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# TOWN OF WAYLAND

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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 18, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan

**Absent:** Tony V. Boschetto

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

**A1. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding Ide, et al v. Zoning Board of Appeals et al, Frishman V. Lanza, et al, Carvalho's v. Town, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Dresens, et al v. Planning Board, et al, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, and Appellate Tax Board Cases filed by the Wayland Town Center LLC and West Beit Olam Jewish Cemetery Corporation; and to Discuss Collective Bargaining Strategy Pertaining to Contract Negotiations with the Police Union, and all unions, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to Discuss the Exchange, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center; and to Review and Consider for Approval the Following Executive Session Minutes Relative to the Said Subjects: April 7, 2015, and April 13, 2015** At 6:04 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending actions regarding Ide, et al v. Zoning Board of Appeals et al, Frishman V. Lanza, et al, Carvalho's v. Town, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Dresens, et al v. Planning Board, et al, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, and Appellate Tax Board cases filed by the Wayland Town Center LLC and West Beit Olam Jewish Cemetery Corporation; and to discuss collective bargaining strategy pertaining to contract negotiations with the Police Union, and all unions, and pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to discuss the exchange, lease or value of real estate in regard to the municipal parcel at Town Center; and to review and consider for approval the following executive session minutes relative to the said subjects: April 7, 2015, and April 13, 2015. J. Senchyshyn noted that there was an error in the agenda, and corrected the motion above from "the Police Union and all unions" as printed in the agenda, to "the Police Union, the Fire Union, and the AFSCME Clerical Union." The Chair made the correction. 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: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Town Counsel Mark Lanza, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Personnel Board member Maryanne Peabody, OPEB Advisory Committee member Cliff Lewis, Principal/Senior Project Manager Kevin Dandrade of TEC, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:15 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:16 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 and said the agenda item, "Meeting with Traffic Engineer to Review Glezen Lane Traffic Study," should be corrected to "Meeting with Traffic Engineer to Review Town Center Traffic Study." L. Anderson said Open Meeting Law Training will be held May 21, 2015, at 7:00 p.m. in the Large Hearing Room, and C. Karlson announced the Memorial Day events on May 25, 2015.

**A3. Public Comment** Frank Krasin, 76 Edgewood Road, said that the traffic signals installed at West Plain Street and Old Connecticut Path were causing traffic issues, and he recommended putting additional traffic signals at the intersection of Route 30 and School Street. Scott Walters, 100 Draper Road, asked that the Board avoid scheduling the 2016 Annual Town Meeting at a time when it would conflict with youth sports. Beth Klein, Town Clerk, requested that the 2016 Annual Town Meeting be set as late as possible, as it would be difficult to manage two elections in one month. Richard Turner, 7 Nob Hill Road, reviewed the upcoming Memorial Day events, and asked the Board to support Purple Heart Appreciation Day.

**A4. Discuss and Vote to Approve OPEB Investment Policy** Jay Sherry, OPEB Advisory Committee, reviewed the process by which the Investment Policy draft was updated since the prior meeting. He presented the policy and recommended edits. J. Senchyshyn recommended review by Town Counsel, given the legal responsibility of the Treasurer. J. Nolan moved, seconded by L. Anderson, to support the recommendation of the OPEB Advisory Committee to approve the OPEB Investment Policy of May 18, 2015, as drafted, with revisions and periodic review. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A5. Discussion and Vote to Declare Wayland a Purple Heart Town and Recognize August 8<sup>th</sup> as Purple Heart Appreciation Day** C. Karlson noted the agenda item should be changed to reflect the date of Purple Heart Appreciation Day as August 7, 2015. C. Karlson read the proclamation. Richard Turner, Chair, Public Ceremonies Committee, said the proclamation will be sent to the state Purple Heart organization; there will be ceremony to present the town with a plaque, and the town will fly the Purple Heart flag on August 7 every year. M. Antes suggested that the Public Ceremonies Committee request the stories of Wayland recipients of the Purple Heart. J. Nolan moved, seconded by M. Antes, to declare Wayland as a Purple Heart Community, and to approve the signing of the proclamation. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A6. Report from IT Consultant** Elizabeth Doucette, Financial Analyst, and Michael McCann, Advent Consulting, appeared before the Board to discuss IT security issues. M. McCann said the security of the town's IT system was typical of most organizations of its size, and there was no evidence of mass data exfiltration. He said the consensus is that the specific attack on the town was a banking attack. He noted the need to balance IT support functions with financial considerations, and said the town is enacting a short term plan which is inexpensive and offers a relatively high return. He said consideration should be given as to how the town handles IT in the future in regard to the differing needs of the town and the schools, and he said there will be capital expenditures and training expenses. In terms of securing the current system, M. McCann said the major issues will be resolved within the next thirty days, although the short-term solutions will not be sustainable in the long-term. J. Nolan asked when the costs will be available. M. McCann said the budget figures should be available within thirty days, although not the specific purchase decisions. J. Nolan requested a recommendation on priorities. M. McCann said the staff has been very cooperative. L. Anderson asked about a three-to-five year plan, and E. Doucette said there is a long-term plan already in

