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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 September 8, 2015

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

**Absent:** Tony V. Boschetto, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer

### **A1. Open Meeting and Enter into Joint Executive Session Meeting with the Board of Public Works Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al**

At 6:00 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al because a public discussion of the matter may have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, members of the Board of Public Works (Chris Brown, Mike Lowery, Woody Baston), Public Works Director Stephen Kadlik, Fire Chief David Houghton, Police Lieutenant Patrick Swanick, Town Planner Sarkis Sarkisian, Town Counsel Mark J. Lanza, Executive Assistant Dan Cabral, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 6:04 p.m.

### **A1. Open Meeting and Enter into Joint Executive Session Meeting with the Board of Public Works Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al**

At 6:05 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al because a public discussion of the matter may have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Kevin Dandrade, Traffic Engineer for TEC, Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, members of the Board of Public Works (Chris Brown, Mike Lowery, Woody Baston), Public Works Director Stephen Kadlik, Fire Chief David Houghton, Police Lieutenant Patrick Swanick, Town Planner Sarkis Sarkisian, Town Counsel Mark J. Lanza, DPW Executive Assistant Dan Cabral, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately twenty minutes.

The Board returned to open session at 6:34 p.m.

**A2. Attend the Finance Committee Special Town Meeting Warrant Article Hearing** At 6:40 p.m., the Board attended the Finance Committee Special Town Meeting Warrant Article Hearing.

**A3. Reconvene and Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:10 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.

**A5. Potential Vote Regarding Traffic Signage at Route 27 and Glezen Lane** This agenda item was postponed to a later meeting.

**A6. Consideration and Potential Vote to Approve Alteration of Premises Application, China Rose LLC, 15 East Plain Street** Chair C. Karlson opened the hearing at 7:30 p.m. on the approval of the alteration of premises application for the China Rose LLC and reviewed the hearing procedures. The Board was joined by owner Jeff Mei, who explained that he needs more space at the bar. He said his plan is to expand from 20 seats to 40 seats in the bar, with no changes to the exterior. The Board asked about the impact of karaoke and the closing of J. J. McKays on his bar business; he said the request was not a result of those events. M. Antes asked if food is served at the bar; J. Mei said yes. L. Anderson noted that the abutters had been notified and the Police Chief had no issues with the alteration. C. Karlson opened the hearing to the public.

Joop Rijk, 17 Center Street, said that an earlier proposal for a bar on that site was rejected; he expressed concern that it is becoming primarily a bar and not a restaurant. He asked if the hours would be extended. J. Mei reviewed the hours of operation: 11:30 am to 10:00 pm on weekdays, and 11:30 am to 11:00 pm on weekends. He noted there have been no problems at his restaurant. Mike Smith, 20 Leary Street, said J. Mei runs a good business, but he is concerned about patrons who smoke on the sidewalk, and the signage. C. Karlson said she will follow up with the Planning Board regarding the signage. Pauline Ahearne, 29 East Plain Street, said she does not want the restaurant to transition to a bar. She said the landscaping needs to be maintained and the lighting is disturbing to the neighborhood. J. Mei said such complaints should be directed to the landlord. C. Karlson said there may be Planning Board requirements in regard to the landscaping. M. Smith asked if there is a criteria used when a business is expanded, and C. Karlson said the business is not expanding, it is only changing the interior seating. J. Rijk said he sent a complaint letter to the Building Commissioner a year ago about the level of noise from the air system on roof and the overgrowth of the trees. C. Karlson noted that those are also issues for the landlord.

The Board expressed concern about the number of issues being raised, and asked for more time to get information on the impact of the plantings, the signage, and whether permission could be rescinded if needed. J. Mei agreed to grant the Board an extension of the hearing until Monday, October 5, 2015.

**A4. Public Comment** Judy Currier, 22 Algonquin Path, noted a news article in Wayland Patch that claimed there were 74 gas leaks in Wayland. She cited incidents in her neighborhood and said it is a potential disaster.

**A8. Joint Meeting with the Personnel Board and the School Committee to Hear an Analysis and a Presentation from Cook & Company, and to Discuss the Option for Providing Health Insurance to Employees and Retirees through the Group Insurance Commission** The Board joined the Personnel Board and the School Committee in the School Committee Room. John Senchyshyn, Assistant Town Administrator/HR Director, recapped the discussion on August 3, 2015, between the School Committee, Board of Selectmen, and Personnel Board regarding health insurance and the possibility of changing health insurance providers from West Suburban Health Group (WSHG) to the Group Insurance Commission (GIC). J. Senchyshyn was authorized by the Board of Selectmen to contract the services of Cook &

