



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

AFR
10/13/09

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BOARD OF SELECTMEN
STEVEN J. CORREIA
THOMAS J. FAY
JOSEPH F. NOLAN
SUSAN W. POPE
MICHAEL L. TICHNOR

Board of Selectmen Meeting Minutes September 21, 2009

Attendance: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor
Also Present: Town Administrator F. Turkington, Secretary M. DiNapoli

Chair J. Nolan called the meeting of the Board of Selectmen to order at 7:04 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience.

A2. Public Comment Betty Salzburg, 28 Grove Street, expressed her opposition to reducing the affordable housing component in the proposed Town Center Development. Alan Reiss, 462 Old Connecticut Path, requested that the town contract for a revised financial analysis on the Town Center project. David Bernstein, 25 Glezen Lane, also expressed support for a revised financial analysis due to the changing market conditions.

A3. Recess to Attend School Committee Meeting for Update on High School Project The Board recessed at 7:32 p.m. to attend the School Committee meeting, and returned at 8:08 p.m.

A4. Presentation by Domestic Violence Assistance Roundtable The Board was joined by Police Chief Robert Irving, Jacquelin Apsler, Executive Director of the Domestic Violence Assistance Roundtable, and Jim Terry, President, for a presentation of the services offered by their network. J. Astor said they provide a comprehensive, coordinated community response to domestic violence through ten towns; she reviewed statistics and demographics. R. Irving said the service offers a ready referral for victims of domestic violence, and he said the Wayland police work with the volunteer advocates to achieve long-term resolutions. The Board thanked them for their service to the town and referred the public to its website, www.dvnap.org, for further information.

A5. Update on H1N1 Flu Preparation by the Board of Health and Staff Public Health Nurse Ruth Mori and Board of Health members Dr. Arnold Soslow and Mark Neuman appeared before the Board to provide an update on the Town's preparation for the standard seasonal flu and the H1N1 flu. R. Mori reviewed prevention techniques and updated the Board on the vaccination scheduling; she noted that the H1N1 vaccine should be received by October. She said further information is available on the website, and in booklets located at the library, town building, and the schools

A11. Selectmen's Reports and Concerns The Board discussed appointments to the Doran Road Property Advisory Committee. F. Turkington said the openings have been posted and advertised, and applications have been received from seven interested citizens. It was the sense of the Board to keep the opening posted, and to interview candidates at a future meeting, with the goal of having the committee make a determination by the end of the year in order to prepare an article for the April Annual Town Meeting.

A6. Review and Discuss Potential Articles for Insertion in Special Town Meeting M. Tichnor moved, seconded by S. Pope, to submit to the Town Administrator's office for eligibility for inclusion in the Special Town Meeting warrant, the article "Hear Report." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by S. Correia, to submit to the Town Administrator's office for eligibility for inclusion in the Special Town Meeting warrant, the article, "Adopt Sex Offender By-Law." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. M. Tichnor moved, seconded by T. Fay, to submit to the Town Administrator's office for eligibility for inclusion in the Special Town Meeting warrant, the article "Accept Local Option Meals Excise." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. M. Tichnor moved, seconded by S. Pope, to submit to the Town Administrator's office for eligibility for inclusion in the Special Town Meeting warrant, the article "Increase Demand Charge for Delinquent Taxes." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by M. Tichnor, to submit to the Town Administrator's office for eligibility for inclusion in the Special Town Meeting warrant, the article "Wayland High School Expansion and Modernization," with the understanding that it will not be submitted if the School Committee submission is acceptable. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. M. Tichnor moved, seconded by T. Fay, to submit to the Town Administrator's office for eligibility for inclusion in the Special Town Meeting warrant, the article "Route 30-27 Intersection Land Acquisition." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. The Board reviewed a placeholder article to amend the zoning for the MUOD at Town Center. Betty Salzburg, Chair, Housing Partnership, said the Housing Partnership will oppose the article. M. Tichnor reviewed the events that led to the request by Twenty Wayland LLC to amend the development agreement. Mary Antes asked when the funding would be received; M. Tichnor said it was still under negotiation. Sam Peper, Chair, Finance Committee, cited the financial benefits to the town that would be realized by the project. Brian O'Herlihy, 93 Sears Road, suggested that the town contract for a revised financial analysis of the project due to the change in the economy. M. Tichnor moved, seconded by J. Nolan, to submit to the Town Administrator's office for eligibility for inclusion in the Special Town Meeting warrant, the articles, "Establish Municipal Affordable Housing Trust Fund," and "Amend Chapter 198 of the Zoning By-Law of the Town of Wayland ." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A7. Executive Session At 9:48 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by M. Tichnor and seconded by S. Correia, to go into executive session pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) to discuss strategies with respect to (i) pending litigation between the Town and Twenty Wayland, LLC relative to the Historic District Commission certificate of hardship for traffic infrastructure improvements and (ii) collective bargaining because a public discussion of these matters will have a detrimental effect on the litigating and bargaining position of the Town. The Board will be joined by Special Labor Counsel Liz Valerio, Human Resources Director/Assistant Town Administrator John Senchyshyn, and members of the Personnel Board, and will return to open session in approximately twenty minutes.