place; the current action addresses the short-term needs. C. Karlson said M. McCann will come before the Board again on June 24 with a recommendation for the next stage of implementation.

**A7. Meeting with Traffic Engineer to Review Glezen Lane Traffic Study** The Board was joined by Police Chief Robert Irving, Town Counsel Mark Lanza, and Principal/Senior Project Manager Kevin Dandrade of TEC. C. Karlson said the traffic study is being done in regard to the Town Center traffic. She noted that the town has ongoing litigation regarding Glezen Lane and cannot comment.

L. Anderson recused herself from debating or deliberating on the issue, as she is a resident of the Glezen Lane neighborhood; she said she would listen but not participate in votes or discussions.

K. Dandrade reviewed the first phase of the study. He said daily traffic counts were done on and off the Town Center site in February and March; the current traffic is approximately 65% of what was originally projected for the location, and traffic projected to use the Route 27 exit is 5-10% less. He said it is critically important to move to the second stage, which would be to create data-driven recommendations for traffic mitigation without the traffic restrictions at the Glezen Lane and Route 27 intersection, which skew the results. The Board reviewed the data. M. Lanza said the town has requested a motion for temporary relief in order to do a traffic study based on the actual buildout of the Town Center, and to give the town time to go through the design and permitting process in order to carry out the requirements of judgment. He also acknowledged that the court may require the Town to comply with the current judgment. Chris Nicholson, 61 Glezen Lane, asked if the plaintiffs can drop the litigation at any point in time; M. Lanza said yes, they can abandon the judgment. Howard Abel, 35 Sedgemoor Road, expressed his concern that the residents are no longer allowed to use common streets. He said the problem is not the Town Center traffic, but the commuter traffic. Doug Sacra, 55 Glezen Lane, asked if the solution for the residents would be to sue the town. C. Karlson said the threat of litigation means the Board cannot discuss the issue. J. Nolan said that third parties can join a lawsuit, and M. Lanza said he would like to be notified if anyone chooses to intervene in the case.

**A8. Discuss Options for Route 30 and School Street Intersection – Permanent Mitigation** The Board was joined by Police Chief Robert Irving and Principal/Senior Project Manager Kevin Dandrade of TEC to discuss permanent mitigation at the Route 30 and School Street intersection. R. Irving said there have been fewer accidents since the temporary traffic mitigation was put in place, and that the anticipated negative impacts did not occur. K. Dandrade reviewed the traffic flow and said the sight lines are much improved. C. Karlson said there was a request at public comment that traffic signalization be included; R. Irving said that was option three and the most expensive solution. Chris Brown, Chair, Board of Public Works, said the only complaint has been the aesthetics. He said the cost of permanent mitigation is approximately \$100,000, and there may not be sufficient funding in the current budget. Stuart Bloomstein, owner of Mel's Café, said he is pleasantly surprised at the success of the traffic mitigation; he only requested that the site be made more attractive. R. Irving said the owner of the Villa Restaurant was also pleased with the results. Linda Segal, 9 Aqueduct Road, said that motorists are bypassing traffic by using the wrong lane on East Plain Street. R. Irving said that is an enforcement issue. J. Nolan expressed concern that the configuration impedes the response time of public safety vehicles; R. Irving said there is a problem with the turning radius that will be mitigated with the permanent improvements. M. Antes asked if there is a need for land-taking. K. Dandrade said a survey will be done to determine the land needs, but he believes it can be done in the existing right-of-way. Mike Lowery, Board of Public Works, said funding may be needed at the spring town meeting. S. Bloomstein suggested jersey barriers be used as a temporary alternative. R. Irving asked the Board of Public Works to consider rearranging their projects in terms of priorities. J. Nolan moved, seconded by L. Anderson, to approve permanent improvements at the intersection of Route 30/East Plain Street/School

