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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## Board of Selectmen Meeting Minutes November 3, 2014

**Attendance:** Mary M. Antes, Edward J. Collins, Cherry C. Karlson

**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Call to Order by Chair** Vice 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. She reviewed the agenda for the public. C. Karlson reminded the public that the State Elections will be held on November 4, and there will be a Veterans Day Event on November 11. N. Balmer introduced Ben Keefe, the new Facilities Director for the Town of Wayland.

**A2. Public Comment** Gretchen Dresens, 155 Main Street, said the Planning Board issued a site plan approval on June 2013 for 150 Main Street LLC, which she considers to be illegal. She said a way was changed to an easement without land court approval, and that due to negligence on the part of the Planning Board, constructive approval has been granted, and should be rescinded. Linda Segal, 9 Aqueduct Road, speaking as the community representative to the Raytheon cleanup project, said the next Raytheon PIP (Public Involvement Plan) meeting is December 3, 2014, in the town building. Speaking as a private resident, she asked if there was a cap on the capital and operating budgets. C. Karlson suggested she address her concerns to the Finance Committee.

**A3. Review and Potential Approval of Application filed by BBRG TR LLC dba Coach Grill for a Change of Officer/Director (Removal of LLC Manager) and a Change of Manager** C. Karlson opened the hearing for a change of officer/director and a change of manager for the Coach Grill at 7:29 p.m. The Board was joined by Lesley Hawkins, the attorney representing BBRG TR LLC, and Hector Tovar, the proposed new manager. H. Tovar said he had four years of experience with BBRG TR LLC, worked at Joe's American Bar and Grill, and was very familiar with the laws guiding the sale of alcohol. The Board received a letter from Police Chief Robert Irving stating that he had no objection to the new manager. C. Karlson closed the hearing at 7:35 p.m. M. Antes moved, seconded by E. Collins, to approve the application filed by BBRG LLC dba Coach Grill for a Change of Officer/Director (Removal of LLC Manager) and a Change of Manager. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A4. Review and Potential Approval of Application filed by Samer Almaari for the Sale of Second-Hand Articles, Almaari Jewelers, 65 Andrew Avenue** The Board reviewed the application of Samer Almaari for the sale of second hand articles. M. Antes moved, seconded by E. Collins, to approve the application filed by Samer Almaari for the sale of second-hand articles by Almaari Jewelers at 65 Andrew Avenue. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A5. Review and Potential Vote to Recommend to Finance Committee FY16 Capital Improvements Projects** The Board was joined by Financial Analyst Beth Doucette to review two projects: the motor pool under the Public Building budget, and the proposed Conservation projects. B. Doucette presented a proposal

to replace three motor pool vehicles for \$75,000. She said that as a green community, the town is committed to reviewing its vehicles annually and replacing them with fuel efficient vehicles. E. Collins asked if three vehicles will be retired; B. Doucette said the town could retire four vehicles. M. Antes noted that in the past, vehicles were re-purposed, and she said the rationale for the new policy was compelling. C. Karlson suggested that a cover memo be included in the Finance Committee presentation to explain the project in terms of the five-year plan. C. Karlson read a statement from T. Boschetto regarding creating a more comprehensive and coordinated plan. M. Antes moved, seconded by E. Collins, that the Board approve the capital request of \$75,000 for motor pool vehicles. E. Collins suggested that the motion be revised to say that the Board is favorably disposed to the request as it fits into the overall capital budget. C. Karlson moved, seconded by M. Antes, to approve for Finance Committee consideration the FY16 capital request of \$75,000 for a town building motor pool vehicles. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

Brian Monahan, Conservation Administrator, and Sherre Greenbaum, Chair, Conservation Commission, appeared before the Board to discuss the capital budget requests. B. Monahan said three parcels of land at Forty Acre Drive were planned in last year's capital budget, but there is some discrepancies in the appraisal, and negotiation are ongoing. M. Antes asked if lots could be combined to create a buildable lot; B. Monahan said it might be possible under certain circumstances. He said the Plain Road land acquisition may not be ready for town meeting. In regard to the field maintenance plan, B. Monahan said the rehabilitation consists of plowing, seeding, and supplementing. He said the town has farming agreements which must be proactively addressed. The Board discussed funding and potential grants. B. Monahan said the funding is sufficient for the first year, and the SVT (Sudbury Valley Trustees) has a grant program; an open space plan must be done to become eligible. M. Antes moved, seconded by E. Collins, to approve for Finance Committee consideration the \$40,000 field maintenance request by the Conservation Commission. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A6. Review and Potential Vote to Appoint Special Counsel to River's Edge Advisory Committee** The Board was joined by Rebecca Stanizzi and Jerry Heller of the River's Edge Advisory Committee. N. Balmer reviewed the project and advised that part of the project is for the Board to hire Special Counsel to work with Town Counsel. She said an RFP was issued in late summer, responses were received in August, and review was done the River's Edge Advisory Committee. It was recommended that the firm of Anderson & Krieger LLP be retained. E. Collins recused himself at 8:30 p.m. from the agenda item as he has been involved in litigation with the firm. J. Heller said a contract will be ready for the November 17 meeting; he said the next step is to prepare an RFP for developers with the guidance of Special Counsel. E. Collins returned to the meeting at 8:36 p.m.

