



TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

AFR
12/7/09

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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 November 9, 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 7:05 p.m. in the Large Hearing Room and reviewed the agenda for the viewing audience.

A2. Public Comment George Harris, 8 Holiday Road, said he would like to be on the Board agenda soon to discuss the Board's alleged violations of the open meeting law. He also said he felt the Board is violating its policy regarding making documents available to the public. Ralph Wegener, 25 Hickory Hill Road, noted the cost of the proposed new wastewater facility in Wayland is substantially higher than the cost of a new facility recently built in Acton, Massachusetts. F. Turkington said the Public Buildings Director was asked to research this and will provide a report by the end of the week. R. Wegener also said the users of the facility are being charged for a recent \$5 million expenditure and will be charged again in the future for betterments, with no hearings or notices.

A3. Public Hearing on Debt Exclusion Ballot Question The Board opened a public hearing on the debt exclusion ballot question at 7:21 p.m. Sam Peper, Chair, Finance Committee, provided background and a detailed breakdown of the debt exclusion for the Wayland High School. Lea Anderson, Chair, High School Building Committee, advised residents that the question on the ballot does not have a dollar amount, because the vote is to override proposition 2 1/2. She said the details and dollar amounts will be voted at the Special Town Meeting on November 18. S. Pope emphasized that the state has guaranteed the forty percent reimbursement. There was no public comment. The hearing was closed at 7:30 p.m.

A4. Special Town Meeting Warrant Hearing The Board opened the Special Town Meeting warrant hearing at 7:30 p.m. M. Tichnor advised residents to arrive early for the Special Town Meeting. F. Turkington described the satellite locations for alternate transportation. Anette Lewis, 33 Claypit Hill Road, said funds already appropriated for the high school building project should be removed from the amount listed in the warrant. Town Counsel Mark Lanza said the MSBA (Massachusetts School Building Authority) strictly regulates the wording of the article and the motion. A. Lewis questioned the authority of the High School Building Committee to direct the use of funds. M. Lanza said the language of the article is regulated by the MSBA, and that all contracts must be signed by the School Committee. Nancy Sheffres, 243 Concord Road, noted the summary on the bottom of page three did not total \$1,084,812 as indicated and questioned the discrepancy. L. Anderson said the missing amount of approximately \$300,000 was the funding for the preliminary design study, which was not reimbursable by the MSBA. Diana Humphrey, 42 Cutting Cross Way, provided a written statement to the Board expressing her concerns about the amendment to the MUOD. A. Lewis disputed the date noted in the warrant for the expiration of the development agreement; J. Nolan said if the developer did not go forward with the

project, the agreement expired in 2011. A. Lewis noted inconsistencies between the comments of the Finance Committee and the Planning Board. F. Turkington said he would review the inconsistencies and provide clarification at Special Town Meeting. A. Lewis said the provisions of Massachusetts General Laws Chapter 44, section 55C, in regard to municipal affordable housing trust funds, have not been discussed as required before adoption. She also questioned the controlling authority for the Board of Trustees created to manage the fund. M. Lanza said the trust fund will be a separate legal entity, and the Board of Trustees will not be a town board. Dorothy Dunlay, 27 Shermans Bridge Road, said there was no public hearing on the Report and Recommendations to Town Meeting Regarding Annual Town Meeting Article, Recognizing Citizens for Extensive Service to the Town. M. Tichnor said the Board held public discussions on June 1 and June 22, 2009. A. Lewis expressed concern about the as-of-right language in the article to amend the zoning by-laws regarding renewable or alternative energy research and development activities. A. Lewis expressed concern about the language of Exhibit D on page 60 that allows signature by one member of the Board of Selectmen; M. Lanza said a signature by one member of the Board still requires a vote of the full Board. A. Lewis asked for clarification of the development staging as planned by the developer and contemplated in the Master Special Permit. A. Lewis noted the developer has the right to terminate the agreement at any time. A. Lewis asked if additions to the list of properties covered by the Sex Offender Residence Prohibition and Restrictions must go to Town Meeting. F. Turkington said it does not; it is the town's responsibility to update the list. A. Lewis asked that a full map of the sex offender restrictions be made available at town meeting. Town Moderator Peter Gossels said a revised version of the Moderator's Handbook will be available at town meeting and also online. The warrant hearing was closed at 8:30 p.m.

A5. Executive Session At 8:32 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by T. Fay and seconded by S. Pope, to go into executive session pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) to discuss strategies with respect to (i) pending litigation regarding the Public Safety Building 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 reconvene in the Selectmen's Meeting Room and will return to open session in the Large Hearing Room in approximately thirty minutes.

The Board returned to open session in the Large Hearing Room at 8:58 p.m.