Street as per Option 1 of the TEC recommendations, with the caveat that input is requested from the Fire Department regarding the impact on public safety vehicles. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A9. Discussion and Vote to Approve New Speed Limit on Pelham Island Road/Review Board of Public Works Plan to Address Pelham Island Road Conditions** The Board was joined by Police Chief Robert Irving and Chris Brown, Chair, Board of Public Works, to discuss Pelham Island Road. R. Irving said no special speed regulation was in place, so a traffic study was conducted. The Board reviewed the traffic study, and discussed the condition of the road. C. Brown said the Board of Public Works voted to authorize the DPW Director to declare Pelham Island Road an emergency and to repair the road as soon as possible. J. Nolan moved, seconded by M. Antes, to authorize the petition to the Massachusetts Department of Transportation to put a 25 miles per hour speed restriction for the length of Pelham Island Road from Route 20 to the Sudbury town line. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A10. Review Proposed Transfer of Land from Board of Public Works to Board of Selectmen** The Board was joined by Chris Brown, Chair, Board of Public Works, to discuss a proposed land transfer for the River's Edge project. He said the Board of Public Works was unwilling to transfer the land to the Board of Selectmen unless an agreement with a developer was in place. However, he said Town Counsel advised that the transfer can be done in such a way that the land is transferred simultaneously with the Board of Selectmen transferring the land to the developer. C. Brown said the second issue is the cost to the Board of Public Works. He said they are going from over four acres to two acres to conduct operations, and the resulting need for contracted storage and fill is estimated to be \$1.3 million. C. Karlson said the cost will be passed on in the development agreement. M. Antes asked if that cost will be reduced, given that the Board of Public Works has since gained two acres of land, and C. Karlson and J. Nolan asked that a cost analysis be done before an additional appropriation is requested. M. Lanza said the cost is not a condition of the transfer. He said the Board of Public Works will consider the motion at its next meeting and then come back to the Board of Selectmen.

M. Lowery distributed pictures of Pelham Island Road to the Board to illustrate the condition of the road.

**A11. Discussion and Vote to Approve Solar Power Purchase Agreement and Consent Agreement** The Board was joined by Public Buildings Director Ben Keefe, and Energy Initiatives Advisory Committee members Ellen Tohn and John Harper, to review the Solar Power Purchase Agreement and the Consent Agreement. C. Karlson confirmed that the documents reflect the vote of the Annual Town Meeting. She noted there are still some blanks in the agreement, and J. Harper said there will be no substantive changes in the final agreement. J. Nolan expressed concern about the aesthetics of the solar projects off the Massachusetts Turnpike. M. Lanza said it was his opinion that the document was ready for signature with non-substantive changes that are consistent with municipal law. E. Tohn said there have been numerous legal and professional reviews. She said the start date will be subject to the completion of the plans and coordination with the schools and the Wayland Community Pool. L. Anderson asked them to advise the neighborhood of the construction. M. Antes moved, seconded by L. Anderson, to authorize the Town Administrator to sign the Solar Power Purchase Agreement and Consent Agreement with non-substantive changes that are consistent with municipal law. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A12. Discussion on Charge for Municipal Space Planning Committee** C. Karlson reviewed the town's recent efforts to develop a plan on the future uses of municipal buildings and land, and the Board reviewed a

draft committee charge for a Wayland Real Estate Planning Committee. L. Anderson asked how the committee would rank priorities; C. Karlson said there is a standard ranking that includes considerations such as capital projects, safety, community needs, and funding availability. Colleen Sheehan, 16 Springhill Road, said community input should be included in the process. It was the sense of the Board to support the charge as drafted and vote approval at its meeting on June 1. The Board authorized N. Balmer to communicate the pending approval to key staff.

