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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 September 28, 2015

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

**Absent:** Lea T. Anderson, Tony V. Boschetto

**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 7:02 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. M. Antes announced that WaylandCares will sponsor an Internet Safety Talk at the Wayland High School on September 29, and the Friends of the Council on Aging are holding their annual Lobster Fest on Sunday, October 4. C. Karlson noted that Sherman's Bridge was closed today for repairs.

**A2. Public Comment** There was no public comment.

**A3. Vote to Assign Permanent Municipal Building Committee the Historic Preservation Project to Stabilize Arches of Stone's Bridge** The Board was joined by Facilities Director Ben Keefe. C. Karlson advised the Board that the lead petitioner for the Special Town Meeting article, "Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration," will pass over the article if the Board assigns the stabilization of the Stone's Bridge arches to the committee. B. Keefe said the members had no objections, although they considered it outside of their normal purview. C. Karlson noted that two members of the Historical Commission will be appointed to the Permanent Municipal Building Committee for the duration of the project. J. Nolan moved, seconded by M. Antes, to assign to the Permanent Municipal Building Committee the Historic Preservation project to stabilize the arches of Stone's Bridge. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. C. Karlson noted for the record that the upcoming resignation of Permanent Municipal Building Committee members is unrelated to this project. M. Antes asked when the new DPW facility will be considered complete; B. Keefe said the goal is to finalize the project by the end of the year.

**A4. Vote to Authorize \$1,280 Expenditure for a Structural Review of the Building on the Municipal Pad** B. Keefe reviewed the need for a structural analysis of the current building on the municipal pad at Town Center, noting that the work needs to be done whether the article goes forward now or at the 2016 Annual Town Meeting. The remaining discussion on this item was postponed until later in the meeting.

**A8. Vote to Approve Amended Policies on Public Hearings and Alcoholic Beverage Licensing** M. Antes moved, seconded by J. Nolan, to approve the revised Board of Selectmen policy on Public Hearings. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. The Board made revisions to the Alcoholic Beverages Licensing policy, and asked for clarification regarding the sale of bottled wine in private homes.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by J. Nolan, to approve consent calendar items 1, 2 and 3. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none.

ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. M. Antes moved, seconded by J. Nolan, to approve the minutes of August 31, 2015, and September 11, 2015, as amended. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. The approval of the minutes of August 24, 2015, was deferred to the next meeting.

**A11. Review Correspondence (See Separate Index Sheet)** The Board reviewed the correspondence for the weeks of September 21 and September 28, 2015.

**A5. Discussion and Potential Vote on Positions on Special Town Meeting Warrant Articles** The Board was joined by Ben Keefe, Facilities Director, and Town Counsel Mark Lanza, to review Special Town Meeting articles. B. Keefe reviewed his conversation with Andy Irwin regarding conservation issues at the municipal parcel in Town Center. He said that the Phase I study answered the state Department of Environmental Protection concerns, but did not address the Toxic Substance Control Act of the EPA. Upon review, he said the town Environmental Consultant, Ben Gould, advised that he is 95% sure that the land can be used for all municipal uses, including daycare, residential and gardening, and the Council on Aging/Community Center Advisory Committee accepted his report and recommendation. B. Keefe noted that the issue is not about safety, but the potential liability for cleanup. J. Nolan asked if the issue would still exist if the town leased the property; B. Keefe said he would find out. The Board discussed the immediate need for Special Environmental Counsel, and N. Balmer said that because there was no procurement requirement, it can be done quickly. M. Lanza said there are provisions that could be added to either a lease or a Purchase and Sales Agreement to protect the town in the future, and he cited the Dow property. He said there are also laws that protect municipalities. C. Karlson asked if language could be added to the current article, "Acquire Municipal Parcel in Town Center," that would address indemnification; M. Lanza said yes.

Marylynn Gentry, member of the Council on Aging/Community Center Advisory Committee, said the "Pop-Up Park" event is scheduled for October 17, and they need to confirm that the article is going forward. Jean Milburn, member of the Council on Aging/Community Center Advisory Committee, said she believes there is enough time to resolve this issue before Special Town Meeting, and at the worst case, the article can be passed over. C. Karlson said there were four issues to address: lifting the deed restriction from Raytheon, funding to move forward with the Conservation Commission permitting, funding for a structural review of the building on the property, and funding for a Special Environmental Counsel to address the liability issue. It was the consensus of the Board that, pending these issues, the question of moving forward with the article to Special Town Meeting be deferred to the October 5 meeting.

