



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

AFR
6/13/2011

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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 May 16, 2011

Attendance: John Bladon (arrived 9:34 p.m. after attending the Operational Review Committee meeting), Steven Correia, Thomas Fay, Joseph Nolan, Susan Pope

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

Chair T. Fay 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 public. F. Turkington said the next meeting of the Board will be Tuesday, May 31. He said last day of the pilot program for the transfer station will be May 26. The Department of Environmental Protection hearing regarding the wastewater system will be May 19, and the Hannah Williams Park forum will be held on May 25, followed by a public forum on the Middle School fields.

Fire Chief Robert Loomer introduced Firefighter Dean Casali, who organized relief efforts to the victims of the tornados in Alabama. Chair T. Fay read and presented a commendation to Firefighter Casali from the Board of Selectmen.

A2. Public Comment Don Bustin, 46 Peck Avenue, said he supports the public disclosure of town finances and the work of the Operational Review Committee, and requested that the town's general ledger be posted on the internet. Ann Landry, 85 Old Connecticut Path, described the Race Amity 2011, Toward E Pluribus Unum program.

A3. Public Hearing on Application of Mark Shepard to Increase the Size of the Underground Gasoline Storage Tank from 19,000 Gallons to 30,000 Gallons at 268 Boston Post Road Mark Shepard, of Shep's Service, 268 Boston Post Road, appeared before the Board to request an increase in the size of his underground gasoline storage from 19,000 to 30,000 gallons. Fire Chief Robert Loomer recommended approval of the application; he said in terms of public safety, the new tanks will result in safer, cleaner storage and less offloading of gas deliveries. J. Nolan said the town is grateful to Mr. Shepard for his support of town vehicles. S. Pope thanked him for his service to the town and the upkeep of his property. S. Correia asked how many tanks would be replaced; M. Shepard said four tanks are being removed, and three or four new tanks will be installed. He distributed a plot plan to the Board. Linda Segal, 9 Aqueduct Road, said she supports the application because the new tanks are more environmentally friendly. T. Fay closed the hearing at 7:36 p.m. J. Nolan moved, seconded by S. Pope, to approve the application of Mark Shepard to increase the size of the underground gasoline storage tanks from 19,000 gallons to 30,000 gallons at 268 Boston Post Road. YEA: S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSENT: J. Bladon. Adopted 4-0.

A4. Liquor License Violation Hearing for Viva Mexican Grill T. Fay opened the public hearing for the liquor license violation at Viva Mexican Grill at 7:39 p.m. and reviewed the procedures for the public. Police Chief Robert Irving, Carlos Mendez, Manager of the Viva Mexican Grill, and attorney Lori Yarvis

were also present. R. Irving explained that on April 19, 2011, the licensee sold alcohol to an underage person. He also noted that the server was not TIPS certified. T. Fay asked if there was a manager on duty; R. Irving said the owner was on duty and is considered management. L. Yarvis said this is the first violation for this licensee, and he takes the issue very seriously. She said he plans to bring in a consultant to provide compliance training to his staff. There was no public comment. S. Pope moved, seconded by S. Correia, to close the hearing at 8:08 p.m. YEA: S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSENT: J. Bladon. Adopted 4-0. S. Correia moved, seconded by S. Pope, to accept the recommendation of Police Chief Robert Irving to place the Viva Mexican Grill on 15 East Plain Street on probation for a period of one year, commencing on May 17, 2011 and ending on May 16, 2012. During the period of probation, any violation of Massachusetts Liquor Laws, Chapter 138, or the rules supplement for "Provisions and Consumption of Alcoholic Beverages" will result in an automatic penalty of five days suspension of the liquor license for each separate violation. Furthermore, the licensee will provide the Chief of Police with a roster of all servers of alcoholic beverages at the Viva Mexican Grill accompanied with a certificate of completion for "Alcohol Intervention Methods" training, within 60 days of May 17, 2011. Any new employees hired, as liquor servers, must complete "Alcohol Intervention Methods" training within sixty (60) days of their date of hire and a certificate of completion must be delivered to the Chief of Police. YEA: S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSENT: J. Bladon. Adopted 4-0.

A5. Town Moderator Dennis Berry to Discuss Town Meeting Procedures Dennis Berry, Town Moderator, and David Bernstein, Chair of the Electronic Voting Subcommittee, appeared before the Board to discuss town meeting procedures and electronic voting. The Board discussed the increase in time spent per article and the repetition of questions from several participants. S. Correia commended the collection of data for future use. D. Berry said he will maintain the town meeting subcommittees to address issues such as electronic voting and the use of a consent calendar. The Board suggested reducing the time allotted for discussion, and presenting articles on a pre-arranged timetable. D. Bernstein summarized the key findings of the Electronic Voting Implementation Subcommittee. He suggested leasing the equipment in the future as opposed to purchasing it, and the Board discussed the costs, the facility requirements, and the idea of sharing the equipment with neighboring towns. The Board reviewed and discussed a tentative 2012 Annual Town election and Annual Town Meeting schedule and a draft FY2013 budget calendar.

A6. Consider and Approve Consent Calendar J. Nolan moved, seconded by S. Correia, to approve the consent calendar, with the addition of the approval of the reimbursement to WayCAM for equipment and engineering for the MAN connection/live broadcasts in an amount not to exceed \$33,000. YEA: S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSENT: J. Bladon. Adopted 4-0.

A7. Review Correspondence S. Pope asked for a future update on healthcare reform legislation. T. Fay discussed his meeting last week with Bob Goldsmith and Mike Lowery to further explore the issues of water and wastewater.

