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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## Board of Selectmen Meeting Minutes November 30, 2015

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

**Also Present:** Town Administrator Nan Balmer

**A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(5) to Investigate Charges of Criminal Misconduct; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Collective Bargaining; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Municipal Parcel** At 6:01 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)(5) to discuss the investigation of charges of criminal misconduct; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining in regard to the AFSCME clerical union; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, taking, lease or value of real property in regard to the municipal parcel in the Town Center Project. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, litigating, or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:03 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:05 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 the dedication for the new Habitat home will be Saturday, December 5, at 12:00 noon. L. Anderson noted the Raytheon PIP meeting at the Town Building on Thursday, December 3, at 7:00 p.m.

**A3. Public Comment** Mike Lowery, 120 Lakeshore Drive and member of the Board of Public Works, said the Board of Public Works is considering a bylaw regarding sign regulations in the town's rights-of-way.

**A12. Review and Approve Consent Calendar (See Separate Sheet)** L. Anderson moved, seconded by M. Antes, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A15. Selectmen's Reports and Concerns** J. Nolan reported on the MetroWest Regional Transit Authority meeting. He said there was a budget discussion regarding the CNG facility in Framingham, and noted that many towns have expressed interest in changing to natural gas vehicles. M. Antes reported on a meeting of the MetroWest Regional Collaborative on November 19, and reviewed the discussion of how local

communities are handling the licensing of medical marijuana and farms. She said the Metropolitan Area Planning Council is urging municipalities to get involved in the Community Compact Cabinet.

**A4. Tax Classification Hearing – Presentation by the Board of Assessors of Tax Classification Options; Potential Vote of the Board of Selectmen on Tax Classification; Review of Tax Recapitulation Sheets and Supporting Documents**

C. Karlson opened the tax classification hearing at 7:21 p.m. The Board was joined by the Board of Assessors (Jayson Brodie, David Hill, Cheryl Kane, and Susan Rufo), Director of Assessing Ellen Brideau, and Administrative Assessor Jessica Marchant. S. Rufo stated that the purpose of the hearing was to adopt the town's tax policy by allocating or classifying the tax levy among the property types. S. Rufo described the property assessment review, the classification percentages, and the new growth in Wayland. She reviewed how the tax rate is calculated, and the classification options being presented for consideration. Brian Keveny, Finance Director, said the Finance Committee recommended a residential tax factor of one. M. Antes asked about the use of the residential exemption to address the affordable housing rate; E. Brideau said the residential exemption is all-inclusive and cannot be applied to one class or owner. C. Karlson asked if the residential increase matched the commercial development in town center. E. Brideau said the percentage was stable, and in fact, the residential growth was higher.

M. Antes moved, seconded by J. Nolan, to establish the residential tax factor of one. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. L. Anderson moved, seconded by M. Antes, to not adopt the small commercial exemption. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. M. Antes moved, seconded by L. Anderson, to not adopt a residential exemption. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

The Board was joined by Finance Director Brian Keveny to review the FY16 tax recapitulation sheet. He reviewed the spending appropriations from town meeting votes, funding sources, local receipts, expenses, enterprise fund balances, community preservation funds, and free cash. He said the new tax rate is \$17.34, noting that spending has increased, but is offset by the use of free cash and the CPA fund. He said the Department of Revenue has reviewed the tax recapitulation sheet and has no issues. J. Nolan asked if the increase in expenses was a concern for the future. B. Keveny said yes; he would like to stabilize the use of free cash and the slow the growth of expenses. C. Karlson closed the hearing at 7:57 p.m.

**A5. Minuteman: Discuss Boxborough Proposal and Town Position on Minuteman Issues** The Board was joined by Mary Ellen Castagno, Wayland representative to the Minuteman High School, Town Moderator Dennis Berry, and School Committee member Jeanne Downs. L. Anderson reviewed the current situation. She said the MSBA approved the new Minuteman school project, there are other towns that want to withdraw, and there are many towns that are interested in finalizing an amended agreement. She said a potential solution, proposed by the Town of Boxborough, would be a vote at each member's town meeting on three issues: withdrawal, approval of the proposed amended agreement to allow withdrawal before paying the capital costs, and approval for the new construction. The Board discussed the scheduling of a town meeting. L. Anderson said the wording is such that the agreement must be approved by all sixteen member communities by February 16, 2016. M. Castagno confirmed that Wayland students could continue to attend Minuteman. L. Anderson also noted that Dr. Paul Stein, Superintendent of Schools, is comfortable with using other regional technical schools. D. Berry asked if the vote could be extended to the April Annual Town Meeting. L. Anderson said there are many outstanding questions, and the dialogue will continue.

