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# TOWN OF WAYLAND

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

## Board of Selectmen Meeting Minutes November 6, 2013

**Attendance:** Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Joseph F. Nolan

**Also Present:** Acting Town Administrator John Senchyshyn, Executive Assistant MaryAnn DiNapoli

**A1. Call to Order by Chair** Vice Chair T. Boschetto called the meeting of the Board of Selectmen to order at 7:05 p.m. in the Selectmen's Meeting Room.

**A2. Warrant Hearing for November 20, 2013, Special Town Meeting** Vice Chair T. Boschetto opened the Warrant Hearing for the November 20, 2013, Special Town Meeting, at 7:05 p.m. The Board was joined by Town Counsel Mark Lanza and Town Moderator Dennis Berry. Anette Lewis, 33 Claypit Hill Road, asked for clarification of the operating deficits shown on the chart on page 6 and the free cash as a percentage of operating budget in the chart on page 8. She asked if the free cash included borrowing for the school, which would be returned. Carol Martin, Finance Committee, said the free cash amounts were the numbers to be certified by the Department of Revenue in June 2014. In regard to Article 2, the Department of Public Works Facility Construction Funding, A. Lewis asked that the motion specifically state the location of the facility on the parcel and the road that will be used for access. Tom Abdella, Chair, Board of Public Works, said the site is designed for 66 River Road, and the access road will be a driveway off River Road. Linda Segal, 9 Aqueduct Road, asked if the funds to improve River Road were included in the estimated cost of \$12,700,000. T. Abdella said the \$12.7 million figure included methane mitigation for the access road that will no longer be needed, so the motion at town meeting will be for \$12.5 million. G. Schuler, 126 Old Connecticut Path, asked for an explanation of the \$250,000 cost for methane mitigation on page 10. T. Abdella said that subsequent to providing the information to the Finance Committee, the Permanent Municipal Building Committee determined it was not necessary. T. Boschetto asked that a supplemental breakdown be prepared for Special Town Meeting. J. Nolan suggested including an addendum with the address of facility. A. Lewis questioned the discrepancy in numbers on page 10 between the chart at the top of the page and the narrative of the Finance Committee. J. Nolan said the cost from the April 2013 Annual Town Meeting included the access road construction, and the current figure does not. Bill Steinberg, Finance Committee, said the chart included the original language with the cost of road, so the narrative was not consistent with the chart. Paul Doerr, 58 River Road, questioned the quantum of vote for Article 2; M. Lanza said a two-thirds vote is required for borrowing. A. Lewis asked that the Community Preservation fund for Article 3, "Set Aside Community Preservation Funds for Administrative Expenses," be specified. Jerry Heller, Chair, Community Preservation Committee, said the \$25,000 comes from uncommitted funds. A. Lewis noted that the article referred to Appendix B and it should reference Appendix C. A. Lewis said that the numbers in the text of the article do not match the numbers in the chart prepared by the Finance Committee. A. Lewis asked if the conservation restriction will allow for the construction of barns, outbuildings, fences, and riding tracks. J. Heller said there cannot be any structures on property except for fencing, and once the Purchase & Sales and Conservation Restriction agreement is fully negotiated and approved, it will be made public. G. Schuler, Community Preservation Committee, said the numbers in the article were an approximation before the final figures were received, and the motion will reflect actual final numbers. Mike Lowery, 120 Lakeshore Drive, noted the absence of the quorum of vote in Article 4,

“Appropriate Funds to Purchase Conservation Restriction on Lincoln Road Land.” M. Lanza said when a municipality acquires interest in property, it requires a two-thirds vote, and an errata will be prepared for town meeting. C. Martin explained the operating and expense figures in the chart on page 6. Bill Steinberg, Finance Committee, said free cash is sometimes used to supplement budget expenses. T. Boschetto confirmed that the town did budget for the deficit. L. Segal said the Finance Committee comments opposed to Article 1 on page 8 were not helpful. Betty Salzberg, 28 Grove Street, said the map of the 66 River Road parcel for the DPW project should be more detailed, and the board vacancies were not updated. J. Senchyshyn said an enhanced map and a revised vacancy list will be available at Special Town Meeting. D. Berry said supplemental rules for the Special Town Meeting were available for distribution and will be posted on the website. T. Boschetto encouraged residents to volunteer for the open positions on boards and committees. A. Lewis cited a 1984 resolution to make motions available prior to town meeting, and J. Senchyshyn said the motions will be posted on the website and available in Town Building. S. Correia moved, seconded by E. Collins, to close warrant hearing at 7:49 pm. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A3. Announcements; Review Agenda for the Public** Vice Chair T. Boschetto reviewed the agenda for the public and announced that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. T. Boschetto thanked former Chair Doug Leard for his service to the town; he said was a positive mentor and a person to be respected and admired. E. Collins agreed and wished him well. J. Nolan said he served with D. Leard for six years, and he and his family are valuable members of the community. S. Correia said D. Leard served the town well and provided wonderful guidance.