Company to study the town's options. Sue Shilue, President of Cook & Company, made a presentation to the three boards in terms of what can be expected if the town makes the switch to the GIC. She noted that the company works with many municipalities for this purpose, including the towns of Natick, Westwood, Walpole, and Ashland, and is made up of both labor and management representation. She said the town would give up control of bargaining the health plans in terms of insurance carriers and benefit designs, such as co-pays and deductibles. She said there are two ways to enter the GIC and she explained the differences. If Wayland makes the decision to enter into the GIC effective July 1, 2016, GIC must be notified by December 1, 2015. She said an initial agreement could be for three or six years; after that, subsequent agreements can be no less than two years. If the town opts out of the GIC, there is a three-year waiting period to re-enter. She said there are eleven active health plans and three Medicare plans that are offered by GIC, and she described the plans in terms of rate increases and deductibles. The WSHG may eliminate the Rate Saver Plans and current benchmark plans, and may in the future only offer the same benefits that the GIC offers. J. Senchyshyn confirmed that the Rate Saver Plans will, at some point, no longer be offered by the WSHG.

S. Shilue highlighted the differences in the benefits in the Harvard Pilgrim Rate Saver Plans. She noted that the potential savings for Wayland, should the town migrate to the GIC, would range from \$730,000 to \$1.3M. If the town stays with WSHG, the savings would be about \$590,000. She explained that individuals and families will be affected in different ways depending on the plan chosen; thus, employees should be educated in terms of their options. Participants discussed pediatric plan options, out-of-pocket maximums, towns that have moved out of the GIC, specific utilization history, the GIC deficit in terms of impacting rates going forward, and the difference in the individual Deltas vs. family Deltas. It was noted that although it is a Board of Selectmen decision whether to stay with WSHG or move to the GIC, they will receive input from the School Committee, the Finance Committee, and the Personnel Board.

**A9. Presentation from Special Counsel; Meet with Representatives of the School Committee to Discuss School Revolving Funds; Potential Vote to Co-Sponsor Article to Adopt Massachusetts General Laws 71, Section 71E** The Board joined the School Committee and Attorney James Toomey of Murphy, Hesse, Toomey & Lehane, in the School Committee Room to review the letter from J. Toomey regarding statutory authority for certain revolving accounts. J. Toomey provided a brief summary in terms of his legal opinion regarding statutory authority of these ten revolving accounts and, based on his meeting with the state Department of Elementary and Secondary Education (DESE) and the Bureau of Accounts, he reviewed his recommended actions to ensure that these accounts are maintained in compliance with the law as interpreted by the Bureau. J. Toomey noted that, as an exception to the general rule, money deposited into these revolving accounts can be spent without Town Meeting appropriation and without being added to the budget. He commented that Massachusetts General Laws Chapter 71, Section 71E, provides for accounts such as Adult Education and Building Use. These accounts must have Town Meeting acceptance of this statute. However, funds that fall under Chapter 71, Sections 26A to 26F, can be held in the revolving accounts without Town Meeting acceptance. Section 47 did allow fees to be maintained for athletic activities, and was expanded over the years to include fees that were not allowed by Section 71. He said Section 26B covered extended day programs. He noted that Pegasus could be classified as a summer school program and is a Section 71E account, or it could fall under Section 47 as an activity account. After consulting with the DESE and the Bureau of Accounts, J. Toomey agreed with their findings that Pegasus be classified under Section 71E. In addition, it was recommended that the Professional Development and Curriculum funds should be identified by a more general statute, as they are considered departmental revolving funds and should be set up yearly at Annual Town Meeting. He said there is a maximum amount based on the tax levy

that can be maintained in a single department, and a staff member must be designated to expend these funds. A number of these accounts need to be approved by DESE and by the Board of Selectmen so that the programs can be offered in the Town of Wayland. Recognizing that this is a process, DESE noted that the past acceptance and use of funds is acceptable to them, and the funds can be maintained until the proper administrative steps are taken.

Donna Bouchard, School Committee, noted that J. Toomey did not include Chapter 44, Section 53, in his written opinion. She asked J. Toomey who was present at the meeting with the DESE and Bureau of Accounts, and J. Toomey gave an account of what was discussed at this meeting, as well as the timing available to rectify these accounts. Ellen Grieco, Chair, School Committee, clarified that the four accounts that have not completed the administrative tasks in terms of statutory authority are Building Use, Pegasus (possibly), and Professional Development and Curriculum. J. Toomey further stated that if these accounts were not reserved, they would go into the General Fund. The Bureau of Accounts would follow its normal procedure and allow the town to complete the formalities for this year. If action is not taken now by the town at Town Meeting, it is questionable how the Bureau would respond in June of next year. A discussion ensued in terms of the scope of J. Toomey's work regarding the statutory reference of these accounts. J. Toomey recommended that the town bylaws be checked in terms of the warrant article language. He confirmed that the word "maintenance" is appropriate warrant article language.

