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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 June 16, 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 and Enter Executive Session to Discuss Strategy 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 At 6:30 p.m., C. Karlson moved, seconded by J. Nolan, 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 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. The Chair declares that a public discussion of strategy 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, 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 members of the Wastewater Management District Commission (Fred Knight, Sam Potter, and Rick Greene), Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Town Counsel Mark Lanza, Administrative Assistant Cindy Cincotta and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately forty-five minutes.

The Board returned to open session at 7:20 p.m.

A2. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:21 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. J. Nolan noted the tremendous success of the 375th Anniversary Parade on Saturday, June 14, and M. Antes said the final event is a performance by Beatrice Herford on June 21 at the Vokes Theatre.

A3. Public Comment Jonathan Buchman, owner of 231-241 Boston Post Road, said that he was attempting to reach the percentage of wastewater users requested by the town to participate in mediation, but the town was continually changing the criteria. J. Nolan said the Board cannot comment as the matter is in litigation.

A6. Discussion of Ambulance Fees with Fire Chief Vincent Smith Fire Chief Vincent Smith appeared before the Board to present a proposal for an increase in ambulance fees. He said the fees are an important revenue stream, providing close to \$500,000 annually. He clarified that the fees are for transport only, not for medical calls, and noted that the town partners with an ambulance billing company to collect the payments. He reviewed the reasons for the increase, including the comparative rates in neighboring towns and the increasing cost of the service. He said there is circuit breaker protection in place for residents who cannot

afford the payment. The Board questioned the insurance reimbursement rates; V. Smith said private insurance pays 100%, and the Medicare reimbursement is a fixed rate. C. Karlson congratulated V. Smith on his business plan for the ALS (Advanced Life Support) transition and the success of the program. V. Smith provided examples of the increased care provided by the ALS service. M. Antes moved, seconded by E. Collins, to support the recommendation of Fire Chief Vincent Smith to increase the fees that are charged for ambulance transportation. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Transfer of Custody Dudley Woods Parcels Held by the Board of Selectmen to the Recreation Commission Town Counsel Mark Lanza provided the Board with a color-coded map showing the lots being transferred to the Recreation Commission; the lots held by the Board of Selectmen not yet transferred to the Recreation Commission pending a town meeting vote to authorize the transfer; the four lots held by the Board of Selectmen which the 2014 Annual Town Meeting authorized the Board of Selectmen to transfer when the Municipal Affordable Housing Trust Fund is created and the balance in the Fund reaches \$600,000; and the lot recently transferred from the Board of Public Works to the Conservation Commission as authorized by the 2014 Annual Town Meeting. M. Antes expressed dissatisfaction that there was no parcel allocated for affordable housing. C. Karlson moved, seconded by E. Collins, that the Board of Selectmen transfer the care custody, management and control of 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 47A-037D, 47B-055H, 47B-055G, 47B-055F, 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, to the Recreation Commission for passive recreation purposes, and for the purpose of the construction, installation, operation, repair and replacement of a subsurface community wastewater disposal system under said parcels of land, as long as said system does not interfere with such recreational use of the land. YEA: T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: M. Antes. Adopted 4-0-1.

A5. Abandon Old Town Center Project Site Sewer Easements and Adopt Order of Taking by Eminent Domain of New Town Center Project Site Sewer Easements M. Lanza presented to the Board the abandonment and the order of taking in regard to sewer easements at the town center project. The Board discussed the town’s indemnification, and the need for future action on a conservation restriction and a trail easement. M. Antes moved, seconded by E. Collins, to adopt and execute the order for the release of the sewer easement recorded in the Middlesex South Registry of Deeds, Book 30797, Page 5, Document No. 1122165, to Twenty Wayland LLC, WTC Retail LLC, Twenty Wayland Other LLC and Twenty Wayland Infra, LLC, and to adopt and execute the Order of Taking for sewer easements off Boston Post Road (Route 20) and Old Sudbury Road (Route 27) and on Andrew Avenue and Elissa Avenue, for sewer and wastewater systems and works. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Status of Zoning Issue at 119 Dudley Road M. Lanza reviewed for the Board the possible actions the town can undertake to allow a resident, Carmen Pompeo at 119 Dudley Road, to repair a failing retaining wall which endangers the structure of his home, but is located on land owned by the Recreation Commission. He said C. Pompeo could go to land court and have the boundary line changed, or the Recreation Commission could vote to allow him a license to make the repairs. J. Nolan asked Town Counsel to draft a license for the approval of the Recreation Commission. M. Lanza advised the Board that C. Pompeo should also engage counsel, as land use is a complicated matter.

A7. Review of Auto Dealers Class II License at 322 Commonwealth Avenue The Board was joined by Richard Devlin, owner of Wayland Automotive, Eli Elias, Manager, and their attorney Steven Roberts, to discuss the violation of the Auto Dealers Class II license at 322 Commonwealth Avenue. S. Roberts said that a neighbor has expressed concern about noise and activity at the dealership; he said that there are 25-30 cars for sale, but there have never been complaints until now. T. Boschetto said the Board's concern is compliance with the license, which provides for only five cars for sale at any time. M. Antes noted that the dealership has been in violation for at least ten years. C. Karlson said the Building Commissioner is reviewing the current licenses with the intention of creating new guidelines. J. Nolan asked R. Devlin to work with the Building Commissioner and the Town Administrator to consider a modification of the license before the 2015 renewal.

