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# TOWN OF WAYLAND

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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 January 12, 2015

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins (arrived 6:08 p.m.), Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

**A1. Open Meeting and Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Potential Litigation regarding the Enforcement of the Judgment with Respect to Bernstein, et al v. Wayland Planning Board; and 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 et al; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to Discuss the Exchange, Lease or Value of Real Estate** At 6:03 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Law Chapter 30A, Section 21a(3), to discuss strategy with respect to potential litigation regarding the enforcement of the judgment with respect to Bernstein, et al v. Wayland Planning Board; and 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 et al; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the exchange, lease or value of real estate. The Chair declares that a public discussion of strategy with respect to potential litigation regarding the enforcement of the judgment with respect to Bernstein, et al v. Wayland Planning Board; and strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland et al; and a public discussion of the exchange, lease or value of real estate, will have a detrimental effect on the bargaining, litigating or negotiating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: E. Collins. ABSTAIN: none. Adopted 4-0. Chair J. Nolan invites attendance by Fire Chief Vincent Smith, Police Chief Robert Irving, Director of Highway Operations Stephen Kadlik, 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.

Linda Segal, 9 Aqueduct Road, asked the Board to identify the real estate which is the subject of the executive session. J. Nolan said the discussion was in regard to an easement and the municipal pad at the town center.

The Board returned to open session at 7:04 p.m.

**A2. Call to Order by Chair** Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:05 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.

**A3. Public Comment** Gretchen Schuler, 126 Old Connecticut Path, requested that the Board act on the request to build sidewalks at the town center. Heidi Seaborg, 26 Alpine Road, expressed her support for a Council on Aging/Community Center at the municipal pad in town center.

**A4. Discuss Recommendation on the Formation of a Municipal Space Planning Committee**

Colleen Sheehan, Chair of the Planning Board, presented the recommendation of the Planning Board that the Board of Selectmen form a Municipal Space Planning Committee. She said it would be an independent committee, not affiliated with town boards that own land; she said it will evaluate all town owned parcels and what could be built on those parcels. The Board discussed the importance of the ability of the committee to work independently, the need for sufficient staff resources to fulfill the charge, the timeline for accomplishing the work, and the goal of transparency. C. Karlson suggested that the charge include a deadline and a report to town meeting. J. Nolan said more analysis should be done now in order for the Board to create a charge as soon as possible, and he asked how the charge would relate to the Finance Committee. T. Boschetto said he would ask that the charge have a financial element which would tie the municipal needs with debt and the long term financial trajectory. C. Karlson advised that the committee determine Conservation Commission restrictions, and prioritize potential projects. The Board noted that routine projects, outside of this charge, should be analyzed annually, and T. Boschetto said a long-range plan will assist with routine maintenance plans. C. Sheehan said the proposed committee will determine what resources are needed, and J. Nolan said the funding would need to come through the Board. E. Collins said a great deal of expertise will be required to fulfill the charge, and C. Sheehan said the initial work will not require any cost except staff time. The Board discussed the relationship of the committee to the annual capital process, the disbanding of the current working groups, and the evolution of the proposed committee from a short-term charge to a long-term charge. It was the consensus of the Board that the committee report to the Board of Selectmen.

Mike Lowery, 120 Lakeshore Drive, and member of the Board of Public Works, said the proposed committee would provide a consistent approach. Kent Greenawalt, 10 Reservoir Road and member of the Planning Board, said order is needed for Town Meeting to set priorities. He suggested holding public forums to discuss priorities.

The Board asked that a draft charge be prepared for further discussion. M. Antes said the committee can come back to the Board at any time to revise its charge if necessary. T. Boschetto noted that the charge is similar to a business plan that is updated annually, based on circumstances that change.

