



# 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 September 9, 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 Lanza, Secretary MaryAnn DiNapoli

**A1. Executive Session to Discuss Pending Litigation in Matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* ; Discuss Open Meeting Law Complaint** At 6:32 p.m., T. Boschetto 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 (1) discuss the strategies with respect to pending litigation between the Twenty Wayland, LLC, and the Town and its Wastewater Management District Commission and the matter of the appeal of the groundwater discharge permit issued by the Massachusetts Department of Environmental Protection for the Town Building Field Site; and (2) discuss the Open Meeting Law complaint filed by Kim Reichelt against the Board of Selectmen on September 3, 2013. The Chair declared that an open meeting may have a detrimental effect on the litigating position of the Town.

S. Correia questioned the need for executive session. M. Lanza said it was a legal option; S. Correia said he understood it was legal, but it was not typical that the Board would go into executive session to discuss an Open Meeting Law complaint. J. Nolan noted for the record that he requested the Open Meeting Law discussion be held in open session. D. Leard said on advice of counsel, it was scheduled for executive session. M. Lanza said the disposition of the complaint must be done in open session. He also noted that the preliminary inquiry by the Attorney General's office is not a formal complaint and cannot be discussed in executive session. J. Nolan requested that the Board split the motion into two votes. E. Collins noted the agenda item, Open Meeting Law complaint, in open session. J. Senchyshyn said the item was not to discuss the complaint, but to remind the Board of the 14-day deadline. M. Lanza advised the Board again that the discussion of the Attorney General's inquiry is not suitable for executive session. T. Boschetto asked, for clarification, if the discussion regarding the appointment of a Special Counsel for the purposes of addressing the Open Meeting Law complaint could be held in executive session, and M. Lanza said yes. S. Correia clarified, and M. Lanza confirmed, that the Open Meeting Law complaint of Kim Reichelt could be discussed, but not the Attorney General investigation. J. Nolan cited an email of E. Collins regarding the ability of the Board to appoint Special Counsel to members meeting with the Attorney General, and said he did not feel that was a proper use of taxpayer funds. T. Boschetto said the Board was asking for Special Counsel for the Open Meeting Law complaint of Kim Reichelt; however, the Board was within its rights to use Special Counsel in the Attorney General inquiry. J. Nolan said the issues should be separated, and the Attorney General inquiry should be discussed in open session; he noted he had already met with the Attorney General. D. Leard said he made an appointment, but cancelled when the Attorney General office inquired as to whether he would have counsel. T. Boschetto said there are lots of interdependencies and the risk of personnel actions; he said comments in public could have an impact on the town with respect to potential litigation against the town in respect to the former Town Administrator, and the Board must be circumspect in how it addresses the Open Meeting Law complaint. He said that he is comfortable discussing the issue in open session once these issues are clarified. J. Nolan moved, seconded by S. Correia, to amend the motion to

read that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(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 and the matter of the appeal of the groundwater discharge permit issued by the Massachusetts Department of Environmental Protection for the Town Building Field Site, and that the Board holds the discussion of the Open Meeting Law violation in open session. YEA: S. Correia, J. Nolan. NAY: T. Boschetto, D. Leard. ABSENT: none. ABSTAIN: E. Collins. Motion does not pass, 2-2-1. The Board voted on the original motion: YEA: T. Boschetto, E. Collins, D. Leard. NAY: S. Correia, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 3-2.

The Board invited members of the Wastewater Management District Commission, the Interim Town Administrator John Senchyshyn, Town Counsel Mark Lanza and Executive Assistant MaryAnn DiNapoli to join the Board in its executive session. The Board will reconvene in open session in approximately 50 minutes.

The Board returned to open session at 7:53 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 7:58 p.m. in the Large Hearing Room. He reviewed the agenda for the public and announced that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

**A3. Extended Public Comment** J. Nolan said he would like to formally register his complaint that the Chair refused to have a public hearing on the termination of the Town Administrator, and the Board did not engage in a deliberative process to consider the financial and operational implications, and also that the discussion of the Open Meeting Law complaint was removed from the evening's agenda. J. Nolan moved, seconded by S. Correia, that Special Labor Counsel be assigned to determine the legal ramifications of the firing of the Town Administrator. T. Boschetto moved, seconded by S. Correia, to amend the motion to add that the Special Labor Counsel work on all town matters with respect to the actions taken by the Board and to advise on future topics and discussions at Board of Selectmen meetings. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan asked if the Board had previously secured a legal opinion regarding termination without cause.

