



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 March 17, 2014

Attendance: Tony V. Boschetto, Edward J. Collins, 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 Executive Session to Discuss Strategy and Negotiations with Respect to Collective Bargaining with Wayland Police Association Vice Chair T. Boschetto opened the meeting at 6:48 p.m. J. Nolan moved, seconded by E. Collins, that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to mid-term bargaining with the Wayland Police Association as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0. The Board invited Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, and Police Chief Robert Irving to attend and participate in the executive session, and Executive Assistant MaryAnn DiNapoli to attend and record minutes of the executive session. The Board will return to open session in approximately 15 minutes.

The Board returned to open session at 7:15 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 7:17 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 T. Boschetto addressed the residents who appeared to discuss the Wastewater Management District Commission (WMDC) issue. He said the Board hears their concerns, and the WMDC is working on addressing the issues. He reminded the audience that wastewater is an enterprise fund, and offered the possibility of a separate meeting devoted to the wastewater issue. J. Nolan reviewed recent events and agreed that a separate meeting should be scheduled. Attorney Kurt Fliegau, of Conn Kavanaugh, representing Wayland Users LLC, said the frustration of the users has caused them to hire counsel. He said the users met with the Wastewater Commissioners the past week and they were not open to the suggestions of the residents. He reviewed the allocations between the residential users and Twenty Wayland, and suggested that Twenty Wayland should be responsible for 86% of the facility. He said that a public records request to the town on November 25, 2013, is still open; he noted that the residents paid \$2,200 for copies of the files, and are still waiting for copies of emails. J. Senchyshyn said all the records have been sent, with the exception of the emails which are being reviewed for confidentiality issues. T. Boschetto said the Board of Selectmen has no jurisdiction over the WMDC, and any changes need to go through town meeting. Lyn Perry, 35 Hastings Way, said residents are paying a disproportionate cost, and asked the Board to acknowledge that this is a community issue. She asked the Board to change the laws limiting the town's involvement, move the wastewater plant to the jurisdiction of the Board of Public Works, add more users to the system, establish an abatement process, help the wastewater commission execute an equitable solution,

and acknowledge that all residents benefit from the new plant. She also asked that the town plow the roads at Wayland Commons. Jonathan Buchman, business owner at 231 Boston Post Road, noted the difficult economy and the hardship of receiving two quarters of billing at 14% interest. He said the rates are far higher in Wayland than comparable towns, and if the situation is not resolved, the small business owners and residents have no choice but to bring a lawsuit against the town. Priti Barot, 40 Hastings Way, said his last quarterly bill was for \$800, and he is on a fixed income and cannot absorb the burden. He said the residents will contact the media. J. Nolan said a new management structure is in order. T. Boschetto said there is no simple solution, but the Board is committed to resolving these issues and will work through the process. He suggested there may be some mitigation options, such as deferred payments and the elimination of interest payments, while a long-term solution is considered. L. Perry said that if the cost was allocated to all the town residents, it would be cheaper per person. J. Buchman said that the town buildings use twelve percent of the total and should pay the corresponding betterment. E. Collins noted the ongoing litigation with Twenty Wayland, and assured the residents that the Board is acting on their behalf. T. Boschetto said there are legal options, but some are not possible without the approval of Town Meeting and the state. Sam Potter, member of the Wastewater Management District Commission, said that while the commission is working towards a solution, they will postpone the betterment process. T. Boschetto noted that delaying the betterments will also delay the betterment payment from Twenty Wayland, and he said that Town Counsel has advised that the Town will not be obligated to pay a betterment. E. Collins said the wastewater district is an enterprise fund, but the full faith and credit of the town is behind it.

Alan Palevsky, 23 Doran Road, thanked the Board for its support of Articles 9, 10, 11, regarding the Dudley Woods property, and he said the neighborhood is working to get out the vote. He asked that the residents be allowed to meet with the Board of Selectmen, the Surface Water Quality Committee, and the Recreation Commission to work out language that is acceptable and legal. Linda Segal, 9 Aqueduct Road, commented on the information in the warrant regarding the negotiated fee with Wayland Commons; she said she provided information on the draft report circulated by Tom Greenaway, Chair of the Finance Committee, and wanted the Board to know she was providing public records and not making assertions. J. Nolan said the comment was directed at him, and he was not on the Board when the fee was negotiated. Duane Galbi, 190 Stonebridge Road, reviewed his experiences as a first-time petitioner. David Hill, 54 Orchard Lane, said the only solution to the wastewater problem was to schedule a Special Town Meeting as soon as possible.

