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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 October 21, 2013

Attendance: Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan
Also Present: Acting Town Administrator John Senchyshyn, Town Counsel Mark J. Lanza, Executive Assistant MaryAnn DiNapoli

A1. Convene in Open Session and Then Enter into Executive Session to Discuss Pending Litigation in the Matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* At 6:35 p.m., S. Correia moved, seconded by E. Collins, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section (a)(3) to discuss the strategies with respect to pending litigation between the Twenty Wayland, LLC and the Town and its Wastewater Management District Commission. The Board invites Wastewater Management District Commission member Sam Potter, the Acting Town Administrator John Senchyshyn, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli to join the Board in its executive session regarding the wastewater.

The Board will reconvene in open session in approximately sixty minutes.

The Board returned to open session at 7:23 p.m.

A2. Call to Order by Chair Chair D. Leard called the open session of the meeting of the Board of Selectmen to order at 7:23 p.m. in the Selectmen's Meeting Room. He reviewed the agenda for the public and announced that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

A9. Review and Approve Consent Calendar (See Separate Sheet) E. Collins moved, seconded by S. Correia, to approve the consent calendar. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Review Correspondence (See Separate Index Sheet) J. Nolan agreed to speak at the Veterans' Day ceremony on November 12, 2013. S. Correia congratulated the establishments that sell and serve liquor in the town for passing every compliance check done by the Wayland Police Department. S. Correia disputed the allegation by Linda Segal, 9 Aqueduct Road, that there was no editorial by the Board in October 2010 regarding the lawsuit filed by the Historic District Commission. E. Collins said he hoped that involving the families of Board members does not become an issue.

A11. Report of the Acting Town Administrator J. Senchyshyn reviewed the agenda for the October 28 meeting.

A3. Public Comment David Hill, 54 Orchard Lane, noted that eleven meetings were taking place that night, and asked the Board to take the lead in breaking the meetings up over several nights so that residents who wished to attend more than one meeting would not have a conflict.

A4. Assent to Petition to Approve Land Court Plan for School Street Widening M. Lanza asked the Board to assent to a petition to approve a land court plan that was approved by the Board in 1960. The Board verified that the plans presented were correct. T. Boschetto moved, seconded by S. Correia, to assent to Janghsuen Claudia Tang, Trustee of the Janghsuen Claudia Tang Trust, and Yauwu Tang, Trustee of the Yauwu Tan Trust, a petition for approval of a plan in which said plan delineates a taking by the Town of Wayland for the widening of School Street as referenced in Taking Document No. 35412 dated May 3, 1960, wherein the land and property were taken in fee for the layout of said School Street, all as shown on Certificate of Title No. 88734. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Joint Meeting with the Board of Public Works and the Permanent Municipal Building Committee to Discuss the Proposed Roadway to be Constructed as Part of the DPW Building Project The Board was joined by members of the Board of Public Works, the Permanent Municipal Building Committee, and the Conservation Commission, to discuss the proposed roadway to the DPW Building project.

D. Leard read a statement into the record concerning the October 16, 2013, meeting: "At its joint meeting with the Board of Public Works and the Permanent Municipal Building Committee on October 16, 2013, the Board of Selectmen met in executive session with the Board of Public Works and Permanent Municipal Building Committee to discuss a subject which, by law, cannot be discussed publicly. During our discussion of the subject that may only be discussed privately, a related matter was discussed which should have been discussed publicly. The discussion of the related matter will be discussed again in open session under Agenda Item #5, in order to cure any procedural irregularity that may have occurred on October 16, 2013. The subject that may not be discussed publicly will not be discussed in open session."

