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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 February 24, 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. Convene in Open Session and then enter into Executive Session to Discuss Pending Litigation in the Matter of Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission; to Discuss Collective Bargaining Strategy Pertaining to Contract Negotiations with Town Unions Vice Chair T. Boschetto called the open session of the meeting of the Board of Selectmen to order at 6:38 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 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 Planner Sarkis Sarkisian, Planning Board Chair Kent Greenawalt, and Executive Assistant MaryAnn DiNapoli to join the Board in its executive session regarding the wastewater, and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Town Unions, and the Board will be joined by the Personnel Board. The Board will reconvene in open session in approximately 30 minutes.

The Board returned to open session at 7:30 p.m.

A2. Call to Order by Chair Vice Chair T. Boschetto called the open session of the meeting of the Board of Selectmen to order at 7:32 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. S. Correia congratulated the Wayland boys swim team on winning the Tier 2 State Championship.

A3. Public Comment Duane Galbi, 190 Stonebridge Road, asked the Board to allow him to meet with Town Counsel to discuss the content of his petitioners' article. R. Mercier explained that he had met with D. Galbi, and that access to Town Counsel was limited to a review of form only. T. Boschetto said the town needs to be consistent and abide by its bylaws. D. Galbi suggested that a member of the Board join him to meet with Town Counsel. T. Boschetto advised him to meet with Boards and town officials to find a solution outside of town meeting. D. Galbi agreed to speak with the Chief of Police regarding the issue of the speed limit and potentially withdraw the petitioners' article. Tom Klem, 5 Lakeview Road, suggested that the Annual Town Meeting article, "Municipal Affordable Housing Trust," be revised to separate the purchase and the development of land, so that the purchase must be approved by Town Meeting but the development could be approved by the Board of Selectmen. George Harris, 8 Holiday Road, said the notice of the executive session on the agenda was insufficient in regard to the Open Meeting Law, and the name of each union involved must be spelled out in full. He noted that the Board has not met with the petitioners to the Annual Town Meeting, and R. Mercier said he will include a meeting on an upcoming agenda.

A4. Discussion of Wastewater Management District Commission FY14 Expense Payment Options

The Board was joined by Sam Potter, Wastewater Management District Commission, to review the options for meeting its expenses. S. Potter advised the Board that the Finance Committee was not willing to expend the requested \$25,000 to hire the CPA firm of Powers & Sullivan, LLC. R. Mercier said the Department of Revenue advises that the commission can deficit spend without any further action; however, if there is a shortfall by the end of the fiscal year, it must be paid from free cash or the tax recapitulation form. T. Boschetto said that in the event that the taxpayers become responsible for the debt, according to legal counsel, the Wastewater Management District Commission would still have to repay the town. He said his preference is that the bills be sent out quickly and accurately, and that an accurate cash flow forecast is prepared. It was the consensus of the Board to allow deficit spending to hire a CPA firm.

A5. Presentation on Debt by Treasurer/Collector Paul Keating, Treasurer/Collector, appeared before the Board to discuss the FY14 debt schedule. He noted that the town is below its debt capacity; he also emphasized the importance of maintaining the Aaa bond rating in order to keep borrowing rates low.

A6. Warrant Review The Board discussed articles for the Annual Town Meeting.

“Transfer and Restrict Use of Certain Town-owned Land in ‘Dudley Woods’ for Recreational Purposes/ Fund Affordable Housing”: The Board discussed potential funding for the Affordable Housing Trust, including the town center gift, the Community Preservation fund, and funds collected from developers over the past years. R. Mercier said the Finance Committee would prefer not to use free cash. The Board asked that Town Counsel advise as to the correct legal procedures for the transfer of funds. T. Boschetto noted that the Board has shown its commitment to affordable housing. R. Mercier said the Dudley Woods article has been revised to include passive recreation and the possibility of a community wastewater system. The Board reviewed a recommended change from Jackie Ducharme, Housing Authority, that proposed the conveyed land be limited to two units; he said the Planning Board will review it.

“Posted Speed Limit or Road Line Change Limitation”: R. Mercier said that lead petitioner Duane Galbi has indicated that the petitioners to this article will withdraw it. The Board discussed the need to meet with all the petitioners, and agreed to schedule a meeting on the next agenda.

“FY15 Omnibus Budget”: T. Boschetto requested a copy of the total depreciation of the entire vehicle list; J. Nolan asked that it be sent to all the Board members, and noted that the Board of Public Works is an independently elected Board. J. Senchyshyn reviewed the budget for health insurance. He said this is the last year of HRA funding, and there is an approximate cost reduction of \$150,000-\$200,000. T. Boschetto asked for further historical information. John Moynihan, Public Buildings Director, reviewed the utility costs. He said he anticipates a 3% increase, and is currently negotiating commodity contracts. T. Boschetto asked for a trend analysis, a breakout of utilities by building, and an updated baseline analysis. The Board was joined by Ellen Tohn and Anne Harris of the Energy Initiatives Advisory Committee to discuss the ESCO proposal. Participants considered the future use of town buildings, the obligation to make capital improvements, the accuracy of the projected savings, and the ability of the ESCO contractors to guarantee that the system will work within the determined parameters.