A4. Report by Auditors, Melanson Heath and Company, PC Audit Committee members Chris Riley and Chris Cullen, Finance Director Brian Keveny, and Auditor Scott McIntire appeared before the Board to discuss the Auditors Report. S. McIntire said the process went very well, and he received good cooperation from the staff. He reviewed the unassigned fund balance, the long term balance sheet, and the net summary budget to actual. He made two recommendations: to develop a more formal risk assessment process, and to formalize a balance fund policy. He reviewed several recommendations, including spending prioritizations, distinguishing between encumbrances and other items, strengthening receipt controls, and correcting a timing problem with the issuance of bonds. B. Keveny said he will review the management letter and make the appropriate changes. C. Cullen recommended that the Melanson and Heath contract be extended for another year. T. Boschetto requested that the committee prepare an RFP; C. Cullen said that is the responsibility of the Town Administrator. J. Senchyshyn said that an RFP for auditing can be drafted but the Board needs to provide direction on the inclusion of CAFR (Comprehensive Annual Financial Report). The Board discussed the value of a CAFR, given the increase in costs, and the impact of the additional work on the town staff and the auditors. B. Keveny said it would not be feasible until FY16. R. Mercier recommended approving a one-year extension to Melanson and Heath to give the Board time to formulate a new RFP. T. Boschetto requested a written plan for preparing the RFP. C. Riley noted that the issues in the management letter need to be addressed by the Board of Selectmen and the Finance Committee.

A5. Set Date for Board of Selectmen Vote on Positions on Annual Town Meeting Warrant Articles

The Board reviewed upcoming meeting schedules, and agreed to vote on their positions on the Annual Town Meeting warrant articles on March 26.

A6. Discussion of Costs Associated with Former Septage Facility The Board discussed the potential costs associated with the disposition of the former septage facility. R. Mercier reported that the estimated cost of demolition, based on research by John Moynihan, Facilities Director, would be \$400,000-\$500,000, not including the cost of cleanup. He reviewed the legacy costs and impact of inflation. J. Nolan suggested that the property be declared a nuisance. The Board discussed the implications of the five-year clause in the contract. J. Nolan moved, seconded by E. Collins, to hire Special Counsel for a second opinion regarding the meaning of five-year clause in the decommissioning contract. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0. The Board reviewed the original agreement; T. Boschetto said the Town of Sudbury owes for half the demolition cost and half of the ongoing legacy costs. Werner Gossels, 17 Bennett Road and former member of the Septage Committee, advised the Board to speak with the Sudbury Board about an early termination of the agreement. Sam Potter, Economic Development Committee, said the demolition can be done more cost effectively by a developer.

A7. 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, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0.

A8. Review Correspondence (See Separate Index Sheet) J. Nolan said the concerns of the residents regarding the wastewater betterments need attention by the Board. T. Boschetto reported on a meeting with Mary Ellen Castagno, Wayland representative to the Minuteman Regional School, about the proposed revision to the regional agreement. R. Mercier noted the letter from the U.S. Army Corps of Engineers regarding the permitting of the temporary road to the landfill, and thanked resident Anette Lewis for the information that the temporary road had been previously approved.

A9. Report of the Interim Town Administrator R. Mercier distributed a FOIA (Freedom of Information Act) request from George Harris. He said the Board of Public Works had met that night with NStar to discuss tree clearing. Mike Lowery, member of the Board of Public Works, said the meeting was brief and concerned only the lower wires and not the high voltage wires. R. Mercier said the herbicide bylaw was rejected by the Attorney General. He advised the Board that the town's contract with the Assistant Town Administrator/Human Resources Director expires on March 19, 2014. J. Nolan moved, seconded by E. Collins, to authorize the Interim Town Administrator to advise the Assistant Town Administrator/Human Resources Director that the Board intends to discuss the extension of his contract. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0. The Board considered scheduling a meeting with the users of the wastewater system, and discussed the parameters of the meeting. D. Hill said the only resolution is through a Special Town Meeting. T. Boschetto declared that the subject of the discussion was a topic not reasonably anticipated by the Chair 48 hours in advance of the meeting. The Board discussed the possibility and legality of hiring counsel for the Wastewater Management District Commission. J. Nolan moved, seconded by E. Collins, to authorize the Interim Town Administrator to work with Sam Potter, Wastewater Management District Commission, to find and hire Special Counsel with the understanding that the legal fees would be paid by the wastewater enterprise fund. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0. The Board agreed to schedule a joint meeting on Monday, March 31, 2014, to listen to the concerns of the wastewater users.

R. Mercier updated the Board on the Wayland Automotive dispute regarding the number of cars allowed

under his Dealer II license, and the Board agreed to hold a hearing after Annual Town Meeting. He said that the last invoice, for exterior lights, was received for the Green Communities Grant, and the March 31, 2014 closeout date will be met. The Energy Initiatives Advisory Committee plans to re-apply for a successive grant. The Board discussed the ESCO budget savings. E. Collins provided an edit to the draft minutes of January 6, 2014.

A10. Selectmen's Reports and Concerns There were no Selectmen's reports and concerns.

A11. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
T. Boschetto said, "I know of none."

A12. 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 10:14 p.m. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-0.

Items Distributed for Information and Use by the Board of Selectmen at the March 17, 2014, Meeting

1. Revised Agenda Packet

Items Included as Part of Agenda Packet for Discussion During the March 17, 2014 Board of Selectmen's Meeting

1. Management Letter for the Year Ended June 30, 2013, prepared by Melanson Heath and Company, PC
2. Annual Financial Statements for the Year Ended June 30, 2013, prepared by Melanson Heath and Company, PC
3. Memorandum of 3/14/14 from Robert Mercier, Interim Town Administrator, to Board of Selectmen re: Discussion Regarding Septage Facility Costs