A8. Reappointment Interviews and Potential Vote for Reappointment Nancy Funkhouser appeared before the Board to interview for reappointment to the Finance Committee. She said she has served for two years; she is the Vice Chair and the liaison to public safety and conservation. T. Boschetto expressed concern that all the candidates were not being evaluated at the same time, and N. Funkhouser said she had asked for an exception as she would not be available for the next few weeks. Participants discussed the need for an improved budget process, the tenure of the other members, and the responsibility for setting financial guidelines. Roger Backman and John Sullivan appeared before the Board to interview for reappointment to the Conservation Commission. E. Collins asked what role the Conservation Commission played in resolving the construction and placement of solar panels. R. Backman said they would only be involved if they were in environmentally sensitive areas. J. Sullivan said that, as a utility, it may not require a public meeting under the wetlands bylaw. M. Antes asked them to consider outreach to generate interest among young people in serving on the commission in the future. C. Karlson moved, seconded by M. Antes, to reappoint Roger Backman and John Sullivan to the Conservation Commission for terms to expire on June 30, 2017. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by M. Antes, to reappoint Nancy Funkhouser to the Finance Committee. T. Boschetto said he would prefer to hold the vote until all the candidates are interviewed, and E. Collins said it is inappropriate to vote based on incumbency. C. Karlson said it is also important to retain knowledge and experience. The Board considered the possibility of revising the charge of the Finance Committee to five-year terms. YEA: M. Antes, C. Karlson, J. Nolan. NAY: E. Collins. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 3-1-1.

A9. Continued Discussion of River's Edge Project C. Karlson reviewed the revised draft RFP for Special Counsel for the River's Edge project. The Board considered whether to have the River's Edge Advisory Committee review the RFP, but noted the time constraints. J. Nolan suggested having the committee review the applicants. John Moynihan, Public Facilities Director, said that according to the Office of the Inspector General, the town must interview all the respondents or none of the respondents, and asked the Board to reconsider the interview language. J. Moynihan reviewed the typical timeline; he said the responses should be back by the end of July, at which time the committee should be in place. M. Antes moved, seconded by C. Karlson, to authorize the Town Administrator to issue an RFP for Special Counsel for the River's Edge project. C. Karlson noted the edits to page 3, taking out "litigation" and putting in a date that is "plus thirty days," and the addition to page four, "will determine which if any law firms will be invited to an interview." E. Collins moved, seconded by M. Antes, to amend the motion to include the edits. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. R. Mercier advised the Board that the law firm of Kopelman & Paige has been asked to review the Wayland Sudbury Intermunicipal Agreement, and he will present their findings to the Board at a future date.

A10. Meeting with Energy Initiatives Temporary Advisory Committee Members of the Energy Initiatives Advisory Committee (Ellen Tohn, Anne Harris, and Tom Sciacca), and Public Buildings Director John Moynihan, appeared before Board to request that the Board approve a Letter of Intent (LOI) with Ameresco to evaluate sites for solar panels. Mike Lowery, Chair, Board of Public Works, said his Board voted to sign the LOI after Board of Selectmen approval, as long as the language doesn't change and the well site is not included. T. Boschetto noted the School Committee had not signed the LOI, and said he would like to understand the discussions and concerns of the School Committee and the Board of Public Works. J. Nolan asked what town commitment is made by signing the LOI. E. Tohn said the LOI commits the town to work with Ameresco to review the best options for generating solar energy, and there is no cost. T. Boschetto said there are hidden costs in lost opportunities. E. Tohn said that Ameresco will decide what is feasible and prepare a more definitive proposal, which the town can then review without obligation. The Board discussed the expertise of Ameresco and the process by which they were chosen. E. Tohn said it is the recommendation of the Energy Initiatives Advisory Committee that the Board vote to approve the LOI, and to work exclusively with Ameresco for 150 days. J. Nolan asked about the benefit of the LOI, and E. Tohn reviewed the potential financial benefits, the advantages in utility connections, and the reduction in energy usage. T. Boschetto asked how the sites were chosen. E. Tohn said all the firms that were contacted identified the Middle School Roof and the High School wastewater leach field as optimal locations. T. Boschetto said there are other uses for the leach field between the baseball diamond and the wastewater facility. J. Nolan said that is the purpose of the study. T. Boschetto asked for the criteria in evaluating the sites. E. Tohn said it is an interactive process, and if the space doesn't work, it will not go forward. T. Boschetto said the Recreation Commission should be consulted. A. Harris said all the relevant boards and commissions will be consulted to assess the future viability of the program. J. Nolan asked why the former landfill wasn't included; E. Tohn said there is not enough sunlight, and it was never capped. M. Antes moved, seconded by C. Karlson, to authorize the Town Administrator to sign the Letter of Intent for Ameresco, Inc., to exclusively develop proposals to finance, construct, own and operate certain solar PV facilities in the Town of Wayland. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto, E. Collins. Adopted 3-0-2.

