



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 December 16, 2013

Attendance: Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Joseph F. Nolan (left at 8:45 p.m.)
Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Executive Assistant MaryAnn DiNapoli

A1. Announcements; Review Agenda for the Public 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. He reviewed the agenda for the public and announced that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. R. Mercier announced that the warrant for the April 2014 Annual Town Meeting will open tomorrow, December 17, 2013, and close on January 14, 2014.

A2. Public Comment Molly Upton, speaking as member of the Board of Assessors, asked the Board to vote to pass the Tax Recapitulation Sheet. George Harris, 8 Holiday Road, said that Board members had incorrectly stated the facts last week in regard to the history of Open Meeting Law violations, and he reviewed the fifteen violations. He said the Board never issued any apologies. J. Nolan noted that almost all the Open Meeting Law violations were filed by George Harris; he said he found it discouraging that G. Harris has made a sport of filing violations and has cost the town thousands of dollars in legal fees. S. Correia said that Board members apologized for the violation on July 8, 2010, and noted that the majority of the claims were dismissed by the Attorney General. He asked G. Harris why he did not file an Open Meeting Law violation in regard to the misleading agenda item of August 26, 2013. G. Harris said he didn't agree that it was a violation.

A3. Approval of Renewal of Liquor Licenses and Common Victuallers Licenses Calendar Year 2014
E. Collins moved, seconded by J. Nolan, to approve the renewal of the following liquor licenses, common victuallers licenses, entertainment licenses, and auto dealers licenses for Calendar Year 2014. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Allenco LLC (Paul Allen, President)	Sale of Used Vehicles II
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	Liquor License On Premise All Alcoholic, Victualler License
Broomstones Inc.	Liquor License, Club, All Alcoholic
Coach Grill (BBRG Operating Inc.)	Liquor License On Premise All Alcoholic, Victualler License
Cook's Automotive	Sale of Used Vehicles II
Cornu, Timothy and Thomas	Sale of Used Vehicles II
Donelan's Supermarkets Inc.	Liquor License Package Store Wine & Malt
Dudley Chateau of Cochituate Inc.	Liquor License On Premise All Alcoholic, Victualler License
Einstein Brothers Bagels	Victualler License
Herb Chambers of Wayland Inc. dba BentleyBoston and dba Rolls-Royce Motor Cars of New England and dba Herb Chambers Lamborghini of Boston	

and dba Herb Chambers Maserati International Auto Works Inc. J.J McKay's	Sale of Used Vehicles I Sale of Used Vehicles II Liquor License On Premise All Alcoholic, Victualler License, Entertainment License
Lavins Inc. of Wayland Liberty Pizza (MC&G Pizza Inc.) The Local Restaurant of Wayland LLC dba The Local Restaurant, Mel's Commonwealth Café New Sandy Burr Inc. Post Road Liquors Inc. Primebar Grill	Liquor License Package Store All Alcoholic Victualler License Liquor License On Premise All Alcoholic, Victualler License Liquor License On Premise Wine & Malt, Victualler License Liquor License On Premise All Alcoholic, Victualler License Liquor License Package Store All Alcoholic Liquor License On Premise All Alcoholic, Victualler License, Entertainment License
Michelle's Jewelry Panera Bread Bakery-Café Shepard's Service (Mark Shepard) Starbucks Coffee Company State Road Auto Body Spice 'n Pepper Takara Japanese Restaurant The Villa Inc.	Sale of Second Hand Articles Victualler License Sale of Used Vehicles II Victualler License Sale of Used Vehicles II Victualler License Liquor License On Premise All Alcoholic, Victualler License Liquor License On Premise All Alcoholic, Victualler License, Entertainment License
Viva Mexican Grill and Tequileria Inc. Water Lily (Ho-Tai Wayland Inc.) Wayland Automotive Sales The Wayland Country Club Wayland Imports) Wayland Mobil Wayland Pizza House Wayland Variety and Deli Corp Wayland Wine and Spirits Weston Automotive Inc.	Liquor License On Premise All Alcoholic, Victualler License Liquor License On Premise Wine & Malt, Victualler License Sale of Used Vehicles II Liquor License On Premise All Alcoholic, Victualler License Sale of Used Vehicles II Sale of Used Vehicles II Victualler License Liquor License Package Store Wine & Malt Liquor License Package Store All Alcoholic Sale of Used Vehicles II

