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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 15, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, 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 6:35 p.m. in the Large Hearing 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.

**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** At 6:41 p.m., J. Nolan moved, seconded by E. Collins, to enter into executive session with the Wastewater Management District Commission 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. 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 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, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:06 p.m.

**A3. Public Comment** Gordon Cliff, 2 Highfields Road, expressed concern about the potential for traffic accidents at the corner of Rice Road, Pinebrook Road, and Old Connecticut Path. He said the alignment of the intersection has limited sight lines; he has also asked the Board of Public Works to address the issue. Pat Abramson, 5 Goodman Lane, said that the town's free cash account is higher than expected and exceeds the free cash goal set by the Finance Committee. She said the excess cash could be applied to the FY15 budget by a vote of a Special Town Meeting and thereby eliminate any increase in the current tax rate.

**A4. Update on State Issues with Senator Richard Ross, Representative Tom Conroy, and Representative Alice Peisch** The Board was joined by Senator Richard Ross, Representative Tom Conroy, Representative Alice Peisch, and Representative-Elect Carmen Gentile. J. Nolan thanked Representative Conroy for his service to the community and welcomed C. Gentile. Participants discussed local aid, the MassWorks grant, the town center project, the Sherman's Bridge Road project, senior tax relief, the future of the Minuteman Regional school, OPEB legislation, and the \$2.5 million water and sewer request in the state bond bill. T. Boschetto said the Wayland OPEB Advisory Committee could provide recommendations to the legislators. E. Collins asked about the revisions to the Chapter 40A legislation; A. Peisch said she would provide a summary of the session. J. Nolan asked if there would be an attempt to streamline the Open Meeting Law; T. Conroy said the new Attorney General may change the perspective of the office. The

legislators thanked the Board for its time, and advised them to contact their offices with any further questions or concerns.

**A5. Discussion with Kevin Dandrade, Principal, TEC Engineering, and the Board of Public Works, re: Improvements at Commonwealth Road at East Plain Street and School Street**

The Board was joined by Police Chief Robert Irving and Kevin Dandrade, Principal at TEC Engineering, to review the options for traffic mitigation at East Plain and School Street. K. Dandrade said the purpose of the study was to update the previous 1999 study, review current data, and prepare an improvement plan. He said the issues are speed, skewed angles, multiple driveways, and no continuous sidewalk. He presented three options to the Board. Participants reviewed the timelines for construction, funding options, impact on park land, the effects of shifting the traffic to other streets, and the impact of potential delays in the flow of traffic. Michael Lowery, Chair, Board of Public Works, asked if the project qualified for TIP funding; K. Dandrade said yes. M. Lowery suggested that the Board consider Option One, as it provides a low-cost temporary solution whereby the effects can be evaluated; he said the Board of Public Works approved the trial implementation. R. Irving said a trial period gives the town an opportunity to see what the changes will do, and said he felt the best overall solution will be Option Three. The Board asked Town Counsel Mark Lanza to define the Board's role in implementation. M. Lanza said traffic control is under the jurisdiction of the Board of Selectmen, and the implementation of improvements is under the jurisdiction of the Board of Public Works. J. Nolan asked that the issue be put to a vote on a future agenda.

