



TOWN OF WAYLAND

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BOARD OF SELECTMEN

JOHN BLADON
STEVEN J. CORREIA
THOMAS J. FAY
JOSEPH F. NOLAN
SUSAN W. POPE

Board of Selectmen Meeting Minutes March 28, 2011

Attendance: John Bladon, Steven Correia, Thomas Fay, Joseph Nolan, Susan Pope

Also Present: Town Administrator F. Turkington, Secretary M. DiNapoli

Chair S. Correia called the meeting of the Board of Selectmen to order at 7:06 p.m. in the Large Hearing Room and reviewed the agenda for the public. F. Turkington recognized the passing of Phil Pattison, who served the town in many capacities, including the Board of Road Commissioners and the Board of Health. He noted that the Town Elections will be held on Tuesday, April 5, and the Annual Town Meeting will begin Thursday, April 7. He reviewed the proposed shuttle bus schedule for Annual Town Meeting.

A2. Public Comment George Harris, 8 Holiday Road, expressed concern about the Selectmen's discussion at the March 21 meeting in which the Board commented on a letter written by Shawn Kinney of the School Committee without S. Kinney being present. He said that S. Kinney has the right to express his opinion as a member of a committee, although he does not have the right to present his opinion as if it is the opinion of the committee. He said the Board noted that there were errors in the Abrahams Report without specifying those errors. Finally, he asked that the Board undertake a fraud risk assessment as suggested by a 2008 auditor's report.

A3. Housing Authority to Update on Activities and Present PILOT Payment Housing Authority members Charles Raskin and Susan Weinstein, and Director of Wayland Housing Authority Brian Boggia, appeared before the Board to update them on its activities. C. Raskin requested that the payment in lieu of taxes, in the amount of \$16,149.32, be turned back to the Housing Authority to help finance upgrades in the health and safety features of the buildings. He introduced WHA architect Angelo Kyriakides, who discussed the need to upgrade fire suppression systems, emergency lighting, and ADA issues; he said the cost may be up to \$900,000, although the Fire Chief has agreed to allow the upgrades to be phased in. S. Weinstein said they are also exploring the ability to get loans or funding from the Community Preservation Fund. J. Nolan noted that the payment in lieu of taxes was less than in previous years, and S. Weinstein said rent has gone down due to the reduction in people's incomes. The discussion of the PILOT program was postponed to a later date.

A4. Annual Town Meeting Warrant Hearing Chair S. Correia opened the warrant hearing for the 2011 Annual Town Meeting at 7:30 p.m. Anette Lewis, 33 Claypit Hill Road, asked for an explanation of "Net Rec from State" in Table 1, page 20. Finance Director Michael DiPietro explained that it represented gross state aid minus state offsets and pension assessments. A. Lewis asked why the town budget exceeded the school budget for FY12 in Table 2, page 20. M. DiPietro said the retirement of the debt service is reflected in the town budget. A. Lewis asked if the general fund in tables 4 and 5 on page 21 excluded septage, water and wastewater. M. DiPietro said yes. Kim Cook, 12 Ellie Lane, asked for a breakdown of the salary increases on page 9 between school and town. M. DiPietro said the school

