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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN  
LEA T. ANDERSON  
MARY M. ANTES  
ANTHONY V. BOSCHETTO  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes May 11, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Tony V. Boschetto (arrived 7:10 p.m.), Cherry C. Karlson

**Absent:** Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson 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. She reviewed the agenda for the public. L. Anderson announced the Open Meeting Law training on May 21, 2015, at 7:00 p.m. in the Wayland Town Building. C. Karlson noted that Wayland has been named the sixth safest town in the United States, and the safest town in Massachusetts. She said the annual Memorial Day Parade will be held on Monday, May 25, 2015.

The Board welcomed new Firefighter Mathew Bryer, who was sworn in by Town Clerk Beth Klein.

**A2. Public Comment** Gordon Cliff, 2 Highfields Road, reviewed his concern that the proposed OPEB Policy would preclude investing in PRIT (Massachusetts Pension Reserve Investment Trust) because the proposed policy limits the asset categories. Duane Galbi, 190 Stonebridge Road, asked the Board to attend the Stonebridge Board of Public Works traffic calming hearing. C. Karlson said she would pass the information to J. Nolan. Mike Lowery, 120 Lakeshore Drive, said that the Board inadvertently approved a temporary sign that was a plastic "H" sign, which was not well secured and was unsightly, and requested that they no longer be allowed. He recommended that if they are allowed, a limit of three be set, and they must be placed twelve feet from the roadway; he suggested that the Board refuse to authorize the placement of signs unless the Town Administrator has discussed the distance from the street and the date by which they must be removed. Linda Segal, 9 Aqueduct Road, noted three issues from the warrant hearing that must be addressed: the adherence to the Town Center special permit that require two usable acres for the Town Green, the notification to the Town of Lincoln of the development of a new field at Oxbow Meadows; and the notification to Raytheon project managers regarding the municipal parcel. She also asked that the Board meet with the Town Moderator about electronic voting. In regard to mention of Ben Gould at the previous meeting, she advised the Board that Ben Gould is an LSP with CMG and had nothing to do with the Dow site cleanup. She distributed two pages of a September 2012 presentation about the Public Green to the Board of Selectmen by the Town Center Green Design Advisory Committee. She said she was not aware that the Town Clerk was looking for input on the open meeting law; C. Karlson said the notice went to board and committee members. George Harris, 8 Holiday Road, expressed concern about three open meeting law violations against the School Committee in the last thirty days, and said there is a need for leadership. He said he wrote to the Acting Treasurer and will be sending a letter to the Interim Director of Accounts at the Department of Revenue regarding the school revolving accounts. He reviewed the history of the school revolving funds, and said the issue is whether the surplus funds belong to the users or the taxpayers. He said he will urge the Director of Accounts to order an immediate freeze and investigate the accounts and financial transactions.

**A3. Presentation by Scott Peckins, Executive Director of Camping Services of the West Suburban YMCA** Jack Fucci, President and CEO of the West Suburban YMCA, introduced Scott Peckins, Executive Director of Camping Services, and Keri Person, Director of Camping Operations. He said is looking forward to strengthening the relationship between the West Suburban YMCA and the town. T. Boschetto suggested he coordinate events with the Recreation Commission and the Wayland Children and Parents Association, and C. Karlson advised him of various media outlets that would be helpful in promoting their activities.

