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TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes July 13, 2016

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan (arrived 6:50 p.m.)

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Health Insurance in regard to 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 Executive Session Minutes of June 27, 2016, Pertaining to the Above Subjects, because a Public Discussion of Collective Bargaining will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town At 6:31 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to health insurance in regard to 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 executive session minutes of June 27, 2016, pertaining to the above subjects, because a public discussion of collective bargaining will have a detrimental effect on the bargaining, negotiating, or litigating position of the Town. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining or negotiating position of the town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0). Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, and Assistant Superintendent of Schools Brad Crozier. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:05 p.m.

A2. Call to Order by Chair Chair C. Karlson called the 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.

A3. Public Comment Jay Chandler, 26 High Rock Road, and President of the Wayland Teachers Association, submitted a written statement expressing concern about the healthcare insurance proposal being offered by the town, noting that it saves money for employees who don't get sick, but increases the burden on those who are ill and most vulnerable. George Harris, 8 Holiday Road, said that the June 29, 2016 judgment from the Superior Court in the case of Mary Alice Boelter et al v. Wayland Board of Selectmen was not included in the correspondence, and expressed concern about the lack of transparency. N. Balmer said it was an error on the part of the office and not intentional.

A4. Interviews and Potential Vote to Appoint to Boards and Committees The Board was joined by Jen Gorke and George Uveges to interview for appointment to the Finance Committee. J. Gorke described her experience working as Chief Operating Officer for the State Center for Health Information, as well as working with businesses and non-profits to develop public affairs strategies. She said she felt it was important that younger residents get involved in the town. G. Uveges reviewed his background; he said he worked as Chief Financial Officer and served on the Board of Directors for a variety of businesses, and that he recognizes the challenges of budgeting and capital planning. The Board discussed with the applicants the time commitment, the balance between providing services and controlling the tax rate, capital planning, the need to manage debt capacity, and the ability to reach consensus.

The Board was joined by Thomas Davidson, Sherre Greenbaum, and Betty Salzberg to interview for appointment to the Conservation Commission. Betty Salzberg said she is a retired Northeastern University professor, and she discussed her current work on the commission; she noted she is also a volunteer with the Sudbury Valley Trustees. Sherre Greenbaum said she is a lawyer and a garden designer, and she reviewed the three years of her work on the Conservation Commission. T. Davidson discussed his background and experiences as an Engineering Geologist for the U.S. Army Corps of Engineers. He described the relationship between the science of geology and the wetlands. The participants discussed the best way to address controversial issues, the ability to be user friendly, the interpretation of the law, and the time commitment.

The Board was joined by Lisa Newton to interview for appointment to the Surface Water Quality Committee. L. Newton said she has lived on Dudley Pond for 15 years, and is concerned about the health of the town's bodies of water. She served previously on the committee, from 2006 to 2009. J. Nolan moved, seconded by M. Antes, to appoint Elizabeth (Lisa) Newton to the Surface Water Quality Committee for a three-year term to expire on June 30, 2019. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Nolan moved, seconded by L. Anderson, to appoint George Uveges to the Finance Committee, effective immediately, to fill a term to expire on June 30, 2017. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Nolan moved, seconded by L. Anderson, to appoint Jen Gorke and Klaus Shigley to the Finance Committee for three-year terms to expire on June 30, 2019. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board thanked Gil Wolin for his service to the town.

L. Anderson moved, seconded by J. Nolan, to appoint Thomas Davidson and Sherre Greenbaum to Conservation Commission for three-year terms to expire on June 30, 2019. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board thanked Betty Salzberg for her service and urged her to continue her work with the Housing Partnership.

A8. Review and Approve Minutes of June 27, 2016; Potential Vote to Release Executive Session Minutes of June 27, 2016 M. Antes moved, seconded by L. Anderson, to approve the minutes as amended of June 27, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by M. Antes, to approve and release with redactions the executive session minutes of June 27, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve consent calendar items 1 through 8. C. Karlson asked that item 9, the appointment of Attorney Jeffrey L. Ontell as Special Counsel regarding use restrictions on 5 Concord Road, be held until Town Counsel could confirm that the law firm could provide title insurance. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Joint Meeting with Planning Board to Interview and Potential Vote to Appoint to Boards and Committees The Board was joined by Planning Board members Ira Montague, Dan Hill, and Andrew Reck to interview Nicole W. Riley for potential appointment to the Planning Board. N. Riley described her current work as an Associate member to the Planning Board. J. Nolan moved, seconded by L. Anderson, to appoint Nicole W. Riley to the Planning Board, effective immediately, to fill a term to expire upon the 2017 Annual Town Election. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. I. Montague moved, seconded by A. Reck, to appoint Nicole W. Riley to the Planning Board, effective immediately, to fill a term to expire upon the 2017 Annual Town Election. YEA: D. Hill, A. Reck, I. Montague. NAY: none. ABSENT: K. Murphy. ABSTAIN: none. Adopted 3-0.

