



TOWN OF WAYLAND

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BOARD OF SELECTMEN
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
STEVEN J. CORREIA
DOUGLAS J. LEARD
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes June 24, 2013

Attendance: Tony V. Boschetto (arrived 7:00 p.m.), Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan (left at 10:12 p.m.)

Also Present: Town Administrator Fred Turkington

Executive Session to Discuss Strategy and Negotiations with Respect to Pending Litigation with Twenty Wayland J. Nolan moved, seconded by E. Collins, that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy and negotiations with respect to collective bargaining negotiations with the Wayland Teachers Association as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. The Chair declared that an open meeting discussion of strategy and negotiations with respect to collective bargaining negotiations with the Wayland Teachers Association will have a detrimental effect on the negotiating position of the town. YEA: D. Leard, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair D. Leard stated that the Board invites Town Administrator Fred Turkington and Assistant Town Administrator/Human Resources Director John Senchyshyn to attend and participate in the executive session.

The Board returned to open session at 6:53 p.m.

Chair D. Leard called the meeting of the Board of Selectmen to order at 6:53 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the public.

A2. Public Comment F. Turkington distributed copies of the public comment of Susan Pope, 24 Moore Road, advocating for the reappointment of Bill Steinberg and Steve Lesser to the Finance Committee. Thomas Greenaway, 26 Jeffrey Road, Chair of the Finance Committee, reported that the Finance Committee recommends the reappointment of B. Steinberg and S. Lesser, noting the range of experience on the committee and recognizing the contributions both made to improving the budget process. Cynthia Lavenson, 40 Mitchell Street, spoke and advocated for the reappointment of B. Steinberg and S. Lesser to the Finance Committee. Anette Lewis, 33 Claypit Hill Road, asked the Selectmen to impartially consider appointments, ask tough questions, and appoint the best person regardless of incumbency.

T. Boschetto joined the meeting at 7:00 p.m.

A7. Review Correspondence S. Correia asked about the jurisdiction to address the noise complaint made to the Board of Health concerning the gun club. J. Nolan asked how the memo from the Historic District Commission relative to "punch list" items for Town Center traffic improvements would be handled. F. Turkington explained that these items would be covered either by a land use staff meeting or at a Board of Public Works meeting then underway in another meeting room. J. Nolan asked whether the decision in *Collins et.al vs. Town of Wayland* was final. E. Collins responded that an appeal was under consideration.

E. Collins asked whether the correspondence from George Harris regarding reconsideration of Open Meeting Law decisions had been addressed. F. Turkington responded that there was one decision on which the Attorney General had not responded.

A3. Liquor License Violation Hearing – Viva Mexican Grill y Tequileria, 15 East Plain Street D.

Leard read the public hearing notice and reviewed the hearing procedures. Attorney John Harkaby appeared for Viva Mexican Grill, as well as Carlos Mendez (owner) and Bryce Paoella (bartender); Chief of Police Bob Irving and Detective Sergeant Sgt. Jamie Berger appeared for the Police Department. Chief Irving and Det. Sgt. Berger explained that an underage female without identification was served a drink at Viva Mexican Grill on May 21, 2013, during the semi-annual compliance check of all licensed establishments. The bartender, Mr. Paoella, stated that he believed he had obtained on-line TIPS training and that the woman was at least 28 years old. Under examination, he explained that another manager, Sergio Mendez, was the chef and on premises and that AIM certificates were posted in the lobby of the restaurant. Mr. Paoella said he has been employed since January 29, 2013 (except for time away in March), has worked nearly daily at the restaurant, and was promoted to bar manager about May 8, 2013. Attorney Harkaby asked Det. Sgt. Berger whether the compliance check complied with ABCC guidelines; J. Berger responded that most of the guidelines are police protocol and that others, such as notifying the establishments in advance of a compliance check, were not followed. He acknowledged that his client had served a minor and misunderstood through computer issues whether he had a valid AIM certification, but disputed the other charges as to a manager on premises and the availability of a list of certified employees. Attorney Harkaby cited three-day suspensions for two violations on the second violation of Water Lily to support a reduction in the recommended penalty of five days suspension and two years of probation.

