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TOWN OF WAYLAND

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

Board of Selectmen Meeting Minutes May 5, 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. Enter into Executive Session to Discuss Strategy with Respect to Litigation between Twenty Wayland LLC and the Commission and/or the Town of Wayland over Sewer Use Charges, and Pending Litigation in the Matter of Lingley v. Moss At 6:32 p.m., T. Boschetto moved, seconded by C. Karlson, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to (a) pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland and the Wastewater Management District Commission; (b) potential litigation by a group of Wastewater Management District users, as threatened by their lawyer; and (c) pending litigation regarding the case of Moss and Bonner vs. Lingleys. The Chair declares that a public discussion of strategy with respect (a) pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland and the Wastewater Management District Commission; (b) potential litigation by a group of Wastewater Management District users, as threatened by their lawyer; and (c) pending litigation regarding the case of Moss and Bonner vs. Lingleys will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Nolan invites attendance by Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Town Counsel Mark Lanza and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately 30 minutes.

The Board returned to open session at 7:28 p.m.

A2. Call to Order by Chair Chair J. Nolan called the open session of the meeting of the Board of Selectmen to order at 7:28 p.m. in the Selectmen's Meeting Room of 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.

A3. Public Comment Mike Lowery, 120 Lakeshore Drive, questioned whether the issue of pending litigation regarding the case of Moss and Bonner vs. Lingleys is appropriate for executive session. Jonathan Buchman, owner of the property at 231-241 Boston Post Road, asked if the Board had made an appointment to the Wastewater Management District Commission; he was advised that Kent Greenawalt had withdrawn his application.

A4. Accept Gifts Under MGL Chapter 44, Section 53A E. Collins moved, seconded by M. Antes, to accept the gift payment of \$500,000 pursuant to Article J.1 of the Amended 2009 Development Agreement with Twenty Wayland. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none.

ABSENT: none. ABSTAIN: none. Adopted 5-0. R. Mercier said the Finance Director will set up a gift account. E. Collins moved, seconded by M. Antes, to accept the gift payment of \$25,000 from TJX for transportation improvements to the Route 27/Route 30 intersection and corridor. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan thanked Town Planner Sarkis Sarkisian for his efforts in securing the gift funds from TJX.

A5. Appointment to the Wastewater Management District Commission J. Nolan announced that Kent Greenawalt had withdrawn his application to the Wastewater Management District Commission. M. Antes moved, seconded by E. Collins, to appoint Rick Greene to the Wastewater Management District Commission for at term to expire on June 30, 2015. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Reappointments to the Town Administrator Search Committee and Update on Town Administrator Search C. Karlson moved, seconded by M. Antes, to confirm Beth Butler as the representative of the School Committee, and Chris Brown as the representative of the Board of Public Works, to the Town Administrator Search Committee. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. R. Mercier provided an update on the search. He said there were approximately 25 applicants to date, and more are expected before the deadline next week. J. Nolan asked for a complete update and timeline for the next meeting.

A7. Review and Approve Portfolio Assignments The Board reviewed the draft portfolio assignments. E. Collins asked to be assigned the Housing Trust and the Planning Board. M. Antes asked to be assigned to Youth Services and Wayland Cares. The Board discussed the responsibilities of being a liaison. R. Mercier said he will prepare a final version of the portfolio assignments for approval at the next meeting.

A8. Dudley Woods Follow-up Discussion The Board reviewed the charge for a Municipal Affordable Housing Trust Board. R. Mercier noted the need to advertise for the citizen appointments and correspond with Boards to solicit representatives. The Board requested that one citizen have a background in real estate law, and another have a background in finance. T. Boschetto asked if current funds can be deposited into the housing trust fund; R. Mercier said \$51,000 is now available, there is a commitment of future monies from Twenty Wayland, and the final component will be the Community Preservation funding. C. Karlson asked that the accounting structure is in place before the board is appointed, and that the vote of the Finance Committee to deposit \$51,000 is confirmed. In regard to the land transfers, R. Mercier said the Board needs to execute the legal documentation. Mike Lowery, Board of Public Works, said the Board of Public Works voted the Rocky Point land as surplus. E. Collins said there are still issues regarding subsurface work and the four lots for affordable housing. R. Mercier said he will put the land transfer votes on next week's agenda; T. Boschetto requested that Town Counsel draft the correct wording of the vote. J. Nolan noted that the Recreation Commission needs to consider its process for creating passive recreation.

