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TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes July 27, 2015

Attendance: Lea T. Anderson, Tony V. Boschetto (arrived 7:23 p.m.), Cherry C. Karlson, Joseph F. Nolan (arrived 6:45 p.m.)

Absent: Mary M. Antes

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

A1. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Disposition of the Wayland/Sudbury Septage Facility; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Strategy with Respect to Collective Bargaining Pertaining to the School Custodians and Potential Vote to Instruct the Selectmen's Representative to those Negotiations on a Potential School Committee Vote; and to Review and Consider for Approval the Minutes of May 18, 2015, June 24, 2015, and July 13, 2015, Relative to Said Subjects: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Potential Litigation regarding Illegal Affordable Housing Rentals; and a Discussion of Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al, and a Discussion of 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 a Discussion of Collective Bargaining Strategy Pertaining to Contract Negotiations with the Police Union, the Fire Union, and the AFSCME Clerical Union, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), a Discussion of the Exchange, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center At 6:45 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to collective bargaining pertaining to the school custodians and potential vote to instruct the Selectmen's representative to those negotiations on a potential school committee vote; and to review and consider for approval the minutes of May 18, 2015, June 24, 2015, and July 13, 2015, relative to said subjects: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of potential litigation regarding illegal affordable housing rentals; and a discussion of strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al, and a discussion of 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 a discussion of collective bargaining strategy pertaining to contract negotiations with the Police Union, the Fire Union, and the AFSCME Clerical Union, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), a discussion of the exchange, lease or value of real estate in regard to the municipal parcel at Town Center. The Chair declares that a public discussion of pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, C. Karlson, J. Nolan.

NAY: none. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Assistant Superintendent of Schools Brad Crozier, Finance Committee member Carol Martin, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:21 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:22 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.

T. Boschetto arrived at 7:23 p.m.

A3. Public Comment George Harris, 8 Holiday Road, commented on the Board policies under review on the agenda. He said that the term "leadership" should be defined to include ethics, communication, spending, taxation, and adherence to the open meeting law. He noted that Board members are required to abide by the decisions of Board, and questioned whether a Board member could then speak against a policy. He said the appointment of counsel should take into consideration the cost as well as the qualifications. Finally, he said the Town Counsel should have a contract, and the Board should create a process for an annual review.

A4. Consideration and Potential Vote to Approve Change of Manager Application, Bertucci's Restaurant, 14 Elissa Avenue The Board was joined by Derrick A. Plante, the new manager of Bertucci's Restaurant. D. Plante described his background and experience, and his interest in working in the community. J. Nolan emphasized the need for the proper training of the staff and service of alcoholic beverages. L. Anderson moved, seconded by J. Nolan, to approve the Change of Manager application for new manager Derrick A. Plante at Bertucci's Restaurant Corporation LLC, 14 Elissa Avenue in Wayland. YEA: L. Anderson, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

A5. Update from Ben Keefe, Facilities Director The Board was joined by Public Buildings Director Ben Keefe, and Energy Initiatives Advisory Committee members Ellen Tohn and John Harper, to provide an update on capital projects and planning, utility usage, the solar photovoltaic panel project, and the disposition of the previous DPW site.

B. Keefe discussed the installation of Capital Forecasting software. He said the software will help evaluate the 30-year capital replacement needs of the town, and can be used to develop five-year capital plans and annual capital budgets. In regard to utility usage, he said he is using the Mass Energy Insight website to track changes. He noted that if last year's usage were adjusted for weather, it would equate to 4-5% less usage. The changes to the average energy costs can be related to the budget, posted on the town website, and updated monthly. He said the impact of the solar project will be more straightforward; Ameresco will be providing data to the website. J. Nolan asked how the data will line up with the budget; he said the Board would like to see the savings over time. B. Keefe said it will be difficult, and needs to be prepared in a usable form. C. Karlson noted that the first data to consider is usage and weather normalization, as the actual cost savings could be disguised by increased rates.

