



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

LEA T. ANDERSON  
MARY M. ANTES  
LOUIS M. JURIST  
CHERRY C. KARLSON  
DOUGLAS A. LEVINE

### Board of Selectmen

#### Meeting Minutes

August 21, 2017

6:30 p.m.

Wayland Town Building, Selectmen's Meeting Room  
41 Cochituate Road, Wayland

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist (arrived at 7:44 p.m.), Cherry C. Karlson, Douglas A. Levine (arrived at 6:34 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)(2) to Discuss Strategy with Respect to Negotiations with Non-Union Personnel, Police Chief, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with the Police, Fire, AFSCME 1, and Library Unions Representing Town Employees, and to Discuss 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 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 Wayland Meadows, LLC, Lot 8, Old Sudbury Road, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town**

At 6:30 p.m., L. Anderson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to discuss strategy with respect to negotiations with non-union personnel, Police Chief, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to and in preparation for collective bargaining with the Police, Fire, AFSCME 1, and Library unions representing Town employees, and to discuss 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 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 Wayland Meadows, LLC, Lot 8, Old Sudbury Road. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson NAY: none. ABSENT: L. Jurist, D. Levine. ABSTAIN: none. Adopted 3-0. Chair L. Anderson invites attendance by Town Administrator Nan Balmer.

The Board returned to open session at 7:11 p.m.

**A2. Call to Order by Chair** Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:11 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 said there will be a ZBA meeting tomorrow night. L. Anderson announced that people can apply to the 2017 Wayland Police Department Citizens Academy, which starts in September. N. Balmer introduced communications volunteer David Porter to the Board of Selectmen.

**A3. Public Comment** M. Lowery, Lakeview Drive, stated he was speaking for himself about the Library project agenda item tonight and distributed his comments. He said the Library proposal is a want not a need, that moving it will do more damage to Town Center. He asked the selectmen to take a step back and rethink the project.

J. Ling, 274 Concord Rd, passed out a graph of capital expenditures listed in the Warrant. She said the Library project will take away resources from the Town's other important needs and wants, the Town doesn't need a new library, and she opposes abandoning the current building.

L. Segal, Aqueduct Road, speaking as an individual and not a ZBA associate member, discussed the proposed 40B advisory committee. She distributed a list of 40B projects and the number of ZBA sessions for each. She said reviewing 40B projects takes more time than people know, and the Town needs everyone's help and participation.

**A4. Vote to Approve Memorandums for Collective Bargaining Agreements for AFSCME-1 and the Library Staff Association Unions**

M. Antes moved, seconded by C. Karlson, to Approve the Memorandums of Agreement for Successor Collective Bargaining Agreement between the Town of Wayland and AFSCME-1 Local 690 for the period of July 1, 2017 through June 30, 2020 and to Approve the Memorandums of Agreement for Successor Collective Bargaining Agreement between the Town of Wayland and the Wayland Library Staff Association for the period of July 1, 2017 through June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A5. Interview and Potential Vote to Appoint to Boards and Committees: Zoning Board of Appeals, David Katz**

David Katz appeared before the Board to interview for a position on the Zoning Board of Appeals. He reviewed his background and interest in serving on the board. He currently works in Human Resources and applied to the ZBA because it is a critical Board when it comes to development for the town. When questioned, he said he's looking forward to learning a lot and willing to put in the work. M. Antes said the ZBA will benefit from someone who can read plans and who has excellent writing skills for writing decisions. C. Karlson said they are always looking for different skill sets and perspectives.

C. Karlson moved, seconded by D. Levine, to appoint David Katz to the Zoning Board of Appeals, effective immediately, for a term to expire on June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

**A6. Discuss Next Steps for Library Project; Discuss Process to Consider Re-use of Library Building at 5 Concord Road** Library Trustee members Aida Gennis and Sally Cartwright came before the Board to discuss the next steps for the Library project and possible re-use of the existing Library building at 5 Concord Road. A. Gennis reviewed the timeline to date for the Library project. She asked the Board the steps to hold a special election for a debt/capital exclusion vote in addition to a Special Town Meeting article vote. Specifically, she asked if the request would be done through the Board of Selectmen or the Finance Committee. C. Karlson said the Library Board of Trustees can ask for a debt exclusion to be placed on the ballot, but historically, the BoS has requested input from the Finance Committee, as required by Board policy, for a funding recommendation. Timing was also discussed. A. Gennis stated that the state has a deadline of January 12, 2018, and they expect municipalities to have a fall town meeting or call a special town meeting..

