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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  
November 21, 2016  
Wayland Town Building, Selectmen's Meeting Room  
41 Cochituate Road, Wayland**

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan (arrived 6:10 p.m.)

**Also Present:** Town Administrator Nan Balmer

**A2. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 6:01 p.m. in the Selectmen's Meeting Room of the Wayland Town Building, 41 Cochituate Road, and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes announced the Dedication Ceremony for the Habitat for Humanity home at 95 Stonebridge Road on Friday, December 2, at 11:00 a.m. C. Karlson said there will also be a dedication ceremony for the installation of the solar panels at the Wayland High School on December 2, and there will be a Tree Lighting Ceremony at the Wayland Town Center on Saturday, December 3, from 4:00 to 6:00 p.m.

**A11. Review Potential Annual Town Meeting Articles** The Board reviewed a list of potential articles for the 2017 Annual Town Meeting, including articles carried over from last year, and new articles regarding the Municipal Modernization Act and changes to the budget process. C. Karlson advised that the article regarding Library construction should consist of an approval of submission of the grant, and authorization to accept the grant if awarded. M. Antes noted there was interest in re-submitting the 2006 Annual Town Meeting Article, "Authorize Local Voting Rights for Permanent Resident Aliens Residing in Wayland." L. Jurist noted the need to resurface the High School track, and the Board discussed the proper funding source.

J. Nolan arrived at 6:10 p.m.

**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 (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 Brigham, et al v. Greenaway** At 6:10 p.m., C. Karlson moved, seconded by M. Antes, to 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 (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 Brigham, et al v. Greenaway. 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, Town Counsel Mark Lanza, Town Planner Sarkis Sarkisian, Zoning Board of Appeals Associate member 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 6:37 p.m.

**A15. Minutes: Review and Vote to Approve Minutes of October 24, 2016** The Board reviewed and made edits to the minutes of October 24, 2016. L. Anderson moved, seconded by M. Antes, to approve the minutes as amended of October 24, 2016. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A16. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A13. Town Administrator Salary Review** The Chair reported that the Board held an executive session on Oct. 24 to consider the Town Administrator's salary. At that time they reviewed the results of a Town Administration compensation survey of comparable towns, which placed Wayland near the low end of the list in compensation. The Board was uniform in its opinion on improving N. Balmer's compensation and wanted to offer her a salary of \$158,000, effective September 8, 2016. N. Balmer said she was comfortable with that offer and accepted. M. Antes moved, seconded by J. Nolan, to approve a new salary of \$158,000 for the Town Administrator effective September 8, 2016. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A3. Public Comment** Scott Walter, 100 Draper Road, proposed a child care initiative for Wayland parents to use during Annual Town Meeting. He stated that he is with the group "Wayland Dads" who came up with this idea to increase town meeting participation. He proposed that it would happen during two sessions of ATM and that the town could use current student resources.

**A4. Mainstone Farm: Approve and Sign Purchase and Sale Agreement for Acquisition of Mainstone Farm Conservation Restrictions** Gretchen Schuler, Chair of the Community Preservation Committee, stated that they are asking the Board to approve and sign the purchase and sale for Mainstone. She stated that they would be signing in two places. C. Karlson said that the other parties have signed the purchase and sale agreement and that this brings the town closer to an anticipated closing date of next March. J. Nolan thanked G. Schuler for her work on Mainstone. M. Antes moved, seconded by Joe Nolan, that the Board approve and sign the purchase and sale agreement for acquisition of Mainstone Farm Conservation Restrictions. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Community Preservation Act Application: Historic Preservation: Meet with Historical Society to Discuss Mellen Law Office Repairs: Vote to Approve Application for CPA Funds to Repair Molly Faulkner, President of the Wayland Historical Society, discussed the need to go before town meeting to request CPA funds to repair the Mellen Law Office. She said that it would give the Historical Society a chance to highlight something that residents are not aware of. She stated that it would be an opportunity for the Historical Society, Historic District Commission, Historical Commission, and Town to invest in something that's precious and acts as a wonderful placeholder for the Town. She stated that the cost of the repairs will be \$30,000. J. Nolan suggested that any left over money could go towards a plaque. M. Antes moved, seconded by L. Anderson, that the Board approve the application from the Historical Society for CPA funds to repair the Mellen Law Office. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.**

