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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 January 6, 2014

Attendance: Tony V. Boschetto (remotely via telephone), Edward J. Collins, Steven J. Correia, Joseph F. Nolan

Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Executive Assistant MaryAnn DiNapoli

A1. Convene in Open Session and Then Enter into Executive Session to Discuss Collective Bargaining Strategy Pertaining to Contract Negotiations with Wayland School Union (WESA); and to Discuss Pending Litigation in the Matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* Senior Member J. Nolan opened the meeting at 6:34 p.m. and announced that T. Boschetto would be participating remotely due to his geographic location. T. Boschetto attested that he was alone on the telephone. E. Collins moved, seconded by S. Correia, 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 Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Wastewater Management District Commission member Sam Potter, Town Counsel Mark Lanza, Town Planner Sarkis Sarkisian, Planning Board Chair Kent Greenawalt, and Executive Assistant MaryAnn DiNapoli to join the Board in its executive session regarding the wastewater. The discussion regarding collective bargaining strategy pertaining to contract negotiation with Wayland School Union (WESA) was cancelled.

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

The Board returned to open session at 7:18 p.m.

A2. Call to Order by Chair Senior member J. Nolan called the open session of the meeting of the Board of Selectmen to order at 7:19 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.

A3. Public Comment Mike Lowery, 120 Lakeshore Drive and Chair, Board of Public Works, said the Board had two articles for Annual Town Meeting that he would discuss later in the evening. Alan Palevsky, 23 Doran Road, and member of the Dudley Area Advisory Committee, said the Tighe and Board report was neutral as to affordable housing. He also reviewed the steps necessary for the town to transfer the land; he said if this was not done, the land would remain in limbo. Jackie Ducharme, 44 Pond Drive, provided the Board with a letter from concerned citizens regarding Dudley Woods. Linda Segal, 9 Aqueduct Road, noted that \$1 million was allocated at the 2011 Annual Town Meeting to repair the Public Safety Building, and in light of the retirement of the Facilities Director, asked that documentation of the accounting be provided to the public.

A4. Discussion with Economic Development Committee on River's Edge Housing Proposal Rebecca Stanizzi and Sam Potter, Economic Development Committee, appeared before the Board to discuss the revised River's Edge Housing proposal for the April Annual Town Meeting. R. Stanizzi noted that the

two areas of concern were the impact on the wireless district and the accuracy of the financial projections. She said the committee contracted with a third party consultant that confirmed their financial estimates, and a formal report is pending. She reviewed the changes to the building plans, including moving the four-story section to the back of the property and reducing the number of units to 150-190, and said there will need to be a conveyance article and a zoning article for Annual Town Meeting. E. Collins asked about the impact on the 40B inventory; R. Stanizzi said that 216 units would have brought the town to ten percent, but the current plan provides less. S. Correia asked about the parking; R. Stanizzi said it is mostly surface parking, and developers will be encouraged to put the parking in the back. T. Boschetto asked about the ambiguity regarding the entrance to the new DPW facility. S. Potter said the parcel to the right of the access road would not be kept under this scenario, due to conservation issues, and said that parcel is not necessary. T. Boschetto noted that by having the wireless district in its present location, the town can deny any further wireless districts, and asked for assurance that the value of the current district is not nullified. S. Potter noted that the permitting of a 40B project gives the town the ability to deny any further 40B permits for two years. E. Collins said the site is under the control of the Board of Public Works, and asked where they stood in regard to the project. R. Stanizzi said they are meeting with the Board of Public Works this week. Ivan Pagacik, Project Manager for IDK Communications, discussed his findings in regard to the project's impact on the wireless district. He said his preliminary finding is that the current district provides sufficient coverage to Wayland. E. Collins asked what percentage of the wireless district would remain after the project is built, and R. Stanizzi answered five percent. The Board discussed the impact of the Sudbury wireless site, the ability of multiple carriers to use one pole, the function of height, and the ability of the site to accommodate future wireless applications. R. Stanizzi asked if the Board would co-sponsor the zoning article. E. Collins said he would not, as the wireless district would be reduced too drastically, leaving the town open to other carriers who could take advantage of the town. S. Correia noted E. Collin's representation of residents in a lawsuit against the town regarding the siting of a celltower at Reeves Hill.

A5. Joint Meeting with the Personnel Board and Alan Gould, Municipal Resources Inc., to Review Next Steps in the Town Administrator Search Alan Gould, Municipal Resources Inc., and Personnel Board members Nancy McCarthy, Jessica Green, Nick Willard, Phil Schneider, and Maryanne Peabody appeared before the Board to discuss the Town Administrator search. Members discussed the proposed timeline, the impact of the upcoming elections, the need for community input, and a possible forum for employees. A. Gould reviewed the upcoming procedures. He said all material will be submitted to an interview committee to select the final six, then an onsite MRI panel and a community panel will interview the six to create a consensus around three candidates. The Board discussed the candidate profile; A. Gould said the profile is broad, and he prefers to conduct telephone interviews individually with Board members. T. Boschetto asked what other sources are used. A. Gould said he met with staff and got a sense of the community. The Board asked if possible candidates were being eliminated due to time constraints, and A. Gould said the timeline was sufficient. Participants discussed the formation of a review panel. A. Gould suggested representation from the Personnel board, the School Committee, Finance Committee, Board of Public Works, a business leader, and the community at large. The Board discussed the possibility of requiring a unanimous ratification of members by the Board of Selectmen. A. Gould said the ideal range is five-seven members, and said the MRI panel will consist of town administrators. J. Nolan asked if the applications received were sufficient; A. Gould said yes. The Board agreed to continue on the current timeline despite the upcoming elections. N. McCarthy noted the recent controversy surrounding the town administrator contract, and asked A. Gould for samples of contracts from other towns. E. Collins said the controversy was about the lack of a policy for the process for termination, and not the contract. N. McCarthy said it was the preference of the Personnel Board to use best practices rather than institute a policy.

