



ROBERT MERCIER
INTERIM TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

Board of Selectmen Meeting Minutes February 10, 2014

Attendance: Tony V. Boschetto, 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. Call to Order by Chair Vice Chair T. Boschetto called the open session of the meeting of the Board of Selectmen to order at 6:35 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. J. Nolan said there needs to be better dialogue before setting the agenda, as he expected the current agenda to include a meeting with the Finance Committee.

A2. Budget Discussion The Board reviewed a summary of the FY2015 budget provided by the Finance Committee. The Board was joined by Public Buildings Director John Moynihan. R. Mercier said the overall town budget increases 1.1%, and the school budget increases 6.10%. T. Boschetto expressed disappointment at the budget process and said more effort needs to be made to find cost saving opportunities. The Board discussed the efforts of the Finance Committee and the possibility of forming another ad hoc committee to find savings and efficiencies. T. Boschetto questioned the increase in health insurance and utilities and asked for more detail; he also requested baseline numbers for the utility expenses. E. Collins asked about the charges for the water and wastewater departments; J. Moynihan said the utilities are charged to the enterprise funds. T. Boschetto requested a rolling debt schedule. R. Mercier said the Treasurer/Collector will be at the next Board meeting to review the debt schedule. R. Mercier noted that utilities, 32B expenses and the debt service charge need further clarification. T. Boschetto said he did not believe the current budget process is clearly defined or documented, and E. Collins agreed. R. Mercier distributed the capital project budget. The large item was the ESCO project at \$2.8 million, and the Board discussed the potential payback through energy savings, and the advisability of making such an investment in the current town building. J. Moynihan said the proposal is a two-phased project, and the town building is in the second phase. However, he said he would like to authorize the full amount until the determination is made whether to use the funds for the town building or to redirect the funds to the schools. T. Boschetto said the public should know where the funds are going to be used. J. Moynihan cautioned against jeopardizing the program. Anne Harris, Energy Initiatives Advisory Committee, advised the Board that the ESCO project depends upon a long-term payback, and provides the town a pathway to get projects done now rather than later. T. Boschetto said the question is whether the work needs to be done; S. Correia said the projects in the ESCO plan are also in the town's capital plan. The Board discussed the future of the town building and the ramifications of downscaling the ESCO project. E. Collins noted the importance of holding this discussion prior to town meeting. T. Boschetto asked if there was a clear understanding of the town-wide road projects; J. Nolan expressed concern that the construction budget was in the capital, and said the program is well-defined. T. Boschetto requested a list of town vehicles, and J. Nolan requested a list of proposed upgrades to the town building.

A3. Public Comment Duane Galbi, 190 Stonebridge Road, asked to set up a meeting with a member of the Board, along with Town Counsel, to review his petitioners' articles, and the Board agreed to consider it. William Quinn, 19 Meadowview Road, said he did not want to support the petitioners' article regarding the

use of guns in Wayland, but knows of no other legal recourse to alleviate the noise issue. He asked the Board to take the articles seriously. Alan Palevsky, 23 Doran Road, urged the Board to finalize the Annual Town Meeting articles regarding the Dudley Woods project so the neighborhood could get the vote out. Tom Gulley, 20 Meadowview Road, asked that the Oak Hill neighborhood association be included in any meeting regarding the gun club. Brud Wright, 16 Jeffrey Road, and Chair, Recreation Commission, requested that a representative of the Recreation Commission be appointed to the Town Administrator Search Committee. E. Collins said there will be many opportunities to provide input, and J. Nolan said there are other boards that are not represented. Linda Segal, 9 Aqueduct Road, said the Finance Committee did not properly notify the residents of the budget hearing, and the town should return to the former schedule that allowed more time to review the budget and the articles.

A4. Public Input, Town Administrator Search There was no public input into the Town Administrator search.

A5. Execute Documents Related to Municipal Bond Sale Paul Keating, Treasurer/Collector, presented the documents for the municipal bond sale to the Board for signature. J. Nolan moved, seconded by E. Collins, that the sale of the \$12,785,000 General Obligation Municipal Purpose Loan of 2014 Bonds of the Town dated February 13, 2014 (the "Bonds"), to Fidelity Capital Markets, a division of National Financial Services, LLC, at the price of \$13,667,063.50 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 16, 2014, supplements thereto dated January 30, 2014, and a final Official Statement dated February 4, 2014 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2015	\$785,000	5.00%	2025	\$595,000	3.00%
2016	765,000	5.00	2026	595,000	3.00
2017	760,000	5.00	2027	595,000	3.00
2018	750,000	5.00	2028	595,000	3.00
2019	740,000	5.00	2029	595,000	3.25
2020	635,000	5.00	2030	585,000	3.375
2021	635,000	5.00	2031	585,000	3.375