T. Boschetto said the discussion tonight will concern the future of the project. Tom Abdella, Chair, Board of Public Works, said it is the consensus of his Board to proceed with the facility at the proposed River Road site, with the intent of resolving the access road issue separately with the necessary mitigation. He added that the Board commits to the Conservation Commission to comply with the Order of Conditions regarding the roadway as a separate item from the DPW facility, and could start the mitigation independently of Annual Town Meeting financing. A. Irwin, Conservation Commission, said mitigation is necessary to make the road a permanent roadway, without specificity as to its use, and therefore has no connection to the issue of the DPW facility building. He noted the roadway is permanent as long as it is needed to access the transfer station. E. Collins noted the Finance Committee recommendation to consider River Road as the access road, and asked if the Finance Committee had abandoned the idea of a separate access road. J. Senchysyn said the Finance Committee voted for the DPW building only, with the understanding that there will be a supplemental vote on a roadway. T. Boschetto asked if there would be concerns about building the facility if the access is on River Road. Eric Sheffels, Permanent Municipal Building Committee, said the committee voted 4-0 to bifurcate the road from the project and to approve a budget slightly lower than the Board of Public Works. T. Abdella said the final numbers will be reconciled. E. Collins asked what residents would be told about the access to the building. E. Sheffels said there is safe and legal access from River Road. He said the commitment to the River Road neighborhood was to make a best effort, and after substantial work, there are impediments to the use of the proposed access road. J. Nolan noted that cost was not a factor. T. Abdella said the site will be graded to make the road available in the future. E. Sheffels said it is important to address the pressing need of constructing a safe DPW facility in a timely manner. T. Boschetto said the Boards need to articulate to the residents the amount of work and effort that was put into this, and the reasons why the access road is no longer available. Mike Lowery, Board of Public Works, said the Boards need to prepare a clear ten-minute narrative of events, and be prepared to answer any questions.

T. Boschetto addressed the uncertainty as to the cost. E. Sheffels acknowledged that the budget is higher and the scope of work is lower. He explained that construction costs have escalated, and the committee does not have a solid bid as it did at the previous town meeting. Therefore, given the uncertainty, the committee created a budget with a substantial contingency margin to ensure that if the bids came in higher, the project could still proceed. He said he expected the final cost to be lower. T. Boschetto said that if bonds must be issued, the burden falls on the taxpayer; he asked if it would be feasible to provide a more conservative budget and scale the project down if necessary. E. Sheffels said the project was already scaled back by 15-18%; he said the committee would not be inclined to establish a capricious budget that doesn't meet the needs of a facility that must last fifty years. M. Lowery said the residents need an explanation regarding the cuts that have already been made. J. Moynihan said deduct-alternates would have had to be in the original bid documents. T. Boschetto said the figures in the warrant should add up better. J. Nolan said he spoke to the River Road residents and assured them that every effort was made to create a secondary access road, but circumstances beyond the control of the town have arisen. T. Boschetto said the Finance Committee comments should include the valuable work being done by the Board of Public Works under the Order of Conditions. J. Nolan asked if the site plan filed with the Planning Board was contingent upon Route 20 access; M. Lanza said yes, the site plan will need modification. E. Collins asked if there was any issue with the Town of Sudbury. T. Abdella said no. M. Lanza said they are not an abutter and do not have standing.

A6. Interview Candidate for Interim Town Administrator Richard Kerbel appeared before the Board to interview for the position of Interim Town Administrator. He reviewed his background in public administration and his interest in the position. He said he believes that a town administrator serves as a conduit between residents, boards, and staff. He said his objectives would include calming the turbulence after the dismissal of the former employee, earning the staff's respect, and communicating priorities. He said he had experience in union negotiations. He noted he did not have experience with the form of town meeting in Wayland, but would be prepared for the April 2014 meeting. He said he will work with John Senchyshyn, but he considers himself a leader; he said it doesn't work if people see you as an assistant to the Board. He said he will use a light hand on internal issues, but is willing to take a strong lead on personnel issues when necessary. T. Boschetto asked if he could make recommendations for improvements. R. Kerbel said he would be willing to discuss areas of improvement with the staff, and to provide advice to the selection committee. J. Nolan said the Board wants to vest the public and the staff in the process; R. Kerbel said that is better done by a consultant. J. Nolan asked about the difference in leadership between a Town Administrator and a Town Manager. R. Kerbel said that in his experience as a Town Manager in Bridgewater, the powers vested in the position still involved a lot of negotiating of authority. J. Nolan noted the number of Open Meeting Law violations, and R. Kerbel said he would work with Town Counsel to familiarize himself with the issue. S. Correia asked about his time commitment. R. Kerbel said he was available immediately, and had no other commitments.

