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TOWN OF WAYLAND

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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
January 23, 2017
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
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 Litigation if an Open Meeting may have a Detrimental Effect on the Litigating Position of the Public Body and the Chair So Declares and Specifically, to Discuss: (a) Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, Relative to Property and Development Located Off 400-440 Boston Post Road; and (b) to Discuss Strategy with Respect to a Pending Action regarding 150 Main Street LLC v. Zoning Board of Appeals, Pending with the Land Court

At 6:30 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 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares and specifically, to discuss: (a) whether the town should pursue legal proceedings with respect to the Town's Agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and (b) to discuss strategy with respect to a pending action regarding 150 Main Street LLC v. Zoning Board of Appeals, pending with the Land Court 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 and Town Counsel Amy Kwesell.

The Board returned to open session at 7:16 p.m.

A2. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:16 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

M. Antes announced that the upcoming Listening Sessions will be held on Thursday, Saturday, and tentatively on Wednesday. L. Anderson said all of the dates, times, and locations are on the website. J. Nolan stated that some of the Selectmen were in attendance for the MMA Annual Meeting.

A3. Public Comment

G. Dresens, 155 Main St., stated her concerns with the 150 Main Street building permit and repeated her requests to the Board that they direct Town Counsel to determine the legalities of the permit. She stated that the Board has the responsibility to fix the situation.

M. Upton, Bayfield Rd, discussed her concerns with the 150 Main Street permit. She asked that Town Counsel rule on the legality of the building permit.

A. Boelter, Lake Shore Dr., stated that she is concerned about the declining trust residents have in their elected officials.

J. Bennet, Hawthorne Road, said that it appears residents can't trust that the proper processes and bylaws will be followed.

D. Carls, 132 West Plain St., stated he was shocked at the situation with the 150 Main Street permit and that there are real defects in the process.

A4. Meet with Town Counsel:

- **150 Main Street LLC v. Zoning Board of Appeals: Discussion of Roles of Board of Selectmen, Town Administrator, Building Commissioner, and Zoning Board of Appeals with Respect to Zoning Enforcement Issues**
- **Budget Process – Roles of Selectmen, Finance Committee, and School Committee under Town Code and Massachusetts General Law**
- **Update on Town Legal Transition**

C. Karlson asked for an explanation of the Board of Selectmen's role with regards to 150 Main Street. Town Counsel Amy Kwesell stated that the Board does not have jurisdiction over any of the issues that have been brought up regarding 150 Main Street. She said anything the Board does have control over, they have already acted on, such as hours in the Town Clerk's office and procedures in the Building Department. She said the Board does not have any jurisdiction over enforcing the zoning bylaw. She explained the scope of jurisdiction for the ZBA, Building Commissioner and the Planning Board. She stated that the Scenic Road Bylaw is a general bylaw and is administered by the Planning Board, only triggered if there is a new curb cut or removal of a stonewall or vegetation. In this case it is not triggered.

A. Kwesell said since the building permit was issued, appealed, and the ZBA heard it and denied it, there is procedurally nothing more that can be done. She said the Board of Selectmen does not have the right to revoke, suspend or endorse building permits.

C. Karlson asked Town Administrator, N. Balmer, to look into completeness of files and how requests for documents are handled in the Building Department as another administrative area where the BoS can act.

C. Karlson took questions from the public. Two members of the audience asked questions about the Scenic Road Bylaw and the two physical alteration permits.

The Board left to attend the Finance Committee's Annual Town Meeting Warrant Article Workshop at 7:45 p.m.

A5. Attend Finance Committee's Annual Town Meeting Warrant Article Hearing

The Board returned to its meeting room at 9:06 pm

A4. Continued A. Kwesell continued to answer questions regarding the roles of the Board of Selectmen, School Committee, and Finance Committee regarding budgets. She said that she looked at the town code and state statute. She stated that the Finance Committee submits the overall budget to the Town with recommendations. While the School Committee and BoS vote on respective budgets provided by the Superintendent and Town Administrator, the Finance Committee does have authority to force a change in the bottom line of these budgets.

