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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 12, 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. Convene in Open Session and Then Enter 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 At 6:34 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 pending litigation regarding the case of Twenty Wayland, LLC and the Wastewater Management District Commission and/or the Town of Wayland over sewer use charges. The Chair declares that a public discussion of strategy with respect pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland and the Wastewater Management District Commission and/or the Town of Wayland over sewer use charges will have a detrimental effect on the 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 7:30 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 7:31 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 Dennis Berry, Town Moderator, 15 George Street, said the Electronic Voting Implementation Subcommittee is exploring methods for engaging in Town Meeting from home, although the technology and legislation is not yet available. The Board suggested that the matter be placed on a future agenda, along with a Town Meeting follow-up. Brud Wright, Recreation Commission, 16 Jeffrey Road, said the commission is refining the errors in the Gale Report. Richard Turner, 7 Nob Hill Road, and Chair of the Public Ceremonies Committee, requested that the Chair or a member of the Board speak at the 2014 Memorial Day parade ceremony. Jackie Ducharme, 44 Pond Drive, said she understood that a parcel of land to be transferred in Dudley Woods was not included in the 2014 Annual Town Meeting warrant article, and asked that the situation is rectified. B. Wright said the Recreation Commission would prefer that the transfers be done expeditiously.

A4. Meet with Building Commissioner Jay Abelli to Discuss Sealer of Weights and Measures Fee Structure and Class II Auto Dealers Licenses The Board was joined by Building Commissioner Jay Abelli to consider an increase in the fee structure for the Sealer of Weights and Measures. M. Antes moved, seconded by E. Collins, to increase the fee structure as proposed. YEA: M. Antes, T. Boschetto, E. Collins,

C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board discussed the noncompliance by the owner of Wayland Automotive, 322 Commonwealth Avenue, with the Class II Auto Dealers license that was issued. R. Mercier asked if the Board was willing to increase of number of cars allowed on the license; he also suggested that the terms of the existing licenses be clarified and standardized. T. Boschetto said the town should be more diligent in enforcing the legitimate terms of the license. J. Nolan said that in regard to this owner, the property could support the sale of ten cars, and the issue of the neighbors appears more likely to be caused by the landscaping equipment on the property. E. Collins moved, seconded by T. Boschetto, to invite the owner at 322 Commonwealth Avenue to meet with the Board to discuss the terms of his license and the ramifications of noncompliance. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson suggested that the Building Commissioner and the Town Administrator work together to create a set of standards to apply equitably to all the Auto Dealer licensees.

A5. Vote to Accept Revised Portfolio Assignments E. Collins moved, seconded by C. Karlson, to accept the revised portfolio assignments. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Update on Town Administrator Search J. Senchyshyn advised the Board that the posting for the Town Administrator position closed on Saturday, May 10, and there are approximately 35 applicants. He said Municipal Resources Inc. will begin telephone interviews and will have further information by the next meeting. He expects to have applicants before the Board by July 1.

A7. Approve Advertising for Applicants to the Municipal Affordable Housing Trust Board, and Determine Length of Terms for Seats M. Antes moved, seconded by E. Collins, to approve the advertising for applicants to the Municipal Affordable Housing Trust Board. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board asked that the deadline for application be thirty days, and that the residential appointments be given a two-year term, and the board appointments begin with the one-year term.

A8. Declare Surplus Properties under the Control of the Board of Selectmen Located in Dudley Woods The Board reviewed the properties under its control in Dudley Woods. R. Mercier noted that one parcel was not included in the 2014 Annual Town Meeting motion, and that another parcel that was considered as one lot is actually five lots. J. Nolan asked that Town Counsel prepare a memo explaining what corrective actions need to be taken. C. Karlson moved, seconded by E. Collins, that the Board of Selectmen determine that the parcels of land on Doran Road, Curtis Road, Pond Drive and Cross Street in Wayland, Massachusetts, being part of the area known as "Dudley Woods" and shown as Parcels 47B-055A, 47A-037D, 47B-055G, 47B-055F, 47B-055E, 47B-055D, 47B-055C, 47B-055B, 47A-027A, 47A-026, 47B-056D, 47B-056B, 47C-002 and 47C-001 on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for Doran Road-Dudley Pond Comprehensive Feasibility Study" dated September 30, 2010, prepared by the Town of Wayland, Town Surveyors Office are no longer needed for general municipal purposes. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan asked about the future of the paper roads; M. Lanza said he will look into it.