A7. Review of Articles for Insertion in the Warrant for the November 20, 2013, Special Town Meeting Tom Greenaway, Chair, Finance Committee, joined the Board to review the articles for the November Special Town Meeting. The Board discussed the budget figure for the proposed DPW project that would appear in the warrant. T. Boschetto reviewed the financial analysis by the Finance Committee. T. Greenaway acknowledged that the committee is working with variable numbers, and had no objection to using the figure of \$12.7 million. T. Boschetto questioned the insertion of the language regarding payment by tax exempt bonds, and said the Town has enough levy capacity to fund the project without this contingency. The Board was joined by Town Counsel Mark Lanza via telephone. M. Lanza said the article was drafted in such a way as to leave every contingency available, and he had no objection to removing the language as long as there was certainty that there would be no need for a debt exclusion. T. Boschetto confirmed with T. Greenaway

that the current levy capacity is approximately \$8-9 million; he also noted that if a debt exclusion was needed in the future, it could be voted at that time. T. Boschetto moved, seconded by E. Collins, to remove the following language from Article 2: Department of Public Works Facility Construction Funding: “provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitation on taxes imposed by Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 and ½, so called).” J. Nolan moved to amend the motion to direct the Acting Town Administrator to work with Town Counsel to revise the language. There was no second. J. Nolan said he agreed with the Finance Committee that the option of tax exempt debt should be available to town meeting. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard. NAY: J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 4-1. It was the consensus of the Board to change the cost of the DPW facility in the warrant to \$12.7 million, and to delete from the Finance Committee comments: “The total projected cost, if the access road were to be constructed, would be \$14.8mm.” T. Boschetto thanked the Finance Committee for providing relief to the taxpayers via Article 1, “Revise Sources of Funding the Fiscal Year 2014 Operating Budget.” J. Nolan confirmed that a projector would be available at town meeting, and T. Boschetto requested a copy of the Lincoln Road Purchase and Sales Agreement. T. Boschetto asked if the Conservation Commission had issued an opinion regarding the Lincoln Road property, and S. Correia said they would be meeting during the upcoming week.

A8. Establish Dates for 2014 Annual Town Meeting J. Nolan moved, seconded to E. Collins, to begin the 2014 Annual Town Meeting on Thursday, April 3, 2014, and to schedule subsequent meetings, as necessary, on Monday, April 7, Tuesday, April 8, and Thursday, April 10, 2014. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Report of the Acting Town Administrator J. Senchyshyn reviewed the RFP process for the search for a Town Administrator. He indicated that he and J. Moynihan would open the bids, and he asked the Board to define the process for the subsequent review of the bids. Members suggested a review by the Personnel Board; J. Senchyshyn said he would contact the Chair of the Personnel Board.

A12. Selectmen’s Reports and Concerns S. Correia asked about capital funding for the recommendations made by the Dudley Area Advisory Committee, and for the proposed Town Green at Town Center. E. Collins requested that the issue of a Housing Trust be added to an upcoming agenda. T. Boschetto acknowledged and thanked the members of the Boards that joined the meeting tonight for participating in a collaborative approach to the proposed DPW facility project.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any D. Leard said, “I know of none.”

A14. Adjourn There being no further business before the Board, S. Correia moved, seconded by E. Collins, to adjourn the meeting of the Board of Selectmen at 10:25 p.m. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Included as Part of Agenda Packet for Discussion During the October 21, 2013 Board of Selectmen’s Meeting

1. Approval of Land Court Plan, School Street Widening
2. Résumé of Richard Kerbel, DE, PE
3. Draft Special Town Meeting Warrant, November 20, 2013
4. Draft Schedule for April 2014 Annual Town Meeting