D. Leard closed the hearing.

J. Nolan stated that he valued the business, but it was the responsibility of management to avoid violations. Mr. Carlos Mendez cited high turnover of personnel as a rationale for lapse in training and paperwork on employees. T. Boschetto inquired about the precedent set with other violations. J. Nolan moved, seconded by T. Boschetto, to suspend the liquor license of the Viva Mexican Grill y Tequileria for three days starting Tuesday, July 2, 2013, and to incorporate all other recommendations presented by Chief Irving. D. Leard indicated the Board would support the recommendation of the Chief, but suggested a compromise of a four-day suspension. J. Nolan withdrew his original motion and moved to suspend the liquor license of Viva Mexican Grill y Tequileria for four days beginning Wednesday, July 3, 2013, to incorporate all other recommendations of the Chief, and to require Viva Mexican Grill y Tequileria to affirm the bar manager on the license (processing a change of manager form as appropriate) and to have all designated managers meet with Police Department to receive and acknowledge liquor law supplement. YEA: D. Leard, E. Collins, S. Correia, J. Nolan, T. Boschetto. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Interview Candidates for Appointments to Boards and Committees The Board interviewed citizens interested in serving as members of various town boards and committees. J. Nolan moved, seconded by T. Boschetto, to reappoint Nancy McCarthy as a member of the Personnel Board for a term expiring June 30, 2018. YEA: D. Leard, E. Collins, S. Correia, J. Nolan, T. Boschetto. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board interviewed Jim Grumbach as to his interest in serving on the Economic Development Committee. J. Nolan moved, seconded by T. Boschetto, to appoint James Grumbach as a member of the Economic Development Committee for a term expiring June 30, 2015. YEA: D. Leard, E. Collins,

S. Correia, J. Nolan, T. Boschetto. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board interviewed Doug Goddard as to his interest in serving as a member of the Permanent Municipal Building Committee. J. Nolan moved, seconded by T. Boschetto, to appoint Douglas Goddard as a member of the Permanent Municipal Building Committee for a term expiring June 30, 2016. YEA: D. Leard, E. Collins, S. Correia, J. Nolan, T. Boschetto. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Nolan moved, seconded by S. Correia, to reappoint Thomas White as a member and Michael Connors as an associate member of the Zoning Board of Appeals for terms expiring June 30, 2016. YEA: D. Leard, E. Collins, S. Correia, J. Nolan, T. Boschetto. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board interviewed Betty Salzberg and Sherre Greenbaum as to their interest in serving as members of the Conservation Commission. E. Collins moved, seconded by T. Boschetto, to appoint Betty Salzberg and Sherre Greenbaum as members of the Conservation Commission for terms expiring June 30, 2016. YEA: D. Leard, E. Collins, S. Correia, J. Nolan, T. Boschetto. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board interviewed Bill Steinberg, Steve Lesser, Tom Sommerfield and Gil Wolin as to their interest in serving on the Finance Committee. B. Steinberg and S. Lesser reviewed the accomplishments of the committee in responding to public concerns about finances, opening the budget process, providing more detail in the Warrant, and for reaching community consensus for FY2014. G. Wolin and T. Sommerfield described their professional backgrounds and interest in the committee. T. Boschetto questioned both B. Steinberg and S. Lesser on projected turnback of \$1.7M in FY2013 as evidence that work remains to tighten budgets. He also questioned the good assessment of the Finance Committee's work in that major initiatives were brought forth by citizen petitioners that were opposed by Finance Committee at town meeting. B. Steinberg responded that the dispute of the use of free cash was a question of phasing and timing, not of substance; and that the Finance Committee supported a line-item appropriation for OPEB to improve transparency, but not a separate off-budget appropriation; and that the Committee worked collaboratively with staff and citizens to improve the budget format. S. Lesser questioned whether the turnback could be reduced given the size of the budget and limitations on transfer authority and lag in filling staff vacancies, especially in public safety. S. Correia and J. Nolan questioned G. Wolin on his role in the petitioners article to use free cash to acquire Finnerty's Restaurant and the failure to work within the capital budget procedures. G. Wolin responded that the article was a communication tool to raise awareness of the development in Cochituate Village; he said he didn't fully understand the eminent domain issues raised.

J. Nolan moved, seconded by S. Correia, to reappoint William Steinberg and Steve Lesser as members of the Finance Committee for terms expiring June 30, 2016. T. Boschetto moved, seconded by E. Collins, to reappoint William Steinberg and to appoint Gil Wolin as members of the Finance Committee for terms expiring June 30, 2016. E. Collins indicated he was inclined to support both new candidates and wondered how a vote opposed to either motion could not achieve desired result. J. Nolan noted that there were three announced votes in support of B. Steinberg. J. Nolan moved, seconded by S. Correia, to reappoint Bill Steinberg to the Finance Committee for a term expiring June 30, 2016. YEA: D. Leard, S. Correia, J. Nolan. NAY: E. Collins, T. Boschetto. ABSENT: none. ABSTAIN: none. Adopted 3-2. T. Boschetto moved, seconded by E. Collins, to appoint Gil Wolin to the Finance Committee for a term expiring June 30, 2016. YEA: D. Leard, T. Boschetto, E. Collins. NAY: S. Correia, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 3-2.