B. Keefe said the Power Purchase Agreement (PPA) for the solar project was signed and delivered on July 24. He said Ameresco is at 90% in their construction drawings and ready to get bids. He reviewed the issues faced at each site and noted that there may be delays until next summer. He will contact the school building administrators to coordinate the schedule, and Ameresco will review the effect on the financial model. He noted that work was being held up at the Middle School by the Massachusetts DOER (Department of Energy Resources) because of issues regarding resiliency, and said he may need to include an article for Special Town Meeting to address the need for matching funds. He reviewed the status of the facilities capital projects, and described the steps being taken to make the former DPW site safe. J. Nolan asked that he consider the aesthetics of the structure while it is being made secure. B. Keefe reviewed the changes made to the office space at the town building.

A6. Update on Minuteman and Related Special Town Meeting Article The Board was joined by State Representatives Carmen Gentile and Alice Peisch, Wayland Representative to Minuteman Mary Ellen Castagno, and School Committee member Jeanne Downs. M. Castagno noted that efforts to change the regional agreement have been suspended. C. Karlson said the Board received a request for representatives of the Boards of Selectmen from member towns to meet. T. Boschetto said there has been ongoing discussion on the Minuteman school building project. J. Nolan said the real concern is the attempt to hold a district-wide vote. M. Castagno said there are 388 students at Minuteman (one student from Wayland), and the proposed building is planned for 628 students. T. Boschetto said there is no purpose in asking for a funding of debt without MSBA (Massachusetts School Building Authority) approval. L. Anderson noted that negotiations with the MSBA begin with the number of students, and is followed by a Town Meeting vote for approval of full funding. The Board discussed the appropriateness and viability of a district-wide vote. J. Nolan noted that is an aggregate vote, not a vote by each town. Rep. Peisch said they were led to believe that a new agreement would make it easier for towns to withdraw, but there is not a lot of confidence in the new agreement. She said the MSBA will be reluctant to participate in a project where the proposed size is not appropriate, and where the member towns have not voted. T. Boschetto asked about the timing of the ballot; A. Peisch said the issue would generally not go to ballot without MSBA approval. C. Karlson said Minuteman should be public about the MSBA process. She said there are three topics to address in a letter to the MSBA and the Minuteman School Committee, with copies to interested parties: no support for the district-wide election, the need to right size the school, and the need for improved communication surrounding the MSBA process. T. Boschetto said he will prepare a draft letter for the August 3 meeting; he said the MSBA Board meeting is August 6. C. Karlson said an article needs to be drafted for Special Town Meeting to amend the Minuteman Regional Vocational School District Agreement to allow withdrawal by the Town of Wayland.

A7. Discussion and Vote to Approve River's Edge RFP and to Authorize the Town Administrator to Execute All Related Documents The Board was joined by Rebecca Stanizzi of the River's Edge Advisory Committee to review the process and the resolution of issues regarding the preparation and issuance of the River's Edge RFP. J. Nolan moved, seconded by T. Boschetto, to approve the following with respect to the land located at 484-490 Boston Post Road in Wayland, Middlesex County, Massachusetts, identified on the Wayland Assessor's Map as Parcels #22-3, 22-6 and 22-7, and commonly known as River's Edge (the "Property"),

- (a) To approve the issuance of a Request for Proposals, substantially in the form of the Request for Proposals captioned "RFP # 15-24 - River's Edge Wayland, Disposition of Town-Owned Property for Multifamily Housing including Affordable and Senior Housing Components" (the "RFP") presented to the Board at this meeting and approved by this vote, with such corrections and updates that do not

materially change the RFP as may be approved by the Town Administrator, Town Counsel and Special Town Counsel prior to issuance, for the disposition of the Property to a bidder to be selected and approved by the Board (including all exhibits to the RFP, including without limitation, the form of Land Disposition Agreement to be entered into between the Town and such to-be-selected bidder); and

- (b) To authorize the Wayland River's Edge Advisory Committee to assist the Board and the Town Administrator in the bidding of the Property, the implementation of the RFP and the review and examination of bids submitted to the Town; and
- (c) To authorize the Town Administrator to execute and deliver any and all documents and instruments necessary or proper, as determined in the Town Administrator's discretion, to carry out the foregoing votes.