**A13. Discussion on Date and Vote for 2016 Annual Town Meeting Date** The Board reviewed potential dates for the 2016 Annual Town Meeting. J. Nolan moved, seconded by L. Anderson, to call an Annual Town Election to be held on Tuesday, April 5, 2016, and to schedule the Annual Town Meeting to begin on April 7, 2016, with continuing dates of April 11, 12 and 14, and with later dates to be scheduled as needed. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A14. Review and Approve Consent Calendar (See Separate Sheet)** J. Nolan moved, seconded by M. Antes, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A15. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence.

**A16. Report of the Town Administrator** N. Balmer reviewed upcoming agenda items. She said that Zoe Pierce has been hired as the new Treasurer/Collector, and that Strategic Accounting will continue to work with her for a time in order to provide continuity. She reviewed the follow-up items from the 2015 Annual Town Meeting.

**A17. Selectmen's Reports and Concerns** L. Anderson reported on the Board of Public Works traffic calming hearing in regard to Stonebridge Road; she said she will also meet with Police Chief Robert Irving. C. Karlson asked that petitioner Duane Galbi be invited before the Board for a discussion on the matter when appropriate. L. Anderson said she will attend the Department of Revenue training for new officials on June 2. M. Antes noted a federal declaration of storm aid. C. Karlson reported on a meeting of the Economic Development Committee. N. Balmer recognized staff members Dan Cabral and Donna Lemoyne for their outstanding work, and M. Antes thanked Maggie Meehan for maintaining the flowers at the Town Building.

**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, J. Nolan moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:27 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 18, 2015**

1. Powerpoint Presentation, Wayland Town Center Public Green Conceptual Design, August 29, 2012, First and Last Page distributed by Linda Segal
2. Letter of 5/15/15 from Jeffrey L. Roelofs P.C. to Mark J. Lanza, Town Counsel, re: Bernstein et al v. Wayland Planning Board
3. Email of 5/18/15 from Beth Klein, Town Clerk, to Board of Selectmen, re: 2016 Annual Town Meeting

4. Email of 5/13/15 from Rabbi Sally Finestone to Selectmen's Office re: Dates to Avoid for 2016 Annual Town Meeting
5. Email of 5/15/15 from Anne Harris, Energy Initiatives Advisory Committee, to Nan Balmer, Town Administrator, re: Vote on Solar Power Purchase Agreement, Consent and Interconnect Agreements
6. Photographs of Pelham Island Road distributed by Mike Lowery, 120 Lakeshore Drive, to Illustrate the Condition of the Road

**Items Included as Part of Agenda Packet for Discussion During the May 18, 2015 Board of Selectmen's Meeting**

1. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Meet with OPEB Committee and Draft Investment Policy
2. Memorandum of 5/18/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: Purple Heart Community
3. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Report from IT Consultant
4. Memorandum of 4/6/15 from Kevin R. Dandrade, TEC, to Nan Balmer, Town Administrator, re: Introductory Glezen Lane Neighborhood Traffic Assessment, Summary of Initial Data Collection and Potential Diversion Alternatives
5. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Route 30 and School Street Traffic Mitigation and Backup Material
6. Memorandum of 5/14/15 from Police Chief Robert Irving to Nan Balmer, Town Administrator, re: Pelham Island Road Speed Zone Request and Letter to Mass Highway Department
7. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Transfer of Land from Board of Public Works to Board of Selectmen for River's Edge Project
8. Memorandum of 5/14/15 from Ben Keefe, Public Building Director, to Nan Balmer, Town Administrator, re: Solar Project Purchase Agreement (PPA), Consent Agreement, and Interconnection Service Agreements (ISA)
9. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Municipal Space Planning Committee
10. Memorandum of 5/11/15, Updated 5/18/15, from Nan Balmer, Town Administrator to Board of Selectmen re: Discussion on Spring 2016 Annual Town Meeting Date
11. Report of the Town Administrator for the Week Ending May 15, 2015