A6. Selectmen to Discuss and Vote Positions on Special Town Meeting Articles T. Fay moved, seconded by S. Pope, that the Board recommend for approval by citizens at Special Town Meeting Article 1, "Increase Demand Charge for Delinquent Taxes." 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, that the Board recommend for approval by citizens at Special Town Meeting Article 2, "Wayland High School Expansion and Modernization." 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, that the Board recommend for approval by citizens at Special Town Meeting Article 3, "Amend Zoning By-laws re: Affordable Housing in MUOD." 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, that the Board recommend for approval by citizens at Special Town Meeting Article 4, "Establish Municipal Affordable Housing Trust Fund." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. M. Tichnor moved, seconded by S. Correia, that the Board recommend for approval by citizens at Special Town Meeting Article 5, "Accept Local Option Meals Excise Tax." YEA: S. Correia, T. Fay, J. Nolan, M. Tichnor. NAY: S. Pope. ABSTAIN: none. Adopted 4-1. S. Pope moved, seconded by T. Fay, that

the Board recommend for approval by citizens at Special Town Meeting Article 6, "Adopt Sex Offender By-law." S. Pope moved, seconded by M. Tichnor, that the Board recommend for approval by citizens at Special Town Meeting Article Article 7, "Acknowledge Receipt of 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, that the Board recommend for approval by citizens at Special Town Meeting Article 8, "Route 30-27 Intersection Land Acquisition." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by S. Pope, that the Board recommend for approval by citizens at Special Town Meeting Article 9, "Amend Zoning By-laws re: Renewable or Alternative Energy Research and Development Activities." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by T. Fay, that the Board recommend for approval by citizens at Special Town Meeting Article 10, "CPA Funds for General Preservation Planning." YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A7. Consent Calendar T. Fay moved, seconded by S. Correia, to approve the consent calendar (Warrants TA110909, C1010M, and S010M). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A8. Correspondence The Board reviewed the week's correspondence. The Board discussed open meeting laws and misinformation regarding the wastewater facility user fees and betterments.

A9. Report of the Town Administrator F. Turkington reviewed upcoming agendas and meeting schedules. He said the dedication of the new Baldwin Pond Water Treatment facility will take place Saturday, November 14, at 10:00 a.m. He advised the Board that he will have a draft timeline for the 2010 Annual Town Meeting at the next meeting.

A10. Selectmen's Reports and Concerns S. Pope said she does not believe the Board has violated any open meeting laws, and expressed concern about expending any legal fees in this matter. M. Tichnor encouraged residents to attend Special Town Meeting and to participate in the entire warrant. T. Fay reminded residents to drive carefully, as there have been deer sighted in the streets and it gets dark early at this time of year. J. Nolan commended the Wayland Advanced Life Support program for its service.

A11. Evaluation of Performance of Town Administrator J. Nolan said he has received comments on the performance evaluation of the town administrator, and he will create a draft compilation and present to the Board in the near term.

T. Fay moved, seconded by M. Tichnor, that the Board of Selectmen approve the Memorandum of Agreement between the Town of Wayland and Wayland Police Union dated November 2, 2009, for contract amendments effective January 1, 2010, including an extension of the collective bargaining agreement to June 30, 2012. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan thanked F. Turkington, J. Senchyshyn, and the police union for its hard work in bringing the agreement to a successful conclusion.

S. Pope moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 9:50 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.



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CONFIDENTIAL

Board of Selectmen Executive Session Minutes November 9, 2009

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

Also Present: Town Administrator F. Turkington, Secretary M. DiNapoli, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving

Purpose: The session was called at 8:34 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 regarding the Public Safety Building 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 advised the Board that Chief Irving and he reached a tentative contract agreement with the Police Union. The Union ratified the Memorandum of Agreement between the Town of Wayland and Wayland Police Union dated November 2, 2009. The successor contract would be effective immediately and continue through June 30, 2012. He said that according to the new agreement, currently eligible Quinn Bill officers will continue to get 100% of the Quinn benefit, regardless of further actions on the part of the legislature. In return, the Union agreed to approximately \$51,000 in contract concessions. The Union also agreed to zero percent increases in FY 11 and FY 12, with a reopener in the second year if any other union has a COLA greater than zero. He distributed a synopsis of the savings, and highlighted two benefits of the agreement: First is a 28-day FLSA cycle, which will create a long-term overtime benefit to the town, and secondly, more flexibility for the Chief of Police to reassign personnel and reduce overtime costs. The Board thanked J. Senchyshyn and the police union for its dedication in coming to a successful agreement. R. Irving left the meeting at 8:50 p.m.

M. Tichnor asked about the strategy in moving forward with the remaining unions. J. Senchyshyn said the negotiations should be straight forward with the exception of some possible reduction in staff; he said the school union has not yet responded to at one year extension with at zero percent increase. J. Senchyshyn left the meeting at 8:53 p.m.

F. Turkington advised the Board that there have been no new developments in the Public Safety Building case. The Board agreed to continue its strategy.

Adjourn: By motion of S. Pope, seconded by T. Fay, the Board, by roll call vote, unanimously voted to exit executive session at 8:56 p.m.