A6. Town Planner Report The Board was joined by Town Planner Sarkis Sarkisian to review ongoing projects. In regard to the Rail Trail, S. Sarkisian said the project is being done in cooperation with Eversource, and the town is on their timeline; he said he expects it will begin in the fall. He noted that Eversource will not work on the trail from the Town Center to the Depot, as there are too many historical artifacts, so it will be done under a separate contract. He said the draft bid documents are complete for the crossings at Millbrook Road, Glen Road, and Plain Road. Finally, he said that some culverts need to be replaced, and the trail will be done with stone dust instead of gravel.

In regard to articles for Special Town Meeting, he said he expects to have five bylaw amendments: home occupation, assisted/ independent living and nursing homes, landscaping in parking areas zoning bylaw, building height, and conservation cluster developments. He said a public hearing to discuss the proposed amendments will be held on August 22. He asked that the Board approve the use of Special Counsel to review the articles, and also that the Board consider a Phase Two Recodification Plan in the future. The Board asked that the articles be fully prepared before the Special Town Meeting.

S. Sarkisian discussed the site plan review application for the Carroll School at 45 Waltham Road. He said the hearing is August 16, and a traffic study will be done. The Board discussed a proposal regarding community branding in regard to town signs. S. Sarkisian said the Town Center owners are also working on a branding plan and suggested there could be a cooperative effort. He said the Planning Board will not be submitting an article to Special Town Meeting regarding a sign bylaw; M. Antes said the DPW may be submitting an article regarding a policy for temporary signs. S. Sarkisian provided an update on the final accounting of the Town Center funds and the completion of the project.

A7. Vote to Approve Letter to MassHousing regarding Brookside Development The Board was joined by Town Planner Sarkis Sarkisian to discuss the letter requested by MassHousing on the proposed Brookside Development as a 40B project. He said the town's major concerns are density, height, septic design, site conditions, drainage and stormwater. The department heads have asked for an extension in providing their comments to the Planning Department, so he advised the Board that the letter will not be ready until its next meeting. He said that while the town does not currently meet the affordable housing requirements under Chapter 40B, it is making an effort to do so. He cited the River's Edge project, and said the town may be given additional time to come into compliance if it shows progress. Kimberly Winter, 11 Glover Road, said there are significant conservation restrictions on the site. Marji Ford, 20 Lee Road, said

there is a brook on the property and there are required setbacks from a waterway. The Board advised the participants that there will be a public process for providing input.

A10. Review and Approve Consent Calendar (See Separate Sheet) C. Karlson asked M. Lanza if the law firm of Marsh, Moriarty, Ontell & Golder PC had the ability to issue title insurance; M. Lanza said yes. L. Anderson moved, seconded by M. Antes, to approve item 9 on the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Report of the Town Administrator N. Balmer said the draft Affordable Housing Production Plan will be posted on the website as soon as it is ready, and will then go to the Planning Board for adoption. She said the town and the Housing Authority have received a conveyance notice to sell the affordable unit at 202 Trout Brook Road. She requested that she be allowed to use funding in the Board of Selectmen contingency budget to hire a consultant to review and make recommendations on how affordable housing is planned, developed and monitored; it was the sense of the Board to approve the expenditure. She provided an updated field maintenance spreadsheet, noting that the estimated cost for the DPW to maintain the artificial turf field is \$1,700. She said the cost to maintain other miscellaneous recreational facilities has not yet been fully planned for, and will be addressed by a recreational MoU process. She said she is working on an FY18 budget schedule to comply with the Town Code. The Board noted that if it becomes too burdensome, it may become necessary to make changes to the code.

A9. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Strategy with Respect to Pending Action regarding Boelter et al v. Wayland Board of Selectmen; 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 the Town Center Project, because a Public Discussion of These Matters will have a Detrimental Effect on the Litigating, Bargaining or Negotiating Position of the Town At 9:25 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to pending action regarding Boelter et al v. Wayland Board of Selectmen; 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 the Town Center Project. The Chair declares that a public discussion of strategy with respect to these matters may have a detrimental effect on the litigating, bargaining or negotiating position of the town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer and Town Counsel Mark Lanza. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 9:45 p.m.

A11. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson noted the finding from the Attorney General that the Board did not violate the Open Meeting Law at its meeting on February 1, 2016.

A13. Selectmen's Reports and Concerns There were no Selectmen's reports or concerns.

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, L. Anderson moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 9:58 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Included as Part of Agenda Packet for Discussion During the July 13, 2016 Board of Selectmen's Meeting

1. Memorandum of 7/11/16 to Board of Selectmen re: Appointments to Positions on Conservation Commission, Finance Committee, Surface Water Quality Committee, and Planning Board, with Letters of Interest
2. Memorandum of 7/8/16 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Rail Trail Update
3. Memorandum of 7/8/16 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Zoning Articles for the Fall 2016 Special Town Meeting
4. Memorandum of 7/8/16 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Brookside 113, 115, 117, 119 Boston Post Road MassHousing Comprehensive Permit Site Approval Application
5. Draft Minutes of June 27, 2016
6. Intervener's Post-Trial Brief, 6/22/16, from Town Counsel Mark Lanza to Land Court, re: John Moss et al v. Gary D. Lingley, Trustee, et al
7. Report of the Town Administrator for the Week Ending July 8, 2016

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 13, 2016

1. Email of 7/12/16 from Sherre Greenbaum, Conservation Commission, to Board of Selectmen re: Reappointment of Betty Salzberg to the Conservation Commission