L. Jurist arrived at 7:44 p.m.

C. Karlson stated that the Finance Committee has made a clear request to avoid capital money articles for fall town meeting. The letter is in the Selectmen's packet for tonight's meeting. A. Gennis said she had read the memo and understands the position. However, the Trustees face the State January 2018 deadline and they do not want to miss the opportunity for residents to vote on the issue. The Board expressed a strong preference for considering all Town capital articles at the same time, and asked about an extension of the deadline to allow for the project to be discussed during the Annual Town Meeting process. A. Gennis explained the process to file for an extension of the January 12, 2018 deadline, and outlined the conditions under which the Trustees might apply. She proposed submitting an article for fall town meeting in case the extension was denied, reviewing the timing for a fall ballot question, and requested an assurance from the Board of Selectmen that the Library funding article would be placed on the spring Warrant. L. Anderson said that is reasonable to expect since the Town's typical process is to consider funding/money articles at Annual Town Meeting.

Chair of the Library Planning Committee (LPC) Tom Fay came before the Board to discuss the committee taking on the charge of developing a list of possible future uses of 5 Concord Rd. T. Fay said the existing Library building is important to the Town, and everyone on the committee worked very hard to try to expand or keep it but couldn't due to environmental and space reasons. He said they are willing to take on this part of the charge and look at all recommendations and uses from various sources (prior building studies, LPC work, WRAP report). C. Karlson looked at the timetable for Special Town Meeting and wondered if the list of potential future uses could be completed and forward to Town Counsel in time for the STM warrant.

A. Gennis explained that to apply for an extension they would need to confidently state that an article for this would occur at the Annual Town Meeting as part of the regular budgeting cycle and with a ballot question scheduled. The Board confirmed its strong preference for addressing this project at Annual Town Meeting. A. Gennis requested a copy of this meeting's minutes, the letter from the Finance Committee stating funding articles should wait until the spring, and a letter from the Board of Selectmen. The Board was supportive of this approach.

C. Karlson moved, seconded by L. Jurist, that the Town Administrator, with the assistance of the Board of Selectmen, draft a letter to the Board of Library Trustees requesting that it apply for an extension and state that the Board strongly prefers to address financial articles during the annual budget process, agrees to include the article on the Warrant for Annual Town Meeting, will request a ballot question, and requires additional time to determine the best future use for the much loved current Library facility. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson summarized that the Trustees should still proceed down the path for submitting an article for November's special town meeting.

**A7. Vote to Open Special Town Meeting Warrant** M. Antes moved, seconded by D. Levine, to hold a Special Town Meeting on Tuesday, November 14, 2017, at 7:00 p.m. in the Wayland High School Field House, and the warrant for said Special Town Meeting will be open from Wednesday, August 23, 2017, at 8:30 a.m. through Thursday, August 31, 2017, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in the Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Thursday, August 31, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Vote to Submit Special Town Meeting Articles; Discuss Criteria for Inclusion of Articles in Warrant**

Discussion included:

1. **Pay Unpaid Bills:** C. Karlson asked for this article to be populated before submission, since the Board requested no placeholder articles. N. Balmer said she will make sure its comprehensive. C. Karlson asked if Unpaid Bills and Current Year Transfers count as funding articles under the FinCom's guidance letter. L. Jurist said we have no choice. L. Anderson said the memo stated no financial articles, but with some exceptions.
2. **Current Year Transfers**
3. **Fund FY18 Across the Board Increase for Non-Union Staff:** L. Jurist said showing a cost is confusing since it is a reallocation, not a new cost. M. Antes recommended putting reallocation. N. Balmer will address it.
4. **Accept Gifts of Land:** C. Karlson distributed a draft article with maps for consideration. The gifts of land are at Town Center.
5. **Fund FY18 Increase for Town Clerk**
6. **Change Date Circuit Breaker:** C. Karlson said this article was also reviewed by the COA Director.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen vote to submit for the warrant the following articles: Pay Unpaid Bills, Current Year Transfers, Articles related to Negotiations Increase for Non-Union Staff and Town Collective Bargaining Agreements, Increase for Town Clerk, Accept Gifts of Land for Town Center, and the article to Change Filing Deadline for Circuit Breaker Match Program all with the understanding that they be complete by the time of submission. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. Town Administrator Evaluation – Solicit Feedback on Draft Composite Evaluation**

L. Anderson collected the draft composite evaluations with individual Board member's feedback and will consolidate the remarks. She noted that everyone had a wide variety of opinions and she will bring back a revised version. The Board complimented L. Anderson on summarizing all the information.