A4. Meet with Mary Antes and Rachel Bratt to Discuss the Housing Trust The Board met with Mary Antes, Betty Salzberg, and Rachel Bratt to discuss the formation of a Housing Trust fund. R. Bratt described the need for such a fund, and asked the Board of Selectmen to appoint a committee with representatives from town boards. She reviewed the list of town that have established housing trust funds, and noted that a trust fund provides a dedicated stream of revenue more efficiently and faster to purchase desirable housing. B. Salzburg said that most residents of the Dudley Pond area were averse to having affordable housing in their neighborhood. J. Nolan asked if there was a benefit to having town meeting approve housing purchases; R. Bratt said the fund would only be used for a moderate size property. S. Correia and E. Collins expressed their support. Kent Greenawalt, Chair, Planning Board, said the Planning Board also supports the concept. J. Nolan asked if a small development would need Planning Board approval; K. Greenawalt said yes, if it is within the correct zoning. T. Boschetto said he supports the formation of a committee; he said he shares the concerns of residents who feel they could lose the opportunity to provide input into projects in their neighborhood. J. Nolan moved, seconded by S. Correia, to authorize the Interim Town Administrator to draft a charge for a Housing Trust Committee, to include a public process that covers all interested parties. T. Boschetto said he would not vote for a committee that does not have a fully vetted and approved charge.

YEA: S. Correia, J. Nolan. NAY: T. Boschetto, E. Collins. ABSENT: none. ABSTAIN: none. Motion fails, 2-2.

A5. Discussion with Representatives of the Wayland Cares Review Committee Joe Barrett, Katie Lee, and Leslie Corner of the Wayland Cares Review Committee appeared before the Board. K. Lee said the committee will make every effort to complete a final report by the deadline of January 1, 2014. The Board discussed the division among the members, and asked that it be addressed. J. Barrett described the difficulties of working together and coming to an agreement on a final report. J. Nolan advised the committee that it only needs a majority vote of three to submit a final report; he also noted that, to the extent possible, it should include the input of all five members. T. Boschetto encouraged the committee to collaborate so that all sides are represented and the final report will have credibility at town meeting. J. Barrett said there was no point in having all five members present if the input of two members is consistently voted down. S. Correia asked if the members understood their charge, and said the town needs to move forward on dealing with the issue of education regarding drug and alcohol abuse. The Board discussed the credibility of the committee, and the possibility of reconstituting the committee with two new members. T. Boschetto the issue needs to be resolved, as the town meeting expects a thoughtful report that addresses the concerns of residents from a wide perspective, and he urged the current members to continue their work.

A6. Presentation by the Recreation Commission regarding Report from the Dudley Area Advisory Committee Brud Wright, speaking for the Recreation Commission, appeared before the Board to discuss its interest in the Dudley area land. He said the Recreation Commission voted that the land be transferred to them for passive recreation use only, and that the Rocky Point land be transferred to the Conservation Commission. He said they would also be receptive to an innovative wastewater system. He noted that the Dudley Area Advisory Committee voted 7-2 to maintain the land as recreation. T. Boschetto said it's unfortunate that such a valuable group of parcels are currently under-utilized, and asked if the Recreation Commission and the Conservation Commission would agree to jointly sponsor an article that would allow residents to enjoy the land and the trails; B. Wright said yes. J. Nolan said he would support 90% of the article, but he suggested that there be a set-aside for housing as per the Dudley Area Advisory Committee report. B. Wright said the Recreation Commission would only swap the land to the benefit of recreation, and they did not feel there was a compelling need to put housing in such a congested part of town. T. Boschetto said he would support the transfer of land to the Recreation Commission and agreed that the area was too crowded for additional housing. J. Nolan said he would also support the transfer of land, but would include the affordable housing option. S. Correia asked if the Recreation Commission would include fields in their plan; B. Wright said no, and would support a restriction that there be no active recreation.