increase is approximately \$500,000 and the town increase is approximately \$100,000. K. Cook asked for a breakdown of the reserve for salary adjustments on page 34. M. DiPietro said there is approximately \$700,000 for the schools, and noted that the contracts have not been finalized. K. Cook said that the latest teachers contracts included salary increases of up to 20 and 30 percent, and asked if that was included in the reserve for salary adjustments. S. Correia said those questions should be addressed by the School Committee. Cherry Karlson, Chair, Finance Committee, said the step and lane increases of \$500,000, the unclassified reserve for FY12, and pending contracts are carried as line items in Article 6. She said the use of unclassified reserve for salary settlements is a way to hold funds for contracts that are pending, and the Finance Committee will be able to provide further reports as contracts are settled. K. Cook said the new high school project was not reflected in the capital budget on page 18. C. Karlson said the projects on page 18 begin in FY12. A. Lewis requested that an asterisk be added to the five-year capital plan to note the carrying costs from previous capital projects. K. Cook said the level of free cash noted on page 13 is higher than that of peer towns, and questioned the breakdown of the capital budget. C. Karlson said free cash should be evaluated as a percentage of the total budget, and she noted it changes cyclically over the years. She also said that a list of Wayland peer towns was established by a group of residents who considered a broad array of communities with similar land mass, density, demographics, etc. She highlighted the expanded commentary on the capital budget that begins on page 37. Linda Segal, 9 Aqueduct Road, requested more detail regarding free cash, including the deposit of MtBE funds and any other increases over previous years. C. Karlson said the MtBE funds came in over two years, with approximately \$500,000 in FY09 and \$100,000 in FY10. K. Cook noted the overlay figure of \$1,230,000 on page 20 and asked why it was so high. C. Karlson said the overlay account is a fund that anticipates tax abatements, exemptions, and any uncollected real estate taxes. She discussed the Wayland circuit breaker and the tremendous increase in abatement requests due to a newspaper report in January 2009 that encouraged residents to file abatements. She said the overlay account was reduced by \$400,000 this year and will be reduced again next year. A. Lewis asked for a breakdown of the overlay account in terms of what is being held for exemptions, uncollected taxes, etc. C. Karlson said the figures are estimated and she would get back to her before Town Meeting. L. Segal said the increase in abatement requests was caused by a new land value applied during the last revaluation. K. Cook asked for the amounts due in uncollected taxes, tax title, and deferred taxes. C. Karlson said she would make those figures available, but they were not related to the overlay. K. Cook said tax title is \$1 million, and was not reported in the Finance Committee report. C. Karlson said tax title is not relative to the warrant; she also noted that the town has a 99% collection rate, and the dollar amount is not reflective of the risk. Donna Bouchard, 72 Concord Road, commented on the lower than expected special education (SPED) expenses on page 14 in the amount of \$400,000. She said the School Business Manager disputed the characterization of the savings. C. Karlson said it should have read: unspent SPED expenses. L. Segal noted there was no report in the warrant from the Operational Review Committee. J. Bladon said the committee is still reviewing the report and will present it at Town Meeting. A. Lewis asked why \$80,000 in the Town Counsel budget was being transferred from the current year, after \$155,000 had been requested and appropriated during the last year. F. Turkington said he will get the town counsel records and provide a response. A. Lewis asked for details of the legal expenses regarding the Public Safety Building litigation. F. Turkington said the Public Safety Building litigation is completed and the accounting is on page 26 of the warrant. A. Lewis asked for a breakdown of the legal fees charged by Foley & Hoag, and the allocation between the town and the wastewater management account; F. Turkington said the town will provide that for her. Tom Sciacca, 31 Rolling Lane, said there is a lack of congruity in printing the motion for the operating budget but not printing the motion for the capital budget. L. Segal noted that in the budget motion, Article 6, the Town Administrator was charged with responsibility for the DPW Garage and the Baldwin Pond Water Treatment Plant, and asked if the Board of Public Works had been advised of this.

