



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

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 March 16, 2015

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer, Town Counsel Mark Lanza, Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

A1. Enter into Executive Session pursuant to: (i) Massachusetts General Laws (MGL) Chapter 30A, Section 21a(6) to Consider the Purchase, Exchange, Lease or Value of Real Property Relative to the Town Center Municipal Parcel; and (ii) MGL Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to a Potential Action regarding the Glezen Lane Judgment; and (iii) MGL 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 the Wastewater Management District Commission and Potential Litigation by a Group of Wastewater System Users; and (iv) MGL Chapter 30A, Section 21a (3) to Discuss Strategy with Respect to Collective Bargaining in regard to contract negotiations with the School Custodians and other town unions; and (v) to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: June 2, 2014, June 16, 2014, June 30, 2014, July 15, 2014, September 8, 2014, September 15, 2014, October 20, 2014, December 8, 2014, March 5, 2015 At 6:04 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session pursuant to (i) Massachusetts General Laws (MGL) Chapter 30A, Section 21a(6) to consider the purchase, exchange, lease or value of real property relative to the Town Center Municipal Parcel; and (ii) MGL Chapter 30A, Section 21a(3), to discuss strategy with respect to a potential action regarding the Glezen Lane judgment; and (iii) MGL 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 the Wastewater Management District Commission and potential litigation by a group of wastewater system users; and (iv) MGL Chapter 30A, Section 21a (3) to discuss strategy with respect to collective bargaining in regard to contract negotiations with the School Custodians and other town unions; and (v) to Review and consider for approval and potential release the following executive session minutes relative to the said subjects: June 2, 2014, June 16, 2014, June 30, 2014, July 15, 2014, September 8, 2014, September 15, 2014, October 20, 2014, December 8, 2014, March 5, 2015. The Chair declares that a public discussion of pending litigation and collective bargaining and the review and consideration for approval and potential release of executive session minutes 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 Town Administrator Nan Balmer and Town Counsel Mark Lanza. The Board will reconvene in open session in approximately fifty minutes.

The Board returned to open session at 6:43 p.m.

A2. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 6:47 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. M. Antes announced that Wayland students had won the seventh annual League of Women Voters Civics Bee on March 15.

A3. Public Comment Heidi Seaborg, 26 Alpine Road, spoke in favor of the Council on Aging/Community Center at the municipal pad at town center. Mike Lowery, 120 Lakeshore Drive, thanked the candidates for town office for keeping their signs out of the town's right-of-ways. He distributed a photo montage of the signs placed by Russell's Garden Center for its Farmer Market; he said the Board of Public Works will consider whether it is a safety concern. He said he is concerned that the rules are applied correctly.

A12. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by E. Collins, to approve the consent calendar with a revision to the minutes of March 5, 2015. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Vote to Sign Annual Town Meeting Warrant M. Antes moved, seconded by E. Collins, that the Board approve and sign the warrants for the 2015 Annual Town Meeting. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review and Potential Vote to Accept Massachusetts General Laws Chapter 138, Section 33B, to Allow the Sale of Alcoholic Beverages on Sundays between the Hours of 10:00 a.m. and 12:00 noon, and Potential Vote to Approve the Request of The Local to Begin Selling Alcohol at 10:00 a.m. on Sunday, April 5, 2015 M. Antes moved, seconded by E. Collins, that the Board of Selectmen, as the Town's licensing authority, accept the provisions of Massachusetts General Laws Chapter 138, Section 33B, which are to allow the sales of alcoholic beverages by on-premise licensees, licensed by the Board of Selectmen, on Sundays and certain legal holidays, between 10:00 a.m. and 12:00 noon; and also to approve the request of The Local for the sale of alcoholic beverages at 10:00 a.m. on Sunday, April 5, 2015. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Swear In Fire Chief and Promoted Personnel The Board recessed at 7:00 p.m. to attend the swearing in ceremony of David Houghton as Fire Chief, Andrew Holland as Acting Deputy Fire Chief, James Gemelli as Fire Captain, and Douglas Williams as Fire Lieutenant. The Board reconvened at 7:21 p.m.