**A5. Joint Meeting with Planning Board to Interview and Vote to Appoint Associate Member of Planning Board to Full Member** The Board was joined by Planning Board members (Colleen Sheehan, Ira Montague, and Andrew Reck), who had posted and convened a meeting. Members of the Board of Selectmen and the Planning Board interviewed Dan Hill for appointment as a full member of the Planning Board. C. Sheehan asked D. Hill if he felt comfortable fulfilling the additional duties required as a regular member; he said yes, he had been very active as an associate member. Planning Board members noted D. Hill's contributions as an attorney. D. Hill said he avoided conflicts of interest by not taking clients from Wayland. He discussed affordable housing and the importance of abiding by the law when reviewing land use applications. M. Antes moved, seconded by L. Anderson, to appoint Daniel C. Hill as a full member of the Planning Board, effective immediately, for a term to expire upon the 2016 Annual Town Election. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. I. Montague moved, seconded by A. Reck, to appoint Daniel C. Hill as a full member of the Planning Board, effective immediately, for a term to expire upon the 2016 Annual Town Election. YEA: I. Montague, A. Reck, C. Sheehan. NAY: none. ABSENT: K. Murphy. ABSTAIN: none. Adopted 3-0.

**A6. Update from Town Planner on Improvements to Town Green by Brendan Homes** The Board was joined by Town Planner Sarkis Sarkisian and Planning Board Chair Colleen Sheehan to discuss improvements to the Town Green. S. Sarkisian advised the Board that according to the development agreement, the developer was only responsible for trees, grass, and sidewalks. As the Town wanted further improvements, the Public Green Advisory Committee was created in 2012. He said the plans included a rink, a bandstand, and a play space, and the cost of \$500,000 was prohibitive. He advised that Brendon Homes has now agreed to commit \$150,000 to improve the Town Green, and price estimates for walkways, rows of trees, benches, and retaining walls for a concert area are within the proposed budget. He said Brendon Homes would like to have the work done within the next six weeks. Participants discussed the role of the town in the public green. T. Boschetto made the point that nothing precludes a private entity from working with Twenty Wayland LLC to use the property. C. Sheehan asked that the language be clarified as to the town's responsibility. C. Karlson asked that the Town Counsel provide an opinion to ensure that the town is fulfilling its role regarding operations and a maintenance plan.

**A7. Update on Solar Project and Discussion on Payment in Lieu of Tax Agreement** The Board was joined by Public Buildings Director Ben Keefe, and Energy Initiatives Advisory Committee members Ellen Tohn and John Harper. B. Keefe said he received a Power Purchase Agreement (PPA), consent agreement, and draft PILOT agreement from Ameresco. He said there were two issues in the PPA that are still being negotiated; the responsibility for the expenses should the net metering program end, and the appropriation of funds for future years without the approval of town meeting. He said the consent agreement will be sold to a third party and leased back, which is common practice, and the PILOT agreement is a standard contract. He said Town Counsel will review all the documents. C. Karlson said the Board of Assessors has concerns in regard to Department of Revenue policies. B. Keefe said the PILOT agreement does not need to be executed immediately, and the Assessors will recommend how to structure the PILOT. E. Tohn said the Energy Initiatives Advisory Committee will meet to take a vote on the approval of the PPA and will return

on May 18 meeting for a Board vote. T. Boschetto expressed concern that the documents had not been ready in time for the Annual Town Meeting. E. Tohn said the parties were not willing to finalize the contracts before a town meeting vote. B. Keefe reviewed the Inter-Connect Agreements with Eversource, and E. Tohn reviewed the status of the Metropolitan Area Planning Council grant to fund backup capacity at the Middle School. L. Anderson asked for an update on the as-builts for the high school. B. Keefe said the drawings are not signed or sealed, but Ameresco can work from them; he said the Conservation Commission will not accept them for application for a Notice of Intent (NOI), but the NOI may not be necessary at the High School.

**A8. Discussion and Vote to Extend the Charge of the OPEB Advisory Committee to September 30, 2015, Vote to Approve Appointment of Special Counsel, and Discussion and Vote on Investment Policy for OPEB Account**

The Board was joined by OPEB Advisory Committee members Cliff Lewis, David Gutschenritter, Jay Sherry, and Maryanne Peabody. D. Gutschenritter reviewed the tasks that the committee is still working on, including actuarial assumptions, cost containment, advice and counsel to the Treasurer and Finance Director, preparation of the annual warrant article, and resolution of an appropriate legal structure for the account. T. Boschetto moved, seconded by M. Antes, to approve the extension of the charge of the OPEB Advisory Committee to September 30, 2015. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

