetto said it is the Board's responsibility to ensure the process is executed properly. C. Karlson said that the Board needs to stay on top of the current issues. J. Nolan said it is a standard procedure to work with the state to maximize the potential for grant funding. There was no motion to withdraw the grant application. Rebecca Stannizzi, Chair, Economic Development Committee, said she is awaiting approvals for short tasks that could be done for the River's Edge project in the meantime.

A5. Consideration of Framingham MassWorks Grant J. Senchyshyn presented the Board with a request from the Town of Framingham and Roy MacDowell, developer of the Danforth Green project, to support their MassWorks Grant application. M. Antes expressed disappointment that the Danforth Green project only included ten percent affordable housing. C. Karlson moved, seconded by M. Antes, to authorize the Town Administrator to write a letter of support for the Town of Framingham's MassWorks Grant application to widen and reconstruct Riverpath Drive for the benefit of the Danforth Green development project. YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

A6. Interview Applicants and Potential Vote to Appoint Not More Than Nineteen Members of Cultural Council for Staggered Terms to Expire June 30, 2016, and June 30, 2017 Kara Brewton, Barbara Holtz, Nasser K (Khadjenoori), Robert B. Morrison, Brenda S. Ross and Jonathan F. Saxton appeared before the Board to interview for appointment to the Cultural Council. Matthew Ludwig and Anjali Gupta Stevenson were not available. Participants discussed their backgrounds and interest in serving on the Council. E. Collins said the town is fortunate in its volunteers, and C. Karlson said she was pleased with the interesting balance of talents. C. Karlson moved, seconded by M. Antes, to appoint Kara Brewton, Barbara

Holtz, Nasser K (Khadjenuori), and Matthew Ludwig to the Cultural Council for terms to expire on June 30, 2016. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by M. Antes, to appoint Robert B. Morrison, Brenda S. Ross, Jonathan F. Saxton, and Anjali Gupta Stevenson to the Cultural Council for terms to expire on June 30, 2017. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Review and Potential Vote to Establish Council on Aging/Community Center Advisory

Committee Charge The Board reviewed a draft charge for the Council on Aging/Community Center Advisory Committee Charge. The Board considered the request of Betsy Soule, Chair of the Council on Aging, to have an additional member represent the senior population, and the potential conflict of interest from a member of the Finance Committee. J. Senchyshyn said the committee has no budget authority and therefore no conflict with the Finance Committee. M. Antes suggested the possibility that the center could raise revenue through rental of the space. J. Nolan asked if the charge was sent to the Recreation Commission; Frank Kraisin, Recreation Commission, said the commission was fully in support of the committee. T. Boschetto moved, seconded by M. Antes, to approve the charter as drafted, with the following amendments: add the potential for generating revenue in phase one, and add the submission of a draft warrant article seeking further study and feasibility funding to the Board of Selectmen at the conclusion of its work. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Discussion and Potential Setting of Date for 2015 Annual Town Meeting The Board reviewed two potential dates, April 9 and April 30, for the 2015 Annual Town Meeting. The Board requested a draft copy of the entire schedule for each option. T. Boschetto said he prefers the later date, as it provides more time for preparation. J. Senchyshyn advised that the calendar for the budget process is not yet complete. J. Nolan said that local sports events should also be considered. C. Karlson suggested a bylaw change to address the process of petitioners' articles. E. Collins asked that the Board clarify the purposes of the various meetings held before the Annual Town Meeting. T. Boschetto asked that the Board be given sufficient time to study the issues and make a decision. The Board agreed to review the issue again at the September 29 meeting.

A9. Appoint Designees of Boards/Committees to the River's Edge Advisory Committee M. Antes moved, seconded by C. Karlson, to appoint William Steinberg to the River's Edge Advisory Committee as the representative of the Finance Committee for a term to expire upon the final disposition of said land by sale, lease or otherwise. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Review and Approve Consent Calendar (See Separate Sheet) T. Boschetto moved, seconded by C. Karlson, to approve the consent calendar. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes reviewed the request for candidates for the upcoming Metropolitan Area Planning Council (MAPC) elections; she said Wayland has never submitted a candidate.