**A6. Consider and Vote Recommendation of Facilities Director to Request Assignment of Library Project and Council on Aging/Community Center Project to Permanent Municipal Building Committee**

The Board was joined by Facilities Director Ben Keefe to discuss the assignment of building projects to the Permanent Municipal Building Committee. J. Nolan moved, seconded by M. Antes, to assign the Library project and the Council on Aging/Community Center project to the Permanent Municipal Building Committee as recommended by the Facilities Director Ben Keefe. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A7. Discuss and Potential Vote to Approve Concept Plan and Authorize Modification to Depot Parking Lot Required by Rail Trail Project**

The Board was joined by Larry Kiernan, Rail-Trail Committee, and Town Planner Sarkis Sarkisian. S. Sarkisian reviewed the process for the design of the rail-trail as it passes through the Depot parking lot. He said the Historic District Commission has issued its approval of the plan, and permission is now required from the Board of Selectmen as the owners of the property. The Board discussed parking and the need to address a plan for the turntable in the future. M. Antes moved, seconded by J. Nolan, to approve the concept plan for the Rail-Trail to pass through the Depot Parking Lot at 1 Cochituate Road, dated October 13, 2015, as presented. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A8. Meet New Building Commissioner Geoffrey Larsen and Discuss Approach to Class II Auto License Zoning with Building Commissioner and Town Planner**

The Board was joined by Geoffrey Larsen, Building Commissioner, to address the issue of Class II auto licensing. Board members welcomed G. Larsen to the town. J. Nolan reviewed the background of the licensing of Class II auto dealers, and said there is a need to codify the town policy without putting an undue financial or regulatory burden on established businesses. G. Larsen said he plans to begin a dialogue with the auto dealers, with the expectation that a process can be established to resolve the zoning issues. He said the Town Planner, Sarkis Sarkisian, is updating the town bylaw to establish the sale of five used cars by right, with site plan approval required for an excess of five cars. He said there will be a public hearing on December 8. J. Nolan suggested that the business owners be invited to a forum to explain the process.

**A9. FY17 Budget: Review IT and Facilities Budgets**

The Board was joined by Financial Analyst Elizabeth Doucette to review the IT budget. N. Balmer said that the overall increase is 2 ¼ percent, including the \$400,000 increase in IT expenses; however, it does not include the \$200,000 for a potential new position. She said that Assistant Town Administrator/Human Resources Director John Senchyshyn will discuss the unclassified budget and health insurance next week, as well as two new positions proposed by the police department and the IT department. She said that on December 14, the Finance Director will discuss the entire budget. E. Doucette reviewed the town IT budget, noting that there were discrepancies due to the separation of the shared expenses of an IT Executive Director and the separation of recurring costs. She said the potential school/town budget split has not yet been decided.

The Board was joined by Facilities Director Ben Keefe to review the budget for utilities. B. Keefe discussed the stable cost of natural gas, the increase in electricity costs, and the savings impact of solar benefits. He said the ESCO savings are reflected in the budget. He said the water charges are unchanged, but noted increases in telephone charges, custodial supplies, and salaries. He said he cut the overtime budget, as it has been tracking low. He said the overall budget for utilities is approximately 2% over last year.

**A10. Review Final Response to Wayland Real Asset Planning (WRAP) Committee Questionnaire**

Ben Keefe, Facilities Director, appeared before the Board to review the WRAP questionnaire regarding property under the jurisdiction of the Board of Selectmen. He said the town building needs a substantial

amount of work, and M. Antes said that there have been requests from builders to purchase the building for conversion to housing. C. Karlson suggested that alternative space be considered. In regard to the draft priorities, the Board suggested that the municipal parcel be the first priority, followed by community space, affordable housing, and the disposition of land. J. Nolan asked that every town board be questioned as to surplus property. M. Antes said the committee would like to meet with the Board in December.

**A11. Discuss Sign Policy** M. Antes reviewed a draft sign policy. The Board discussed suggested edits, safety issues in regard to securing the signs, and the composition of the signs. The Board agreed that while businesses and religious institutions cannot advertise, community events sponsored by a business or a religious institution would be acceptable. Mike Lowery, Board of Public Works, said he is consulting with the Zoning Board of Appeals in regard to the town sign bylaws. C. Karlson said that the town bylaw applies to signs on private property; the policy before the Board deals with town-owned property. C. Karlson asked M. Antes to prepare a draft policy for review and comment.

**A12. Review and Approve Consent Calendar (See Separate Sheet)** L. Anderson moved, seconded by J. Nolan, to reconsider the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. L. Anderson moved, seconded by J. Nolan, to approve the consent calendar with an edit to the minutes of October 5, 2015. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A13. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence.