Chair D. Leard said the time for public comment will be limited to 35 minutes, and speakers will be recognized in order of opposition to the termination of the Town Administrator, then a speaker in support of the termination, then a general comment. He asked that speakers not repeat any other comment, say nothing defamatory, abusive or incendiary, and direct all comments to the Chair; written comments may be submitted to the Chair. He limited the debate to two minutes per speaker, and reserved the right to terminate comment at any time. D. Leard read a statement on his own behalf. He thanked the town volunteers and said his loyalty is to all the residents of Wayland. He said the motion to terminate the Town Administrator was done without any prior knowledge on his part, was without cause, and was never previously discussed. He offered his support to the town staff, and noted that he has always encouraged compliance with the Open Meeting Laws. S. Correia expressed his disappointment with the manner in which the Board conducted itself, and noted that the Attorney General immediately took action. T. Boschetto said Board members are elected to represent the residents and provide leadership as a team. J. Nolan questioned how the majority of the Board came to understand the financial, operational and legal implications of the termination of the Town Administrator contract without engaging in discussion, and how the majority of the Board came to hold the same legal interpretation of the Town Administrator contract.

Michael Pineault, 53 Country Corners Road, said the Board was mistaken as to the legal ramifications of termination without cause; he said it does not prohibit the Board from discussing the reasons for taking their actions. Dorothy Dunlay, 27 Shermans Bridge Road, congratulated T. Boschetto for doing what many citizens have long hoped for; she said S. Correia and J. Nolan had the opportunity to initiate discussion about the procedures. She said George Harris explained it all in a letter to the Town Crier. She said the shortcomings of F. Turkington were noted in the newspaper by residents Woody Baston, Mike Lowery, and Kent George. Alan Reiss, 463 Old Connecticut Path, asked the Board to ensure that the mitigation funds are in place from the original Danforth agreement for the intersection, including granite curbs and ornamental lights. Chris Riley, 18 Autumn Lane, former Chair of the Finance Committee and current Chair of the Audit Committee, said the August 26 agenda was misleading, and the ramifications of its actions were never discussed. He said the Board violated the public trust and lost public respect. Frank Kennedy, 84 Old Sudbury Road, said that residents should respect those who serve and urged everyone to maintain civil discourse. He said the majority of the Board was elected because the town wanted change. Kim Reichelt, 11 Coolidge Road, said the process set down by the Chair for public comment was unfair. J. Nolan moved, seconded by S. Correia, that everyone be given a fair time to speak. T. Boschetto said he welcomes all opinions, but understands that order and control needs to be maintained. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: D. Leard. ABSENT: none. ABSTAIN: none. Adopted 4-1. Daniel Hill, 25 Bow Road, said that two minutes per speaker does not do justice to the process. He said he is a municipal law attorney, and that while no one questions that three members have a majority, the issue is whether their action was in the best interest of the town. He suggested that the Town Administrator was terminated because the majority did not want a town administrator, but a secretary, and he objected to the way in which the meeting was being handled. John Flaherty, 21 Maguire Road, said the vote was shocking and sudden but necessary. He said it was the least painful for the Town Administrator, and showed the strength of character of the Board majority. He said residents are overlooking the \$6 million that went into OPEB, the overage in free cash, and the forcible consolidation of boards. He said the Board spoke for the majority. Sharon Burke, 16 Highland Circle, said she was embarrassed by the way that three members of the Board treated a town employee, and that they did not understand the "without cause" in the Town Administrator contract, and the residents will make their voices heard at the ballot in April. Michael Tichnor, 98 Sears Road, former Chair of the Board of Selectmen, said he served with S. Correia, D. Leard and J. Nolan. He expressed concern that the Town Administrator was terminated in order to go in a new direction, with no explanation or discussion regarding that direction. He asked if the Board had an issue with the new town center, which passed at the largest town meeting in Wayland history, or the new High School, or the turf field, or the town pool, or the celltower. He asked if there were problems with police and fire, with the Aaa bonding, with open space, or with the bylaw that created a Town Administrator. He suggested that the Board simply wanted the Town Administrator out of its way. Pat Abramson, 5 Goodman Lane, former Chair of the Board of Selectmen and Board of Road Commissioners, expressed her gratitude to D. Leard, E. Collins, and T. Boschetto for terminating the Town Administrator, and said they bring a wealth of experience and integrity to the Board. She noted the work of the Charter Commission, and said the town needs to disagree in a civil way, and move in a new direction according to the vote of the residents. Jonathan Smith, 10 Old Farm Circle, said he moved to Wayland in July 2012 for its excellent schools. He said the schools teach civics, and civility, protocol and decorum, but this Board has acted unprofessionally. Diana Humphrey, 42 Cutting Cross Way, said she moved to Wayland in 1966 and has served on several committees. She noted the accomplishments of the town without a town administrator, including truck exclusions, cleaning of the ponds and rivers, the septage facility, affordable housing, and the effort to keep Route 20 from becoming commercial. She said the volunteers were empowered before a Town Administrator was hired. She said the Town Administrator has destroyed the historic district, and removed affordable housing from the town center project; she noted the "malling" of Cochituate. She said the new Board was elected to overturn the Town Administrator position. Lea Anderson, 47 Sedgemoadow Road, directed her comments to D. Leard, T. Boschetto, and E. Collins. She