YEA: L. Anderson, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0. The Board thanked the River's Edge Advisory Committee members for their work.

A8. Discuss Potential Special Town Meeting Articles The Board reviewed potential Special Town Meeting articles. J. Nolan asked if the amendment to the bylaw on water conservation was time-sensitive; C. Karlson said it needs to be determined whether it must be done before the next water permit. The Board asked if funds to secure the former DPW building could be found elsewhere in the budget. C. Karlson said the request to the Community Preservation Committee for funds for the sprinkler project at Cochituate Village should also be diverted to a different source of funding. She said the change of material on the rail trail project could be a resolution and not an article, and the request from the Conservation Commission for an open space and recreation plan was necessary to update the plan for land grants and access to other sources of funding. N. Balmer said the funding for IT projects is still being prepared, and she does not yet know the outcome. She said the Finance Committee is proposing to increase free cash spending in the FY16 budget due to an increase in local revenue, and she noted that there may be a need for an article to match funding for a resiliency grant for the Middle School. The Board asked that the sponsors of the articles meet with the Board over the next few weeks.

A9. Board Policy Discussion and Vote The Board reviewed the revised policy, "Board Description and Guiding Principles." J. Nolan expressed concern that any further definition of the term "leadership" would risk leaving out important qualities. In regard to the policy that members must abide by the decisions of the Board, he said he felt it does not diminish the Board members' ability to express an opinion. He suggested the language, "actions taken at official meetings represent the position of the Board." T. Boschetto questioned that the Chair "serves as chief elected official of the town," and the Board agreed to remove it. T. Boschetto asked the Board to consider changes in the extent to which Selectmen must go through the Town Administrator to talk with Department Heads.

The Board reviewed the revised policy, "Management of Legal Affairs." C. Karlson said requests should include either written requests or electronic requests. The Board discussed including the need for a contract with the Town Counsel, including an annual review, terms of engagement, terms for removal, the length of the contract, and the need to solicit by RFP on occasion when necessary. As per the public comment earlier in the evening, the Board asked N. Balmer to include the language under Appointment of Special Counsel, "on the basis of qualifications and costs." The Board asked N. Balmer to make the proposed changes to the policy and bring a revised version before the Board for approval.

The Board reviewed the revised policy, "Petitioners' Access to Town Counsel."

J. Nolan moved, seconded by L. Anderson, to approve the Board policies, "Board Description and Guiding Principles" and "Petitioners' Access to Town Counsel" as revised and approved on July 27, 2015. YEA: L. Anderson, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

A10. Discuss Town Administrator Goals and Timetable for Review N. Balmer reviewed a list of suggested organizational goals for Board review and input. She said she interviewed department heads, and combined their priorities with four general goals: improve responsiveness to residents, improve government efficiency, protect and plan for town infrastructure and assets, and provide sustainability through planning for a livable community. She noted that a resident also suggested improving customer service and responsiveness in land use. She said she would like to see improvements to the website, more effective use of WayCAM, and organized efforts regarding Open Meeting Law and public records requests. She discussed the need to integrate the land use departments through software and customer service, and suggested a complete review of financial management. T. Boschetto said it was a great start, and he suggested fiscal improvements. J. Nolan supported the idea of better customer service and seeking public input regarding the website. In regard to the Open Meeting Law, he said Wayland is as transparent as any town. C. Karlson read suggestions from M. Antes, who could not be present. She recommended the use of decision trees, a newsletter from the Board of Selectmen, and focus groups. C. Karlson suggested that the list of goals be edited to focus on what is most important over the next year; she asked that the goals be measurable and attainable. J. Nolan suggested differentiating between short and long term goals. C. Karlson said the Board owes N. Balmer an evaluation and feedback, and needs to consider what form it should take. N. Balmer noted there is an ICMA evaluation form to assist in the thought process. J. Nolan suggested that Town Counsel be asked to define the legal parameters for a review.