F. Turkington said the facilities came under the control of the Town Administrator with the formation of the DPW. A. Lewis questioned the transfer of \$500,000 from the water surplus in the budget motion. C. Karlson said the amount stated is the best estimate of cash flow liquidity to pay the bills of the water department over the year. Kim Cook, 12 Ellie Lane, asked for a cost/benefit analysis for the purchase of a vac truck for the DPW. Don Ouellette, DPW Director, said the purchase will eliminate the need for current contract services, and is also critical for the upcoming mandate for preventative maintenance of the town's stormwater management system. C. Karlson said that from a financial perspective, the debt service of the new equipment is approximately the same as the cost of the current contracting, and no additional staffing is necessary. A. Lewis asked for more information on the revolving fund in the budget motion on page 28. M. DiPietro said the revolving fund maintains a balance every year in the range of \$600,000 to \$700,000. A. Lewis noted that the salary cost in the town office budget remained the same as last year. F. Turkington said that all the staff of the town office is at the top step, and any other amount necessary will be transferred from the reserve account. T. Sciacca asked if there was federal money to offset the purchase of pumps and drainage equipment. F. Turkington said the town has filed for mitigation funds from FEMA, and if received, the funds will be restored. A. Lewis asked where the snow budget for the DPW was listed. M. DiPietro said it has been part of the DPW budget since the department was formed. L. Segal noted that the version of the paperwork submitted by department heads for capital did not exactly match the capital budget in the warrant, and she expressed concern that line item 17, for the system upgrades to the Route 27/30 intersection, would actually be used for the stated purpose. S. Correia said it is the same project. L. Segal asked if the Chair of the Board of Public Works understands what is being constructed. Richard Stack, Finance Committee, said the project is described in detail on page 46. A. Lewis asked for the purpose of the \$250,000 reserve fund on page 34. F. Turkington said it is the annual amount the Finance Committee carries for unforeseen bills between the town meeting and the end of the fiscal year on June 30. A. Lewis asked why the salaries went down in the septage fund; F. Turkington there are no employees at the septage facility, and the amount reflects the reduced carrying costs of the pensions. A. Lewis asked the reason for the \$10,000 purchase from the septage fund. F. Turkington said it is a contingency account pending town meeting action. George Harris, 8 Holiday Road, expressed concern about the addition of a disclaimer paragraph after the petitioners' comments. F. Turkington said it is identical to the state language on ballot questions. A. Lewis asked where it came from, and why it is necessary. F. Turkington said it was included because in more than one case, the comments of the petitioners were not factually correct. A. Lewis asked why "solid waste collection or disposal" was included in Article 16, as the town does not provide that service. Town Counsel Mark Lanza said the language is from the law authorizing the regulation. L. Segal requested a detailed land surveyor's map of the septage facility property (Article 17), that includes every element of the property. F. Turkington noted the appraisal on page 62 was for the building, not the land. He said the full appraisal is available at the Selectmen's office. Werner Gossels, 17 Bennett Road, said the Town of Sudbury does not have an obligation to demolish the septage facility building. M. Lanza said the inter-town agreement provides that the Town of Sudbury will be responsible for half the cost if the facility is determined to be a nuisance or if it has no value, neither of which has occurred. K. Cook asked if the agreement will bind the Town of Sudbury to potential environmental remediation. M. Lanza said no agreement exists yet; he said an agreement will be structured so each town is responsible for fifty percent for any circumstance. John Dyer, 287 Cochituate Road, presented a map that showed that the town line bisects the septage output flow, and he asked if the agreement with Sudbury will restrict their land in that septage field. F. Turkington said we will review it and get back to you. Mike Lowery, 120 Lakeshore Drive, asked if Article 17 included the acquisition of any land. M. Lanza said no, the towns of Sudbury and Wayland have easements and technically, the Town of Wayland owns the land. George Harris asked for a clarification of the estimated income from liquidation of equipment. K. Cook asked if there was a

planned use for the facility. J. Nolan said not at this time, but the town would like to have the property unencumbered and then move forward to make the best use of the property. J. Dyer asked if the Windriver proposal to lease the property was considered in the valuation. J. Nolan said it was a straight valuation of the property. A. Lewis said that on page 67, Article 18, it appeared the town was repealing the statute that they are also relying upon. M. Lanza said the town is repealing the Special Act for the Wastewater Management District Commission, rather than using existing law, because it is a special act tailored for the Town of Wayland. He said the functions being transferred are identical except the language for executive director and staffing. T. Sciacca asked if it was possible to ask the Board of Public Works to serve simultaneously as Wastewater Management District Commissioners, without making any other changes. M. Lanza said the primary reason the town is abolishing the Wastewater Management District Commission is to transfer its authority to the Board of Public Works. Molly Upton, 23B Bayfield Road, noted the limitation of the Wastewater Management District Commission on page 66, paragraph (h). M. Lanza said those limitations make the commission unique, as it limits their power to add connections to the system. C. Peter R. Gossels, Town Moderator, said the Planning Board Reports must include a reference to the hearing that was held, and must be presented before the articles can be voted at town meeting. K. Cook asked if an appraisal was done on 24 and 26 Lakeshore Drive (Article 22). F. Turkington said each parcel is less than 1,800 sq. ft. and is valued at less than \$50,000; he said the appraisals are available to the public. A. Lewis said the article should make it clear that all costs will be paid by the person who purchases the land, and that a condition be added that no habitable structure can be put on the land. M. Lowery suggested that an amendment be added to deny any increase in the number of bedrooms allowed. F. Turkington said the current interested party would like to expand his home. M. Lowery said he will move to pass over the petitioners' Article 25, Water Rate Structure Equity. A. Lewis asked if there were any new positions in the nonunion wage scale in Appendix D, and also if there were any salary increases in excess of one percent. John Senchyshyn, Human Resources Director/Assistant Town Administrator, said there are no changes, and the positions are as stated.

