



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
MARY M. ANTES
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes April 28, 2014

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan
Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator/Human Resources Director John Senchyshyn, Executive Assistant MaryAnn DiNapoli

A1. Call to Order by Chair Chair J. Nolan called the open session of the meeting of the Board of Selectmen to order at 7:00 p.m. in the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public. J. Nolan announced the groundbreaking ceremony for the new DPW garage on April 30 at 11:00 a.m. He said Earth Day will be celebrated on Sunday, May 4. T. Boschetto said the Wayland Baseball and Softball parade will begin at 10:00 a.m. at the Middle School. M. Antes said the Habitat for Humanity Women Build Event will be held on May 3-4, and they are looking for 150 women to come and help.

A2. Public Comment Leo Sullivan, Global Companies, requested that the town consider a community choice aggregation program to provide lower electric power rates. Bruce Cummings, 6 Eden Road, distributed a handout to the Board, "Wayland's Master Recreation Plan is Misguided and Fails to Meet the Needs of Our Kids;" he said the Gale Study was flawed. David Hill, 54 Orchard Lane, distributed a memorandum to the Board stating that he was unable to attend the meeting later in the evening regarding traffic issues due to a conflict with the Board of Assessors meeting, and requested that meetings be held on a variety of nights for the benefit of the residents. Jay Sherry, 18 Pine Needle Road, distributed a list of suggestions for improvements to town meeting.

A3. Discussion with WayCAM Regarding Memorandum of Agreement Ken Isaacson, President of WayCAM, and Jerry Boos, Treasurer of WayCAM, appeared before the Board to discuss the fifth Memorandum of Agreement. K. Isaacson reviewed the activities of WayCAM, including new programming, providing two scholarships, expanding on-demand programming, and increasing membership. T. Boschetto asked about the sources of revenue. K. Isaacson said the majority of the revenue comes from the cable providers, but WayCAM also sells DVDs and sponsors fundraising events. He said the next contract will come due in 2020 with Verizon. M. Antes clarified that there are seven members on the WayCAM Board, and three members serving on the fundraising committee. She asked about the outside assessment, and J. Boos said it was done last year. J. Nolan thanked WayCAM for their programming and sound fiscal management.

A4. Interview Kent Greenawalt and Rick Greene for Potential Appointment to the Wastewater Management District Commission Kent Greenawalt and Rick Greene appeared before the Board to interview for an appointment to the Wastewater Management District Commission. E. Collins expressed concern that the Wastewater Management District Commission agenda for April 30 contained an executive session that included only one member of the Board of Selectmen. The Board determined that there was one open position on the Wastewater Management District Commission. K. Greenawalt described his interest in serving on the Commission. He said his goals are to keep the town center project on track and to come to a

fair resolution for all users. R. Green reviewed his background in finance and business improvement, and said he would like to see the Commission operate much like the OPEB Advisory Committee, which based its outcome on well supported facts. E. Collins questioned K. Greenawalt as to his interest in the town center project. K. Greenawalt said the town center project will affect how the residents live and shop and congregate for many years to come, and it was shortsighted not to work for the best possible outcome to the project. E. Collins asked how he would resolve the issue of the allocation of user costs; K. Greenawalt said he would use his skills to negotiate fairness and provide clarity. T. Boschetto said it is the sole responsibility of the Commission to handle its financial affairs. J. Nolan noted that as the Commission is in deficit spending, there are lines of lines of responsibility that include the Board. E. Collins asked R. Greene if there were opportunities for improvement. R. Greene said one strong case by the users is the intractable issue of excess capacity and funding, and he noted that some suggestions, such as utilizing the gift money or having taxpayer mitigate the situation, do go back to the Selectmen. M. Antes asked K. Greenawalt for information on his background. He described his education and his background in business and real estate. M. Antes asked R. Greene if he had municipal experience; he said no, but he has often had to learn how to work in new environments in his career. C. Karlson asked about the candidates' experience in a regulatory environment. K. Greenawalt said he dealt with regulations and zoning issues while serving on the Planning Board. R. Greene said as a controller, he has dealt with tax authorities. T. Boschetto asked K. Greenawalt if he intended to continue to serve on the Planning Board, and if that would be a conflict of interest; he said yes, he would continue to serve, and he did not anticipate any conflict, but he would be mindful of it. K. Greenawalt said his primary concern was to keep the town center project moving forward. R. Greene said that wastewater management is an enterprise fund and must not be managed for the benefit of Twenty Wayland. K. Greenawalt said he felt the wastewater function should ultimately be included in the Board of Public Works. R. Greene said it should remain an independent entity.