The Board returned to open session at 10:28 p.m.

A8. Consent Calendar M. Tichnor moved, seconded by T. Fay, to approve the consent calendar (Warrants TA092109 and C1007). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A9. Correspondence S. Pope, T. Fay and S. Correia requested more information on the request of Wayland Commons to lift the over age 55 restriction on the 40B project, especially as it might relate to wastewater treatment issues and the current affordable housing negotiations with Twenty Wayland LLC. S. Pope noted the letter from the Historical Society relative to the Mellen Law Office improvements.

A11. Selectmen's Reports S. Correia said he attended the Community Preservation Committee meeting; he noted the historical preservation initiatives submitted as an article for Special Town Meeting, the presentation by citizens on the potential acquisition of Lee's Farm Stand property for affordable housing, and the potential open space/community farming with CPA funds. T. Fay advised that the Town has been voted into the HOME Consortium. He asked about the timeline for correcting the link between the new bridge and the road surface at the Route 20 Bridge.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 10:44 p.m.
YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.



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Approved for
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CONFIDENTIAL

Board of Selectmen Executive Session Minutes September 21, 2009

Attendance: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor

Also Present: Town Administrator F. Turkington, Secretary M. DiNapoli, Special Labor Counsel Liz Valerio, Human Resources Director/Assistant Town Administrator John Senchyshyn, and members of the Personnel Board

Purpose: The session was called at 9:48 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by M.G.L. Chapter 39, Section 23B, paragraph three, to discuss strategies with respect to (i) pending litigation between the Town and Twenty Wayland, LLC relative to the Historic District Commission certificate of hardship for traffic infrastructure improvements and (ii) collective bargaining because a public discussion of these matters will have a detrimental effect on the litigating and bargaining position of the Town.

Discussion: J. Senchyshyn and L. Valerio discussed police contract negotiations. L. Valerio reviewed the pending litigation regarding the Quinn Bill in Mashpee. She does not optimistic the Town of Mashpee would prevail. The Board was advised that it would be best to resolve the Quinn Bill issue in negotiation rather than wait for a decision in the pending lawsuit. The Board discussed the contracts settled in other towns, including Newton, Brookline, and Watertown, where some settlements agreed to pay the full Quinn obligation in return for a zero percent COLA over varying periods of time. J. Senchyshyn reviewed possible savings in other areas, such as changes to the FLSA schedule and restructuring detail rates. J. Senchyshyn asked the Board to support the use of the figure of \$118,524 as the baseline cost of the Quinn plan with further costs being achieved through contract concessions. J. Senchyshyn sought reassurance that the town will hold to the zero percent COLA for all other union negotiations. It was the sense of the Board to accept the proposals of L. Valerio and J. Senchyshyn and continue the negotiations as presented.

J. Senchyshyn, L. Valerio, and the members of the Personnel Board left at 10:23 p.m.

F. Turkington said he met with Twenty Wayland LLC in regard to the Historic District Commission case, and they have agreed with the Board strategy to seek a default for judgment limited to the objectionable issues. He said the documents were filed in court last week, and there should be a response to the motion this week.

Adjourn: By motion of S. Pope, seconded by T. Fay, the Board, by roll call vote, unanimously voted to exit executive session at 10:28 p.m.