S. Correia closed the hearing at 9:28 p.m.

A5. Joint Meeting with Board of Public Works to Consider Candidates for Appointment to Fill Vacancy Created by Resignation of Eric Knapp, Said Appointment to End at Adjournment of 2012 Annual Town Meeting The Board was joined by members of the Board of Public Works Jon Mishara, Michael Wegerbauer, and Chris Brown, and DPW Director Don Ouellette, to interview Michael Lowery for a position on the Board. M. Lowery discussed his background and his interest in the position. T. Fay asked if he would continue to serve on other committees if appointed. M. Lowery said that the Master Plan Advisory Committee work is complete, the Dudley Area Advisory Committee meets only once a month, and his work on the Surface Water Quality Committee is intertwined with the work of the Board of Public Works. The Board commended him for his work on water rates and thanked him for volunteering. T. Fay moved, seconded by J. Nolan, to appoint Michael Lowery to the Board of Public Works for a term that will expire at the end of the 2012 Annual Town Meeting. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. C. Brown moved, seconded by M. Wegerbauer, to appoint Michael Lowery to the Board of Public Works for a term that will expire at the end of the 2012 Annual Town Meeting. YEA: C. Brown, J. Mishara, M. Wegerbauer. NAY: none. ABSTAIN: none. Adopted 3-0.

A6. Discussion on Recycling and Transfer Station Program, Process for Developing DPW Facility F. Turkington reviewed the pilot program for the recycling and transfer station program. He said the only way to realize long-term savings is to formalize the partnership with Sudbury and create a program that

includes standardization between communities and a common budget. The Board discussed possible savings, the quality of service, the capital equipment required, the merger of rules and fees with Sudbury, the hours of operation, and the staffing issues. F. Turkington said mid-April should be the deadline for a decision. M. Wegerbauer expressed concern that the users did not have sufficient input into the process, and J. Nolan said changes will be made that weren't contemplated when residents bought their stickers. The Boards discussed the possibility of a phased approach or a public forum. D. Ouellette noted there is a unique opportunity now to reduce the staff budget by attrition.

A7. Consider and Approve Consent Calendar T. Fay moved, seconded by J. Nolan, to approve the consent calendar. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

A8. Review Correspondence The Board reviewed the correspondence packet and noted items of interest.

A9. Report of the Town Administrator F. Turkington reviewed the final logistics for the Annual Town Meeting, several public records requests, and reported on the meeting of the Public Safety Advisory Committee meeting with the Historic District Commission relative to the location of additions to the building to accommodate the relocation of utilities. He discussed the meeting schedule for April and plans for organizing the Board following town election and town meeting.

A10. Selectmen's Reports and Concerns The Board discussed and voted its positions on Annual Town Meeting articles. T. Fay moved, seconded by J. Nolan that the Selectmen recommend to citizens approval of Articles 1-5. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by J. Bladon, to recommend to citizens approval of Article 6. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by S. Pope, to recommend to citizens to oppose Article 7. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. J. Bladon moved, seconded by J. Nolan, that the Board defer any recommendation on Article 8 to Annual Town Meeting. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by S. Pope, to recommend to citizens approval of Articles 9-15. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by S. Pope, to recommend to citizens to approve Articles 16-21. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by S. Pope, to recommend to citizens approval of Article 22. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by J. Bladon, to recommend to citizens approval of Article 23. S. Pope stated her opposition based on the failure to address local voting rights for property owners who are not registered voters in a particular town. YEA: J. Bladon, S. Correia, J. Nolan, T. Fay. NAY: S. Pope. ABSTAIN: none. Adopted 4-1. T. Fay moved, seconded by S. Pope, to recommend to citizens approval of Article 24. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. It was noted that Article 25 would be passed over, so no position need be taken.

J. Bladon provided an update on the Operational Review Committee meeting of March 16 and discussed the guest column in the newspaper written by School Committee member Shawn Kinney that lacked a disclosure that he was speaking for himself and not as a member of either committee. S. Pope reported on the Town Meeting Procedures Committee meeting and suggestions to identify non-resident staff with

name tags. T. Fay asked about the fraud risk assessment recommended in the management letter for the June 30, 2008 audit. S. Correia asked about the status of fire call box removal.

T. Fay moved, seconded by J. Bladon, to adjourn the meeting of the Board of Selectmen at 11:24 p.m. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

Items Distributed For Use by the Board of Selectmen at the March 28, 2011 Meeting

1. Memorandum of 3/26/11 from Town Counsel Mark J. Lanza to Frederic E. Turkington Jr. re: 2011 Annual Town Meeting Appropriations for Water System Improvements - Route 27/30 Intersection
2. Email of 3/27/11 from Town Counsel Mark J. Lanza to Frederic E. Turkington Jr. re: Settlement Discussion with Mark Frishman