**A5. Review and Potential Vote to Submit Articles for April 2015 Annual Town Meeting** The Board was joined by Town Counsel Mark Lanza, Fred Knight and Sam Potter, Wastewater Management District Commission, and Jean Milburn, Economic Development Committee, to discuss the sewer capacity figures for town owned buildings. J. Milburn noted that sewer capacity is a factor in keeping the library as a viable site for any future town or other use. S. Potter said purchasing sewer capacity protects against the future cost of building a septic system for the library or any other town building. T. Boschetto said he would prefer that the article be written more clearly in regard to a specific building rather than a general "town use." C. Karlson moved, seconded by M. Antes, to accept for inclusion in the 2015 Annual Town Meeting the article, Fund Payment in Lieu of Sewer Betterment Assessment for Sewer Capacity for Town-Owned Buildings, with a cost of \$70,000. YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

The Board was joined by Council on Aging Director Julie Secord, Council on Aging/Community Center Advisory Committee members Bill Sterling, Carol Martin, Ken Isaacson, and Jean Milburn, to discuss the funding for a feasibility design for a proposed Council on Aging/Community Center. B. Sterling said the request included an environmental study for pre-project activities; he said if it is determined that the site is appropriate to build, then they will proceed with a conceptual design, a schematic, and a detailed cost estimate. He presented three options for the buildout of the center; he also requested an amendment to the project to include a study of the construction of boathouse, which could be done at no additional cost.

T. Boschetto requested that the article for the acquisition of the land come first in the ordering of the articles for Annual Town Meeting. M. Antes moved, seconded by C. Karlson, to accept for inclusion in the 2015 Annual Town Meeting the article, Appropriate Funds for Due Diligence and Feasibility Design for Proposed Council on Aging/Community Center at Wayland Town Center. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board was joined by Fire Chief Vincent Smith. V. Smith advised that he is requesting a bylaw change to protect hydrants to be sure they are operational when needed. He said there are currently ninety private hydrants in condominiums that are not being checked for maintenance and testing, and he would like them to become responsible for such in accordance with NFPA (National Fire Protection Association) standards beginning in April 2016, and then reporting to the Fire Department by July 2016. He said there is no cost to the town and the bylaw is consistent with state law. E. Collins moved, seconded by M. Antes, to accept for inclusion in the 2015 Annual Town Meeting the article, Inspection, Testing and Maintenance of Privately Owned Water Based Fire Suppression Systems. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board was joined by Energy Initiatives Advisory Committee members John Harper and Ellen Tohn to review the Power Purchase and License Agreement and authorization for PILOT. T. Boschetto asked if all pertinent documents will be available and understood by Town Meeting. E. Tohn said yes, and the documents will be posted on Energy Initiatives Advisory Committee website. She noted the School Committee voted to support the article; she will return and ask their support for the licensing and leasing of land as well. E. Collins moved, seconded by M. Antes, to accept for inclusion in the 2015 Annual Town Meeting the article, Implement Solar Energy: Power Purchase and License Agreement and Authorization for PILOT. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

T. Boschetto moved, seconded by C. Karlson, to accept for inclusion in the 2015 Annual Town Meeting the article, OPEB Funding. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

T. Boschetto discussed his meeting with other communities in regard to the Minuteman Regional School issue. He said there was consensus that the new agreement does not benefit smaller communities, and he suggested making approval of the article to amend the Regional School Agreement subject to all other communities approval to the withdrawal of Wayland. M. Lanza suggested research on what can be done within the agreement, and adding it to the scope of the article. T. Boschetto noted the positive fiscal implications of withdrawal. It was noted that the School Committee has not taken a position. T. Boschetto moved, seconded by E. Collins, to accept for inclusion in the 2015 Annual Town Meeting the articles, Withdraw from Minuteman Vocational Technical School District, and Amendments to the District Agreement of the Minuteman Regional Vocational School District. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