said the High School Building Committee worked in an open and transparent manner; she said they were guided by a vote of Special Town Meeting and were commended by other towns. She said this Board is going in the opposite direction, and the lack of judgment and knowledge of how the town works is breathtaking. She questioned whether a professional would ever work here, and asked the Board to return to a collaboration of employees and citizens. Linda Segal, 9 Aqueduct Road, former member of Board of Selectmen, expressed her support and appreciation for the actions taken at the Board of Selectmen meeting on August 26, 2013. She said this will serve Wayland's long-term well being, and she has every confidence and trust in the Board as the town's senior elected officials. She said the vote at Town Meeting in the 2004 was a courageous, but that no one person is indispensable. She noted the Personnel Board did not review the Town Administrator's contract or the Director of Public Works contract, and the process needs to be restored. Gordon Cliff, 2 Highfields Road, and member of the Audit Committee, made five points: (1) his problem is not the decision but the way it was made; (2) a new direction should be the product of debate between all five members and public hearings; (3) the roles and responsibilities of the Town Administrator are defined by bylaws; (4) the path to lower taxes should be listed by process-oriented steps; and (5) Wayland is a medium-sized town that should not be overburdened by bureaucracy and paperwork. D. Leard read a letter from Shawn Kinney, 6 Dairy Farm Lane, in support of the Board decision. He said there was a history of financial mismanagement and opaqueness in the town and school supported by the Town Administrator, and the residents made it clear at the polls that accountability and transparency is needed; he said the majority of the Board should be supported by everyone. J. Nolan asked if every email received would be read into the record, as the Board had received dozens; D. Leard said he only had one. Brad Carver, 185 Glezen Lane, said that as a matter of common decency and respect, an eight-year employee should not be terminated without a discussion. He decried Board members who campaigned on transparency, and then ambushed the Town Administrator. He said the public is being asked to believe that the decision to terminate F. Turkington was made in eight minutes. Fred Knight, 10 Trinity Place and Chair of the Wastewater Management District Commission, said he worked with F. Turkington for many years, and felt he improved the town's posture with state agencies, helped to overcome obstacles, and offered ideas and solutions to difficult situations. He expressed doubt that the town was going to be able to operate with one person as serving as both Town Administrator and Human Resources Director. Bill Whitney, 112 Woodridge Road, said he found the actions of the Board disturbing, and hoped that the new direction did not become a move towards weaker government in defiance of the town meeting vote, and more proposition 2 ½ overrides. He expressed dismay at the divisiveness, and said government works best by full and open discussion. Pauline DiCesare, 35 Dean Road, said she was happy to see change, it is best for the town, and the debate should end. Laurie Buchanan, 11 Fairfield Road, said she is a therapist, and she loves Wayland and the new High School. She said it is important that the issue be addressed, and that the public is not shut out and denied it right to talk. Sally Gaglini, 10 Hawthorne Road, said she hoped that this action was taken in the best interests of the town, and not an attempt by the Board to get its power back from the Town Administrator. Patricia Berenson, 8 Rowan Field Road, said the actions of the Board were abominable and offensive; she said the Board owes it to the town to be transparent. She said she takes solace in knowing there is another election soon. Ben Downs, 195 Concord Road, said that the new direction was news to everyone at the August 26 meeting except D. Leard, T. Boschetto, and E. Collins. He asked that the new direction of the town be discussed with the residents of the town.