A12. Report of the Town Administrator J. Senchyshyn advised the Board that Facilities Director John Moynihan has cut his duties back to include only the oversight of the new DPW garage project and the management of the ESCO project. He said the major difficulty this creates is the inability to complete the capital budgets by the September 15 date. He said he hopes to have the budgets ready for the meeting of

September 29. The Board discussed the role of the Permanent Municipal Building Committee in the construction of the DPW garage. T. Boschetto asked for background information on the report that the town was being sued by a contractor on the DPW garage project. The Board discussed the September 27 Lovelane charity event to be held on Lincoln Road. T. Boschetto said there is a conservation restriction on the land being used for the event, and a member of the Conservation Commission had asked him to get permission from the Board of Selectmen to provide legal counsel to the Conservation Commission. The Board discussed the necessity of providing approval. M. Antes said she was at the Conservation Commission meeting when the issue was discussed, and Town Counsel Mark Lanza was present. She said M. Lanza was going to contact the Trustees of the property to see what action they are willing to take to comply with the conservation restriction, and he would report back to the Conservation Commission on Wednesday morning, September 10. She said the Commission acknowledged that the event is a violation of the conservation restriction, but they do not want to stop the event; she said they might consider asking for a declaratory judgment that the trustees must abide by the conservation restriction. T. Boschetto expressed concern that the event was much bigger than what was portrayed to the Board. C. Karlson said that the event planners had made every effort to contact the appropriate boards and commissions to ensure compliance, and it was the responsibility of the town to advise them of any restrictions. She also noted the planning of the event pre-dated the signing of the conservation restriction. E. Collins disagreed; he said it was the responsibility of the landowner to notify the event planner. Mike Lowery, 120 Lakeshore Drive, said the Town Counsel is already consulting on the case and has received a thorough description of the event. J. Senchyshyn said the Board does not need to give Town Counsel permission to consult with the Conservation Commission; permission is only necessary to proceed with a court action. J. Nolan said he would be opposed to the filing of an injunction against a charitable event, and he would prefer that the parties come to an amicable resolution. T. Boschetto said the Conservation Commission needs counsel to draft a notice to the trustees to protect the town's interest. J. Nolan suggested waiting until the Conservation Commission meets on September 10, and then bringing the issue back before the Board at its meeting of September 15 if necessary. T. Boschetto moved, seconded by E. Collins, that the Board give permission for the Town Counsel to work with the Conservation Commission to take whatever action is necessary to enforce the conservation restriction and protect the town, and if the Conservation Commission wants to pursue court action, they must make a further request to the Board. C. Karlson asked if this request was being made on behalf of the Conservation Commission. T. Boschetto said no, he is making the motion as a personal request. M. Antes said the Conservation Commission did not vote to make the request. YEA: T. Boschetto, E. Collins. NAY: C. Karlson, M. Antes. ABSENT: none. ABSTAIN: J. Nolan. Motion fails, 2-2-1. M. Lowery said the Conservation Commission requested that Town Counsel communicate directly with the trustee regarding the conservation restriction. Linda Segal, 9 Aqueduct Road, said she was not aware if the Town Counsel had provided a response to the Conservation Commission yet. J. Nolan suggested that the Conservation Commission make a formal request to the Board at its meeting of September 10, if necessary. C. Karlson said it should be made clear that there is no intention to limit their access to town counsel. T. Boschetto disagreed; he said the Board clearly voted against a motion to allow access to Town Counsel. J. Senchyshyn clarified the income to WayCAM as per the Board's request from the previous meeting. He said the Board of Public Works expressed concern that an appointment of a member of their board to the River's Edge Advisory Committee was a conflict of interest, and asked to appoint a designee instead. M. Lanza had advised that the charge did not allow for a designee, and there was no conflict of interest.

A13. Selectmen's Reports and Concerns C. Karlson said the Energy Initiatives Advisory Committee has received its third grant. She said they have scheduled a meeting on September 10 to create a template to track ESCO savings, and she asked T. Boschetto to attend. M. Antes updated the Board on the actions of the Municipal Affordable Housing Trust Fund Board. L. Segal noted that she had found the bylaw regarding the use of Town Counsel, and acknowledged that a request for Town Counsel needs to be done in writing.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any

J. Nolan said, "I know of none."

A15. Adjourn There being no further business before the Board, M. Antes moved, seconded by E. Collins, to adjourn the meeting of the Board of Selectmen at 10:37 p.m. YEA: M. Antes, T. Boschetto, E. Collins, 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 September 8, 2014, Meeting

1. Recommendations for Water/Wastewater Improvements from the Surface Water Quality Committee, September 5, 2014
2. Email of 9/5/14 from Ford Spalding, Chair of the Minuteman School Building Committee, re: Building Project and New Committee Members

Items Included as Part of Agenda Packet for Discussion During the September 8, 2014 Board of Selectmen's Meeting

1. MassWorks Grant Application submitted by the Town of Wayland for Water and Sewer Infrastructure
2. Executive Summary, Town of Framingham Seeks \$1 Million Grant from MassWorks
3. Massachusetts General Laws Chapter 10, Section 58, Local and Regional Cultural Councils
4. Résumés of Applicants to the Cultural Council
5. Résumés of Applicants to the Economic Development Committee
6. DRAFT Council on Aging/Community Center Advisory Committee Charge