**A7. Pole Hearing: Petition from Mobilitie, LLC, for the Purpose of Obtaining a Grant of Location to Install a New Utility Pole** C. Karlson opened the pole hearing at 7:15 p.m. J. Nolan moved, seconded by

L. Anderson, to continue the pole hearing to 7:50 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Tax Classification and Recapitulation Hearing** C. Karlson opened the tax classification hearing at 7:18 p.m. The Board was joined by Board of Assessors member, Jayson Brodie, Director of Assessing, Ellen Brideau, and Administrative Assessor, Jessica Marchant. J. Brodie 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. J. Brodie described the property assessment review, the classification percentages, and the new growth in Wayland. He stated that new growth was primarily from residential. Any new residential growth in FY18 will come from additions to existing dwellings. He said the commercial side is not expected to have strong growth in FY18. He reviewed how the tax rate is calculated, and the classification options being presented for consideration. He stated that the tax rate should be \$18.14.

Finance Committee member George Uveges reported that the Finance Committee voted to recommend a single rate and a residential tax factor of one. C. Karlson asked if there was any discussion from the public. There was none.

L. Jurist moved, seconded by M. Antes, to establish the residential tax factor of one. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Jurist moved, seconded by L. Anderson, not to adopt a Residential Exemption. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Jurist moved, seconded by M. Antes, not to adopt a Small Commercial Exemption. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board was joined by Finance Director Brian Keveny to review the FY17 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 stated that he will be reviewing this all with DOR.

C. Karlson closed the hearing at 7:58 p.m.

**A7. Pole Hearing: Petition from Mobilitie, LLC, for the Purpose of Obtaining a Grant of Location to Install a New Utility Pole** At 7:58 p.m., C. Karlson re-opened the hearing for a petition from Mobilitie LLC for the purpose of obtaining a Grant of Location to install a new utility pole in the right of way west of the intersection of Boston Post Rd. and Pelham Island Rd. with electricity connection. The Board was joined by James George from Mobilitie.

J. George discussed his plan of either placing a new utility pole in the right of way west of the intersection of Boston Post Rd. and Pelham Island Rd. or placing a small attachment on top of an existing pole. He said that this would be for the company Sprint. He stated that he will follow existing height ordinances and it will be aesthetically pleasing.

C. Karlson pointed out the two items from the correspondence section in the Board packet from the Historical Commission and the DPW. The Historical Commission wants to keep that space open and the DPW said that there is a water main in that area.

J. George said he will have to withdraw his application, without prejudice, due to the new information presented by the DPW about the water main. He stated that he would like to come back with a new course of

action. He stated that if he finds an appropriate town-owned pole for an attachment he will come before the Board again. If the town doesn't own an appropriate pole he will go before the Planning Board.

M. Lowery asked if the town has bylaws that dictate and describe what wireless facilities are. He stated that it seems J. George's application favors one wireless carrier over others. M. Lowery urged the Board to consider a new bylaw that would apply to these new types of technology. Ed Collins, Plain Road, urged the Board to read the bylaws and warned that if J. George is permitted to do this any other carrier will be able to do the same thing in the same area.

C. Karlson closed the hearing at 8:27 p.m.

**A8. Library Project: Vote to Transfer Custody of 193/195 Main Street to Wayland Board of Library Trustees and Wayland Recreation Commission** Library Board of Trustee Chair, A. Gennis, introduced Dana Mastroianni, the new Library Director, to the Board. C. Karlson thanked all three boards (Library Trustees, Recreation Commission, and School Committee) for the effort it took to find a solution. The agreement was signed on Oct. 13 by the Recreation Commission, Oct. 17 by the School Committee, and Oct. 19 by the Board of Library Trustees. A. Gennis stated that the BOPW voted the night of Oct. 19 on a conditional transfer. She said the proposal gives the Library the portion of the lot on the western side where the potential new Library will be built. The parcel east will be under the jurisdiction of the Recreation Commission. The driveway portion will be transferred to the School Committee. A. Gennis said this had to be done in order to get a physical location for an address for the grant application.