**A4. Approve Appointment of Acting Town Administrator** T. Boschetto moved, seconded by E. Collins, that the Board of Selectmen amend its vote of August 26, 2013, to terminate the Town Administrator's employment contract and appoint an Interim Town Administrator by (1) replacing the job title "Interim Town Administrator" with the title "Acting Town Administrator"; and (2) establishing a term of office for the Acting Town Administrator of up to six months from August 26, 2013. J. Nolan noted that John Senchshyn has declined the offer to be Acting Town Administrator, and asked if there was an alternate plan

in place. T. Boschetto said department heads would be interviewed in order to create an interim management structure, and the Board will take greater responsibility. J. Nolan asked why the motion was an amendment to the motion of August 26; M. Lanza said it was a technical issue, as the original motion needed to be corrected as to the title, "Acting Town Administrator," and the term, which cannot be for more than six months, with a renewal of up to two months. S. Correia said the Board was not prepared before the original vote was made. The Board discussed the meeting between D. Leard and T. Boschetto and the department heads on August 27, 2013. T. Boschetto said the meeting was to inform the staff of the decision. S. Correia and J. Nolan noted they were not included in the meeting. J. Nolan asked the Board to consider the compensation of John Senchyshyn. D. Leard said compensation will be discussed at a later meeting. S. Correia asked J. Senchyshyn to describe the impact of the motion on his current duties. J. Senchyshyn said he is dealing with collective bargaining with the firefighters, and would be in negotiations with all the unions after the first of the year; he advised the Board that not everything could be accomplished in the time allotted. T. Boschetto said he was open to discussing a fair compensation, and D. Leard said the Board would include it on the next agenda. J. Nolan asked Town Counsel about the ramifications of voting for the amendment in regard to the original vote; M. Lanza said when a legal document is amended, all other aspects remain ratified and confirmed. In regards to the term, J. Nolan requested that an Interim Town Administrator be hired as quickly as possible, and asked that the Finance Committee come before the Board to discuss the funding. YEA: T. Boschetto, E. Collins, D. Leard. NAY: S. Correia. ABSENT: none. ABSTAIN: J. Nolan. Adopted 3-1-1.

**A5. Discussion of Interim Support for the Acting Town Administrator and Discussion of Town Administrator Selection Process** D. Leard reviewed for the Board his discussion with the Personnel Board regarding a committee to search for the new Town Administrator, and said he asked that the process be as open and transparent as possible. T. Boschetto reviewed the process in other towns, and suggested that a broad range of residents be involved in the process. S. Correia said the Personnel Board should speak to the entire Board and not one member at a time. J. Senchyshyn reviewed the process used to find the prior Town Administrator. J. Nolan moved, seconded by S. Correia, that the Board authorize the Acting Town Administrator to contact the Massachusetts Municipal Association for input. E. Collins moved to amend the motion to include an invitation to meet with the Board at its next meeting. T. Boschetto said the Town should also consider expertise outside of government. D. Leard suggested contacting executive search companies. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved to include a discussion of the termination of the Town Administrator, including the financial and operational implications, at the next meeting. There was no second. T. Boschetto said the Board needs to have Labor Counsel present. S. Correia said there is no need for Labor Counsel to discuss financial and operational issues. E. Collins said he welcomed the opportunity to respond to residents. T. Boschetto said he would like the Board to solicit input from department heads regarding the interim process, and J. Senchyshyn said he would relay that request at the next Department meeting. D. Leard suggested that the Board meet at 6:30 pm next week to meet with department heads.

**A6. Discussion with Jerry Heller, Community Preservation Committee Chair, regarding Proposed Acquisition of Conservation Easement on Property on Lincoln Road** Jerry Heller, Chair of the Community Preservation Committee, appeared before the Board to discuss the proposed acquisition of a conservation easement comprised of 22.6 acres of land on the property to be preserved as conservation land for perpetuity on Lincoln Road. The Board discussed whether there was a motion at the August 26 meeting to prevent Town Counsel from doing any further work on the proposal; T. Boschetto said he will review and amend the minutes. J. Heller said the town has pursued this land for twenty years, and he reviewed the process. He said an article is being prepared for the next town meeting, in which the owner will retain the

land and the Town will purchase a conservation restriction. T. Boschetto asked how the purchase affects other uses of CPA funds, and J. Heller reviewed other potential projects. J. Nolan asked that the Town Counsel be allowed to continue to offer legal assistance. It was the consensus of the Board to continue Town Counsel assistance, and to support the article for town meeting.