C. Lewis reviewed the process for selecting Special Counsel for an independent review of the OPEB account structure. L. Anderson moved, seconded by M. Antes, to appoint the firm of Murphy Hesse Toomey & Lehane LLP as Special Counsel to provide an assessment of the structure of the OPEB account. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

D. Gutschenritter presented the proposed investment policy for the OPEB account. Guidelines include account asset allocations of approximately 75% equities, 25% fixed income, and 5% cash/other, to achieve a long-term goal of 7% return to reach a fully funded status by 2038. J. Senchyshyn, Acting Treasurer, referred to the legal requirement for prudent investing, and suggested the policy should come back to the Board for its approval periodically. He also suggested the Board review the draft governance section of the policy prior to making a decision on the Investment Policy. C. Karlson noted Gordon Cliff's concern during public comment about the asset allocation excluding the Pension Reserves Investment Trust (PRIT). C. Lewis said the asset allocation would not exclude PRIT. T. Boschetto reviewed the fee structures and their impact on performance. He agreed that the Investment Policy should be reviewed by the Board of Selectmen at least annually. L. Anderson asked if there were analogous funds under Board of Selectmen oversight; J. Senchyshyn said there are elected town Trust Fund Commissioners that set the investment policy for \$3 million in town trust funds, and that retirement funds are outside funds managed by PRIT. C. Karlson said the Board has no fiduciary responsibility and should not set asset allocation. J. Sherry noted there needs to be responsibility assigned for the development of the OPEB annual warrant article to town meeting, and N. Balmer said she will work with T. Boschetto to add the task to a staff job description. The Board recommended edits to the policy, and T. Boschetto agreed to work with C. Lewis to revise the policy and present it to the Board on May 18 for a final vote.

**A4. Discussion and Vote to Approve Board Portfolio Assignments** The Board reviewed the revised Board portfolio assignments. M. Antes requested that the town boards and committees be notified of their Board liaison. M. Antes moved, seconded by L. Anderson, to approve the Board of Selectmen portfolio assignments as presented. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A9. Discussion and Vote to Approve the Charge of the Council on Aging/Community Center Advisory Committee** M. Antes moved, seconded by T. Boschetto, to approve the charge of the Council on Aging/Community Center Advisory Committee, as amended. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A10. Discussion and Vote to Approve Sending a Letter of Withdrawal and Draft Amendment to the Minuteman School Committee** T. Boschetto reviewed the procedures for following up on the vote of the 2016 Annual Town Meeting. He suggested that in lieu of an amendment, the withdrawal be included into the regional agreement, although he hasn't counsel yet. The Board had no objections. T. Boschetto suggested that he and Mary Ellen Castagno, Wayland Representative to Minuteman, consult with other member towns about having all town withdrawals included in a second agreement. T. Boschetto moved, seconded by L. Anderson, to authorize the Board of Selectmen send a letter dated May 11, 2015, to the Minuteman School Committee regarding withdrawal from the regional school district, along with the proposed amendment as provided. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A13. Potential Vote regarding Stone's Bridge CPA Project** Gretchen Schuler, Chair, Community Preservation Committee, and Elisa Scola, Chair, Historical Commission, appeared before the Board to discuss the application of the Historical Commission for a matching grant from the Massachusetts Preservation Projects Fund administered by the Massachusetts Historical Commission (MHC) to stabilize and preserve the Stone's Bridge. G. Schuler said the approval of the Board of Selectmen is required to place a preservation restriction on the deed, and that Town Counsel was reviewing ownership of the bridge. She said the Framingham Historical Commission also supports the project. The Board discussed the implementation of the maintenance agreement. M. Antes moved, seconded by T. Boschetto, to approve the application of a permanent preservation restriction and maintenance agreement on Stone's Bridge that will run with the deed should the town be awarded the MHC Grant, and to sign the Statement of Intent, and to designate the Town Administrator to sign contracts with the MHC if awarded this grant, and to sign a preservation restriction, if awarded this grant, and to include a letter of support of the preservation of Stone's Bridge with the application. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A11. Discussion on Date for 2016 Annual Town Meeting** The Board reviewed potential dates for the 2016 Annual Town Meeting.