A5. Review Articles for April 2014 Annual Town Meeting R. Mercier discussed potential articles for the Annual Town Meeting, including the land taking at Twenty Wayland, and the withdrawal from the Minuteman Regional Vocational School District, and he asked the Board to review the list of articles for any omissions. Mike Lowery, Chair, Board of Public Works, said there are three articles from his Board: a housekeeping article regarding fines for dogs in cemeteries, a transfer of Rocky Point to conservation, and expanding the membership of the Board of Public Works to seven members. L. Segal asked if the Board of Public Works is considering incorporating the wastewater functions into its jurisdiction. M. Lowery said he was not aware of any such consideration.

A7. Presentation of FY15 Operating Budget Requests for DPW and Other Departments under the Jurisdiction of the Board of Selectmen; Review of Capital Budgets Don Ouellette, Director of Public Works, appeared before the Board to present the FY15 budget request for the DPW. He said there were no significant changes to the budget, with the exception of \$300,000 which was removed from the operating budget (road renovation) and moved to the capital budget. He explained that the change was made because the road renovation funds are used through November, while the fiscal year ends in June. J. Nolan said he runs the risk that Annual Town Meeting could cut the request from the capital budget. T. Boschetto said the capital budget should be handled as such, and operational expenses should be included in the annual budget. John Moynihan, Public Buildings Director, presented the budget for town buildings. T. Boschetto noted that actual utility costs have been lower than the budget over the past few years, and asked if the budget could be reduced. J. Moynihan said he would work with the Finance Committee. T. Boschetto asked about the health insurance expenses, and J. Senchyshyn said he is working with the Finance Department to tighten up the numbers; he noted the percentage of increase won't be available until February. R. Mercier said the increase in debt reflects the \$9 million bond issue for the DPW garage, and the first year impact of the \$2 million bond for roof repairs. T. Boschetto asked the Board to reconsider the long-term payback investment on energy investments in the town building. J. Nolan asked about the salary of the Town Clerk, and J. Senchyshyn said he is preparing comparative data.

A8. Review and Approve Consent Calendar (See Separate Sheet) E. Collins moved, seconded by S. Correia, to approve the revised consent calendar with the exception of item three, the letter of intent for the solar electric photovoltaic facility at the Happy Hollow Wells property. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0 by a roll call vote.

A9. Review Correspondence (See Separate Index Sheet) T. Boschetto thanked John Moynihan for his service to the town, and the Board concurred. E. Collins suggested that the Board consider the issue of the Glezen Lane traffic, and J. Senchyshyn urged the Board to be very cautious as the matter is currently in litigation. S. Correia recommended that a town-wide traffic study be done. M. Lowery noted that there is a traffic calming process. E. Collins said that the WaylandCares Review Committee did not vote on a final report, and suggested the committee reconstituted with a view to impartial results. S. Correia moved to sustain the current committee; there was no second. S. Correia asked about the termination of Waterline Industries; R. Mercier said they have not completed their work and are in breach of contract. E. Collins highlighted the correspondence regarding the Central Rail Trail.

A10. Report of the Interim Town Administrator R. Mercier updated the Board on the staff meeting on Wednesday regarding the town center project. He thanked all the staff involved in resolving the tax recapitulation issue last week, and he reviewed the upcoming calendar of Finance Committee meetings. He noted that the closing on the conservation restriction on Lincoln Road had been extended.

A11. Selectmen's Reports and Concerns T. Boschetto asked if the Board must formally declare the land in the Dudley area as surplus before it can be transferred; J. Nolan said it will be on the agenda next week. The Board debated transferring the land to the Recreation Commission or the Conservation Commission, and whether to withhold parcels for affordable housing. M. Lowery provided a legal opinion to the Board commissioned by the Dudley Area Advisory Committee regarding the transfer of land.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any J. Nolan said, "I know of none."

A13. 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 by a roll call vote.

Items Distributed for Information and Use by the Board of Selectmen at the January 6, 2014, Meeting

1. Revised Consent Calendar

Items Included as Part of Agenda Packet for Discussion During the January 6, 2014 Board of Selectmen's Meeting

1. List of Articles Received for April 2014 Annual Town Meeting
2. Articles Received to Date for April 2014 Annual Town Meeting
3. Potential Articles for April 2014 Annual Town Meeting
4. FY15 Operating Budgets
5. Capital Appropriate Requests, FY15-FY19