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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 Executive Session October 2, 2013

Attendance: Anthony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan
Also Present: Acting Town Administrator John Senchyshyn, School Committee Members Ellen Grieco and Donna Bouchard, Assistant Superintendent of Schools Brad Crozier, and Executive Assistant MaryAnn DiNapoli

Purpose: The session was called at 6:52 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by a roll call vote of 4-1 (YEA: T. Boschetto, E. Collins, S. Correia, D. Leard. NAY: J. Nolan. ABSENT: none ABSTAIN: none.) as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(1) to discuss the two Open Meeting Law Complaints filed by Kimberly Reichelt against the Board of Selectmen on September 3, 2013, and September 18, 2013, which includes a review of the executive session minutes of September 9, 2013, September 16, 2013, and September 23, 2013; and as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining with all the Wayland School unions as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining position of the Town. The discussion of the matter of Twenty Wayland LLC v. Town of Wayland and Wayland Wastewater Management District Commission was cancelled.

Discussion: Ellen Grieco advised the Board that the four-year agreement in June with the Wayland Teachers Association was never actually executed because in July, a school committee member raised an issue of compliance with the Massachusetts General Laws regarding the one year/three year structure. She said the School Committee solicited [REDACTED]

[REDACTED] E. Grieco said the School Committee considers it best to take a conservative course, and therefore will execute a one-year MoA (Memorandum of Agreement) with all the terms of the original contract, except for the out years. The School Committee will then conduct another negotiating session in October regarding teacher evaluations and roll the remaining provisions into a three-year contract with the COLA's (Cost of Living Adjustments) from the June agreement. She said the School Committee will vote the MoA on October 7 and expects to vote on the three-year contract on October 21. The Board discussed the possible ramifications; E. Grieco said she felt strongly that the financial terms stay the same. B. Crozier reviewed the contracts of surrounding towns; he said the Weston contract had increases of 2.4, 2.0, and 1.55 percent, and the Needham contract had increases of 2.5, 2.0, and 2.2 percent. J. Senchyshyn said the Wayland Teachers Association negotiated before the previous contract had expired, so it will not affect the timeliness of contracts going forward. J. Nolan moved, seconded by E. Collins, to instruct Assistant Town Administrator/HR Director John Senchyshyn to vote in accordance with the recommendation of the School Committee. YEA: E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

School Committee Members Ellen Grieco and Donna Bouchard, and Assistant Superintendent of Schools Brad Crozier, left the meeting at 7:12 p.m.

The Board reviewed the draft executive session minutes of September 9, September 16, and September 23, 2013. E. Collins moved, seconded by J. Nolan, to correct the minutes of September 16, page two, by deleting "Attorney General" and inserting "Attorney General's office." YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. S. Correia asked to correct the minutes of September 23, page two, by adding after the sentence: "T. Boschetto said there was no violation of the Open Meeting Law and there are no facts to back up the assertion. E Collins agreed." the following language:

"Steve Correia: We did violate the Open Meeting Law and there was deliberation before that motion was made.

Tony Boschetto: I would be careful about making declarative statements as to fact.

Steve Correia: In your brief description on that agenda item, what did you discuss?

Tony Boschetto: There was no discussion.

Steve Correia: You absolutely had a discussion with Doug.

Tony Boschetto: I had no discussion with Doug Leard about that agenda item.

Steve Correia: I have a text message that I sent to the Attorney General from Doug saying you did have a brief discussion.

Doug Leard: It was only a brief discussion. We have a vote."

D. Leard said the revision was misleading. T. Boschetto said the minutes should reflect the intent of the discussion, and to add a section verbatim without context is not appropriate. He said that verbatim language must then be added to the entire section. S. Correia noted that in the meeting of September 23, 2013, T. Boschetto denied twice that he had a discussion with D. Leard regarding the agenda item of August 26, "Review Town Administrator Employment Agreement and Job Description." T. Boschetto stated clearly for the record that he had only a brief discussion with D. Leard regarding adding that item to the agenda, and D. Leard agreed. T. Boschetto said there was no further discussion of what the content of the agenda item would include. E. Collins said that was his understanding as well. The Board discussed reviewing the original notes of the recording secretary. T. Boschetto requested postponing the release of the minutes until the issue is clarified. J. Nolan questioned why the Chair would accept an agenda item without further information; T. Boschetto said he did not know why, but he did. S. Correia said he asked the same question many times and never received a response. He asked that the record show that it was not until he sent his text message to the Attorney General that Board members clarified the facts. T. Boschetto said he was aware of the text message, and he had clarified the discussion many times. T. Boschetto said that the text message of D. Leard was clear: when D. Leard was asked by S. Correia, "What is this about," D. Leard's text message clearly stated, "I do not know." E. Collins said the revision to the minutes of September 23 proposed by S. Correia skews the document and is not an accurate reflection of the conversation. T. Boschetto moved, seconded by E. Collins, to table the acceptance of the minutes until such time as the Board clarifies and agrees to the language. J. Nolan moved, seconded by S. Correia, to amend the motion to make available the original notes of M. DiNapoli and compare them against the final version. On the amendment: YEA: S. Correia, J. Nolan. NAY: T. Boschetto, E. Collins, D. Leard. ABSENT: none. ABSTAIN: none. Motion to amend does not pass, 2-3. J. Nolan accused Board members of collusion and deceit. T. Boschetto said the notes of the recording secretary are used to capture the general conversation, and the original notes of one person could contain mistakes. T. Boschetto said for the record that there was no collusion or deceit, and the Board reviews the minutes to ensure they accurately reflect the content of the meeting. S. Correia said for the record that the first statements in his revision were in the minutes of M. DiNapoli, but the last two

statements were not. S. Correia said on the record that he asked many times what the brief discussion between D. Leard and T. Boschetto was regarding the agenda item, without getting an answer. T. Boschetto answered that D. Leard was clear in his response that he did not know the content of the agenda item. On the original motion to table the approval of the minutes: YEA: T. Boschetto, E. Collins, D. Leard. NAY: S. Correia, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 3-2. J. Nolan moved, seconded by S. Correia, that the original notes of M. DiNapoli be made available to the Board at the next meeting. T. Boschetto said the Board should review the minutes as presented based on their recall that the minutes accurately reflect the content of the meeting. J. Nolan said when there is a disagreement, the Board should review the original notes of the recording secretary. YEA: S. Correia, J. Nolan. NAY: E. Collins, D. Leard. ABSENT: none. ABSTAIN: T. Boschetto. Motion does not pass, 2-2-1. E. Collins moved that the opinion of Labor Counsel John Foskett regarding termination without cause be released to the public. J. Senchyshyn said it was public record, and there was no second.

By motion of E. Collins, seconded by S. Correia, by roll call vote, it was unanimously voted to exit executive session at 7:41 p.m. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.