Public Comment Regarding Dudley Area Advisory Committee Report Mike Lowery, Surface Water Quality Committee representative to the Dudley Area Advisory Committee, said the concern of his committee is in controlling the nutrients that go into Dudley Pond. He said they support an easement for a shared septic system, improved stormwater control, and no further development unless it is septic-neutral. Bob Goldsmith, Conservation Commission representative to the Dudley Area Advisory Committee, said the objectives of his commission were completely satisfied. He said the commission would support housing on the eastern portion of the land, as long as it is nutrient neutral to the pond. Alan Palevsky, representing Neighbors for Responsible Land Use, said the Dudley area already has highest density housing in town, and reviewed the history of attempts to put affordable housing in the area. He said the neighborhood supports the transfer of the land to the Recreation Commission. J. Nolan asked if the neighborhood would consider supporting a transfer of the land to Conservation Commission. Stanley Ducharme, 44 Pond Drive, asked the Board for reassurance that it would follow through on its commitment to uphold the recommendations of the Dudley Area Advisory Committee. Jackie Ducharme, 44 Pond Drive, reminded the Board of the town's

commitment to open space, and cited the recent conservation restriction on Lincoln Road. Kent Greenawalt, Chair, Planning Board, said the Planning Board came to agree that affordable housing was not the best use for this property. Rachel Bratt, Housing Partnership, expressed frustration with the view that a few units of affordable housing would add density, and she recommended that the Board maintain an easement on some portion of the land for affordable housing if necessary. T. Boschetto asked R. Mercier to prepare a draft article for discussion by the Board. J. Nolan said he would agree to follow the recommendation of the Dudley Area Advisory Committee, but would like to consider transferring the land to the Conservation Commission instead of the Recreation Commission. T. Boschetto said he would accept the transfer to the Recreation Commission; he said the neighborhood has asked for certainty and closure.

A9. Presentation by the OPEB Advisory Committee The OPEB Advisory Committee (Cliff Lewis, Kent George, Maryanne Peabody, Jay Sherry, and David Gutschenritter) appeared before the Board and presented its findings in preparation for Annual Town Meeting. E. Collins asked about the feasibility and legality of getting funds from the revolving accounts; C. Lewis said he would refer the question to Finance Committee. D. Gutschenritter said the entities with revolving funds need to examine their business model to determine if they can cover their expenses and recoup past obligations. J. Sherry noted that, according to the Segal Group, most cities and town do not fund OPEB at the GASB 45 level. J. Nolan questioned its impact on the town's bond rating. J. Senchyshyn said the key to getting OPEB under control is getting the state legislature to enact the state's OPEB committee recommendations. M. Peabody said there needs to be a coalition of towns to lobby for different insurance vehicles. J. Nolan asked that the Board invite its legislators to provide an update. T. Boschetto said he supports the next steps of the OPEB Advisory Committee, and D. Gutschenritter said the committee will make it presentation to the Finance Committee in January.