**A6. Glezen Lane Traffic Forum**

J. Nolan opened a public forum at 8:30 p.m. on Glezen Lane traffic. J. Nolan asked for respectful commentary and noted that while the town had impediments to making any decisions or changes, they could facilitate the conversation. M. Lanza reviewed the settlement agreement approved by the court on behalf of thirteen residents of Glezen Lane, including traffic studies and mitigation measures. He said the town must comply with the agreement, but can hear the concerns of the residents and take them into consideration for the future; he suggested the residents make proposed changes to the parties who brought the suit and come to an agreement. J. Nolan asked if the town can fund additional traffic studies; M. Lanza said there is no impediment to that. T. Boschetto asked if the town can abide by the settlement but take additional measures; M. Lanza said yes. Police Chief Robert Irving said the current configuration is not working, and noted the number of complaints and citations being issued, as well as the friction between the police department and residents of Glezen Lane. He questioned the traffic figures, and requested that traffic consultant Kevin Dandrade look at the baselines and current numbers and come up with a better solution. David Bernstein, 25 Glezen Lane, said he worked with the town center developer to ensure the safety of Glezen Lane. He reviewed the history of the case; he said the Planning Board approved the Master Plan Special Permit with no mitigation for Glezen lane, so the plaintiffs filed a lawsuit, worked amicably with the Board of Selectmen, and created a settlement in 2008. He also noted that the traffic figures were vetted by K. Dandrade. Matt Brevard, 10 Sedgemoor, said the studies were flawed and should be done in a more realistic manner. John Boyle, 3 Cobblestone Circle, said Glezen Lane is still a busy road, and he thanked the Board and Chief Irving for addressing the matter. Roger Kay, 139 Glezen Lane, said he liked the speed bumps and the design of Lexington Street in Weston. He suggested that the turn restriction be lifted for the residents of the street. Susan Pope, 28 Moore Road, read a statement from resident Lisa Kra: she thanked the Board for the hearing, and said 1) the Board entered into an agreement without a public hearing; 2) the turn restrictions unduly penalize neighborhood residents; 3) the presence of police cars to enforce the restrictions are creating a hazard; 4) the data is flawed; and 5) there should be a resident exemption. S. Pope, speaking for herself, said the restrictions are disruptive and unnecessary, and the thirteen original plaintiffs were opposed to the Town Center project from the beginning. She also noted the traffic backups. Doug Sacra, 55 Glezen Lane, said the settlement doesn't work; he said it creates more backups,

pollution, and lost time, with no benefit. He asked that all Wayland residents be exempt from the restrictions. Tonya Largy, 59 Moore Road, expressed concern about a badly placed stop sign at the intersection by Training Field Road. Kara Briton, 18 Glezen Lane, spoke in favor of the speed bumps but was opposed to the turn restrictions. Richard Mikels, 4 Barley Lane, asked if there were legal issues in exempting the residents. M. Lanza said there are no legal impediments. R. Irving spoke in opposition to restricting public roads; he noted the difficulty of enforcement and the impact on other roads. Howard Abel, 35 Sedgemoor, said the problem is the commuters, but the residents are being punished. Karen Miller, 10 Pheasant Run, asked why the issue didn't get to Town Meeting; J. Nolan said the processes for traffic mitigation are not town meeting issues. Elizabeth Doyon, 28 Glezen Lane, said the data is not accurate, and the people turning around in driveways are causing a safety issue. Frank Chase, 8 Glezen Lane, said the morning traffic blocks his driveway, and asked if the times could be adjusted. Don Schuler, 3 Peartree Lane, said restricting traffic to residents would cause conflict with other towns. Ellen Farwell, 6 Glezen Lane, asked that the Board negotiate a temporary settlement to hold any further mitigation. Justin Adelson, 5 Saddle Lane, expressed concern about the traffic. The Board noted that residents worked hard to reach the original agreement, and expressed concern that it was not working to everyone's satisfaction. The Board discussed possible options, including finding alternative methods of traffic control, the placement of a stop sign at Training Field Road, and sidewalks. They urged the plaintiffs to meet with concerned residents to come to an amicable solution and ask the court to modify the judgment. Stephen Kadlik, Director of Highway Operations, also suggested granite curbing and defined traffic lanes. He noted that there are difficulties in providing sidewalks, as Glezen Lane has scenic trees and historic stone walls. Channing Ferrer, 26 Sedgemoor Road, asked when the next forum will take place. J. Nolan said the residents need to come together on their own and discuss the issue.