**A7. Review and Potential Vote on Town Office and Board of Selectmen's Operating Budgets**

N Balmer reviewed the budgets for town office and the Board of Selectmen; both are level funded. M. Antes said there was no funding for training, and N. Balmer said she will look into it. M. Antes moved, seconded by E. Collins, to approve for Finance Committee consideration the \$516,500 town office budget and the \$30,000 Board of Selectmen budget for FY16. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A8. Review and Approve Consent Calendar (See Separate Sheet)**

M. Antes moved, seconded by E. Collins, to approve the consent calendar, with a correction to item 4, "Route 27 at the entrance from Lincoln (heading South)," should be "Route 126 at the entrance from Lincoln (heading South)." YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A9. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. M. Antes noted the suggestion that the Wastewater Management District Commission be incorporated into the Board of Public Works. E. Collins asked that a reconsideration of the date of the 2015 Annual Town Meeting be on the next agenda. C. Karlson noted that not all boards and committees are listing their documents on their minutes, or scheduling a public comment agenda item.

**A10. Report of the Town Administrator** N. Balmer said Fire Chief Vincent Smith has announced his retirement. She said the holiday lights have been contracted for placement at the Public Safety Building. She reviewed the draft management letter from the auditors, the automation of tax collection data, the fund balance policy, revolving fund balances, and uncompensated absences. She said Chris Cullen, Chair, Audit Committee, said they need more oversight of the management letter and the response. She provided the Board with a list of potential Annual Town Meeting articles.

**A11. Selectmen's Reports and Concerns** E. Collins noted that there was a legal notice in the Wayland Town Crier relating to an AUL cleanup of the Raytheon site to allow for a vapor barrier under a proposed new building in town center, filed by WTC LLC, and he questioned the identity of WTC LLC. M. Lanza said that Twenty Wayland LLC has created several other LLC's under its control. E. Collins asked for a breakdown of the properties owned by each LLC. M. Antes reported on the Metropolitan Area Planning Council (MAPC) quarterly meeting, and the Massachusetts Municipal Association meeting of Selectmen. C. Karlson reported on the Economic Development Committee meeting and the Energy Initiatives Advisory Committee meeting. She said they are making progress on solar projects, and are looking for a decision on ESCO work.

**A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
C. Karlson said, "I know of none."

**A13. 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 Pending Litigation and Collective Bargaining, and to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: February 22, 2010, March 31, 2010, October 28, 2010, January 31, 2011, June 17, 2013, July 8, 2013, July 16, 2013, July 23, 2013** At 9:18 p.m., C. Karlson moved, seconded by E. Collins, to enter 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 Pending Litigation and Collective Bargaining, and to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: February 22, 2010, March 31, 2010, October 28, 2010, January 31, 2011, June 17, 2013, July 8, 2013, July 16, 2013, July 23, 2013. Roll call vote: YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

The Board returned to open session at 10:15 p.m.

**A14. Adjourn** There being no further business before the Board, E. Collins moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:16 p.m. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 3, 2014**

1. Metropolitan Area Planning Council Strategic Plan, 2015-2020, dated November 2014
2. Notice of Constructive Approval of Amendment of Planning Board Site Plan Approval No. 02-2013, 150 Main Street LLC, distributed to the Board of Selectmen by Gretchen Dresens

**Items Included as Part of Agenda Packet for Discussion During the November 3, 2014 Board of Selectmen's Meeting**

1. Application filed by BBRG TR LLC dba Coach Grill for a Change of Officer/Director (Removal of LLC Manager) and a Change of Manager
2. Application filed by Samer Almaari for the Sale of Second-Hand Articles, Almaari Jewelers, 65 Andrew Avenue
3. Memorandum of 11/3/14 from Nan Balmer, Town Administrator, re: FY 16 Capital Requests for Departments under the Board's Jurisdiction
4. Memorandum of 11/3/14 from Nan Balmer, Town Administrator, re: River's Edge Advisory Committee Special Counsel
5. Email of 10/30/14 from John Senchyshyn, Assistant Town Administrator/HR Director, to Finance Committee, re: FY16 Town Office Budget Summary
6. Town Administrator's Report for the Week Ending October 31, 2014