**A10. Discuss Charge for Proposed Town Advisory Committee for Chapter 40B** D. Levine discussed his support for a 40B Advisory Committee to assist the ZBA. Town Counsel reviewed the draft charge and didn't identify anything that would cause a conflict. He said the overall goal would be for information sharing and all meetings would be in open session. C. Karlson asked N. Balmer to clarify the role of the Town's current 40B Consultant. N. Balmer reported that the consultant provides a broad base of support that covers all relevant topics, understands the processes, and is with the ZBA every step of the way. She noted there could be an overlap with an advisory committee. C. Karlson said it is important to let the ZBA function independently, not interfere and not to create more work for staff. L. Anderson said she's undecided and asked D. Levine if there would be any confusion about committee members offering legal opinions. L. Jurist suggested they go before the ZBA and ask them if they need an advisory committee. C. Karlson said D. Levine can explain the idea during ZBA public comment and explain that the Board of Selectmen requests feedback. D. Levine planned to attend tomorrow night's ZBA meeting.

**A11. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes on the Following Topics: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (3) to Discuss 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 to Discuss Strategy with Respect to Litigation in Pending Action**

**regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road, and to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with the Police, Fire, AFSCME 1, Library, WESA, Custodial and Food Service Unions Representing Town and School Employees, and to Discuss Strategy with Respect to Negotiations with the Police Union Regarding Withdrawing From Civil Service; 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 River's Edge Project at 484-490 Boston Post Road; and to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town: APPROVE AND HOLD: August 7, 2017, July 24, 2017, May 15, 2017, and APPROVE AND RELEASE WITH REDACTIONS: June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015**

At 8:56 p.m., L. Anderson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to review and consider for approval the potential release of the following executive session minutes on the following topics: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (3) to discuss 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 to discuss strategy with respect to litigation in pending actions regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road, and to discuss strategy with respect to and in preparation for collective bargaining with the Police, Fire, AFSCME 1, Library, WESA, Custodial and Food Service unions representing Town and School employees, and to discuss strategy with respect to negotiations with the Police Union regarding withdrawing from civil service; 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 River's Edge Project at 484-490 Boston Post Road; and to discuss the exchange, purchase, lease or value of real estate in regard to the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone. APPROVE AND HOLD: August 7, 2017, July 24, 2017, May 15, 2017, and APPROVE AND RELEASE WITH REDACTIONS: June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015. Before the second, C. Karlson requested that the motion be amended to include AFSCME 2 and the change was made. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair L. Anderson invites attendance by Town Administrator Nan Balmer.

The Board returned to open session at 8:58 p.m.

**A12. Executive Session Minutes: Vote to Approve and Hold the Executive Session Minutes of August 7, 2017, July 24, 2017, and May 15, 2017; Vote to Approve and Release with Redactions the Executive Session Minutes of June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015**

This agenda item was postponed until a future meeting.

**A13. Minutes: Review and Vote to Approve Minutes of July 31, 2017, and August 7, 2017** C. Karlson moved, seconded by M. Antes, to approve the minutes of July 31, 2017, and August 7, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A14. Consent Calendar: Review and Vote to Approve (See Separate Sheet)** M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A15. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. L. Anderson said the Budget Status Report was interesting and noted there were many positive happenings relative to collections. M. Antes was pleased to see the Stonebridge easement completed. The Board agreed the Police Department's report showed an eventful month, and recognized the nice letters from officials and residents about its performance.

