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TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes March 7, 2016

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

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 Wayland won the Civics Bee sponsored by the League of Women Voters. She said Candidate's Night will be Thursday, March 17. L. Anderson announced that all sixteen Minuteman member towns have completed certified votes from their Special Town Meetings, and by March 15, it will be a signed document; the Minuteman School Committee will then vote on bonding. She said the Wayland-Sudbury-Lincoln Domestic Violence Roundtable will hold a panel discussion in the Wayland Public Safety Building on Tuesday, March 8.

A2. Public Comment Beth Klein, Town Clerk, requested that the dates for the fall Special Town Meeting be either at the end of September, or after the Presidential Election in November.

A3. Meet with Police Chief to Discuss Letter to Massachusetts Department of Transportation on Stonebridge Road The Board was joined by Robert Irving, Chief of Police, to review a letter to the Massachusetts Department of Transportation regarding Stonebridge Road traffic. He said the letter asks for a reconsideration of the 2014 decision not to amend the speed limit for 4/10 of a mile from 35 MPH to 30 MPH. He said recent traffic counts have shown a slight reduction in speed. The Board discussed traffic calming measures such as speed bumps and a flashing speed limit sign. Chris Brown, Chair, Board of Public Works, said his Board had decided against the use of speed bumps. Duane Galbi, 190 Stonebridge Road, requested that the letter be sent immediately. The Board revised the language of the letter to emphasize safety, describe the dangerous curves in the road, and request a consistent speed limit along the entire length of the road. J. Nolan moved, seconded by L. Anderson, to send the letter to the Massachusetts Highway Department with regard to speed limits on sections of Stonebridge Road, as modified by the Chief of Police and the Town Administrator. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A9. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar, with an edit to correct a typographical error in the letters to legislators and the Baker administration regarding State Energy Programs. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A10. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence.

A7. Discuss any Town Meeting Issues C. Karlson said the warrant for the Annual Town Meeting will go to the printer on Thursday this week.

A4. Discuss and Authorize Response to Open Meeting Law Complaint The Board was joined by Town Counsel Mark Lanza to review the Open Meeting Law complaint filed by George Harris. C. Karlson said that in conversation with G. Harris, he indicated that he approved of the Board's intent to review legal cases, but said the Board did not have standing to review cases in which they are not a named party. She said he was invited to attend the meeting tonight but declined. M. Lanza reviewed case law; he said he considers it settled law that the Board of Selectmen can review cases in executive session, even if not named in the case, because the Board provides and funds Town Counsel. He said it is his opinion that the Board did not violate the Open Meeting Law. He said the the Board can revise its policy; for example, by including a member of the Board or Committee involved in the legal issue in the executive session, but it should not be compelled by a misunderstanding of the law. J. Nolan noted that the same case is referenced in support of both the allegation and the defense; M. Lanza said it is not uncommon to have different interpretations. The Board reviewed and edited the draft response. J. Nolan moved, seconded by M. Antes, to approve the response to the Attorney General in regard to the Open Meeting Law filed by George Harris on February 26, 2016, as drafted by Town Counsel and revised by the Board of Selectmen. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. M. Antes thanked C. Karlson for her efforts to maintain strict adherence to the Open Meeting Law; C. Karlson noted the difficulty of finding clarity in the law.

A5. 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 and to Review and Consider for Approval the Executive Session Minutes of February 1, 2016, Relative to the Said Subjects At 7:58 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 review and consider for approval the executive session minutes of February 1, 2016, relative to the following subjects: 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 and Town Counsel Mark Lanza. The Board will reconvene in open session in approximately ten minutes.

The Board returned to open session at 8:10 p.m.

A6. Potential Vote to Release Executive Session Minutes of February 1, 2016 M. Antes moved, seconded by J. Nolan, to release the executive session minutes of February 1, 2016, with redactions. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A8. Review Special Town Meeting Date and Calendar of Selectmen's Meetings through June The Board reviewed the calendar of potential Selectmen's meetings through June 2016. C. Karlson reviewed the fall calendar for a potential Special Town Meeting date. The Board asked the Town Administrator request that the Town Moderator and the Town Clerk consider either October 5-6, 2016, or November 16-17, 2016 for the Special Town Meeting.

A11. Report of the Town Administrator N. Balmer said she is scheduling a meeting next week with the relevant department heads to discuss wastewater capacity. She said topics will include betterment billing and accounting, the need for a financial analyst, a review of Town Center allocations, the process for assigning design flow, the close-out of the remaining \$236,000 from the borrowing for the wastewater facility, and the future administration of the Wastewater Management District Commission. She said the application for the Massachusetts Historic Preservation grant for the Stone's Bridge Arch Project will be ready for Board review and approval at the next meeting.

A12. Selectmen's Reports and Concerns L. Anderson reported on a meeting on March 4 with Senator Ross and Representative Gentile at the Department of Revenue regarding the circuit breaker. She noted that Wayland is the only town that matches the state funding. She said a resident told her it was difficult to hear the Board conversation in the Selectmen's Meeting Room. J. Nolan reported that he will be attending the Association of Regional Transportation Authorities in Boston as the Chair of the MetroWest Regional Transportation Authority. C. Karlson asked for an update on the Mainstone project; N. Balmer said the Board should be seeing a contract soon. M Antes said the local assessment for the Metropolitan Area Planning Council has been determined to be \$6,818.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A14. 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 8:49 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 March 7, 2016, Board of Selectmen's Meeting

1. Draft Letter of 3/3/16 from Board of Selectmen to Mass Highway, prepared by Police Chief Robert Irving, re: Speed Limit on Stonebridge Road
2. Open Meeting Law Complaint filed February 26, 2016, from George Harris, re: Public Notice of Executive Session, February 1, 2016
3. Board of Selectmen Legal Affairs Policy
4. Open Meeting Law Complaint Regulations
5. Article List for 2016 Annual Town Meeting
6. Proposed Meeting Schedule, Board of Selectmen
7. Town Administrator's Report for the Week Ending March 4, 2016

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 7, 2016

1. None