A8. Report of the Town Administrator F. Turkington updated the Board on the June 30 reappointments to boards and committees. He said Mary Antes, Chair, 375th Anniversary Collaboration Committee, will provide an update to the Board on May 31, and he will schedule interviews with new candidates for the committee during the same meeting. He reviewed his discussions with Sudbury on collaboration opportunities, and he noted the town will be hosting a regional training program in customer service skills for administrative support personnel on May 26. He reviewed a meeting last Friday

with Nstar regarding the "Efficiency Forward" program; he said Building Commissioner Dan Bennett will be reaching out to developers and tradespeople to enhance the use of the stretch energy code, and the town will publicize the availability of energy saving home improvements to residents. He reviewed the agendas for upcoming meetings.

A9. Selectmen's Reports and Concerns S. Pope reported on the Selectmen Hours that were held at the transfer station on Saturday. She said there are misconceptions about the tax rate, and suggested that the town become more proactive in informing the residents as to how the tax rate is set. T. Fay urged the Board to continue the pursuit of collaboration of services with other towns. He commended Ann Landry for her work on the race amity program, and said it is something the Board should support. He said he looked forward to reading the public comment submitted by Don Bustin.

A10. Executive Session At 9:26 p.m., S. Pope moved, seconded by S. Correia, that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct contract negotiations with nonunion personnel and Section 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. Chair T. Fay declared that discussion of strategy with respect to contract negotiations with non-union personnel and collective bargaining with the Wayland Police Officers Union, AFSCME Local 335L, and SEIU Local 888 in an open meeting may have a detrimental effect on the negotiating position of the Board. YEA: S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSENT: J. Bladon. Adopted 4-0. The Board invited Town Administrator Fred Turkington and Assistant Town Administrator/Human Resources Director John Senchyshyn to attend and participate in the executive session, and Executive Assistant MaryAnn DiNapoli to attend and record the minutes. The Board will return to open session in approximately 30 minutes.

The Board returned to open session at 10:41 p.m.

S. Pope moved, seconded by J. Nolan, to approve the Memorandum of Agreement for a successor three-year collective bargaining agreement effective July 1, 2011 as entered into by the Town's negotiating team with SEIU Local 888 dated May 6, 2011. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by J. Nolan, to approve the Memorandum of Agreement to amend the existing collective bargaining agreement through June 30, 2011 and for a successor three-year collective bargaining agreement as entered into by the Town's negotiating team with the Wayland Police Union dated May 6, 2011. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

S. Pope moved, seconded by J. Nolan, that the Board of Selectmen authorize Assistant Town Administrator/Human Resources Director John Senchyshyn to prepare, subject to approval by Town Counsel Mark Lanza as to form, a successor employment agreement between the Town of Wayland and the Town Administrator, with the following terms and conditions:

1. The duration of the agreement is for the period from September 19, 2011 through September 18, 2014;
2. Amend Section III. Compensation to provide an initial salary of \$146,800, increasing to \$152,500 effective September 19, 2012 and up to \$156,300 effective September 19, 2013, provided the increase effective September 19, 2013 shall be subject to a satisfactory performance evaluation.

3. Amend Section V. Benefits, sub-section B. to delete this section relative to Disability Insurance and add a new sub-section B. to provide a \$2,000 annual allowance for supplemental life and disability insurance policies.
4. Amend Section V. Benefits, sub-section G. Deferred Compensation to provide for an employer contribution to a IRC Sec. 401(a) or similar supplemental retirement income program effective September 19, 2011 equal to 3% of base salary, effective September 19, 2012 equal to 4% of base salary, and effective September 19, 2013 equal to 4.75% of base salary.

J. Nolan moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 10:46 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 May 16, 2011 Meeting

1. Email dated May 16, 2011 from WayCAM President Ken Isaacson to Town Administrator regarding equipment and engineering services related to replacement of I-NET to permit live broadcasts from locations in Town and school buildings (additional consent calendar item authorizing reimbursement of costs not to exceed \$33,000 from cable franchise license funds).
2. Statement distributed by Don Bustin at public comment relative to public access of the Town's general ledger, together with his letter to the editor that appeared in the Thursday, May 12, 2011 editions of the *Wayland Town Crier*.
3. Information on Race Amity program distributed by Ann Landry at public comment.



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CONFIDENTIAL

Board of Selectmen Executive Session Minutes May 16, 2011

Attendance: J. Bladon (arrived 9:34 p.m.), S. Correia, T. Fay, J. Nolan, S. Pope

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

Purpose: The session was called at 9:26 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct contract negotiations with nonunion personnel and Section 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the Town

Discussion: J. Senchyshyn presented the ratified agreements with the Police Officers Union. He said that the union had accepted the healthcare agreement, and he reviewed other minor changes, including the elimination of the 6% stipend for the DARE officer. He also presented the ratified contract with SEIU Local 888, and said the contract includes the same language on healthcare and a revised schedule of working hours to coincide with the current department heads' schedule. He said he met today with AFSCME Local 335L and a mediator, and they discussed the possibility of a three-year contract with healthcare changes.

F. Turkington left the meeting at 9:40 p.m. The Board reviewed and discussed the proposed employment agreement with the Town Administrator.

F. Turkington returned to the meeting at 10:30 p.m. The Board reviewed the proposed terms of the employment agreement and asked about possibility of adding a provision linking receipt of compensation to favorable performance evaluations. F. Turkington readily agreed, noting he had proposed a performance-based compensation plan once comparable salary to market was achieved. The Board discussed the issue of subjective vs. objective goals and the practical limitations on additional compensation given the minimum baseline of 2.5% in FY2013 and 2% in FY2014. It was the consensus of the Board to include a provision in the contract subjecting the negotiated increase in salary in the third year to a satisfactory performance review.

Adjourn: By motion of J. Nolan, seconded by J. Bladon, the Board, by roll call vote, unanimously voted to exit executive session at 10:41 p.m.