**A16. Report of the Town Administrator**

1. **Correspondence:** nothing additional.
2. **Zoning Board of Appeals Membership and Staff Report:** N. Balmer reported ZBA needs additional staffing as existing staff cannot attend all the scheduled hearings. She said the Board will have the opportunity to appoint an additional member in September to fill the other vacancy.
3. **Annual Town Meeting Schedule:** distributed for review.
4. **Staffing Plan/Engineering:** N. Balmer said she is working on many projects related to staffing. An outside vendor is evaluating the organization in the Town Administrator's office, the Finance office and HR, and N. Blamer hopes to come back in early September with some recommendations. N. Balmer has also asked the Collins Center to produce their report early if possible. Finally, she is also looking to integrate the management functions of Public Works, Engineering, Wastewater, Survey and Facilities to find ways to realign the organization to make it easier for staff to accomplish tasks.
5. **Housing:** N. Balmer reported that implementation of the Housing consultant's plan is progressing slowly, and she expects more progress in September.
6. **Land Use Team Project:** N. Balmer said she encourages staff to "like" complaints and use them as a learning experience. She said they do not get many/if any complaints about land use and when they do the entire staff uses it as a learning experience. She asked the Board to please bring forward any complaints they hear.
7. **Budget Process:** N. Balmer said the Finance Team worked very hard with the Finance Director to prepare his presentation to departments heads on Aug 6.
8. **Finance Committee:** N. Balmer said she met with the Finance Committee and reviewed its request to meet with staff. She went over the planned process with the Board and asked for its thoughts. D. Levine said the current way didn't seem efficient and was open to trying a new way. C. Karlson wondered if all committees should follow this same process. N. Balmer said that she doesn't feel the town needs to draw a hard line on the process yet. She then went over the Finance Committee's request to meet with the financial advisor.

She said the Route 20 paving project will occur at night in September; some staff met with MA DOT representatives. She reported that the Police Chief is requesting the School Department retain a traffic engineer to review safety at the proposed contractual site for parking school buses.

N. Balmer reported that she has received many requests and questions about the Turf Account. Her understanding is that when the turf field project happened, it was agreed that some of the fees paid for the use of the turf field would be set aside for replacement. This account was set up as a 53a gift account and has a balance of \$214,000 collected from user fees. This is not the right place for the funds and our auditor has agreed to allow the Town to transfer the balance to the Recreation Revolving fund. Recreation is discussing whether the funds can be used for something other than

replacement of the high school turf field. N. Balmer will hold the funds until a resolution is found. She said this is an ongoing situation and she will keep the Board updated.

**A17. Selectmen's Reports and Concerns** D. Levine stated that he attended a meeting with members of the EDC, the Town Planner, and representatives of the owners of Town Center and the property management company. They talked about problematic issues such as vacancies, a general lack of foot traffic and focusing on a long-term plan for future tenants. They also discussed wastewater capacity, meeting regularly with the Town and ways the Town can help (permitting issues, holding more events in that area).

M. Antes said she will be attending the MMA Legislative Breakfast Meeting in Stow on Sept. 22. L. Anderson said she will go as well. C. Karlson asked if there is a way to get all Town meetings posted on the online town meeting calendar, perhaps through a central place like the Town Clerk's office since all agendas are posted there. N. Balmer said she will follow up and she's expecting changes in that area hopefully in a few months.

**A18. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A19. Adjourn** There being no further business before the Board, D. Levine moved, seconded by C. Karlson, to adjourn the meeting of the Board of Selectmen at 9:32 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 21, 2017**

1. Wayland Five Year Capital Expenditure Plan
2. Recent 40B Comprehensive Permit History, from Linda Segal, 8/21/2017
3. Letter of 8/21/17 from Michael Lowery to Board of Selectmen re: Library Project
4. Draft Article for November 2017 Special Town Meeting, "Accept Gifts of Land at Town Center"

**Items Included as Part of Agenda Packet for Discussion During the August 21, 2017 Board of Selectmen's Meeting**

1. Letter of 8/15/17 from David Katz re: Letter of Interest and Résumé for the Zoning Board of Appeals
2. Memorandum of 8/21/17 from the Board of Selectmen to All Town Boards and Committees and Staff re: Special Town Meeting, November 14, 2017
3. Draft Special Town Meeting Articles
4. Draft Minutes of July 31, 2017, and August 7, 2017
5. Report of the Town Administrator for the Week Ending August 18, 2017