The Board interviewed Leslie Corner, Shirley Jacobson, Gail Shapiro and Kathryn Lee as to their interest in

serving on the Wayland Cares Temporary Advisory Study Committee. J. Nolan moved, seconded by T. Boschetto, to appoint Leslie Corner, Shirley Jacobson, William DeJong, Gail Shapiro and Kathryn Lee as members of the Wayland Cares Temporary Advisory Study Committee for terms expiring November 13, 2013. YEA: D. Leard, E. Collins, S. Correia, J. Nolan, T. Boschetto. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Nolan left the meeting at 10:12 p.m.

A6. Review and Approve Consent Calendar S. Correia moved, seconded by E. Collins, to approve the consent calendar. YEA: D. Leard, E. Collins, S. Correia, T. Boschetto. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A8. Report of the Town Administrator F. Turkington reviewed upcoming agenda topics and the summer meeting schedule, reminding members to advise of vacation plans so special meetings can be scheduled as necessary. He reviewed his status report of the Selectmen's goals and priorities for October 2012 to September 2013, as well as the FY2013 capital projects report, projected expenditure turnbacks for FY2013 and revenue received through May 2013. T. Boschetto questioned the number and dollar amount of capital projects for which no expenditures have been made in FY2013, stating that funds shouldn't be appropriated unless the project is ready for completion. F. Turkington explained that Station Two repairs needed FY2014 appropriations to provide sufficient funds to do the project, and that delays in Chapter 90 disbursements from the state required consolidating road resurfacing from two fiscal years into summer 2013 paving season, as examples. D. Leard asked that the packets be distributed on Tuesday, July 2, for the Monday, July 8, meeting.

Approval and execution of license agreement with Habitat for Humanity Josh Rose, Tim Firment and other board members appeared before the Board from Habitat for Humanity. J. Rose apologized for their error in commencing work in advance what they believed would be a non-controversial request. T. Boschetto suggested both Habitat and the Town have a point of contact so the closing could proceed as expeditiously as possible. He stated he remained uncomfortable with allowing continued access beyond the groundbreaking ceremony. Habitat officials said they want to remove cut trees this week to secure the site prior to groundbreaking, and suggested a sunset provision on the license agreement. T. Boschetto moved, seconded by S. Correia, to approve the proposed license agreement with Habitat for Humanity, with the addition of language that the agreement expires on 11:59 p.m. on Saturday, June 29, 2013. YEA: D. Leard, E. Collins, S. Correia, T. Boschetto. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

F. Turkington congratulated D. Leard on graduation with highest honor from master's program in emergency management.

A9. Selectmen's Reports and Concerns T. Boschetto moved, seconded by E. Collins, to appoint Gretchen Schuler as a member of the Community Preservation Committee for a term expiring June 30, 2016. YEA: D. Leard, E. Collins, S. Correia, T. Boschetto. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

T. Boschetto moved, seconded by E. Collins, to appoint Elisa Scola, the designee of the Historical Commission, as a member of the Community Preservation Committee for a term expiring June 30, 2016. YEA: D. Leard, E. Collins, S. Correia, T. Boschetto. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

T. Boschetto moved, seconded by E. Collins, to reappoint Ira Montague, the designee of the Planning Board, as a member of the Community Preservation Committee for a term expiring June 30, 2016. YEA: D. Leard, E. Collins, S. Correia, T. Boschetto. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

T. Boschetto moved, seconded by E. Collins, to reappoint Betty Salzberg representing the Planning Board as a member of the Housing Partnership for a term expiring June 30, 2016. YEA: D. Leard, E. Collins, S. Correia, T. Boschetto. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

S. Correia reported on the desire of the Recreation Commission for a work order system to document requests for DPW action on field issues and a timetable for action to improve communication with users.

A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
D. Leard said, "I know of none."

There being no further business before the Board, T. Boschetto moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 10:43 p.m. YEA: D. Leard, E. Collins, S. Correia, T. Boschetto. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

Items Distributed For Information and Use by the Board of Selectmen at the June 24, 2013 Meeting

1. Public comment from Susan Pope, 24 Moore Road, regarding reappointment of Bill Steinberg and Steve Lesser to Finance Committee.
2. Email dated June 21, 2013 from Town Counsel with revised proposed license agreement with Habitat for Humanity relative to property to be conveyed on Stonebridge Road.
3. Status report on BOS goals and priorities for October 2012 – September 2013 as of June 21, 2013 as prepared by Town Administrator.