**A14. Report of the Town Administrator** N. Balmer reported on ongoing budget issues in the recreation department, including a registration cap, a potential revolving fund for the beach program, account reconciliation, and the turf field fund. She said the Board of Public Works will discuss the issue of common driveways at its December 1 meeting, after residents were informed that the town will no longer plow on private property. She said the River's Edge proposals are due December 1.

**A15. Selectmen's Reports and Concerns** L. Anderson reported on the post-town meeting forum hosted by the Town Moderator.

**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. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(6), to consider the Disposition of the Wayland/Sudbury Septage Facility, and to Consider the Purchase, Exchange, Lease or Value of Real Property Relative to the Town Center Municipal Parcel; and Pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(3), to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland LLC and the Town of Wayland and the Wastewater Management District Commission and Potential Litigation by a Group of Wastewater Users; and to Discuss Strategy with Respect to Pending Litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding "Crown Path," and to Consider Potential Litigation regarding Bernstein et al v. Wayland Planning Board, and to Discuss Potential Litigation regarding Affordable Housing Restrictions, and to Discuss the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone, and to Conduct a Grievance Hearing with Representatives of SEIU Local #888, and to Discuss Strategy with Respect to Collective Bargaining in Regard to Contract Negotiations with the AFSCME Clerical Union, the AFSCME**

**Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) 7, to Review and Consider for Approval the Potential Release of the Following Minutes Pertaining to these Subjects: , because a Public Discussion of Pending Litigation and Collective Bargaining will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: March 31, 2010, November 6, 2013, March 23, 2015, August 31, 2015, September 8, 2015, September 14, 2011, March 5, 2012, November 5, 2012, May 6, 2013, August 26, 2013, January 27, 2014, June 23, 2014, November 24, 2014, March 30, 2015, May 18 2015, June 24, 2015, July 13, 2015, July 27, 2015, September 21, 2015, September 8, 2015, September 11, 2015, October 5, 2015, and October 19, 2015** At 10:36 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(6), to consider the disposition and value of the Wayland/Sudbury septage facility, and to consider the purchase, exchange, lease or value of real property relative to the Town Center Project municipal parcel; and to discuss the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone; and pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(3), to discuss strategy with respect to pending litigation regarding the case of Twenty Wayland LLC and the Town of Wayland and the Wastewater Management District Commission and potential litigation by a group of wastewater users; and to discuss strategy with respect to pending litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding “Crown Path,” and to consider potential litigation regarding Bernstein et al v. Wayland Planning Board, and to discuss potential litigation regarding affordable housing restrictions, and to discuss the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone, and to discuss a grievance hearing with representatives of SEIU Local #888, and to discuss strategy with respect to collective bargaining in regard to contract negotiations with the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) 7 and 22, to review and consider for approval the potential release of the following executive session minutes pertaining to these subjects: March 31, 2010, November 6, 2013, March 23, 2015, August 31, 2015, September 8, 2015, September 14, 2011, March 5, 2012, November 5, 2012, May 6, 2013, August 26, 2013, January 27, 2014, June 23, 2014, November 24, 2014, March 30, 2015, May 18, 2015, June 24, 2015, July 13, 2015, July 27, 2015, September 21, 2015, September 8, 2015, September 11, 2015, October 5, 2015, and October 19, 2015. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, litigating, or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session in approximately twenty minutes.

The Board returned to open session at 10:49 p.m.

**A18. 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 10:50 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 30, 2015**

1. Email of 11/25/15 from Linda Segal to Board of Selectmen re: Notice of Raytheon PIP Meeting on December 3, 2015

**Items Included as Part of Agenda Packet for Discussion During the November 30, 2015 Board of Selectmen's Meeting**

1. Tax Classification Hearing Presentation from Board of Assessors
2. Notes on Minuteman, 11/20/2015, from Selectman Lea Anderson, and Protocol for Adopting Amended Agreement, Bonding, and Withdrawal
3. Memorandum of 11/24/15 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re: Permanent Municipal Building Committee Project Assignment
4. Memorandum of 11/23/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Rail Depot –Bike Path and Layout
5. Email of 11/23/15 from Geoff Larsen, Building Commissioner, to Nan Balmer, Town Administrator, re: Used Care Dealer's License Class II Zoning Review Status Update
6. Memorandum of 11/24/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Used Car Dealers
7. Memorandum of 11/30/15 from Nan Balmer, Town Administrator to Board of Selectmen re: FY17 Budget Variances: Departments Under the Board of Selectmen
8. Memorandum of 11/30/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Response to Request Regarding Facilities Under Selectmen Jurisdiction
9. Board of Selectmen Sign Policy with Suggested Changes and Questions prepared by Selectman Mary Antes
10. Town Administrator's Report for the Week Ending November 25, 2015