A9. Hear Report and Discuss Town of Wayland Position Regarding Minuteman Technical Vocational School T. Boschetto provided the Board with an update on his meeting with Mary Ellen Castagno, the representative to the Minuteman Technical Vocational School. He said there is consensus between Weston, Sudbury, and Carlisle that at some point the path of the Minuteman doesn't make sense to the member communities, although the school would still accept students. He said Weston will support the revised Regional Agreement with the intent to withdraw and Sudbury is considering rejecting or passing over the agreement. He said he will continue to reach out to the remaining communities to build consensus. He said that Jeanne Downs, School Committee, and Gil Wolin, Finance Committee, are working together with him as liaisons. The Board reviewed the letter from T. Boschetto to the Minuteman School, and discussed

withdrawal, representation, operating and capital cost allocations, and approval of new debt. C. Karlson asked how the MSBA process controlled the timing; T. Boschetto said there is a deadline of January 2015. J. Nolan suggested that the original letter of T. Boschetto be re-drafted and adopted by the Board at the next meeting.

A10. Review and Approve Consent Calendar (See Separate Sheet) E. Collins moved, seconded by M. Antes, to approve the 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 discussed the lack of minutes being posted by town boards and considered solutions. In regard to the request at Annual Town Meeting for a more complete Wastewater Management District Commission report, T. Boschetto asked for an explanation of exactly what is being requested. J. Nolan said he will attend the MetroWest Regional Collaborative legislative breakfast in Natick, and T. Boschetto reported on the groundbreaking ceremony for new DPW garage.

A12. Report of the Interim Town Administrator R. Mercier provided a preliminary schedule for meetings through August 2014. He said that Stephen Kadlik has been appointed as Interim DPW Director. He reviewed future agenda items, and said there would be a Rail Trail conversation at the Town Building on May 12 at 6:00 p.m. J. Nolan suggested future agenda items include a discussion of Selectmen email accounts, paperless packets, the restoration of office hours, and a simplification of the Selectmen's guidelines as well as the statement of the Board's goals and objectives.

A13. Selectmen's Reports and Concerns M. Antes announced the 375th Anniversary parade on June 14 and asked that all residents participate. She also noted the committee was looking for volunteers to create floats. C. Karlson said she attended a meeting of the Economic Development Committee, and they are working on a timetable and a draft charge to bring before Board. J. Nolan noted that it is ultimately the charge of the Board of Selectmen, and thanked the Economic Development Committee for their assistance. J. Nolan thanked both the applicants who applied for the Wastewater Management District Commission. T. Boschetto suggested that Mary Ellen Castagno be interviewed for appointment to the Personnel Board. J. Senchyshyn said that the Personnel Board had expressed some concerns, as her son is a police officer. Mike Lowery, Board of Public Works, supported the consideration of emails for board and committee members, noting that their emails are subject to FOIA (Freedom of Information Act) requests. E. Collins also supported the idea of making the Selectmen's documents available to the public. J. Nolan updated the Board on a meeting he attended of the 495 Partnership. The Board thanked Lois Toombs for her service as Town Clerk.

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 9:17 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 May 5, 2014, Meeting

1. None

Items Included as Part of Agenda Packet for Discussion During the May 5, 2014 Board of Selectmen's Meeting

1. Memoranda of 5/1/14 from Sarkis Sarkisian, Town Planner, re: Gift Checks from Twenty Wayland and TJX
2. Massachusetts General Laws Section 53A
3. Letter from School Committee, 5/1/14, re: Reappointment of Beth Butler to the Town Administrator Search Committee, and Email of 4/28/14 from Mike Lowery, Board of Public Works, appointing Chris Brown to the Town Administrator Search Committee
4. Draft Portfolio Assignments, April 2014 to April 2015, Board of Selectmen
5. Article 12, "Municipal Affordable Housing Trust Fund," from April 2014 Annual Town Meeting
6. Background Information on Minuteman Regional School from Selectman Tony Boschetto