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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 February 1, 2016

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

**Also Present:** Town Administrator Nan Balmer

**A1. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Frishman V. Lanza, et al, and West Beit Olam Corporation v. Board of Assessors** At 6:02 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 21a(3), to discuss strategy with respect to pending actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Frishman V. Lanza, et al, and West Beit Olam Corporation v. Board of Assessors. 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, Police Chief Robert Irving, Town Counsel Mark Lanza, TEC Traffic Consultant Kevin Dandrade, Town Planner Sarkis Sarkisian, DPW Director Stephen Kadlik, Board of Public Works member Mike Lowery, Planning Board member Ira Montague, Associate Member of the Zoning Board of Appeals Linda Segal, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately forty-five minutes.

The Board returned to open session at 6:56 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 6:56 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 reminded residents that dog license renewals were due January 15, and can be renewed online. She said Moody's had once again given the Town of Wayland an Aaa rating. M. Antes noted the upcoming Special Town Meeting on February 11, and said that nomination papers are due on February 16 for the Annual Town Election.

**A3. Public Comment** There was no public comment.

**A12. 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, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A4. Special Town Meeting Warrant Hearing** Chair C. Karlson opened the Special Town Meeting warrant hearing at 7:00 p.m. The Board was joined by Town Moderator Dennis Berry. L. Anderson explained that the ordering of the articles was recommended by the Minuteman Regional Vocational School. D. Berry reviewed the procedure for making amendments on the town meeting floor. L. Anderson said additional information will be posted on the town website. The Special Town Meeting warrant hearing was closed at 7:12 p.m.

**A5. Discuss Petitioners' Request for Information for Town Meetings** The Board was joined by Assistant Town Administrator/Human Resources Director John Senchyshyn to discuss petitioners' requests to include information in town meetings. He said concerns include the use of public funds for a private initiative, inadvertent errors, and the impact on staff time. He said the map in the current warrant was requested by the Finance Committee; however, it is the opinion of Town Counsel that petitioners should not be involved in the preparation of background materials.

**A6. Update on February Special Town Meeting Logistics** J. Senchyshyn reported on the logistics for the Special Town Meeting at the Middle School Auditorium, and he noted that the plan is to provide 275 chairs and 200 electronic voting handsets.

**A7. Discuss FY17 Budget Requests: IT and Facilities** N. Balmer reviewed the FY17 IT budget request. She said the recommended budget is \$937,466, and explained that the increase is due to additional staffing, Munis off-site hosting, system upgrades, training, and security systems. She said the budget can be reduced by \$187,938 by using the low-end estimates in the plan and eliminating the contingency fund. She provided an update on the work currently being done to increase security, provide training to the staff, and complete a master IT plan. The Board discussed the role of the new IT Director in budget matters, and the advisability of using the alternative, lower budget. It was the sense of the Board to approve the budget as presented. N. Balmer provided an update on the hiring process. She said a selection committee is being prepared, and a contract has been negotiated with the consultant RSM in the interim. J. Nolan suggested that a long-term agenda item would be to allocate the costs between the school and town budgets.

The Board was joined by Ben Keefe, Facilities Director, to discuss the FY17 facilities budget. He requested \$36,000 in FY17 funding to assist in project management. C. Karlson said the Finance Committee supports the request. J. Nolan noted that he is an employee of a firm that provides Owners Project Management (OPM) services, and will recuse himself if the company is retained for a municipal project.

**A8. Report from WayCAM, Interview and Appointment of Jonathan Ward to the WayCam Board of Directors as the Representative of the Board of Selectmen** The Board was joined by Renee Bryant, Chair of the WayCam Board of Directors, Jim Mullane, Executive Director, and Jonathan Ward, applicant to the Board of Directors, to review the WayCam budget. J. Mullane said that WayCAM is working within its budget, and according to its projections for the next ten years, they are fully funded. He discussed the project to upgrade to HD (high-definition). He said the current Comcast contract expires in 2022, and negotiations will begin in 2019. He invited Board members to the 30<sup>th</sup> Anniversary of WayCam Celebration being planned for the spring.