A5. Interview and Potential Vote to Appoint a Member of the Historic District Commission as the Real Estate Representative for a Term to Expire on June 30, 2015, and to Appoint an Alternate Member of the Historic District Commission for a Term to Expire on June 30, 2016 Sheryl Simon and Marjorie Ford appeared before the Board to interview for appointment to the Historic District Commission as the real estate representative. M. Ford reviewed her background; she said she is a realtor for Coldwell banker, she served on the Historical Commission, and she worked to support the demolition delay bylaw. S. Simon said she worked for Coldwell Banker before opening her own real estate firm, Benoit Mizner Simon, and said she is familiar with the challenges of preserving property. T. Boschetto moved, seconded by M. Antes, to appoint Marjorie Ford as the real estate representative to the Historic District Commission for a term to expire on June 30, 2015, and to appoint Sheryl Simon as an alternate member to the Historic District Commission for a term 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.

A6. Discussion and Potential Vote to Support Council on Aging/Community Center Article The Board was joined by Bill Sterling, Chair of the Council on Aging/Community Center Advisory Committee, and Council on Aging Director Julie Secord, to review the warrant article for Annual Town Meeting. B. Sterling noted the article was pared back to a phased project to cover two steps: due diligence for site constraints, and the creation of a schematic concept for pricing the construction of the facility. The Board discussed its options if the previous article to acquire the municipal parcel does not pass. T. Boschetto advised B. Sterling to be prepared for an alternate plan, and C. Karlson said a Special Town Meeting might be

required. M. Antes expressed her desire that the committee broaden its plan to include young families. C. Karlson noted that if the article passed, the committee charge would need to be revised and extended. The Board discussed the need for a town-wide plan for municipal properties. M. Antes moved, seconded by C. Karlson, to recommend to town meeting the approval of the article, "Appropriate Funds for Due Diligence and Feasibility Design for a 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.

A7. Update on River's Edge Project and Potential Vote to Approve Position on Site Assignment

The Board was joined by River's Edge Advisory Committee members Rebecca Stanizzi, Bill Sterling, and Jerry Heller. R. Stanizzi noted that they would be providing a preliminary review of the issues, and would meet with the Board again on March 30 to request Board votes. She asked the Board to review and provide feedback on the RFP for the Disposition of Town-Owned Real Property for Rental, Affordable and Senior Housing Purposes for the River's Edge Property, highlighting the key exhibits and the evaluation criteria. She discussed a meeting with the Department of Environmental Protection regarding site assignment, and outlined the options that were available. She said the committee decided to go to the Board of Health to advise them they are looking for presumptive approval. J. Nolan expressed concern about the access road and the Town of Sudbury's interest in the septage facility. R. Stanizzi discussed the ability to bring water to the project and the impact of the potential funding by the state bond bill. The Board asked about the status of the bill; N. Balmer said she spoke to the office of Senator Richard Ross and there was no news. M. Antes asked the committee to keep in touch with the River Stewardship Council. E. Collins asked if the evaluation criteria, and the decision to sell or lease, was discussed with the larger community. R. Stanizzi said they did not hold a public hearing, but did discuss it in open meeting. E. Collins asked if the Department of Environmental Protection had agreed to the presumptive approval; R. Stanizzi said no, but it was their opinion that it was a minor variation. E. Collins asked for assurance that the affordable units will be included in the project. R. Stanizzi said twenty-five percent of the inventory must be affordable housing, and is protected by a land disposition agreement attached to the deed.

A8. Final Presentation of Solar Project and Potential Vote to Support Article Members of the Energy Initiatives Advisory Committee (Ellen Tohn, Tom Sciacca, Corinne Lenk and Mike Staiti) appeared before the Board to provide an update on the solar project. E. Tohn said the Finance Committee and the School Committee voted to support the article, and the committee was in the process of addressing the concerns of Permanent Municipal Building Committee. She said they met with the Board of Assessors to structure the tax payments, and with the Board of Public Works to confirm their ability to provide maintenance. She said the committee is holding a public hearing on March 18, and she reviewed the report from the Peregrine Energy Group. The Board discussed the impact of the project on parking, re-paving, and the potential change in the use of the town building. T. Boschetto questioned the financial impact, and the Board discussed the importance of receiving the B5 or A9 rates. E. Tohn said if the town does not get the B5 or A9 rate, the contract is void. T. Boschetto asked if the contract will be complete before town meeting; M. Staiti said it will be negotiated by then, but it can't be signed without town meeting approval. N. Balmer asked for the construction timeline for completion, the impact if one or more of the structures is not included in the final project, the likelihood that the state would abolish the credits, and the time period between the first PPA bill and the net meter credits. E. Tohn said there would still be positive income without a full buildout, and it was unlikely that the state metering credits would stop. M. Staiti said the meter credits will appear in thirty days from the first PPA bill. M. Antes asked why the landfill land was not being used; T. Sciacca said it was unsuitable as the slopes are too steep. M. Antes advised making that clear in the documentation. C. Karlson moved, seconded by M. Antes, to recommend to town meeting the approval of 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. J. Nolan thanked the committee for its work. E. Tohn confirmed that an accurate accounting of the savings will be maintained by the Public Buildings Director.