A5. Discussion with Police Chief Robert Irving Regarding Traffic Issues, Parking Restrictions at Juniper Lane and Stop Signs at Training Field Road and Orchard Lane Police Chief Robert Irving appeared before the Board to present initiatives for easing traffic issues at Juniper Lane and Training Field Road/Orchard Lane. M. Antes moved, seconded by C. Karlson, to approve the installation of a stop sign at the end of Orchard Lane at the Training Field Road intersection, and to approve the installation of a stop sign at the end of the second leg of Glezen Lane at the intersection with Training Field Road. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes moved, seconded by C. Karlson, to authorize the establishment of no parking zones on Juniper Lane and approve the installation of the following signs: one sign on the south side of Juniper Lane, 20 feet from the crosswalk that says "No Parking Here to Corner," and three signs on the north side of Juniper Lane approximately sixty feet apart, starting ten feet from the crosswalk, that say "No Parking This Side." YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Ted Price, 41 Rice Spring Lane, said the problem at Juniper Lane may be alleviated when the Loker School is re-opened, and he asked the Board to consider altering the signs to read "No Standing," and to limit the restriction to certain hours or seasons. E. Collins moved, seconded by T. Boschetto, to revisit the parking restrictions at the beginning of the next school year. Seconded by T. Boschetto. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Execute Documents for Lincoln Road Conservation Restriction The Board was joined by Town Counsel Mark Lanza to execute the final documents for the Lincoln Road conservation restriction. C. Karlson announced that as a neighbor to the property, she would recuse herself from the issue, and left the table for the rest of the discussion. M. Lanza advised the Board that the restriction was executed by the

Grantor Thomas Wray Falwell on April 16, 2014, and was signed by the Conservation Commission on April 17, 2014. He said that after the document is approved by the Board of Selectmen, it will go to the state for approval and then be recorded. He said the execution of the documents reflect the will of the 2013 Special Town Meeting vote. E. Collins asked what changes had been made since the Special Town Meeting. M. Lanza said that the use of a vehicle to transport fishing equipment has been added, but will not continue to surviving family members. T. Boschetto noted that the parking configuration is inconsistent with the way it was conveyed at town meeting. J. Heller, Chair, Community Preservation Committee, said that this is a very significant event for the town, and this land can never be developed. M. Antes moved, seconded by E. Collins, to approve the grant of a conservation restriction on the land at Hazelbrook Road and Lincoln Road, Wayland, from Grantor Thomas Wray Falwell, accepted and dated April 16, 2014, to Grantee Wayland Conservation Commission, accepted and dated April 17, 2014. YEA: M. Antes, E. Collins, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto, C. Karlson. Adopted 3-0-2. C. Karlson rejoined the meeting.

A7. Review of 2014 Annual Town Meeting and Action Items R. Mercier reviewed with the Board ongoing action items, including the search for a new Town Administrator, open legal issues, the use of the municipal pad in the town center, operational issues with Twenty Wayland, the construction of the new DPW facility, and the replacement and recruitment of a Public Works Director and a Facilities Director. In regard to follow-up items from the 2014 Annual Town Meeting, he reviewed the land transactions at Dudley Woods, the creation of the Municipal Affordable Housing Trust Board, the rezoning for the River' Edge project, compliance with the petitioners' articles, and the future of the town's relationship with the Minuteman Regional Technical School. J. Nolan said any correspondence with the Minuteman School should come from the Board as a whole. T. Boschetto said the most urgent matters are the establishment of a Municipal Affordable Housing Trust, and clarity regarding the intermunicipal agreement with the Town of Sudbury over the former septage property. He also added the issue of the energy upgrades, and E. Collins noted the Board had still not received baseline numbers. J. Nolan said that a committee also needs to be formed for the River's Edge project.