L. Anderson moved, seconded by L. Jurist, that the Board of Selectmen (1) determine, pursuant to Massachusetts General Laws Chapter 40, Section 15A, that the parcel of Town-owned land on Main Street (Route 27), Wayland, Massachusetts being part of 195 Main Street, Wayland, Massachusetts, containing 1.24 acres, more or less, as described in a deed dated June 15, 1944 and recorded with the Middlesex South Registry of Deeds in Book 6775, Page 355, with the structures thereon, is no longer needed for general municipal purposes; and (2) pursuant to the vote of the 2016 Annual Town Meeting under Article 17 of the Warrant for said meeting, transfer the care, custody, management and control of: a.) the portion of said parcel of land, with the structures thereon, under the Board of Selectmen's jurisdiction shown as "Area to be Transferred to Care and Custody of the Library Trustees 2.3 Acres ±" on the unrecorded plan entitled "Plan of Land in Wayland, Massachusetts Showing Jurisdictional Boundaries At The Highway Garage", dated October 12, 2016, prepared by the Town of Wayland Massachusetts Town Surveyor's Office to the Board of Library Trustees for library purposes, effective upon the receipt of grant award from the Commonwealth of Massachusetts and a town meeting appropriation for the construction of a new town library on said land so transferred for library purposes; and b.) the portion of said parcel of land, with the structures thereon, under the Board of Selectmen's jurisdiction shown as "Area to be Transferred to Care and Custody of the Recreation Commission 1.9 Acres ±" on said plan to the Recreation Commission for recreation purposes, effective upon the receipt of the approval of a plan and a town meeting appropriation for the construction of a recreational facility on said land so transferred for recreation purposes. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. Community Preservation Act Application: Housing: Vote to Approve CPA Application for \$20,000 for Consultant and Legal Expenses.** N. Balmer asked the Board to vote to approve a CPA application for \$20,000 to cover the costs of a Housing Consultant and Legal Expenses. This was suggested in the Housing Report by Consultant Karen Sunnarborg. N. Balmer said it would be an annual payment if approved. L. Anderson said that it is in line with what the Board has heard and with what the Housing Report suggested. L. Anderson moved, seconded by L. Jurist, to approve the CPA application for \$20,000 for

Consultant and Legal Expenses. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A10. Review Draft Recommendation for FY18 Operating Budget and Financial Plan**

N. Balmer thanked the Finance Committee and Finance Director B. Keveny for their help and expertise. N. Balmer said that B. Keveny has been very consistent about his message regarding how the town should manage its finances. She said the document presented to the Board incorporates his theme. She said he has been successful moving the town towards an incremental approach in how the town handles finances. This would be something new for Wayland but she believes it's essentially stated in the code. She said the following actions represent long-term financial strategies. The Board is required to forward those budgets under its control to the Finance Committee by Dec. 15. N. Balmer then discussed the three main elements of the FY18 Operating Budget and Financial Plan draft. She said that stabilization, managing debt prudently, and the tax rate is what B. Keveny has been strong on. She said that this year should be considered a transition year.

N. Balmer stated that the Board may want to bring departments back for more discussions by the Dec. 12<sup>th</sup> BoS meeting. B. Keveny discussed Wayland's history of use of free cash and reviewed where current free cash is located and what it's used for. B. Keveny stressed the importance of communicating to residents how the budget fits into a broader long-term plan for the town if the Finance Committee goes forward with it. He said this plan represents Moody's financial best practices.

N. Balmer stated that this budget assumes similar level of services and doesn't include any new positions. L. Anderson stated that there might be an instance where an additional position is necessary.

**A12. Update on River's Edge and Vote to Extend the RFP Schedule** N. Balmer asked the Board for a vote to amend the schedule for notice of award to February 1<sup>st</sup>. She stated that the economic impact analysis is under way. She said the DPW has provided some info about the laydown area and Chairman C. Brown is asking the Board to communicate with them and let them know when they should start expending money for the laydown area. N. Balmer said that the next step with water is contacting The Sudbury Water District to talk about a possible interconnect. J. Nolan asked if the town has applied for MassGrants. N. Balmer said she will look into it. She said that the School Department has provided an update on a permanent parking place and they are asking the Board to allow bus parking at the current River's Edge site until June. The Board is not sure if that would be agreed on in the future River's Edge contract and don't want to give an answer until they know. N. Balmer said she will work on answering the question.