The Board of Selectmen left at 9:25 p.m. and returned to the Selectmen's Meeting Room. L. Anderson moved, seconded by M. Antes, to co-sponsor a Special Town Meeting article to accept the provisions of Massachusetts General Laws 71, Section 71E, to permit the maintenance of school revolving funds. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. C. Karlson noted the interest of the Board of Selectmen, citing that the Special Town Counsel is paid jointly by the town and the school.

**A4. Public Comment** Linda Segal, 9 Aqueduct Road, requested that the Board ask Ben Gould of CMG Environmental to meet with the Board before the Special Town Meeting warrant goes to print.

**A10. 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** At 9:34 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss strategy with respect to the disposition of the Wayland/Sudbury Septage Facility because a public discussion of the purchase, exchange, lease or value of real property in regard to the Wayland/Sudbury Septage Facility may have a detrimental effect on the negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer and Assistant Town Administrator/Human Resources Director John Senchshyn. The Board will reconvene in open session in approximately fifteen minutes.

The Board returned to open session at 9:46 p.m.

**A7. Review and Approve Plans for Pop-Up Park at Town Center** M. Antes reviewed the plans for a "Pop Up Park" event at the municipal pad at Town Center on October 17, and described the types of activities being planned. M. Antes moved, seconded by L. Anderson, to send a letter to Frank Dougherty of Twenty Wayland LLC requesting permission to use the municipal pad property for a pop-up park event on

October 17 from 4:00 to 6:00 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A11. Board Policy Discussion** The Board reviewed Board policies. It was agreed to make edits to the policy on “Public Hearings” and review again at a future meeting, and to postpone the discussion on the Alcohol Licenses until Selectman T. Boschetto is present. L. Anderson moved, seconded by M. Antes, to approve the Board Policies, “Opportunities for Public Comment on Regulations and Fees,” “Communications with the Board of Selectmen,” and to postpone “Acknowledgement of Correspondence from the Public” with corrections. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A12. Discuss Goals** The Board postponed this agenda item until a later meeting when the full Board is present.

**A13. Special Town Meeting: Assign Board Member Roles** The Board reviewed the Special Town Meeting articles and assigned Board member roles.

**A14. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson,. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

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

**A16. Report of the Town Administrator** N. Balmer updated the Board on the need for an Order of Taking for the 44 Main Street property in order to finalize the Route 27/Route 30 project; she said the ANR should be signed in two months, and no town meeting action is needed until the 2016 Annual Town Meeting. She said Brendon Homes will begin its required landscaping in the next two weeks, and she provided an update on the Bike Trail. The Board discussed the request from Lexington to meet with the Board regarding withdrawal from Minuteman.

**A17. Selectmen’s Reports and Concerns** M. Antes said the Wayland Dads and the Wayland Children and Parents Association are coordinating collection efforts to support Cradles to Crayons at a Beach Party on September 12 and the Art Fair on September 19. L. Anderson noted the Massachusetts Municipal Association Fall Legislative breakfast in Concord on October 16. C. Karlson said the RFP for the Rivers Edge project went out last week, and she is working on the issue of structured tax payments for the solar structures.

**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, L. Anderson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:40 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 8, 2015**

1. Memorandum of 9/8/15 from Board of Selectmen to Boards of Selectmen of Minuteman Member Towns re: Request to Place Warrant Article on Fall or Spring Town Meeting Warrants to Permit the Withdrawal of the Town of Wayland from the Minuteman Regional Vocational Technical School
2. Letter of 9/8/15 from Mary Antes, for the Board of Selectmen, to Frank Dougherty, KGI Properties, LLC, re: Pop Up Park

**Items Included as Part of Agenda Packet for Discussion During the September 8, 2015 Board of Selectmen's Meeting**

1. List of Articles Received for November 9, 2015 Special Town Meeting and Text of Articles
2. Memorandum of 9/8/15 to Board of Selectmen re: Application of China Rose for Alteration of Premises, Application and Backup Information
3. Promotional Piece, Pop Up Park Event, October 17, 2015
4. Memorandum of 9/8/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, School Committee and Personnel Board re: Analysis and Discussion of Potential Options regarding Providing Health Insurance
5. Memorandum of 9/8/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: School Revolving Funds
6. Memorandum of 9/4/15 to Board of Selectmen re: Revised Liquor License Policy
7. Memorandum of 9/8/ 15 from Nan Balmer, Town Administrator to Board of Selectmen re: Board Policies
8. Memorandum of 9/8/ 15 from Nan Balmer, Town Administrator to Board of Selectmen re: Town Goals: Town Administrator's Priority Objectives and Actions
9. Article List for November 2015 Special Town Meeting with Selectmen Assignees
10. Town Administrator's Report for the Week Ending September 4, 2015