A10. Meet with Finance Committee Representatives and Potential Vote regarding Revenue Shortfall for the Tax Recapitulation Sheet; Re-sign LA-5 Form, Line 8, Designating Excess Levy Capacity Finance Committee members Tom Greenaway, David Gutschenritter, and Cherry Karlson appeared before the Board to discuss the tax recapitulation sheet. T. Greenaway said the Department of Revenue worked with the Board of Assessors and the Finance Director in developing three options regarding the shortfall in the revolving funds: a transfer of funds from the cash reserve, an article and motion at the 2014 Annual Town Meeting for a current year transfer, or a Special Town Meeting to vote a current year transfer. He said the Finance Committee recommended option two. E. Collins noted the taxpayers will be subsidizing the \$218,848 shortfall, and asked if the funds can be recovered. T. Greenaway said the Finance Committee will ask the School Committee to address the issue. T. Boschetto asked if the revolving funds will be properly funded in the future. T. Greenaway said the school food service is federally mandated; he suggested that the taxpayers be given the choice whether the fund should bear all of its costs through its revenue, or be subsidized. C. Karlson noted that the difficulty with the 2013 allotment was the timing. The Board discussed the legality involved in transferring operating funds to revolving funds. J. Nolan moved, seconded by S. Correia, to support at 2014 Annual Town Meeting, a vote to replace the Children's Way and Food Service revenue source on the FY2014 budget with \$218,848 allocation from Unrestricted Fund Balance (option two). YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. T. Boschetto encouraged the Finance Committee to work with the School Department to make sure revolving funds are properly funded in the future.

A7. Review and Approve Consent Calendar (See Separate Sheet) J. Nolan moved, seconded by E. Collins, to approve the revised consent calendar items 1, 4, 5, and 6. The Board asked for further information regarding the hosting of a Solar Electric Photovoltaic Generating Facility on town property. YEA: E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 3-1.

A8. Review Correspondence (See Separate Index Sheet) T. Boschetto congratulated Town Clerk Lois Toombs on her retirement and thanked her for her years of service to the town. J. Nolan said he hoped the Town Clerk election does not become political. S. Correia suggested that the open position be publicized, and T. Boschetto said the job description should be included. The Board discussed the salary. J. Senchyshyn said the Board submits a suggested salary article for a vote at town meeting. E. Collins noted that the Board of Health report referenced the solar initiative at Happy Hollow School.

A11. Presentation of FY15 Operating Budget Requests for DPW and Other Departments under the Jurisdiction of the Board of Selectmen This agenda item was postponed to a later date.

A12. Report of the Interim Town Administrator R. Mercier reviewed the upcoming Board schedule and agenda items. He said Alan Gould, Municipal Resources Inc., would be at the January 6, 2014, meeting. He said he attended a Town Center update meeting with staff this morning, and assigned tasks with timelines. The Lincoln Road conservation restriction is still on schedule for an early January closing date; he confirmed that the Board has to approve the final version. R. Mercier reviewed the Minuteman Regional school issue, the facilities report, and the upcoming Massachusetts Municipal Association meeting in January.

A13. Selectmen's Reports and Concerns There were no Selectmen's reports and concerns.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any T. Boschetto said, "I know of none."

A15. 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 10:47 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 December 16, 2013 Board of Selectmen's Meeting

1. List of Licenses Ready for Approval by Board of Selectmen, December 12, 2013
2. Memorandum of 12/2/13 from Rachel G. Bratt, Chair, Housing Partnership, to Board of Selectmen, re: Forming a Housing Trust Fund
3. Charge of the Wayland Cares Review Committee
4. Memorandum of 12/16/13 from OPEB Advisory Committee re: OPEB Committee Initial Findings
5. Wayland Actuarial Valuation 2012 prepared by The Segal Group
6. Powerpoint Presentation, OPEB Advisory Committee Report to the Board of Selectmen, December 16, 2013
7. Department of Revenue Bureau of Account Tax Allocation, Form LA5, Wayland FY2014, Executed Copy and Revised Copy

Items Distributed for Information and Use by the Board of Selectmen at the December 16, 2013, Meeting

1. Revised Agenda, Revised Consent Calendar, and Revised List of Public Documents Provided to the Board of Selectmen from December 6, 2013, through and including December 12, 2013, Otherwise Not Listed and Included in the Correspondence Packet for December 16, 2013