M Antes moved, seconded by J. Nolan, to amend the schedule for the River's Edge Request for Proposal to extend the dates for 1) Issuance of a notice of award to February 1, 2017, 2) Execution of a land disposition agreement by March 3, 2017, 3) Completion of due diligence period by June 1, 2017, and 4) Completion of local and state permitting and closing by March 1, 2018.. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A14. Discuss and Vote to Approve Contract with KP Law; Vote to Appoint Attorney Mark Lanza as Special Counsel** C. Karlson stated she and N. Balmer and L. Anderson met with M. Lanza and KP Law and talked about current and future items. J. Nolan moved, seconded by L. Anderson, to approve and sign a contract effective December 5, 2016 with KP Law to serve as town counsel for the town of Wayland. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Nolan moved, seconded by L. Anderson, to appoint Mark Lanza effective December 5, 2016 to serve as special counsel at the rate of \$175 an hour for the specific cases below and as authorized by the Town Administrator on a case by case basis to assist with the transition to KP Law as new town counsel. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A17. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. J. Nolan said the letter from the Carroll School was very polite but he still thinks the Board should meet with them and discuss what kind of contributions they plan to make to the community. He stated that it doesn't have to be a PILOT program. L. Anderson stated that the mowing near gas pipeline was handled very well by Kinder Morgan.

**A18. Report of the Town Administrator** N. Balmer reported that the final version of The Collins Center report is in the Board's dropbox and they will be coming to talk to the Board soon. She said the Finance team is beginning a discussion about how to apply the report's recommendations. N. Balmer said they have applied for state grants to look at the organization of the town. C. Karlson noted there have been two reports from consultants that have stated issues with the decentralized structure of the town. The Board stated that the proposed sign for the solar installation is fine but needs to either be made smaller or the font made bigger. C. Karlson discussed the The Children's Way sign and the Board is supportive of the idea that it be added to existing sign. C. Karlson discussed the opinion from special counsel that states part of the Library property is located on land with restrictions. This is the same opinion offered by town counsel, Mark Lanza.

**A19. Selectmen's Reports and Concerns** J. Nolan reported that the MetroWest Regional Transit Authority will be unveiling a Vietnam Veterans Memorial on Nov. 27 at noon. He invited the Board to attend. L. Anderson said she attended Wayland's Veteran's Day Ceremony and briefly spoke. M. Antes went to most recent MetroWest Regional Collaborative where people were talking about the TIP (Transportation Improvement Program). They are looking for new ideas. J. Nolan stated that the town's DPW Director should be looking into that. C. Karlson said that she and M. Antes attended the recent Raytheon meeting. She also attended the Waste Water Management District meeting. J. Nolan asked about updates on a new DPW Director. N. Balmer said that the process has been delayed a bit but they are in talks with a candidate. She said they have found a new Conservation Director.

**A20. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A21. Adjourn** There being no further business before the Board, L. Jurist moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:05 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, 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 November 21, 2016**

1. Plan of Land in Wayland Massachusetts showing Jurisdictional Boundaries at the Highway Garage
2. Free Cash Analysis, Five-Year Project, November 21, 2016 from Finance Director Brian Keveny
3. Email of 11/21/16 from Mike Lowery, Board of Public Works, to Board of Selectmen, re: Comments on Pole Location Hearing for Grant of Location for Mobilitie LLC

**Items Included as Part of Agenda Packet for Discussion During the November 21, 2016 Board of Selectmen's Meeting**

1. Memorandum of 11/15/16 from Gretchen Schuler, Chair, Community Preservation Committee, to Nan Balmer, Town Administrator, re: Mainstone P&S Agreement
2. Community Preservation Act Project Application for Mellen Law Office
3. Backup Materials for Tax Classification and Recapitulation Hearing
4. Memorandum of 11/18/16 from Sarkis Sarkisian, Town Planner, to Board of Selectmen re: Mobilitie Pole Hearing and Application
5. Motion for Library Project
6. Memorandum of 11/18/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Housing Application to Community Preservation Committee
7. Memorandum of 11/18/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Fiscal Year 18 Operating Budget and Financial Plan
8. List of Potential Articles for the 2017 Annual Town Meeting as of November 21, 2016, and Draft Schedule
9. Memorandum of 11/21/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: River's Edge Project
10. FY17 Town Manager Salary Survey
11. Memorandum of 11/21/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Contract with KP Law PC
12. Draft Minutes of October 24, 2016
13. Report of the Town Administrator, November 18, 2016