**A4. Public Comment** There was no public comment.

**A5. Interview Candidate and Potentially Make Appointment to Fill Vacancy on the Zoning Board of Appeals** Michael Connors appeared before the Board to interview for appointment to the Zoning Board of Appeals. He reviewed his legal background in real estate and his experience as an alternate member of the Zoning Board of Appeals. The Board discussed the need to make decisions fairly and take the ambiguity out of process. M. Connors said that every case must be considered on an individual basis, with the understanding that the fabric of the community needs to be maintained. J. Nolan moved, seconded by E. Collins, to appoint Michael Connors to the Zoning Board of Appeals for a term to expire on June 30, 2014. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A6. Interview Candidates for Interim Town Administrator** Robert Mercier appeared before the Board to interview for the position of Interim Town Administrator. He reviewed his background in municipal management, and described his work as Executive Secretary in Maynard, and then Town Administrator in Burlington, Town Manager in Billerica, and Town Administrator in Burlington again. J. Nolan asked how he would work with staff; R. Mercier said his role is to make the process work, understand and implement the policies and goals of the Board, and provide stability. S. Correia asked about dealing with the residents; R. Mercier said the residents are stakeholders and he would have an open door. The Board discussed his experience with open town meeting and the budget process. R. Mercier said he is looking to work approximately 15-20 hours per week on a temporary basis, and could begin within the next three weeks.

**A7. Discussion on and Potential Selection of Interim Town Administrator** The Board discussed the selection of an interim town administrator, and reviewed the merits of Richard Kerbel and Robert Mercier. The Board considered the experience of working in Massachusetts, the difference in leadership style, the time availability, and the commute from Rhode Island. T. Boschetto asked if the town had a draft employment

agreement; J. Senchyshyn said no, and suggested a member of the Board meet with the candidate to discuss a contract. T. Boschetto asked if there were other candidates; J. Senchyshyn said there were no other candidates that fit the criteria. J. Senchyshyn expressed the need for a decision before the preparation begins with Annual Town Meeting. The Board discussed financial considerations. J. Nolan asked to make sure the offer is conditional upon the applicant working only for Wayland, and not splitting his time with another town. J. Nolan moved, seconded by S. Correia, to offer Robert Mercier the position of Interim Town Administrator and instructed John Senchyshyn to draft a contract and compensation for Board consideration. Compensation was suggested at 80% of the former Town Administrator's rate. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A11. Review and Approve Consent Calendar (See Separate Sheet)** S. Correia moved, seconded by E. Collins, to approve the consent calendar. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A12. Review Correspondence (See Separate Index Sheet)** S. Correia suggested that the Town Moderator be contacted to discuss the charge of the Electronic Voting Subcommittee, as the minutes of the committee reflected several conversations outside of its charge.

**A8. Joint Meeting with the Personnel Board to Review Responses on RFPs for Town Administrator Search** The Board was joined by Personnel Board Chair Nancy McCarthy and members Phil Schneider and Jessica Green. The participants reviewed the five proposals that were received, and, based on criteria established within the RFP and reviewed by the Board of Selectmen, two candidates were chosen for interviews: MMA Consulting and Municipal Resources. T. Boschetto asked if the Collins Center was also under consideration; N. McCarthy said yes, and noted that the Board had already interviewed their representative. The Board authorized J. Senchyshyn to invite the two consultants to its meeting on November 18, and asked the Personnel Board to prepare questions for the interviews.

**A9. Discussion on Board of Selectmen Vacancy** The Board considered calling a special election to fill the vacancy caused by the resignation of Doug Leard. The Board discussed with Town Counsel its options, and considered the timeline, the cost, the impact on the staff, and the ability to work with four members. E. Collins moved, seconded by J. Nolan, to call a Special Town Election to coincide with the Annual Town Election on April 1, 2014, to fill the term created by the resignation of Doug Leard on the Board of Selectmen for a term to expire with the April 2015 election. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. J. Nolan moved, seconded by E. Collins, to appoint Doug Leard as the Chair of the Local Emergency Planning Committee. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A10. Discussion of Sudbury Reactions to Buses at Septage Facility and River Road Access to the DPW** The Board discussed the email correspondence from Sudbury Town Manager Maureen Valente regarding the Wayland buses at the former Septage facility, and the letter from the Sudbury Board of Selectmen regarding the proposed River Road access to the DPW project. J. Senchyshyn said that M. Valente stated there was an agreement with the former Town Administrator Fred Turkington that the buses could be parked at the septage facility site while the new high school was being constructed. J. Senchyshyn said he contacted F. Turkington, who said his understanding was that the buses could be parked there as long as the Town of Sudbury was in agreement. J. Senchyshyn also noted that according to Superintendent of Schools Paul Stein and Business Manager Geoff MacDonald, there is no other option for parking the buses. The Town Counsel, Mark Lanza, submitted a legal opinion that the Town of Wayland owns the land and has the