J. Ward reviewed his background and interest in serving on the WayCAM Board of Directors. He discussed his work in public television, engineering, and consulting for the MIT cable television system. The Board discussed the future of cable television and the internet. J. Mullane said that WayCAM has won three international awards for children's programming. J. Nolan moved, seconded by L. Anderson, to appoint Jonathan Ward to the WayCAM Board of Directors as the representative of the Board of Selectmen, for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A9. Meet with Town Treasurer** The Board was joined by Zoe Pierce, Treasurer/Collector, to discuss bonding and finance issues.

L. Anderson moved, seconded by M. Antes, to award the bonds to Robert W. Baird at a True Interest Cost (TIC) of 2.13699%, with a premium of \$113,009.21. Bond Counsel (Locke and Lord) has prepared the formal documents. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Z. Pierce reviewed the rates for the refunding and refinancing of the debt. J. Nolan moved, seconded by M. Antes, to authorize the Treasurer to refund the proposed bond issuances as listed : (a) 2003-interest savings of approximately \$25,000 over the life of the issuance, (b) 2005-interest savings of approximately \$250,000 over the life of the issuance, (c) 2006-interest savings of approximately \$27,000 over the life of the issuance, and (d) 2007-interest savings of approximately \$124,000 over the life of the issuance. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Z. Pierce provided the Board with the figures for the authorized but unissued debt; she confirmed that the debt figures have been vetted by the appropriate departments. J. Nolan moved, seconded by M. Antes, to recommend to Annual Town Meeting approval of the article, "Rescind Authorized by Unissued Debt." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Z. Pierce noted that Moody's had assigned a Aaa rating to the town. She said that she and the Finance Director, Brian Keveny, are working on an RFP for a Financial Advisor with a deadline for applications of mid-March. She advised the Board that Wayland currently has 51 tax title accounts, and said there are two options for the town: an auction and sale of the liens to a third party, or the development of an in-house process to determine the order of foreclosures. It was the consensus of the Board to have Town Counsel work with Z. Pierce to create a set of criteria to pursue foreclosures, as it provides the town more control. Z. Pierce said the cash is now reconciled through December 31, 2015, and the Board thanked her for resolving the issue.

**A10. Discuss and Vote Positions on Annual Town Meeting Articles** The Board reviewed and agreed upon the articles that could be identified for abbreviated motions. N. Balmer explained the need to have a town meeting vote on the article, "Adopt Massachusetts General Laws Chapter 44, Section 53 E 1/2, Revolving Accounts." She said it will become an annual article, and she reviewed the five funds involved. The Board discussed the issue of fees and offsets, and the use of a stabilization fund to move the excess funds. N. Balmer noted that the Recreation Commission has yet to finalize the actual dollar figure involved, citing the need to determine cash flow needs, the dispute over the exclusion of user fees from field maintenance, and the impact on the authority of the Recreation Commission. N. Balmer suggested a meeting between herself, the Recreation Commission, and the Department of Revenue to attempt to come to an agreement.

The Board was joined by Gretchen Schuler, Community Preservation Committee, to discuss the committee's articles. M. Antes moved, seconded by L. Anderson, to recommend for approval to Annual Town Meeting the article, "Set Aside Community Preservation Funds for Later Spending." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

M. Antes moved, seconded by J. Nolan, to recommend for approval to Annual Town Meeting the article, "Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund." 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 recommend for approval to Annual Town Meeting the article, "Appropriate Funds to Restore Monuments at North Cemetery." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

G. Schuler confirmed that the town owns the clock at the Community United Methodist Church tower in Cochituate, and a line item for the repair of the town clock was a standard line item in the budget until the 1980's. L. Anderson moved, seconded by J. Nolan, to recommend for approval to Annual Town Meeting the article, "Appropriate Funds to Restore Cochituate Town Clock." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A11. Mainstone Farms: Vote to Approve Conservation Commission's Request for Special Counsel and Authorize Town Administrator to Take Next Steps** G. Schuler said the Community Preservation Committee has agreed to fund up to \$5,000 in legal expenses to review the conservation restriction on the Mainstone Farm property, at the request of the Conservation Commission, due the complicated issue of the continued use of the land for farming. She said the legal opinion is not needed until the final wording of the restriction is confirmed by the Sudbury Valley Trustees and the Community Preservation Committee.

