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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

### Board of Selectmen Meeting Minutes September 6, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph R. Nolan  
**Also Present:** Town Administrator Nan Balmer, Human Resources Assistant Katelyn O'Brien.

**A1. Open Meeting and Enter into Executive Session (a) Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of 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 (b) 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 August 3, 2016, Pertaining to the Following Subjects, because a Public Discussion of These Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), a Discussion of Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief** 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 (b) 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 August 3, 2016, pertaining to the following subjects: pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), a discussion of strategy with respect to pending actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, negotiating or litigating position of the town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, and Human Resources Assistant Katelyn O'Brien. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 6:55 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 6:55 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** Gretchen Dresens, 155 Main Street, discussed with the Board her attempt to file an appeal on the 150 Main Street decision by the Building Commissioner. G. Dresens told the Board that the Town Clerk's office was closed on August 17<sup>th</sup>, the day she came in, and that it would reopen at 1:30 p.m. She went to the Selectmens office, where she had the appeal stamped there with Town Administrator N. Balmer's approval. She then brought it to the Building Department. The appeal didn't make it to the Town Clerk's office until August 19<sup>th</sup>, the day after the deadline. Town Counsel recommended the appeal be rejected since it didn't make it to the Town Clerk's office by the deadline. G. Dresens asked the Board if there is anything that can be done so her appeal can be accepted and she can get in front of the Zoning Board.

Molly Upton, 23B Bayfield Rd., told the Board that she filed an appeal for 150 Main Street plus an additional appeal. She told the Board that all parties would be best served if there was an independent counsel appointed for all matters pertaining to 155 Main Street.

John Maccini, 453 Old Connecticut Path, talked to the Board about G. Dresen's 150 Main Street appeal situation. He stated that the Town Clerk didn't give proper notice online of the limited hours. He also said G. Dresens wasn't given any notice that the process wasn't correct after her appeal got stamped in by the Selectmen's office with N. Balmer's authorization.

**A4. Update from IT Director Jorge Pazos** J. Pazos provided the Board a quick review of what the department has been working on for the last four months and how it compares to the recommendations from the RSM report. J. Pazos stated that the department's strategy is to stabilize certain key IT problems then focus on things they can work on in the next few years. Areas the department focused on and purchased products for include storage, firewalls, and helpdesk. J. Pazos stated that the department hopes to purchase Patch Management soon. Data center upgrades to server infrastructure was also discussed and will need to be replaced soon. J. Pazos said he will be presenting policies to N. Balmer.

M. Antes asked about a potential new position for the IT Department, a Business Systems Analyst. J. Pazos said that he has submitted the information to HR. L. Anderson asked J. Pazos about the current state of security. J. Pazos stated that it's a process and he feels a lot better about it now than when he started.

**A5. Review Special Town Meeting Articles** The Board discussed the Special Town Meeting Articles and the assignments. C. Karlson stated that Special Town Meeting is expected to be two nights. J. Nolan volunteered to be the Selectmen assignee for the three DPW articles M, N, O. L. Jurist will take the two Recreation articles K and L. L. Anderson will take the Planning Board and Civil Service articles F,G, H, I, J. M. Antes will cover Mainstone article E and the petitioner's article P. J. Nolan offered to take Article J (Street acceptance) since it has a DPW element to it. C. Karlson will take on articles A (Current Year Transfers), B (Pay Previous Fiscal Year Unpaid Bills), and C (Participation of Nonresident Town Officials). C. Karlson and L. Anderson will talk to J. Senchenson about article D (Civil Service).

**A6. Review Evaluation Committee to Review Responses to Legal Request for Proposals** N. Balmer asked for comments from the Board on the composition of members for a committee to review responses to Legal Request for Proposals. N. Balmer recommended that the committee include herself, J. Senchenshyn, G. Larson, E. Brideau, C. Karlson, and A. Lewis. B. Doucette would manage the process. The Board agreed on the composition of the committee.

**A7. Vote to Approve Submission of Press Release Regarding Minuteman Special Election Ballot Question** L. Anderson discussed a press release regarding the Minuteman Special Election ballot question. She proposed it be posted online Friday, September 9<sup>th</sup>, and in print next Thursday, September 15<sup>th</sup> in the

Town Crier. L. Anderson stated that the goal of the press release is for people to know why the Town is having a vote on this matter even though Wayland is withdrawing from Minuteman. The Board agreed that L. Anderson should highlight the fact that it's an unusual situation to vote on a capital project that the Town will not be paying for. The Board suggested L. Anderson include that statement towards the beginning of the press release and perhaps make the text bold online to remind residents. L. Jurist moved, seconded by J. Nolan, to approve the submission of the press release regarding the Minuteman Special Election ballot question. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Update on Town Administrator's Goals** N. Balmer discussed the document that lists her accomplishments within the last year with the Board. N. Balmer added that there is a lot of teamwork happening within the Town.

**A9. Town Administrator Evaluation: Discuss Process and Review and Approve Evaluation Form**

C. Karlson submitted again the process of the evaluation. Board members will bring hard copies of their individual drafts to the September 26, 2016 meeting. They will not discuss the evaluation that night, instead C. Karlson stated that the Board may start the discussion October 5, 2016. C. Karlson asked if N. Balmer wanted her evaluation a public process. N. Balmer said "I waive the right to have my annual performance review by the Board of Selectmen conducted in an Executive Session."