A11. Vote to Authorize the Expenditure of \$17,000 from the Town Center Gift Funds for an Existing Conditions Survey and Final Design for the Intersection of Glezen Lane and Old Sudbury Road

L. Anderson recused herself from debating or deliberating on this issue, as she is a resident of the Glezen Lane neighborhood, and she left the room. J. Nolan requested a report of prior expenditures from the Town Center gift funds. J. Nolan moved, seconded by T. Boschetto, to approve the authorization of the expenditure of \$17,000 from the Town Center gift funds for an existing conditions survey and final design for the intersection of Glezen Lane and Old Sudbury Road. YEA: T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, M. Antes. ABSTAIN: none. Adopted 3-0.

L. Anderson returned to the discussion at 10:14 p.m.

T. Boschetto left for a brief recess from the meeting at 10:14 p.m.

A12. Review and Approve Consent Calendar (See Separate Sheet) J. Nolan moved, seconded by L.

Anderson, to approve the consent calendar. YEA: L. Anderson, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0.

T. Boschetto returned to the meeting at 10:21 p.m.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson and L. Anderson agreed to attend the meeting of representatives of Boards of Selectmen in Sudbury on August 3 regarding the Minuteman issue.

A14. Report of the Town Administrator N. Balmer reported that the OPEB Advisory Committee is creating a Trust Document for the current OPEB fund, and will come before the Board for possible adoption. She reviewed the sale of homes at Twenty Wayland; the Board asked for a continuing update. J. Nolan said both the Finance Director and the Recreation Commission has created a revolving fund model for recreation; he said he has arranged a meeting to find consensus.

A15. Selectmen's Reports and Concerns T. Boschetto said he received a complaint from a resident regarding customer service at the town building; N. Balmer asked that complaints be referred to John Senchyshyn or herself. J. Nolan reported on the grand opening of the Framingham MetroWest Regional Transit Authority hub on July 17, noting the construction was ahead of schedule and under budget. L. Anderson asked that the Town Moderator be invited to a future meeting to provide an update on town meeting procedures and scheduling.

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

A17. Adjourn There being no further business before the Board, L. Anderson moved, seconded by T. Boschetto, to adjourn the meeting of the Board of Selectmen at 10:53 p.m. YEA: L. Anderson, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 27, 2015

1. None

Items Included as Part of Agenda Packet for Discussion During the July 27, 2015 Board of Selectmen's Meeting

1. Memorandum of 7/24/15 to Board of Selectmen re: Licensing, Change of Manager for Bertucci's Restaurant Corporation, and Attached Application
2. Memorandum of 7/22/15 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re: Board of Selectmen Update from the Public Buildings Director
3. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen, re: Minuteman
 - Email of 7/21/15 from Mary Ellen Castagno re: Recommendation to Board
 - Newspaper Summaries: Carlisle Mosquito and Your Arlington
 - Table of Minuteman Town Positions
 - Email of 7/8/15 from Minuteman re: Minuteman School Committee Vote
 - Arlington Letter, 7/1/15, on District Wide Vote
 - Sudbury Letter, 7/16/15, on Building Project and Possible District Wide Ballot Vote
 - Belmont Letter, 6/23/15, to MSBA re: Minuteman
 - Letter of 5/3/10 from MSBA to Minuteman re: Building Project
 - Letter of 7/16/15 from Minuteman to Wayland Board of Selectmen re: Amending Agreement to Allow Wayland Withdrawal
 - Letter of 5/11/15 from Beth Klein, Town Clerk, to Minuteman, re: Notification of Town Meeting Action to Withdraw
 - Email of 6/23/15, Survey Questions to Gauge Public Opinion of District Wide Ballot
4. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen re: River's Edge, with Attached Record of Vote

5. Table of Potential Special Town Meeting Articles
6. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen
re: Board Policies
7. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen
re: Town of Wayland FY16 Organizational Goals
8. Memorandum of 7/27/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re:
Authorization of Expenditure from Town Center Gift Funds
9. Town Administrator's Report for the Week Ending July 24, 2015