The Board discussed updating the charge of the Energy Initiatives Advisory Committee to make it a permanent committee. C. Karlson distributed a draft charge and suggested that the terms of the current members be staggered three-year terms. T. Boschetto suggesting appointing new members with a diversity of backgrounds, and suggested financial or legal experience. Members of the committee discussed the difficulty of maintaining the current five members, but said they are open to having more people participate. E. Tohn said it would be helpful to have ad hoc members, depending on the issue. T. Boschetto said he would support extending the current temporary committee for one more year, and that the Board was not given sufficient time to review the new charge. T. Sciacca said it is difficult to work with other boards as a temporary committee. M. Antes moved, seconded by C. Karlson, to adopt the permanent committee charge of the Energy Initiatives Advisory Committee as proposed. YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1. C. Karlson moved, seconded M. Antes, to appoint Ellen Tohn and Tom Sciacca to the Energy Initiatives Advisory Committee for three-year terms to expire on June 30, 2017, and to appoint Anne Harris and William Huss to the Energy Initiatives Advisory Committee for two-year terms to expire on June 30, 2016, and to appoint Harvey Michaels to the Energy Initiatives Advisory Committee for a one-year term to expire on June 30, 2015. YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

J. Moynihan updated the Board on the ESCO project. The Board discussed the best process for collecting and quantifying baseline energy information, and reviewed issues such as the tracking of usage versus the tracking of cost, breakdown by building, and the lack of sufficient line items in the Munis accounting

software system. T. Boschetto said his concern is that the correct numbers are quantified for the taxpayers and the baseline is accurate in order to evaluate whether the project has achieved any savings. E. Collins said an accurate baseline is necessary to create a contractual guarantee with Ameresco. E. Tohn said Ameresco doesn't guarantee the rates, only the usage. J. Nolan suggested that the Finance Director consider whether accounting procedures need to be enhanced in order to track the impact on cost, and thanked the committee for its work. E. Collins asked about the ongoing streetlight program, and E. Tohn said they were advised by NStar that the program won't be available for two more years.

A12. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by C. Karlson, to approve the revised consent calendar to include the reappointment of John Sullivan to the Community Preservation Committee as the representative of the Conservation Commission. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes said she was unable to attend the MetroWest Regional Collaborative meeting on July 1, and asked if someone else could attend. J. Nolan said the town should do more to promote the historic railroad site, and ensure the bike path highlights and respects the property. The Board suggested engaging the Community Preservation Committee to allocate funds for landscaping, and M. Antes said the Historic District Commission will require that some of the rails remain. Mike Lowery, Chair, Board of Public Works, said the Historic District Commission has one set of concerns regarding the rail trail, while the Historical Commission has a wider field of interest, including railroad artifacts. C. Karlson asked for an update on the acceptance of the FEMA flood insurance maps, and R. Mercier said it would be on next week's agenda.

A14. Report of the Interim Town Administrator R. Mercier presented the Board with the executed and approved three-year renewal contract for John Senchyshyn, Acting Town Administrator/Human Resources Director. J. Nolan thanked him for his work and his willingness to step into the Acting Town Administrator role. R. Mercier said the Department of Environmental Protection hearing on Superseding Order of Conditions for the access road off Boston Post Road will be on July 15. He reviewed upcoming agenda items and updated the Board on the town administrator search.

A15. Selectmen's Reports and Concerns E. Collins reiterated his request that the Community Preservation Committee be contacted in regard to funding the municipal affordable housing trust fund. M. Antes asked the Board to keep in mind the need for a public discussion of municipal buildings. She asked for an update on providing storage space for medical equipment, and J. Senchyshyn said he was exploring space in the Public Safety Building because it would have 24-hour access. T. Boschetto updated the Board on the Minuteman Regional School issue and OPEB. J. Nolan said that the Town of Sudbury authorized the water connection to River Road, and J. Senchyshyn said the contract will be ready for the next meeting. The Board asked that the town's state legislators be invited to a meeting in the fall.

A16. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any J. Nolan said, "I know of none."

A17. Adjourn There being no further business before the Board, E. Collins moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 11:07 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 June 16, 2014, Meeting

1. None

Items Included as Part of Agenda Packet for Discussion During the June 16, 2014 Board of Selectmen's Meeting

1. Motion from Town Counsel Mark Lanza, 6/12/14, re: Transfer of Dudley Woods Lots in Board of Selectmen Custody to Recreation Commission
2. Letter of 6/2/14 from Vincent J. Smith, Fire Chief, to Robert Mercier, Interim Town Administrator, re: Proposed Ambulance Transport Fee Increase
3. Draft RFP for Special Counsel, River's Edge Project
4. Letter of Intent (LOI) for Ameresco Inc. to Exclusively Develop Proposals to Finance, Contract, Own and Operate Certain Solar PV Facilities in the Town of Wayland