A8. Discussion of Wastewater Management District Commission The Board was joined by Wastewater Management District Commission members Fred Knight and Sam Potter, Town Counsel Mark Lanza, Special Town Counsel Damon Seligson, and Financial Analyst Beth Doucette. R. Mercier distributed a summary of the billing processes and projections, and the Board thanked B. Doucette for her work. F. Knight said the Commission will be able to make its bond payment, and with more businesses coming online, the projections are moving in a positive direction. S. Potter said that in May they will receive \$122,000 from Twenty Wayland and will turn cash positive. There is another \$175,000 due from Twenty Wayland after the land exchange agreements are complete, and there is a debt payment of \$103,000 due in August. F. Knight said the Commission expects to implement surcharges instead of betterments. J. Nolan asked if the ability to apply betterments has a six-month sunset; F. Knight said yes. C. Karlson said there are legal concerns about the issue of betterments versus surcharges, and J. Nolan asked if the Board of Selectmen had any jurisdiction in the decision. E. Collins noted that the financial implications cannot be discussed in open session. T. Boschetto asked about the most legally binding way for the town to pay its share of capital costs, and secondly, who is liable to pay for the excess capacity. J. Nolan said the users need to be informed of how the capital costs will be addressed. T. Boschetto said there are users with conflicting interests. D. Seligson advised that a municipality can be assessed a surcharge but not a betterment. M. Lanza explained special assessments. J. Nolan asked how the town would pay unexpected surcharges, and would the charge be retroactive; M. Lanza said the payment would be from reserve fund transfer, and the charges could not be retroactive. He said the Town could supplement the betterment funds through a vote of town meeting. S. Potter said there is a rate hearing scheduled for June 11 that will include the surcharge issue, and he said the

Commission will vote to adopt a surcharge method. C. Karlson reviewed the disadvantages of the surcharge, including the tax implications, and S. Potter answered that none of the users have expressed concern about the tax implications. E. Collins asked why only one member of the Board of Selectmen was invited to attend the upcoming Wastewater Management District Commission meeting; F. Knight said it was a typographical error cut and pasted from a previous agenda. T. Boschetto asked if there was a formal abatement process and hardship provisions; S. Potter said those issues have not yet been addressed.

A9. 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* At 10:00 p.m., T. Boschetto moved, seconded by E. Collins, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss the strategies with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland and the Wastewater Management District Commission, and potential litigation by a group of Wastewater Management District users, as threatened by their lawyer. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board invites Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Wastewater Management District Commission members Sam Potter and Fred Knight, Town Counsel Mark Lanza, Special Counsel Damon Seligson, and Executive Assistant MaryAnn DiNapoli to join the Board in its executive session regarding the wastewater.

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

The Board returned to open session at 10:36 p.m.

A10. Review and Approve Consent Calendar (See Separate Sheet) E. Collins moved, seconded by C. Karlson, to approve the revised consent calendar. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence.

A12. Report of the Interim Town Administrator R. Mercier reviewed upcoming agenda items and future meeting schedules with the Board. He noted that the management response to the audit findings would be completed in mid-May. J. Senchyshyn updated the Board on the status of changing members email addresses. J. Nolan asked about investigating electronic alternatives for Board packets.

A13. Selectmen's Reports and Concerns J. Nolan inquired about J. Moynihan's plans to continue working in his retirement. T. Boschetto inquired again about the base line projected energy savings. Members discussed topics for the next agenda.

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

A15. Adjourn There being no further business before the Board, E. Collins moved, seconded by C. Karlson, to adjourn the meeting of the Board of Selectmen at 10:47 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the April 28, 2014, Meeting

1. Revised Consent Calendar

Items Included as Part of Agenda Packet for Discussion During the April 28, 2014 Board of Selectmen's Meeting

1. WayCAM Memorandum of Agreement
2. Letter of Interest from Kent Greenawalt to Serve on the Wastewater Management District Commission
3. Memorandum of 3/6/14 from Police Chief Robert Irving to Board of Selectmen re: Stop Signs – Training Field Road and Orchard Lane
4. Memorandum of 3/26/14 from Police Chief Robert Irving to Board of Selectmen re: Parking Restrictions, Juniper Lane
5. Lincoln Road Conservation Restriction