A9. Review Draft Charge of the River's Edge Advisory Committee Rebecca Stanizzi, Economic Development Committee, appeared before the Board to review a draft Bid Review Committee Charge, a draft River's Edge Legal Scope, and a draft potential RFP schedule prepared by the Economic Development Committee. J. Nolan suggested that a Clerk of the Works be added to the RFP. R. Mercier cautioned that the schedule is very aggressive and the project is complex, and at the current time, the Town Administrator

and the Facilities Director are both part-time positions. He suggested that the RFP be prepared by someone with an extensive legal background in the process. The Board discussed the funding, noting that there is \$90,000 left in Community Preservation monies, and also discussed the composition of the committee. R. Stanizzi said a legal determination was needed in regard to Sudbury's interest. R. Mercier said the town is looking to engage Special Counsel; he also noted that he will speak with the Sudbury Town Manager in June.

A10. Future Appointments of Town Counsel and Special Counsel with Respect to Article 27, "Restore Authority to Employ Town Counsel to the Board of Selectmen," from April 2014 Annual Town Meeting R. Mercier said he is awaiting response from the Attorney General in regard to the petitioners' article to restore authority to employ Town Counsel to the Board of Selectmen. He asked the Board how soon it wanted to consider issuing an RFP, and noted there are many substantial legal issues in play that could make a transition difficult. J. Nolan suggested extending the current Town Counsel for a year. T. Boschetto said he would like to see a draft of processes, policies, and guidelines. C. Karlson asked to look into best practices. E. Collins said he would recuse himself from consideration of the current Town Counsel because he has clients in litigation with him, and C. Karlson suggested getting a determination from the State Ethics Commission. The Board asked R. Mercier to get more information regarding an RFP for a future meeting.

A11. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by C. Karlson, 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.

A12. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson noted the Finance Committee minutes of January 27, 2014, are still in draft form.

A13. Report of the Interim Town Administrator R. Mercier distributed the list of Board and Committee vacancies as of June 30, 2014. J. Nolan said the Board needs to decide who it would like to interview. T. Boschetto noted that the representative to Minuteman does not want to be reappointed. R. Mercier reviewed his schedule. He said he will meet with staff tomorrow to coordinate an answer to the Management Letter, and he will address the issue of updating the minutes at the Department Heads meeting. He said he will be meeting with Chris Cullen of the Audit Committee to follow up on the RFP, to include CAFR, and will meet with Special Counsel Kopelman and Paige to review the Sudbury agreement regarding the former septage property. He noted that upcoming meetings will include a discussion on technology and an update on the accounting for the Town Center gift money and administrative fees.

A14. Selectmen's Reports and Concerns C. Karlson said several residents have approached her about the Glezen Lane traffic issue, and she asked for an update of the matter. J. Senchyshyn said the DPW is monitoring the traffic counts, which then triggers mitigation. E. Collins noted nothing can be done without reopening the lawsuit. J. Nolan reported on a meeting of the 495 Partnership and the Massachusetts Municipal Association Legislative Breakfast in Natick. He suggested that state legislators be invited to a future meeting to provide an update to the town. M. Antes reported on the farewell dinner for former Town Clerk Lois Toombs, and reviewed the Rail Trail meeting earlier in the evening.

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any J. Nolan said, "I know of none."

A16. 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 9:19 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 12, 2014, Meeting

1. Email of 5/12/14 from the Massachusetts Municipal Association re: New Selectmen Training June 7, 2014
2. Letter of 5/8/14 from Richard Turner, Chair, Public Ceremonies Committee, re: Invitation to the Memorial Day Ceremonies, May 26, 2014
3. Board and Committee Vacancies as of June 30, 2014

Items Included as Part of Agenda Packet for Discussion During the May 12, 2014 Board of Selectmen's Meeting

1. Letter of 5/14/14 from Jay Abelli, Building Commissioner, to Board of Selectmen, re: Request Increase in Fees for Sealer of Weights and Measures
2. Letter of 5/14/14 from Jay Abelli, Building Commissioner, to Board of Selectmen, re: Issue at 322 Commonwealth Road
3. Current List of Class II Auto Dealers Licenses
4. Draft Portfolio Assignments
5. Draft Advertisement for Municipal Affordable Housing Trust Fund Board
6. 2014 Annual Town Meeting Article 12, Municipal Affordable Housing Trust Fund
7. Email of 5/8/14 from Town Counsel Mark J. Lanza to Robert Mercier, Interim Town Administrator, re: Dudley Woods Lots in Board of Selectmen Custody
8. 2014 Annual Town Meeting Article 16, Transfer and Dispose of Septage Facility Land and Adjacent Town-Owned Land on Boston Post Road
9. Email of 5/9/14 from Rebecca Stanizzi, Economic Development Committee, to Robert Mercier, Interim Town Administrator, re: Rivers Edge, Bid Review Committee Charge, Legal Scope, RFP Potential Schedule
10. 2014 Annual Town Meeting Article 27, Restore Authority to Employ Town Counsel to the Board of Selectmen