E. Collins moved, seconded by M. Antes, to accept for inclusion in the 2015 Annual Town Meeting the article, Acquire Municipal Parcel and Transfer and Convey Access Easement in Town Center. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. T. Boschetto moved, seconded by E. Collins, to accept for inclusion in the 2015 Annual Town Meeting the article, Fund Glezen Lane Traffic Control Measures. 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 T. Boschetto, to accept for inclusion in the 2015 Annual Town Meeting a resolution to support

the ESCO project to be drafted by Town Counsel. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. T. Boschetto moved, seconded by M. Antes, to accept for inclusion in the 2015 Annual Town Meeting the article, Accept Chapter 390 of the Acts of 2014 to Establish a Tax Title Collection Revolving Fund. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes moved, seconded by C. Karlson, to accept for inclusion in the 2015 Annual Town Meeting the articles, Create Chapter 44 Section 53 F ½ Recreation Enterprise Fund, and Create Chapter 44 Section 53 D Recreation Revolving Fund. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. FY 16 Budget: Vote to Recommend Budgets Under the Selectmen's Jurisdiction to Finance Committee** The Board reviewed the FY16 budget. T. Boschetto discussed the increase in purchased services for Parks and Cemeteries, questioned the increase in personnel services in the library as the staffing hasn't changed, asked for confirmation of the retirement figures, asked if the reserve for salary adjustments was still necessary in the coming fiscal year, and asked if the cost of issuance of debt was moved from the debt service line item. M. Antes moved, seconded by E. Collins, to transmit the FY16 budget as presented to the Finance Committee. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A7. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by C. Karlson, to approve the consent calendar, with a revision to item 8 to include potential soil gases. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. Members noted the positive feedback on the traffic mitigation at School Street/East Plain Street/Commonwealth Road, and asked the Town Administrator to insure that the relevant departments are notified about the vegetation maintenance plan submitted by NSTAR. M. Antes asked that the Housing Authority, the Council on Aging, and the Board of Health be copied on the letter from the MetroWest Regional Transit Authority regarding travel training for people with disabilities.

**A9. Report of the Town Administrator** N. Balmer updated the Board on current issues including cash reconciliation at the Treasurer's office, safety training measures at the town building, and document management. The Board reviewed upcoming agenda items. The Board asked N. Balmer to re-draft the Capital Planning Committee Charge for future consideration, and reviewed the timeline for Annual Town Meeting.

**A10. Selectmen's Reports and Concerns** C. Karlson said she and M. Antes will be attending the Massachusetts Municipal Association conference in Boston; J. Nolan said he will attend as well. M. Antes asked for an update of the proposed changes to the charge of the Permanent Municipal Building Committee. N. Balmer said she has a redlined version of the charge for Board review next week. She also noted that the Audit Committee would also like to discuss amending their charge at a future meeting.

**A11. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** J. Nolan said, "I know of none."

**A12. Adjourn** There being no further business before the Board, T. Boschetto moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:00 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 January 12, 2015, Meeting**

1. List of Warrant Articles Sponsored by the Board of Selectmen

**Items Included as Part of Agenda Packet for Discussion During the January 12, 2015 Board of Selectmen's Meeting**

1. Recommendation from Planning Board that the Board of Selectmen Form a Town Land and Buildings Capital Planning Committee, 1/6/15
2. Articles for 2015 Annual Town Meeting:
  - Appropriate Funds for Due Diligence and Feasibility Design for Proposed Council on Aging/Community Center at Wayland Town Center
  - Inspection, Testing and Maintenance of Privately Owned Water Based Fire Suppression Systems
  - Implement Solar Energy: Power Purchase and License Agreement and Authorization for PILOT
  - OPEB Funding
  - Amendments to the District Agreement of the Minuteman Regional Vocational School District
  - Acquire Municipal Parcel and Transfer and Convey Access Easement in Town Center
  - Fund Glezen Lane Traffic Control Measures
  - Resolution: ESCO Project Changes
  - Accept Chapter 390 of the Acts of 2014 to Establish a Tax Title Collection Revolving Fund
  - Create Chapter 44 Section 53 F ½ Recreation Enterprise Fund
  - Create Chapter 44 Section 53 D Recreation Revolving Fund
  - Fund Payment in Lieu of Sewer Betterment Assessment for Sewer Capacity for Town-Owned Buildings
3. Memorandum of 1/12/2015 from Nan Balmer, Town Administrator, to Board of Selectmen, re: FY16 Budget
4. Town Administrator's Report for the Week Ending January 9, 2015