C. Karlson discussed the evaluation form with the Board. C. Karlson stated that she will send N. Balmer the two documents in Word form and N. Balmer will send it to Board members.

**A10. Review and Approve Minutes of August 3, 2016, and August 15, 2016, and Vote to Approve and Release Redacted Executive Session Minutes of August 3, 2016**

L. Anderson moved, seconded by M. Antes, to approve the minutes of August 3, 2016 (J. Nolan stepped out). YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. Absent: J. Nolan. Abstain: none. Adopted 4-0. (J. Nolan returned.) M. Antes moved, seconded by L. Anderson to approve the minutes of August 15, 2016, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: J. Nolan. Adopted 4-0-1. J. Nolan moved, seconded by M. Antes, to approve and release the redacted executive session minutes of August 3, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Review and Approve Consent Calendar (See Separate Sheet)** C. Karlson asked the Board to hold item 3 for a future meeting. M. Antes moved, seconded by L. Jurist, to approve items 1, 2, 4, and 5 on the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A12. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence and assignments. N. Balmer discussed her office's role in the situation that G. Dresens brought to the Board during public comment. J. Nolan asked if it was the ZBA's legal latitude to accept something that is filed a day late. The Board agreed that it's not the Selectmen's jurisdiction to decide that and this is now a legal question. L. Anderson asked if the Board has the right to talk to other Boards to explain the facts. C. Karlson is unsure since they have appointing authority over the ZBA Board. The Board agreed that the Town Clerk's office should list their hours online if expecting to close early. The Board also questioned why the appeal didn't make it to the Town Clerk's Office from the Building Department by the deadline date and why the person filing the appeal wasn't notified right away the appeal wasn't complete. The Board asked Nan to write a letter to the ZBA Board explaining what happened with the appeal

The Board discussed item number three (Heard Rd. paving project) and asked N. Balmer to make certain that it's been acknowledged.

The Board discussed item number four (Habitat for Humanity – deed recordings), in which N. Balmer said she would have to look into it more and get in contact with DHCD before coming up with a response.

The Board decided to put item number nineteen (Reelection to the MetroWest Seat on the Boston MPO) on the Consent Calendar for September 12, 2016.

**A13. Report of the Town Administrator** Rivers Edge Committee will meet tomorrow night with a recommendation coming to the Board after September 7th. The alternate laydown area for DPW and alternate parking area for school buses has to be figured out. N. Balmer stated that she has asked for an update about these issues. The Board agreed that they need to know the solutions to those two issues before anything is decided. The Board also would like a better understanding of the procurement timeline. The Board agreed to ask N. Balmer to contact Special Counsel to advise.

Street lights and the solar panels at the Middle School and High School were also discussed. They are complete but not turned on yet. Work is scheduled to begin on September 9<sup>th</sup> in the Town Building parking lot. L. Anderson asked about a backup parking plan. N. Balmer said staff can park at the church nearby.

N. Balmer discussed the Housing Production Plan, which will be considered for approval by the Board at the September 12<sup>th</sup> meeting. Recommendations from N. Balmer and the Finance Director to the Finance Committee on the FY18 budget guidelines were also discussed. N. Balmer included a link to the Treasurer's website where the Board can see the PRIT performance reports. N. Balmer updated the Board on the status of the Conservation Department. The office is open under a temporary plan being managed by Human Resource Assistant Katelyn O'Brien. Retired Conservation Administrator Brian Monahan will be available part-time in the office until the role of Conservation Administrator can be filled.

**A14. Selectmen's Reports and Concerns** M. Antes received a suggestion from a resident who would like daily updates from the DPW about what streets will be open or closed. L. Anderson attended Carroll School public meeting. M. Antes reported to the Board that at the recent COA meeting they discussed the tax workoff program and they will be requesting additional funding, since the original amount was supposed to be 50 people, but it currently only has 38 people.

**A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A16. Adjourn** There being no further business before the Board, L. Anderson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 9:20 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 6, 2016**

1. Draft Press Release: Special Election on Sept. 20 for Bonding of New Minuteman Regional Vocational High School

**Items Included as Part of Agenda Packet for Discussion During the September 6, 2016 Board of Selectmen's Meeting**

1. Memorandum of 9/1/16 from Jorge Pazos, IT Director, to Board of Selectmen re: Information Technology Department Update
2. Article List for November 15, 2016 Special Town Meeting, with Submitted Articles Attached
3. Memorandum of 9/6/16 from Nan Balmer, Town Administrator to Board of Selectmen re: Legal RFP: Evaluation Committee
4. Memorandum of 9/6/16 from Nan Balmer, Town Administrator to Board of Selectmen re: Town Administrator Goals Update
5. Town Administrator Evaluation Form 2015-2016, and Town Administrator Evaluation Process 2016
6. Draft Minutes of August 3, 2016, and August 15, 2016
7. Report of the Town Administrator for the Week Ending September 2, 2016