**A7. Review and Potential Approval of Regulatory Agreement for Habitat for Humanity Affordable Housing Project on Stonebridge Road** The Board was joined by Town Planner Sarkis Sarkisian and Tim Firment, Executive Director for MetroWest Habitat for Humanity, to review the regulatory agreement for Habitat for Humanity on Stonebridge Road. D. Leard asked if the performance bond was in place. J. Senchyshyn distributed an email from Michael Thomas, Zoning Board of Appeals, confirming the bond. T. Boschetto asked if all applications and permits had been secured. S. Sarkisian recommended that a common driveway binder be in place prior to the permit, and T. Firment said that Habitat for Humanity had agreed to that provision earlier in the day. J. Nolan moved, seconded by T. Boschetto, to approve and sign the regulatory agreement for the Habitat for Humanity affordable housing project on Stonebridge Road. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Update by Permanent Municipal Building Committee Members on Status of DPW Project Study Findings and Readiness for Town Meeting Consideration** Members of the Permanent Municipal Building Committee and Facilities Director John Moynihan appeared to update the Board on the status of the DPW Project study findings. Tom Abdalla, Permanent Municipal Building Committee, reviewed the hearing with the Conservation Commission and the NOI (Notice of Intent) from U.S. Fish and Wildlife. He said no methane was detected, and additional fieldwork was being done this week regarding the ceremonial/archeological study. He said concurrence or approval had been received from all town boards involved. E. Collins said the methane reading was unusually high from a landfill. T. Boschetto said the Historical Commission's update was consistent with the archeological report, and asked about the ceremonial report. J. Moynihan said he had not received it yet. Sheila Carel, Historical Commission, said the ceremonial team will be at the site this week to begin work; T. Boschetto advised there is a sense of urgency. E. Collins asked about the impact of the T. Sciacca memo. T. Abdella said he is confident the access road will be successful. T. Boschetto asked about a potential appeal, and M. Lanza advised that the Conservation Commission has ten days from the Order of Conditions, and the Department of Environmental Protection has 90 days; no work can take place in the buffer zone until the issues is resolved. D. Leard noted that the cost to fix the current building is approximately \$2 million. J. Nolan asked if the participants were confident that they are ready to move forward; J. Moynihan said yes. T. Boschetto asked if the budget included demolition, and J. Moynihan said it did not.

**A9. Discussion to Amend the Agreement with Twenty Wayland, LLC, regarding the Gift Payment to the Town of Wayland Based on Number of Housing Units** The Board was joined by Kent Greenawalt, Chair, Planning Board, and Sarkis Sarkisian, Town Planner, to discuss amending the agreement with Twenty Wayland LLC regarding the gift payment. K. Greenawalt said the Planning Board supports the reduced scale of housing units. He reviewed the benefits to the town, including funds to help develop the Town Green, and twelve affordable housing units. The Board noted a theoretical shortfall of \$620,000 based on the change in units, and suggested different gift options, such as a bike trail and housing units. The Board discussed a condition requiring full payment, or a request for conditions. M. Lanza suggested that the Board ask for conditions as it goes with the land; he said the contract is clear that the full amount would also be due.

**A10. Update on Amended Agreement for Mitigation Related to Danforth Farms Housing Project, Old Connecticut Path, Framingham** Roy MacDowell appeared before the Board to provide an update

on the Danforth Farms Housing Project. M. Lanza said the amended agreement contains more detail and is consistent with the earlier agreement with the Board of Selectmen. T. Boschetto expressed concern about the potential of an appeal that would remove the restriction on further development, and he proposed striking such language from the agreement. R. MacDowell said the document is very clear as to how many units could be built, and M. Lanza said this is standard language. R. MacDowell urged the Board to act expeditiously so work could begin. S. Correia asked if the language referred to by T. Boschetto was new; M. Lanza said it was in the last draft. T. Boschetto expressed concern about the termination language, and he said he felt the town was being rushed. M. Lanza said there was no rush. J. Nolan said the agreement is consistent with the Memorandum of Understanding. L. Segal said that according to the Special Permit with Framingham, if the Wayland agreement defaults, the West Plain improvements move to River Road. J. Nolan moved, seconded by S. Correia, to enter into the amended agreement for mitigation related to the Danforth Farms Housing Project in Framingham pursuant to a Memorandum of Agreement that the developer has obtained all permits, subject to review as to form by Town Counsel. Alan Reiss, 126 Old Connecticut Path, asked if the plans for the West Plain intersection still included the original granite curbing, ornamental lights, and paving. J. Nolan said the mitigation is less due to the reduced size of the development, but the mitigation at the intersection remains the same. E. Collins asked if the Board of Public Works had any comments. Mike Lowery said the plans are the same as those that were approved, and subject to satisfactory bonding, the Board of Public Works is amenable to the agreement. L. Segal said the Board should review the 2005 agreement for clarity. YEA: E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