right to park its buses there. J. Senchyshyn said the town has also established a dispatch office on the property. He distributed an opinion from the Sudbury Town Counsel that the Town of Wayland does not have the right to use the land. In regard to River Road, J. Senchyshyn said the Sudbury Board of Selectmen met on Tuesday, November 5, 2013, and generated a letter to the Wayland Board of Selectmen which was delivered today, requesting that the town commit to a Right Turn Only sign on River Road at the exit of the facility, and a commitment that DPW trucks will only use Wayland roads, and not access Old County Road. The Board discussed the parking issue, and considered other options, such as parking in separate areas, or finding space out of town. It was the consensus of the Board that the best option for parking the buses is at the current site, and the town is within its right to use the land. Mike Lowery, Board of Public Works, noted that there was a town meeting vote to park the buses there. In regard to limiting truck traffic, J. Nolan said that truck exclusions are exclusively within the purview of the state Department of Transportation. The Board discussed the potential traffic generated by the DPW facility, and J. Senchyshyn agreed to have the Director of Public Works prepare a traffic count report at the current facility. E. Collins asked if River Road would be widened to accommodate the DPW traffic. M. Lowery said there are no plans or budget to improve River Road, and J. Nolan said the road could be improved when it comes up in the annual rotating plan for renovation. E. Collins asked about the Sudbury proposal for right turn only, and M. Lowery said it would seriously compromise the ability of the DPW to respond to emergencies in a reasonable time. The Board discussed the implications of Sudbury withdrawing its offer to supply a water line; M. Lowery said that in such an event, the Town of Wayland would need to accelerate its plans to improve its own water delivery system. The Board asked J. Senchyshyn to prepare a letter for Board signature to the Sudbury Board of Selectmen that conveys the intention of the Board to continue to use the former septage facility site for parking buses, and to decline the suggestions for traffic changes at River Road.

**A13. Report of the Acting Town Administrator** J. Senchyshyn updated the Board on preparations for the Special Town Meeting and reviewed upcoming agenda items. He asked the Board members to view the streetlights prepared by NSTAR as a pilot project for approval by the Board.

**A16. Selectmen's Reports and Concerns** J. Nolan said he would not be available to speak at the Veterans Day event and asked that another town official volunteer. E. Collins noted that the Wayland Cares Review Committee will not be able to finish its final report, and the Board agreed to consider an extension of the charge upon the committee's request. In regard to the petition from Glezen Lane residents, T. Boschetto suggested that they work with the Board of Public Works through the town's traffic calming process. The Board noted that it could not get involved due to legal issues.

**A14. Enter into Executive Session to Review Executive Session Minutes from October 16, 2013, for Release** At 10:18 p.m., J. Nolan moved, seconded by S. Correia, to go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (7) to discuss and review the executive session minutes of October 16, 2013. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. The Board invited Acting Town Administrator John Senchyshyn and Executive Assistant MaryAnn DiNapoli to join the Board in its executive session discussion. The Board will reconvene in open session in approximately five minutes.

**A15. Potential Release of October 7, 2013 Executive Session Minutes** J. Nolan moved, seconded by E. Collins, to accept the minutes of the executive session on October 16, 2013, with redactions due to confidential material. The minutes will be released in conjunction with the release of the minutes by the Permanent Municipal Building Committee and the Board of Public Works. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: S. Correia. Adopted 3-0-1.

**A17. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**

T. Boschetto said, "I know of none."

**A18. 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 10:27 p.m. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Items Included as Part of Agenda Packet for Discussion During the November 6, 2013 Board of Selectmen's Meeting**

1. Résumé of Michael Connors for Zoning Board of Appeals Vacancy
2. Résumé of Robert Mercier for Interim Town Administrator
3. Draft Motions for 2013 Special Town Meeting
4. Responses to RFP for Town Administrator Search (Copies Also Available in Board of Selectmen Office)

**Items Distributed for Information and Use by the Board of Selectmen at the November 6, 2013, Meeting**

1. Motions for Special Town Meeting, November 20, 2013
2. Septage Disposal Agreement, June 4, 1997, between Town of Sudbury and Town of Wayland
3. Intermunicipal Agreement, Septage Facility Disposition, January 2013
4. Memorandum of 11/1/13 from Maureen Valente, Sudbury Town Manager, from Paul L. Kenny, Sudbury Town Counsel, re: Use of Septage Facility Site Land in Wayland MA
5. Email of 11/4/13 from John Senchyshyn, Acting Town Administrator, from Town Counsel Mark Lanza, re: Use of Septage Facility Site Land in Wayland MA
6. Letter received 11/4/13 from Glezen Lane Residents to John Senchyshyn, Acting Town Administrator, Board of Selectmen, and Police Chief Robert Irving, re: Traffic Restrictions on Glezen Lane