**A4. Vote to Authorize \$1,280 Expenditure for a Structural Review of the Building on the Municipal Pad** The Board continued the conversation regarding a structural review of the building on the municipal pad. J. Nolan moved, seconded by M. Antes, to approve a \$1,280 expenditure for the structural review of the building at the municipal pad. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

J. Nolan moved, seconded by M. Antes, to authorize the Town Administrator to engage an Environmental Counsel to explore the issue of environmental liability, either by lease or fee, of the municipal parcel. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. It was the consensus of the Board that the "Pop-Up Park" event should go forward on October 17.

**A5. Discussion and Potential Vote on Positions on Special Town Meeting Warrant Articles** The Board was joined by Library Director Ann Knight and Board of Library Trustees Chair Aida Gennis, who

reviewed the work of the Library Planning Committee and its final report. A. Gennis said that the Board of Library Trustees are pursuing a state construction grant to pay 45% of construction costs, and they are requesting \$150,000 to hire professionals to review building sites, identify two site candidates for further investigation, determine which site to examine further, and obtain schematic designs and an independent cost estimate. J. Nolan thanked the committee for its work, noting that there are limited opportunities to access state funds. J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Appropriate Funds for Library Planning and Design." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

J. Nolan moved, seconded by M. Antes, to support the petitioners' Special Town Meeting article, "Amend Chapter 36 of Current Bylaws (36-1)." YEA: none. NAY: M. Antes, C. Karlson, J. Nolan. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Motion fails, 0-3. M. Antes moved, seconded by J. Nolan, to support the Special Town Meeting article, "Appropriate Funds to Update the Open Space and Recreation Plan." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. M. Antes moved, seconded by J. Nolan, to support the Special Town Meeting article, "Amend FY2016 Budget Funding Sources." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

M. Lanza reviewed the background to create an OPEB trust fund separate from the general fund. He advised the Board that the current article submitted by the OPEB Advisory Committee does not accomplish the legal mechanism necessary to put a Trust in place with a Board of Trustees, and he recommended that a Special Act be drafted that repeals the Special Act of 2010 and replaces it with a new one. The Board noted there was not enough time to get a new article ready for the Special Town Meeting, and agreed to pursue the matter at the 2016 Annual Town Meeting. J. Nolan moved, seconded by M. Antes, to withdraw the article "OPEB Trust Fund Legislation and Governance" from Special Town Meeting, with the understanding that work will continue to include the article in the 2016 Annual Town Meeting. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Amendment to Minuteman Regional Agreement." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

The Board considered the article proposed by the Recreation Commission, "Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund." J. Nolan reviewed the background of the article, noting that in 2012, recreation came up against the one percent cap, and removed salaries from its budget. He said that their current revenues exceed expenditures, and there is a substantial surplus. The parties created a working group which was not able to come to an agreement, and he feels the article is not ready for Special Town Meeting and he will not support it. He advised that it would be more prudent to construct a budget for the next year, and bring the matter to the 2016 Annual Town Meeting. N. Balmer distributed copies of the Finance Committee comments on the article. C. Karlson asked if the Recreation Commission has formulated a five-year plan to bring down the fund balance. N. Balmer said yes, the Recreation plan reduces the balance by capital expenditures. She said there is also a plan submitted by the Finance Director that reduces the balance by including salaries, but Recreation Commission will not agree to it. C. Karlson noted that capital improvements need approval by town meeting. It was the consensus of the Board to advise the Recreation Commission that the Board of Selectmen is inclined to withdraw the article.

The Board did not address the article, "Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration," as the petitioner has said he will pass over the article.

**A7. Special Town Meeting 2015 Articles: Discussion and Potential Vote to Withdraw Articles and Determine Order of Articles for Special Town Meeting** The Board reviewed a draft order of articles for Special Town Meeting. M. Antes moved, seconded by J. Nolan, to approve the order of articles as presented, subject to being re-ordered at the next meeting if any articles are withdrawn. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

**A6. Discussion and Potential Vote to Extend Charge of the OPEB Advisory Committee** C. Karlson said the OPEB Advisory Committee has advised the Board that it will complete its work at its meeting on September 29, 2015, and will not need to have the charge extended.

**A9. Prepare for Meeting with Wayland Real Asset Planning (WRAP) Committee: Project Town Needs for New/Renovated Facilities and Land** C. Karlson said the Wayland Real Asset Planning (WRAP) Committee is meeting on Wednesday night, and has invited boards to make five minute presentations if they have any input. C. Karlson said she will be attending, and asked for Board comments. The Board suggested raising the issues of the municipal parcel, the need for a Council on Aging/Community Center/Recreation Center, the town building, and affordable housing. M. Antes noted that residents have asked to purchase small pieces of town land that abut their property. She said the sale of surplus/small parcels are a potential source of revenue and can be better maintained by the property owners.