**A11. Discussion of Potential Articles and Vote to Open Warrant for Special Town Meeting to be held on Wednesday, November 20, 2013, at Wayland High School** The Board reviewed the potential articles for Special Town Meeting and whether the timeline for the warrant opening was sufficient. T. Boschetto moved, seconded by E. Collins, to call and schedule a Special Town Meeting to be held on Wednesday, November 20, 2013, at 7:30 p.m. at the Wayland High School Field House and open the warrant for the inclusion of articles to be considered at said Special Town Meeting from Tuesday, September 10, 2013, at 8:30 a.m., through Thursday, September 19, 2013, at 4:30 p.m., at which later date and time said warrant shall be closed. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: ABSENT: none. ABSTAIN: none. Adopted 5-0. Mike Lowery, 120 Lakeshore Drive, asked to have video imaging available at the Special Town Meeting.

**A12. Consider Appointments to Boards and Committees** T. Boschetto moved, seconded by E. Collins, to reduce the number of members of the Senior Tax Relief Committee to seven, and amend the charge of Senior Property Tax Relief Committee accordingly. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A13. Review and Approve Consent Calendar (See Separate Sheet)** T. Boschetto moved, seconded by J. Nolan, to approve the consent calendar items 1 through 5. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A14. Review Correspondence (See Separate Index Sheet)** D. Leard noted the report of the Fire Chief; he congratulated the department for saving a life, and he highlighted the problem of photovoltaic cells on a metal roof. S. Correia said many of the public comments were in regard to the new direction of the town, and he suggested that the Board schedule an agenda item to define the new direction and its goals and objectives. J. Nolan noted that many public comments expressed dissatisfaction with the process. E. Collins said he reserves comment until the agenda item is discussed at the next meeting. S. Correia thanked Jerry Boos and Markey Burke for their service to the town.

**A15. Report of the Acting Town Administrator** J. Senchyshyn reviewed upcoming agenda items with the Board. T. Boschetto asked for a discussion of the Special Town Meeting articles. J. Nolan asked for a discussion of the legal implications of the termination of town administrator. S. Correia suggested that the Dudley Area Advisory Committee be invited before the Board to review its recommendations. J. Nolan moved, seconded by T. Boschetto, to authorize the adoption of the DPW State Mutual Aid Agreement. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Senchyshyn said all boards and committees were posted for the Open Meeting Law training.