A7. OPEB Presentation/Warrant Article 5 Cliff Lewis, Chair, OPEB Advisory Committee, appeared before the Board to discuss the warrant article, “OPEB Funding.” He said the committee met with the School Committee, who approved of the concept but asked for another week to review. He said there was some question as to whether the funds would be available by town meeting, and the OPEB Committee agreed to accept lower contributions, as long as it was clear which revolving funds could pay. J. Nolan

asked if the contribution can it be amortized over a longer period; C. Lewis said yes, but noted the ability of the food service and the Childrens Way to make the contribution is clearly a problem. J. Nolan asked if the article contemplates any changes to retiree benefits. C. Lewis said the savings in Medicare is reflected in the article, and the balance is the transferring of funds from the revolving funds to the general fund.

A8. Town Administrator Update/Schedule J. Senchyshyn updated the Board on the Town Administrator search. He said the Town Administrator Selection Committee identified six candidates to interview on March 15, with the intent of providing three finalists for the Board to interview. He noted that one candidate has requested travel expenses; it was the consensus of the Board to provide travel expenses. The Board asked that the expenses are appropriate and handled properly, and T. Boschetto suggested that the town adopt a travel policy for the future. T. Boschetto requested that the Board be given access to some of the résumés that were rejected by Municipal Resources Inc., and J. Senchyshyn said he would make the request. The Board scheduled the interviews for Monday, March 24.

A9. Review and Approve Consent Calendar (See Separate Sheet) J. Nolan 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.

A10. Review Correspondence (See Separate Index Sheet) S. Correia said he was disappointed to see that George Harris is continuing to appeal the case of Boelter et al v. Board of Selectmen, as it contributes to the town's growing legal fees. J. Nolan said the open meeting law should not be used as a political tool. E. Collins said he did not find the appeal frivolous, and cited an example of a case that was won after several appeals. T. Boschetto updated the Board on his continuing discussions with Mary Ellen Castagno, the representative to the Minuteman Regional School.

A11. Report of the Interim Town Administrator R. Mercier said the new Financial Analyst, Beth Doucette, began work today, and he will introduce her to the Board at a later meeting. He updated the Board on the Class II Auto Dealers license at 322 Commonwealth Road. J. Nolan said the Board should be flexible in considering an increase in the number of cars allowed on the lot, if the owner agrees to make concessions to the neighbors, such as limiting the number of landscaping vehicles on the property. R. Mercier reviewed the ongoing litigation with Twenty Wayland LLC. He said NStar has agreed to a meeting regarding tree pruning in early March. He noted there will be a budget deficit due to snow removal, and the Finance Committee has been apprised. He said that due to the pending retirement of the Town Clerk, the Board will need to appoint an Interim Town Clerk at its next meeting.

A12. Selectmen's Reports and Concerns S. Correia suggested that the Board create a limited task force to consider the future of the current town building and the use of the municipal pad at the town center. The Board discussed the issues involved, including the cost of refurbishing the current building, the tenancy of the Childrens Way and Council on Aging, and the loss of meeting space and the gymnasium. Board members suggested that the task force be composed of representatives from Facilities, the Finance Committee, the Planning Board, and the residents. J. Nolan said he didn't anticipate that the issue could move forward quickly enough for a fall Town Meeting, but it should be addressed. The Board agreed that action needs to be taken and they will review the issue further.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any T. Boschetto said, "I know of none."

A14. 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 24, 2014, Meeting

1. Memorandum from Interim Town Administrator Robert Mercier to Board of Selectmen
re: FY2015 Budget Recommendation from the Finance Committee
2. FY 2015 Operating Budget (Town) Highlights (+/- 5%)

Items Included as Part of Agenda Packet for Discussion During the February 24, 2014 Board of Selectmen's Meeting

1. Moody's assigns Aaa to Wayland MA's \$13.5M G.O. bonds; outlook is stable, issued January 24, 2014
2. Debt Schedule
3. Memorandum of 2/24/2014 from Robert Mercier, Interim Town Administrator, to Board of Selectmen re: Continued Warrant Review
4. Memorandum of 2/20/14 from John Moynihan, Public Buildings Director, to Robert Mercier, Interim Town Administrator, re: Utility Budget/Expenditures
5. Public Comment received from Survey, Town Administrator Search