A10. Review and Potential Vote to Support Annual Town Meeting Warrant Articles C. Karlson moved, seconded by E. Collins, to recommend to town meeting the approval of the article, "Sell or Trade Vehicles and Equipment." YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Petitioner Alice Boelter reviewed her article to amend Chapter 36 of the current bylaws in regard to the date of Annual Town Meeting. E. Collins moved, seconded by T. Boschetto, to recommend to town meeting the approval of the article, "Amend Chapter 36 of the Current Bylaws." J. Nolan and C. Karlson felt the Board should have more flexibility in determining the date of the town meeting. There was no vote. E. Collins asked that the Board postpone the vote in order to get more information.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. T. Boschetto updated the Board on the Minuteman issue. The Board agreed that T. Boschetto and N. Balmer would work with Town Counsel and Jeanne Downs, School Committee, to ensure that the article and motion are correct. The Board discussed the concerns of local business about the difficulty of holding public events at the town center; T. Boschetto noted it is not the purview of the Board of Selectmen and they should be referred to KGI Properties. T. Boschetto discussed the press release regarding the spring field conditions, and C. Karlson noted deficiencies in minutes submitted by town boards and committees.

A14. Report of the Town Administrator N. Balmer reviewed upcoming agenda items. She discussed the projects underway in regard to the town's IT structures, including security issues, management issues, storage considerations, and the virtualization of the police and library system. She said a draft revised charge for the Audit Committee had been prepared for Board approval. She noted that John Senchyshyn is the Acting Treasurer/Collector, and consultant Suzanne Marchand has been hired to work in the office.

A15. Selectmen's Reports and Concerns M. Antes said the new Town of Wayland flag will be available for the Annual Town Meeting, and will subsequently be placed in the State House following a ceremony with the State representatives. The Board discussed the next steps in creating a committee to study the long-term use of municipal land; C. Karlson and M. Antes said they would revise the current charge for Board review.

A16. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any J. Nolan said, "I know of none."

A17. 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 10:01 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 Meeting of March 16, 2015

1. Montage of Photographs from Michael Lowery, 120 Lakeshore Drive, of Farmers Market Signs posted by Russell's Garden Center
2. Wayland Solar Project: Frequently Asked Questions
3. Wayland Solar Project: Sensitivity Analysis
4. Real Estate Portfolio and Background Information on Sheryl Simon

Items Included as Part of Agenda Packet for Discussion During the March 16, 2015 Board of Selectmen's Meeting

1. Recommendation of the Greater Boston Association of Realtors, 2/12/15, re: Appointment to the Historic District Commission
2. Article 26, Appropriate Funds for Due Diligence and Feasibility Design for a proposed Council on Aging/Community Center at Wayland Town Center
3. Memorandum of 3/13/15 from Jerry Heller and Rebecca Stanizzi, River's Edge Advisory Committee, re: River's Edge Update
4. Backup Materials to Update on River's Edge Project
 - Draft Request for Proposals (RFP) (including the Committee's edits through today),
 - Draft Land Disposition Agreement (LDA),
 - Draft Right of Entry and License Agreement,
 - Draft Repurchase Agreement,
 - Draft Escrow Agreement, and
 - Memorandum dated today regarding a sale versus a ground lease (updated from an earlier version)
5. Backup Materials to Solar Power Projects
6. 2015 Annual Town Meeting Warrant
7. List of Annual Town Meeting Articles with Board of Selectmen and Finance Committee Positions
8. Request of The Local, 3/4/15, to Begin to Serve Alcohol on Sunday, April 5, 2015, at 10:00 a.m., and Massachusetts General Laws Chapter 138, Section 33B
9. Report of the Town Administrator for the Week Ending 3/13/2015