The Board discussed its response to the Open Meeting Law complaint. J. Nolan said he objected to the use of executive session for discussion, and the Attorney General case is an informal inquiry. J. Senchyshyn said he hereby appoints Attorney Robert W. Ritchie as Special Town Counsel for the purpose of advising the members of the Board of Selectmen relative to the Open Meeting Law Complaint filed against the Board by Kim Reichelt. T. Boschetto moved, seconded by E. Collins, that the Board of Selectmen confirm the Acting Town Administrator's appointment of Attorney Robert W. Ritchie as Special Town Counsel for the purpose of advising the members of the Board of Selectmen relative to the Open Meeting Law complaint filed against the Board by Kim Reichelt on September 3, 2013. J. Nolan and S. Correia expressed concern about the unprecedented expenditure of taxpayer funds for the hiring of Special Counsel to respond to an Open Meeting Law complaint. T. Boschetto said that in regard to the cost, the advice of counsel is needed to ensure that the town is protected against potential future litigation; he also noted that Special Counsel will work cooperatively with the Labor Counsel. T. Boschetto moved, seconded by E. Collins, to amend the motion to include that Special Counsel work with Special Labor Counsel John Foskett. YEA: T. Boschetto, E. Collins, D. Leard. NAY: S. Correia, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 3-2. Mike Lowery, 120 Lakeshore Drive, asked if the Open Meeting Law investigation constitutes pending litigation; M. Lanza said no. The Board discussed its expectations of Special Counsel and Labor Counsel. T. Boschetto asked that they be in present in executive session. J. Nolan asked for written opinions. T. Boschetto said there would be no basis in fact in a written opinion without previous consultation. He said Board members want to meet individually with Special Counsel. S. Correia noted that both he and J. Nolan were interviewed by the Attorney General without legal representation. E. Collins said he is in favor of the position of the members who would like legal advice. D. Leard noted that when he made an appointment with the Attorney General, he was asked if he would have counsel, and he cancelled the appointment. E. Collins moved that both issues be discussed with Special Counsel, either in or out of executive session. There was no second. J. Senchyshyn said he hereby appoints Attorney Robert W. Ritchie as Special Town Counsel for the purpose of advising the members of the Board of Selectmen relative to the Attorney General Office's preliminary inquiry regarding the Board's termination of the Town Administrators' employment agreement on August 26, 2013. T. Boschetto moved, seconded by E. Collins, that the Board of Selectmen confirm the Acting Town Administrator's appointment of Attorney Robert W. Ritchie as Special Town Counsel for the purpose of advising the members of the Board of Selectmen relative to the Attorney General Office's preliminary inquiry regarding the Board's termination of the Town Administrator's employment agreement on August 26, 2013. YEA: T. Boschetto, E. Collins, D. Leard. NAY: S. Correia, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 3-2.

J. Nolan asked the Acting Town Administrator to determine whether there is a Board policy regarding the disposition of Open Meeting Law complaints. T. Boschetto asked S. Correia to distribute his notes from his meeting with the Attorney General, or a summary of the conversation, to all members of the Board. S. Correia said he did not take any notes and did not have a summary of the conversation. E. Collins said that he had notified the Attorney General that he would advise of the next steps, and asked M. Lanza to provide that information to the office of the Attorney General.



**A16. Selectmen's Reports and Concerns** D. Leard asked that the vote to set the dates for the Annual Town Meeting be on the next agenda. He congratulated Tom Galvin on his new position as Police Chief of Berlin, Massachusetts, and Walter Nutting on his retirement. The Board thanked Richard Turner of WayCAM for his dedication in staying throughout the meeting to record the proceedings.

**A17. 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, E. Collins moved, seconded by T. Boschetto, to adjourn the meeting of the Board of Selectmen at 12:45 a.m., Tuesday, September 10, 2013. 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 September 9, 2013 Board of Selectmen's Meeting**

1. Information on *Twenty Wayland LLC v. Town of Wayland et al*, Middlesex Superior Court Docket No. MICV2011-4095-F
2. Draft Release, Wayland's Community Preservation Committee Votes to Preserve Lincoln Road Farmland using CPA Funds
3. Regulatory Agreement and Declaration of Restrictive Covenants (Commonwealth Department of Housing and Community Development, Town of Wayland, and Habitat for Humanity regarding affordable housing development on Stonebridge Road.
4. Notice to Open Special Town Meeting and Schedule of dates related to Special Town Meeting on November 20, 2013
5. Proposed committee charge and composition for advisory Senior Property Tax Relief Committee
6. Information on state public works mutual aid agreement

### **Items Distributed for Information and Use by the Board of Selectmen at the September 9, 2013 Meeting**

1. Public Comment, Termination of Town Administrator
2. Public Comment, Fall Town Meeting and the Route 20 Access Road
3. Public Comment, Traffic Light at West Plain and Route 27
4. Revised Consent Calendar to reflect change in dates for Request for Signs from Mom to Mom Program, September 13-20, 2013
5. Public Comment, Termination of Town Administrator
6. Handout from John Senchyshyn re: Town Administrator Search Committee and Screening Panels, October 2004
7. Email of 9/8/13 from E. Michael Thomas, Zoning Board of Appeals, re: Habitat Performance Bond
8. Handout from Jerry Heller, Community Preservation Committee, re: Current, Ongoing and Future Projects
9. Email of 9/9/13 from Roy S. MacDowell Jr. to John Senchyshyn, Interim Town Administrator, re: Wayland Agreement, Butler Appeal
10. Memorandum of 9/9/13 from Alan J. Reiss to Board of Selectmen re: Mitigation of the Danforth Project in Wayland