**A10. Discuss and Vote Positions on Annual Town Meeting Articles (continued)** N. Balmer reviewed the construction estimate for the Glezen Lane traffic mitigation. J. Nolan moved, seconded by M. Antes, to recommend for approval to Annual Town Meeting the article, "Fund Glezen Lane Traffic Control Measures." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: L. Anderson. Adopted 3-0-1.

J. Nolan moved, seconded L. Anderson, to withdraw from Annual Town Meeting the article, "Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

J. Nolan moved seconded by L. Anderson, to recommend for approval to Annual Town Meeting the article, "Amend Chapter 145 – Inspection, Testing, Maintenance of Private Fire Hydrants." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

J. Nolan moved, seconded by L. Anderson, to recommend for approval to Annual Town Meeting the articles, "Establish 53D Recreation Revolving Fund for the Wayland Town Beach," and "Establish and Fund a Recreation Stabilization Fund." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

It was the sense of the Board to approve the Conservation Commission request for legal counsel.

**A13. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence, and requested the issue of the allocation of wastewater capacity in regard to the library be placed on a future agenda.

**A14. Report of the Town Administrator** N. Balmer advised that the Facilities Director had provided his opinion on the future use of the Town Building to the Wayland Real Asset Planning (WRAP) Committee. C. Karlson asked that he also include financial information and how it fits into the thirty-year plan. N. Balmer said a selection committee has been appointed for the Library Owner's Project Manager. In regard to

the review of used car dealer's licenses, J. Nolan requested that the business owners be notified of the Building Commissioner's decisions.

**A15. Selectmen's Reports and Concerns** L. Anderson said the Town of Stow is meeting tonight on the Minuteman issue, and seven more member towns will be meeting next week. M. Antes reported on the Metropolitan Area Planning Council staffing plan, and the Board discussed the fee structure. C. Karlson said she is working with staff on the final reconciliation of escrow accounts with Twenty Wayland LLC. She reported on a meeting with State Representatives Carmine Gentile and Alice Peisch during their Wayland office hours on January 29 in regard to the Municipal Modernization bill. The Board agreed to review the bill and send comments to the Chair. C. Karlson announced that the Town now has a presence on Facebook and Twitter.

**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, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:23 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

#### **Items Included as Part of Agenda Packet for Discussion During the February 1, 2016, Board of Selectmen's Meeting**

1. Memorandum of 2/1/16 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: Petitioners' Articles
2. Memorandum of 2/1/16 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: February Special Town Meeting Update
3. Memorandum of 1/29/16 from Beth Doucette, Financial Analyst, to Board of Selectmen, re: Summary of IT Budget Revisions
4. Memorandum of 1/29/16 to Board of Selectmen re: Appointment of Jonathan Ward to the WayCAM Board of Directors for a Term to Expire on June 30, 2018
5. Memorandum of 1/13/16 from Zoe Pierce, Treasurer/Collector, to Board of Selectmen re: Treasurer's Presentation
6. Memorandum of 1/28/16 from Sherre Greenbaum, Chair, Conservation Commission, to Nan Balmer, Town Administrator, re: Request for Special Counsel for Acquisition of Mainstone Farm Conservation Restriction
7. Town Administrator's Report for the Week Ending January 29, 2016

#### **Items Distributed for Information and Use by the Board of Selectmen at the Meetings of February 1, 2016**

1. Press Release, "Baker-Polito Administration Introduces Municipal Modernization Bill"
2. Press Release, 1/28/16, "Senate Committee Releases Public Records Bill"
3. Board of Selectmen Policy, Management of the Legal Affairs of the Town
4. Motions for February 11, 2016, Special Town Meeting
5. Draft Operating Budget Request, Information Technology, Fiscal Year 2017
6. PowerPoint Presentation, Information Technology FY17 Proposed Budget