**A7. Meet with Town Counsel Mark Lanza for an Update on the Benefit for the September 27**

**Lovelane Special Needs Horseback Riding Program on Lincoln Road, and a Discussion regarding the Appointment and Assignment of Town Counsel** Town Counsel Mark Lanza appeared before the Board to provide background on the September 27 Lovelane event, a fundraising event to be held on private land with a conservation restriction. M. Lanza reviewed the restriction and noted there was an allowance for social events; however, the Conservation Commission was concerned about the removal of a portion of a stone wall, and sent the organizers a letter restricting its activities. The Conservation Commission then asked the Board of Selectmen for representation by counsel for legal advice. He noted the Conservation Commission voted not to pursue legal action to stop the event. M. Lanza said the Lovelane organizers decided to move the event to another location on the street, rendering the issue moot. The Board asked for an explanation of the appointment of counsel. M. Lanza said the Board appoints and removes general and special counsel, except in the case of the School Committee or the Board of Assessors. J. Nolan asked about assignment of counsel. M. Lanza clarified that the Town Administrator manages, but does not appoint, counsel. He said he was assigned to the Lovelane matter by the Town Administrator. Bob Goldsmith, Conservation Commission, reviewed the Lovelane issue and questioned the liquor license and entertainment license. M. Lanza said the Board has full authority to grant one day liquor licenses with no limit as per state law. He said Board policy is not binding and can be modified if desired. He noted that no entertainment license is necessary if all the proceeds go to charity.

**A8. Appoint Designees of Boards/Committees to the River's Edge Advisory Committee** T.

Boschetto moved, seconded by E. Collins, to appoint Michael Wegerbauer to the River's Edge Advisory Committee as the representative of the Board of Public Works 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.

**A9. Review and Approve Consent Calendar (See Separate Sheet)** The Board considered the consent calendar. T. Boschetto asked if the Board faced any risk in approving the entertainment license at the Lovelane event, and if it created any precedent. M. Lanza said the Board has full discretion in every individual case. T. Boschetto said the approval of a full liquor license is not allowed by board policy; M. Lanza noted it is allowed by state law, and Board policies are not legally binding. T. Boschetto asked that the Board scrutinize and discuss liquor and entertainment license policies. T. Boschetto asked if there would be a police detail at the Lovelane event; Police Chief Robert Irving said yes. M. Lanza provided the Board with background information on the signing of the donee acknowledgment for the conservation land on Michael Road. C. Karlson moved, seconded by M. Antes, to approve the revised consent calendar. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan noted that the one-day liquor license for the Lovelane event was approved with an exception to the Board's policy.

**A10. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. E. Collins expressed concern that several residents claimed to have not received notice of a Zoning Board hearing, and asked that the system be evaluated. He also noted the minutes of the Board of Public Works that there may be conflicts between the DPW and the River's Edge project.

**A11. Report of the Town Administrator** N. Balmer reported on her first week of work for the town; she said she met with department heads, and discussed communication, procurements, grants, staffing, and use of Town Counsel. She updated the Board on the Bouley property issue, and said the DPW has cleared the brush from around the town signs. J. Senchyshyn reported on the issue of a contractor removing dirt from the DPW project, and said the contractor has agreed his actions were inappropriate and will be halted.

**A12. Selectmen's Reports and Concerns** T. Boschetto reported on a meeting with the Audit Committee, who will propose changes to their charge for Board consideration. He said he is joining the Superintendent of Schools, Dr. Paul Stein, and School Committee member Jeanne Downs to visit vocational schools, and will continue to meet regarding the intermunicipal agreement with the Minuteman school. He said he met with Brud Wright, Recreation Commission, and said there needs to be clarity on field scheduling. Regarding free cash, he said he would prefer to have a productive Spring meeting rather than incur the expense and time of a fall Special Town Meeting. He thanked the Finance Director for the improved precision in the budgeting cycle. J. Nolan asked that the Finance Committee come before the Board to discuss the surplus. C. Karlson announced there will be a school budget summit, as part of Finance Committee long range planning, on September 21. M. Antes noted that MetroFest is September 20.

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

**A14. Adjourn** There being no further business before the Board, E. Collins moved, seconded by C. Karlson, to adjourn the meeting of the Board of Selectmen at 11:07 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 15, 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
3. Board of Selectmen policy regarding Town Counsel prepared by Town Administrator

**Items Included as Part of Agenda Packet for Discussion During the September 15, 2014 Board of Selectmen's Meeting**

1. Memorandum of 9/17/13 from Kevin Dandrade, TEC, to Police Chief Robert Irving, re: Review of Conceptual Safety and Capacity Improvement, Commonwealth Road at East Plain Street/School Street
2. Email of 9/10/14 from Michael Lowery, Chair, Board of Public Works, re: Appointee to the River's Edge Advisory Committee