A Kwesell said the legal transition is going well, and they have hit the ground running. All the department heads, staff, and former town counsel have been helpful.

A6. Selectmen's Work Session: Rivers Edge

- **Timetable**
- **Review Evaluative Criteria**
- **Notice of Award Requirements**
- **Update on Site Considerations: DPW, School Buses**
- **Revised Economic Impact Analysis**

C. Karlson reviewed the timetable with the Board. N. Balmer went over the criteria for the review evaluation. She stated that the evaluation is based purely on the bidders' submission documents so the individual board members can make their own decisions. River's Edge Committee member R. Stanizzi stated that both bidders have done significant development projects so they both have qualifications based on their track record to complete a project like this. She also stated that both meet the RFP requirements. C. Karlson went over the criteria the Board needs to consider for the evaluation. Some of the topics include plan and design, feasibility of project and housing opportunities, development schedule and total financial benefits for the town.

The Board members each discussed their rankings and opinions of the topics. All of the Selectmen ranked Wood Partners as their top pick. M. Antes stated that there should be some discussion about the need for 3 bedroom units.

N. Balmer provided an updated memo from the Department of Public Works Director. M. Lowery came before the Board to discuss the new cost estimate of \$100,000 for the road to the triangle lay down area.

N. Balmer stated the next step would be to issue a notice of award. She said that the Town's attorney from Anderson & Kreiger will draft some conditions on the award. R. Stanizzi stated some of the conditions. N. Balmer stated that there is an understanding between Wayland and Sudbury on a water connection, and the Town needs to decide how they will approach an intermunicipal agreement with the Sudbury Water District.

A7. Discuss and Vote Positions on Annual Town Meeting Articles

The Board decided to defer discussion on Annual Town Meeting Articles until next week.

A8. Meet with Town Moderator to Discuss Moderator's Forum and Annual Town Meeting

Town Moderator D. Berry came before the Board and discussed the Moderator's Forum. The Board and D. Berry decided to combine the Board of Selectmen's Warrant Hearing meeting on March 27 with the Moderator's Forum. C. Karlson said the Board and D. Berry should think about how to structure the meeting.

A9. Minutes: Review and Vote to Approve Minutes of January 9, 2017 as amended. L. Anderson moved, seconded by M. Antes, to approve the minutes of January 9, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, 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 the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes suggested publicizing the Police Department's goals and the Civil Service act that is signed by Gov. Baker. The Board thanked N. Balmer for the letter to the Gills.

A12. Selectmen's Reports and Concerns C. Karlson announced that this Thursday there will be a signing ceremony for the Community Compact with Lt. Gov. Karyn Polito. L Anderson stated that she contacted both the Police and Fire Chiefs about the Board's decision on new positions. She said she is planning to attend the upcoming Local Emergency Planning Committee meeting. M. Antes said she attended the MetroWest Regional Collaborative meeting on Thursday. She said she attended an exhibitor's workshop about storm water at the MMA Annual Meeting. C. Karlson stated she went to a session on succession planning at the MMA meeting. She also stated she is concerned with the lack of parking for The Depot due to the rail trail construction and wanted to know who has jurisdiction over the parking area.

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, L. Anderson moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:33 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 January 23, 2017

1. Email of 1/20/17 from Susan Botta, School Business Administrator, to Nan Balmer, Town Administrator, re: Information for Board of Selectmen regarding School Bus Parking Relocation
2. Copy of Commonwealth Community Compact, 1/27/17, between Commonwealth of Massachusetts and Wayland Board of Selectmen, re: Financial Management

Items Included as Part of Agenda Packet for Discussion During the January 23, 2017 Board of Selectmen's Meeting

1. Memorandum of 1/23/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Meet with Town Counsel
2. Memorandum of 1/23/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Rivers Edge Workshop
3. Memorandum of 1/23/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Warrant Article Hearing and Vote on Standard Town Meeting Articles
4. List of 2017 Annual Town Meeting Articles with Attached Text of Articles
5. Draft Board of Selectmen Meeting Minutes, January 9, 2016
6. Report of the Town Administrator for the Week Ending January 20, 2017