**A12. Discussion and Vote to Appoint Special Counsel regarding School Revolving Funds** L. Anderson moved, seconded by M. Antes, to appoint Attorney James Toomey of Murphy Hesse Toomey & Lehane LLP to represent the Town regarding the town's role in the management and disposition of school revolving funds through the Town finance and treasurer's offices, with costs not to exceed \$8,000. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A14. Review and Approve Consent Calendar (See Separate Sheet)** T. Boschetto moved, seconded by M. Antes, to approve consent calendar items 1, and 3 through 7. Item 2, regarding the change of hours for the service of alcohol by The Local, was removed due to an incomplete application. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A15. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. M. Antes said she would address the Memorial Day ceremonies. C. Karlson asked that the impact of the fire response time be taken into consideration when approving traffic changes.

**A16. Report of the Town Administrator** N. Balmer updated the Board on the week's events. She advised the Board that the Landfill Supervisor was placed on paid administrative leave. She reviewed the procedures for reappointments. She said staff had set up accounting procedures for the Municipal Affordable Housing Trust Fund; T. Boschetto asked for confirmation that the trust pay its own administrative costs. C. Karlson asked about a mobile device policy and a deadline to eliminate the paper packets. N. Balmer provided an update on IT security and the emergency road repairs on Pelham Island Road.

**A17. Selectmen's Reports and Concerns** M. Antes noted the need to review the sign policy. C. Karlson said the Board needs to review procedures from the 2015 Annual Town Meeting, and consider the need for a Special Town Meeting in the fall. She said she hopes to have a draft charge for a Municipal Space Planning Committee next week, and she reported on a meeting with the Sudbury Valley Trustees and the Hamlen Family about bringing an article for a conservation restriction on the Hamlen property to the 2016 Annual Town Meeting. T. Boschetto asked that alternative funding sources be considered.

**A18. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A19. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:37 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson,. NAY: none. ABSENT: J. Nolan ABSTAIN: none. Adopted 4-0.

#### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 11, 2015**

1. Email of 5/8/15 from Reverend Dr. Frederick Moser, Church of the Holy Spirit, to Board of Selectmen, re: Religious Observances during Proposed Dates for 2016 Annual Town Meeting
2. Wayland Town Green Cost Estimate
3. Wayland Town Green Map

#### **Items Included as Part of Agenda Packet for Discussion During the May 11, 2015 Board of Selectmen's Meeting**

1. Memorandum of 5/4/15 from Fire Chief David Houghton to Nan Balmer, Town Administrator, re: New Hire
2. Email of 5/1/15 from Scott Peckins, West Suburban YMCA, re: Selectmen Agenda
3. Board of Selectmen Portfolio Assignments for April 2015 through April 2016
4. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Appointment to Vacant Position on Planning Board
5. Memorandum of 5/6/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Town Green Background Information and Construction Update
6. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Meet with OPEB Committee
7. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Council on Aging/Community Center Committee Charge

8. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen,  
re: Withdrawal from Minuteman
  - Draft Letter from Board of Selectmen
  - Draft Amendment to the Current Regional School Agreement
  - Draft Notice of Withdrawal from the Town Clerk
  - Certified Vote of Town Meeting
9. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen,  
re: Discussion Spring 2016 Annual Town Meeting Date
10. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen,  
re: Appointment of Special Counsel: School Revolving Funds
11. Memorandum of 5/7/15 from Historical Commission and Historic District Commission to Board of  
Selectmen re: Stone's Bridge
12. Report of the Town Administrator for the Week Ending May 8, 2015