2022	615,000	4.00	2032	585,000	4.00
2023	605,000	4.00	2033	585,000	4.00
2024	595,000	4.00	2034	585,000	4.00

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

We further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended . YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A6. Vote to Authorize the Superintendent of Schools to Submit a Statement of Interest to the MSBA (Massachusetts School Building Authority) E. Collins moved, seconded by S. Correia, that the Board resolves: having convened in an open meeting on February 10, 2014, prior to the closing date of February 14, 2014 for submission of the Statement of Interest, the Board of Selectmen of the Town of Wayland, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 11, 2014 for the Claypit Hill Elementary School located at 5 Adams Lane, Wayland, MA 01778, which describes and explains the following deficiencies and the priority category for which an application may be submitted to the Massachusetts School Building authority in the future, Priority #5, Replacement of windows and exterior doors, to increase energy conservation and decrease energy-related costs in a school facility due to deficiency of the existing windows and exterior doors; and hereby further acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Wayland School District to filing an application for funding with the Massachusetts School Building Authority. 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 authorize the Interim Town Administrator to execute the appropriate documents. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A7. Discuss the Escrow Agreement for Mitigation Related to the Danforth Farms Housing Project in Framingham as per Vote of the Board of Selectmen on September 9, 2013 Town Counsel Mark Lanza

and Todd MacDowell of Danforth Green LLC appeared before the Board to discuss the escrow agreement related to the Danforth Farms Housing Project. The Board discussed the ramifications of the project not moving forward, including the reversion to the prior agreement, the loss of funding for the intersection, and possible litigation. T. Boschetto asked about the timing of the project. T. MacDowell said he hoped to begin construction in June and complete the intersection by September. M. Lanza recommended that the Board authorize the execution of the escrow agreement, as it is a requirement of the agreement that was previously approved. J. Nolan moved, seconded by S. Correia, to authorize the Interim Town Administrator to sign the Escrow Agreement to the Danforth Green LLC agreement. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A8. Meet with Wastewater Management District Commission to Discuss Business Plan for Balance of FY2014 Sam Potter, member of the Wastewater Management District Commission, appeared before the Board to discuss the need for financial assistance to the enterprise fund. R. Mercier explained that if the Wastewater Management District Commission does not have sufficient funding to pay its bills, the Board has two options: to request the Finance Committee to loan money to the enterprise fund, or request the Department of Revenue to allow deficit spending. He noted that the Finance Committee would prefer to get approval for deficit spending. Town Counsel Mark Lanza confirmed that the Selectmen have sole authority to make the decision and vote. E. Collins asked if there was a precedent for this; M. Lanza said that during the March 2010 flooding, the town declared an emergency to enable deficit spending. T. Boschetto noted that the wastewater fund is an enterprise fund, and the town has no obligation to support its operating expenses except to offer the full faith and credit of the town for borrowing. The Board discussed the ability of the commission to repay the debt, the impact on the tax recapitulation sheet, and the need for a business plan moving forward. S. Potter said the commission is hiring an executive director and considering a CPA firm to put the bills in a workable format. T. Boschetto asked for a two-year cash flow forecast. The Board discussed the impact of the Twenty Wayland judgment and the outstanding payments. J. Nolan moved, seconded by S. Correia, to accept Massachusetts General Laws Chapter 44, Section 31, to allow deficit spending for the Wastewater Management District Commission, and authorize it to solicit approval from the Department of Revenue for a time period that extends to the end of the fiscal year 2014, and that no deficit spending be allowed past that date without a further vote by the Board of Selectmen and approval by the Department of Revenue, and not to exceed \$300,000, due to an imminent public health emergency due to lack of services. 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 request that the Finance Committee allow an amount not to exceed \$25,000 from the reserve fund for financial consultant services for use by Wastewater Management District Commission, with the understanding that the Board is seeking deficit spending from the Department of Revenue for operating expenses. 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) J. Nolan moved, seconded by S. Correia, to approve the consent calendar with amendments to the minutes of January 27, 2013: "The Chair recommended that the members submit their recommendations for Search Committee nominees to J. Senchyshyn, and all the members so agreed. The votes of the members were made available to the public." 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) There was no comment on the correspondence.