**A5. Discussion and Potential Vote on Positions on Special Town Meeting Warrant Articles** The Board was joined by Gretchen Schuler, Chair, Community Preservation Committee, to discuss the rail-trail article. G. Schuler reviewed the work being considered. She said the asphalt or stabilizing surface will be used for two miles, from Weston to Russell's; additional funds will be needed to continue the trail for one more mile across the river. She said she considers the upgrade in materials to be worthwhile, as Eversource will maintain the under-surface in perpetuity, and the DCR (Department of Conservation and Recreation) will maintain the top surface. She said the DCR supports the project because Wayland will be the first to use the surfacing, and they want to encourage all communities to follow. She also noted that the Conservation Commission wants two Orders of Condition, which will hold up the project and add to the cost. M. Antes asked if there was sufficient funding to complete the project, and G. Schuler said there may be a request for an additional \$100,000 from Community Preservation funds at the 2016 Annual Town Meeting. J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Resolution Regarding Surface of Rail-Trail in Wayland." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

M. Antes noted that the Board had voted against supporting the article, "Amend Chapter 36 of Current Bylaws (36-1)," while Selectman T. Boschetto had spoken in favor of it at the 2015 Annual Town Meeting. The Board agreed to determine whether T. Boschetto was comfortable speaking on the issue at the Special Town Meeting.

**A12. Report of the Town Administrator** N. Balmer said that Minuteman will host an information session for public officials on October 2. She said that she and T. Boschetto are meeting with the Lexington Town Administrator to discuss Minuteman on October 15. She reviewed the response of the Attorney General regarding the bylaw changes from the 2015 Annual Town Meeting. She said revisions to the private hydrant bylaw will be prepared for the 2016 Annual Town Meeting, the Board of Assessors voted to release \$300,454 from the overlay reserve account, and Wayland Beautification has asked to disband. M. Antes asked if the DPW would take on the work of Beautification; N. Balmer said she will consult with them. In regard to the ongoing IT study, she said the consultants have determined that increased storage is not an emergency at this point.

**A13. Selectmen's Reports and Concerns** M. Antes asked that the Town Clerk follow up with the Massachusetts Municipal Association regarding the public records proposal. She asked if there was any resolution to the issue of gas leaks in town, and reported on the MetroWest Regional Collaborative meeting last week. J. Nolan reported on the meeting of MetroWest Regional Transportation Authority Advisory Board; of which he is the Chair. He said they will be building an LNG (liquefied natural gas) station in Framingham and the town should consider future use. C. Karlson reported on the OPEB Advisory Committee meeting, and the Community Preservation Committee meeting regarding the purchase of 87 Old Connecticut Path, known as Mainstone.

**A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A15. Adjourn** There being no further business before the Board, M. Antes moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:00 p.m. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

#### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 28, 2015**

1. Chart, Proposed Order of Articles for November Special Town Meeting, with Assignees
2. Email of 9/28/15 from Town Counsel Mark J. Lanza to Nan Balmer, Town Administrator re: OPEB
3. Draft Finance Committee Comments, "Acceptance of Massachusetts General Laws Chapter 71, Section 71E," and "Seek Special Legislation for Massachusetts General Laws Chapter 44, Section 53 E ½ Municipal Revolving Fund"
4. Memorandum of 9/28/15 from Nan Balmer, Town Administrator to Finance Committee, Finance Director, and Board of Selectmen re: Information Technology- Current Year Transfer Request- Revision
5. Outstanding Appellate Tax Board Cases as of September 21, 2015, and Board of Assessors Review of Overlay Surplus, as of June 30, 2015, and as of September 21, 2015
6. Town Meeting Warrant Article for Library Planning and Design Funds, and Library Planning Report
7. Finance Committee Draft Comments on Special Town Meeting Article, "Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund"

#### **Items Included as Part of Agenda Packet for Discussion During the September 28, 2015 Board of Selectmen's Meeting**

1. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Assign Permanent Municipal Building Committee Historic Preservation Project to Stabilize Arches of Stone's Bridge
2. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Structural Review of Building at Municipal Pad
3. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Special Town Meeting Articles, with Chart of Proposed Order of Articles and Revised Text
4. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Extend Charge of OPEB Advisory Committee by One Month
5. Memorandum of 9/28/15 from Office of the Town Administrator, re: Revised Policies on Public Hearings and Liquor Licenses
6. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Wayland Real Asset Planning (WRAP) Committee Meeting and Request
7. Town Administrator's Report for the Week Ending September 25, 2015