



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 23, 2015

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, 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 Septage Facility; and (ii) 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 (iii) MGL 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 to Discuss Strategy with Respect to Pending Litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding “Crown Path;” and (iv) MGL Chapter 30A, Section 21a(3) to Discuss Strategy with Respect to Collective Bargaining in regard to Contract Negotiations with the Library Union and the Teamsters; and (v) to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: June 9, 2014, July 21, 2014, September 23, 2014, September 29, 2014, October 27, 2014, November 3, 2014, November 17, 2014, November 24, 2014, December 1, 2014, January 5, 2015, and March 16, 2015** At 6:38 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 septage facility; and (ii) 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 (iii) MGL 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 to discuss strategy with respect to pending litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding “Crown Path;” and (iv) MGL Chapter 30A, Section 21a(3) to discuss strategy with respect to collective bargaining in regard to contract negotiations with the Library Union and the Teamsters; and (v) to review and consider for approval and potential release the following executive session minutes relative to the said subjects: June 9, 2014, July 21, 2014, September 23, 2014, September 29, 2014, October 27, 2014, November 3, 2014, November 17, 2014, November 24, 2014, December 1, 2014, January 5, 2015 and March 16, 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, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0. Chair J. Nolan invites attendance by Town Administrator Nan Balmer, Town Counsel Mark Lanza, HR John Senchyshyn, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:00 p.m.

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

7:00 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, and announced that the Wayland Library is conducting a town-wide survey to learn how it can best serve residents and help in evaluating the library's space needs.

**A3. Public Comment** Nancy Carapezza, 223 Boston Post Road, requested time on a Board agenda for the users of the wastewater system, with the exception of Twenty Wayland LLC, to discuss a settlement related to the wastewater betterments and fees. T. Boschetto questioned the jurisdiction of the Board of Selectmen in the matter. J. Nolan said the Board could not comment, due to potential litigation, and said the Town Counsel will provide a response. Jonathan Buchman, owner of business property at 231-241 Boston Post Road, said that many of the wastewater users have pending abatements and wish to come to an amicable solution. He said he believed the court would agree with the users that the facility was overbuilt, and the users are being charged betterments for the advantage of others, citing the RFP for the Rivers Edge project and the proposed leaching field at the town building. J. Nolan said the Board will discuss the parameters of discussions and negotiations with Town Counsel. David Larson, owner of Joint Ventures Physical Therapy, 109 Andrew Avenue, and Berkeley O'Keefe, owner of Orange Leaf Yogurt, 61 Andrew Avenue, addressing the Board as representatives of small business owners in the town center, asked for the Board's assistance in utilizing the town green for public events to promote business. T. Boschetto said that while the Board welcomes public events, the property is under the control of the landlord. M. Antes noted that she also has had difficulties in getting events approved. Linda Segal, 9 Aqueduct Road, said that Stop & Shop used the town center to collect donations to Breezy Point after the flooding in 2012, and suggested they contact the manager as to protocol.

**A4. Potential Vote to Release Executive Session Minutes** E. Collins moved, seconded by M. Antes, to approve and release, with edits and redactions, the executive session minutes of June 9, 2014, July 21, 2014, September 23, 2014, September 29, 2014, October 27, 2014, November 3, 2014, November 17, 2014, November 24, 2014, December 1, 2014, January 5, 2015, and March 16, 2015. YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**A5. Discuss and Potential Vote on Warrant Article to Fund Design of a Multi-Use Playing Field at Oxbow Meadows (Community Preservation Funds)** The Board was joined by Brud Wright and Frank Krasin of the Recreation Commission, and Recreation Commissioner Jessica Brodie, to ask for the Board's support of a multi-use playing field at Oxbow Meadows. J. Nolan asked for assurance that the funds would be used for the designated project. B. Wright noted there was an issue of ledge at the Middle School, and concerns about the numbers provided by Gale Associates at Loker. He said the Recreation Commission is looking for funds to move forward with a feasibility study to design potential soccer fields at Oxbow Meadows. M. Antes asked why they did not consider developing Alpine Field; B. Wright said there are wetlands issues and historic artifacts. J. Nolan brought up the residents' concern that there will be clear-cutting of the field. Gretchen Schuler, Chair, Community Preservation Committee, said the land is protected conservation land. J. Nolan asked if the possible settling of the fixed structure under the ground will be contemplated in the design; B. Wright said yes. T. Boschetto noted the benefit to the neighborhood. B. Wright said there will be a public hearing with the designer and the neighbors. J. Nolan asked the Recreation Commission to consider an indoor artificial turf field in its long-term plans. B. Wright asked that potential sites be included in the town-wide study of municipal parcels. E. Collins moved, seconded by T. Boschetto, to recommend to town meeting the approval of the article, "Fund Design of a Multi-Use Grass Playing Field at Oxbow Meadow (Former Nike Site)." YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**A6. Discussion and Potential Vote on Warrant Article to Acquire Property for Conservation at 246 Stonebridge Road** The Board was joined by Brian Monahan, Conservation Administrator, to discuss the property at 246 Stonebridge Road. B. Monahan said the town is close to finalizing a Purchase and Sales Agreement; he said the goal is to acquire the land and demolish the house. The land provides access to the Sudbury River and a historic bridge, and could be used for passive recreation and canoe access. He said the land will be under the jurisdiction of the Conservation Commission, and the price includes the purchase of the land and the demolition. T. Boschetto asked for a breakdown of the costs. The Board agreed to hold its vote until the March 30 meeting, pending the receipt of the final costs.