A10. Discuss and Order Warrant Articles for 2014 Annual Town Meeting The Board discussed the order of the warrant articles. The Board moved “Fund Youth Substance Abuse Prevention” before “FY2015 Omnibus Budget.” J. Nolan moved, seconded by S. Correia, to fund the FY15 Town Clerk position with a salary amount of \$68,100. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. The Board discussed the funding amount in the article, “Fund Affordable Housing,” and agreed to reach out to the Community Preservation Committee. J. Nolan moved, seconded by E. Collins, to insert \$400,000 as the commitment to the articles, “Fund Affordable Housing” and “Municipal Affordable Housing Trust Fund.” YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

The Board discussed the article, “Transfer and Restrict Use of Certain Town-owned Land in ‘Dudley Woods’ for Recreational Purposes.” E. Collins noted the need to create a method for identifying potential affordable housing in the area; T. Boschetto suggested that it should be within the purview of the Housing Trust. The Board discussed the restriction of the land to passive recreation and the potential need for a community wastewater system. M. Lanza said the language will require the consent of the Recreation Commission. J. Nolan moved, seconded by S. Correia, to include language in the article for passive recreation and a future subsurface community wastewater disposal system. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. E. Collins discussed the options regarding the article, “Municipal Affordable Housing Trust Fund.” He noted the Annual Town Meeting could accept the state bylaw and make changes with a town meeting vote.

A13. Report of the Interim Town Administrator R. Mercier advised the Board that he met with Special Counsel John Mirick and will update the Board next week on the Twenty Wayland issue. He reminded the Board of the upcoming legislative breakfasts. J. Senchyshyn updated the Board on the Town Administrator Selection Committee.

A14. Selectmen’s Reports and Concerns E. Collins discussed the debt exclusion for the roadway to the transfer station.

A9. Meet with Planning Board to Discuss Annual Town Meeting Warrant Articles The Board was joined by the Planning Board and Rebecca Stanizzi, Economic Development Committee, to discuss its support for the articles regarding the River’s Edge project. Colleen Sheehan, Planning Board, said the Planning Board voted to support the project. E. Collins discussed his concerns regarding the reduced wireless district. J. Nolan moved, seconded by S. Correia, that the Board of Selectmen co-sponsor the article, “Amend Zoning Bylaw Chapter 198: Rivers Edge Housing Overlay Zoning District.” YEA: T. Boschetto, S. Correia, J. Nolan. NAY: E. Collins. ABSENT: none. ABSTAIN: none. Adopted 3-1. J. Nolan moved, seconded by S. Correia, that the Board of Selectmen co-sponsor the article, “Transfer and Dispose of Septage Facility Land and Adjacent Town-owned Land on Boston Post Road.” E. Collins expressed concern about the viability of the access road and the appeal of the Department of Environmental Protection. Town Counsel M. Lanza said it is unlikely that the DEP would grant the appellants a reversal of the decision. Bonnie Gossels, 15 Bennett Road, said the previous Annual Town Meeting asked that the project go forward as a ground lease in order to provide the town with more control, and suggested that the process was being rushed. YEA: T. Boschetto, S. Correia, J. Nolan. NAY: E. Collins. ABSENT: none. ABSTAIN: none. Adopted 3-1.

R. Mercier advised the Board that the articles regarding a solarvotaic district were withdrawn due to insufficient time for proper preparation. In regard to the article, “Specimen Tree Overlay Protection

District,” the Board discussed its concerns about the restriction on homeowners, the size of the district, and the lack of any jurisdiction over NStar or the federal land. C. Sheehan reviewed Planning Board revisions to the article, “Municipal Affordable Housing Trust Fund.”

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
T. Boschetto said, “I know of none.”

A16. Adjourn There being no further business before the Board, E. Collins moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:10 p.m. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the February 10, 2014, Meeting

1. Revised Agenda Packet

Items Included as Part of Agenda Packet for Discussion During the February 10, 2014 Board of Selectmen’s Meeting

1. Motion to Vote to Authorize the Superintendent of Schools to Submit a Statement of Interest to the MSBA
2. Letter of 2/7/14 from Todd S. MacDowell to Interim Town Administrator re: Request for Board Signature on Escrow Agreement
3. Danforth Green Agreement September 9, 2013, and Escrow Agreement for Signature
4. Town of Framingham Planning Board Notice of Decision, July 2013, re: Danforth Green
5. List of Warrant Articles for 2014 Annual Town Meeting