**A7. Discussion and Potential Vote to Approve Amended Charge for Audit Committee** The Board was joined by Gordon Cliff of the Audit Committee to explain the changes to the committee charge. T. Boschetto moved, seconded by M. Antes, to approve the revised charge of the Audit Committee. YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**A8. Discussion and Potential Vote to Support Use of Gift Money for Bike Path** M. Antes moved, seconded by T. Boschetto, that the Town Center developer gift of \$250,000 be committed to the Wayland bike rail trail. YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by E. Collins, to approve the consent calendar. YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**A11. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. M. Antes updated the Board on the actions of the housing boards and committees.

**A9. Discussion and Potential Vote to Support FY16 Omnibus Budget Warrant Article** The Board was joined by Tom Greenaway, Chair, Finance Committee, to provide an update on the FY16 budget process. T. Greenaway noted the level services budget this year, and said the operating budget won't change. He said that the IT capital budget for the town and school may be revised. T. Boschetto asked about surplus bond proceeds, and whether it was a one-time event. T. Greenaway said the balance sheet was scrubbed for excess capital money from prior years wherever possible, and said he expected it to be an ongoing process, although not of the current magnitude. He said much of the excess capital was from the high school project, and will go toward the funding of Claypit School doors and windows. T. Boschetto asked how the \$4 million in capital compares to last year; T. Greenaway said he will get back to him with those numbers. T. Boschetto asked if there was a plan to reduce debt over time. T. Greenaway said the goal is to keep the debt service to 5-10% of the operating budget and to maintain the free cash balance. He said the debt service was high by historical standards, due to the high school and DPW projects. T. Boschetto cited large capital expenditures in FY17 and FY18, and asked how it fit the model. T. Greenaway said he has asked Facilities Director Ben Keefe to review and refine the five-year plan; he said it includes the buildout on the library and the Council on Aging/Community Center. J. Nolan said the Board is pursuing a long range working group for municipal facilities. T. Greenaway advised the Board that the \$1 million capital expenditure for a fire department ladder truck will be fully funded by ambulance receipts. T. Boschetto discussed the need to keep an accurate accounting of the utility expenses in order to verify the impact of ESCO on utility costs. M. Antes moved, seconded by T. Boschetto, to recommend to town meeting the approval of the article, "FY 2016 Omnibus Budget." Linda Segal, 9 Aqueduct Road, said that the vote may change after the Warrant Hearing. M. Antes withdrew the motion for reconsideration after the Warrant Hearing on March 30, 2015.

**A12. Report of the Town Administrator** N. Balmer discussed with the Board the procedures for the upcoming Warrant Hearing. She said draft motions have been posted, but will continue to be revised. She advised the Board that Dr. Paul Stein, Superintendent of Schools, will be contacting Wayland students who attend the Minuteman Regional School. T. Boschetto said he should convey that there will be no impact due to Wayland's withdrawal from the school district, and they should be assured they are still entitled to continue their education there. N. Balmer noted the revised draft charge for the Municipal Space Strategic Planning Committee, and the Permanent Municipal Building Committee. She said the Treasurer/Collector submitted his resignation and the town will advertise the position. She proposed a three-month school/town project to address Information Technology issues, including security, training, and maintenance. J. Nolan asked how it would be funded; she said by current year transfer or a reserve fund transfer.

**A13. Selectmen's Reports and Concerns** M. Antes noted that the Metropolitan Area Planning Council Annual Meeting is May 27, 2015, and they are looking for nominations for officers and awards.

**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, E. Collins moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 8:45 p.m. YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 23, 2015**

1. Email of 3/23/15 from Lenore Travis to Board of Selectmen re: Public Comment on Multi-Use Field on Oxbow Road
2. Letter of 3/23/15 from Leonard and Nancy Carapezza to Board of Selectmen re: Request to Discussion of Wastewater Issues at Board of Selectmen Meeting
3. Permanent Municipal Building Committee, Policies and Procedures
4. Draft Memorandum of 3/30/15 from Nan Balmer, Town Administrator, to Finance Committee, re: Information Technology
5. Map of 246 Stonebridge Road

**Items Included as Part of Agenda Packet for Discussion During the March 23, 2015 Board of Selectmen's Meeting**

1. Memorandum of 3/23/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Audit Committee Charge Revision
2. Letter of 3/18/15 from Larry Kiernan, Representative to the Mass Central Rail Trail Committee, to the Board of Selectmen, re: Developer Bike Trail Gift
3. Town of Wayland FY2016 Budget
4. Report of the Town Administrator for the Week Ending 3/20/2015