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# TOWN OF WAYLAND

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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 July 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

**A1. Call to Order by Chair** Chair J. Nolan called the open meeting of the Board of Selectmen to order at 6:30 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.

**A2. Enter into Executive Session Pursuant to MGL Chapter 30A, Section 21a (3), to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of 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; and Pursuant to MGL Chapter 30A, Section 21 a(2) to Discuss Contract Negotiations regarding New Town Administrator Nan Balmer** At 6:35 p.m., J. Nolan moved, seconded by E. Collins, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of 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; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a(2) to discuss contract negotiations regarding the new Town Administrator Nan Balmer. 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, 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; and discussion of contract negotiations regarding the new Town Administrator Nan Balmer, 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 Wastewater Management District Commission member Sam Potter. The Board will reconvene in open session in approximately one hour.

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

**A3. Public Comment** Nancy Carapezza, 233 Boston Post Road, urged the Board to be reasonable in making wastewater decisions. She said she joined the system in 1999, and with the betterment coming this year, she will have paid over \$100,000 into the system. She said Wayland is at an unusually high rate.

**A4. Meet with Town Moderator Dennis Berry to Discuss 2014 Annual Town Meeting and Potential Date for 2015 Annual Town Meeting** The Board was joined by Town Moderator Dennis Berry to discuss town meeting issues. J. Nolan noted there was no action to take on a Fall town meeting. He said the Board expected to set the date for the spring 2015 Annual Town Meeting in the next few weeks and noted the dates of Easter Sunday, Passover and school vacation. D. Berry said he was interested in the quality of the meeting,

and suggested that the articles be well-prepared. He said the Board has the option of rejecting articles and does not have to grant every request. He said he is considering a Moderator's forum to answer questions in advance, and he said he plans to take a serious look at revising the Moderator's Rules. T. Boschetto agreed that the date should be set soon so people can make plans. The Board commented on the previous town meetings. J. Nolan said electronic voting hasn't seemed to save time. D. Berry talked about the possibility of dividing items in the budget, making changes to reconsideration, and making more use of the abbreviated debate. C. Karlson said some updates need to be made in procedures, especially in regard to petitioners' articles. In regard to scheduling, she said it may be difficult if meeting goes into May. J. Nolan suggested a shorter time for discussion of articles; for example, reducing it from 60 minutes to 40 minutes. J. Senchyshyn noted that the town is looking for a timekeeper.

**A5. Interview Applicants and Potential Vote for Two Members of Finance Committee for Terms to Expire on June 30, 2017** Thomas Abdella, Inna Kisseleva-Deeley, Anette Lewis, Seth Roman, and David Watkins appeared before the Board to interview for appointment to the Finance Committee. D. Watkins said he has a background in real estate and he was the financial manager of a \$35 million business. He said he can help in modeling efforts, and has created software for federal government accounting; he also served on the Economic Development Committee. A. Lewis said she is a 35-year resident, and has held appointed and elected positions. She said she is very detail-oriented and is a regular attendee of Town Meeting. She has both operational and administrative experience, and has attended all but two Finance Committee meetings over the last two years. S. Roman said he has been a resident since 2005, and has served as a Fiduciary for twenty years. He said he brings an outside opinion and intellectual flexibility. T. Abdella said he has served the town as both an appointed and elected official. He is the Secretary to the Budget Committee at Wellesley College, and controls the budget for an architectural organization. He said you can control costs but not revenue, and he will bring context to the numbers; he said that once every five to ten years, he feels the town needs to zero-base the budget. I. Kisseleva-Deeley said she came to Wayland from Russia in 2012. She works in accounting doing tax work. She has not attended town meeting due to her schedule, but felt it is her duty to contribute to the community; she said the town needs to make changes, and balance the priorities between needs and fiscal constraints. The Board discussed whether the applicants could make the time commitment, their opinions of free cash, and their ability to work as a successful member of a team. T. Boschetto noted that the Town of Weston received the GFOA's (Government Finance Officers Association) Distinguished Budget Presentation Award for its FY14 budget award, and said that Wayland needs to improve its budgeting. J. Nolan said the Board will consider appointments later in the evening.

**A6. Interview Applicants and Potential Vote for Two Members of Personnel Board for Terms to Expire on June 30, 2018 and June 30, 2019** Miranda Jones, Deborah Cohen, and Mary Ellen Castagno appeared before the Board to interview for appointment to the Personnel Board. M. Jones said she has been a resident since 1991, has worked for the Attorney General on Fair Labor Standards, and has worked in private practice for labor and employment law. She said she represents large construction contractors in collective bargaining efforts. D. Cohen said she served as a member of the Personnel Board from 1995 to 2000, and served on several other boards and committees. She is a labor employment attorney, and she drafted the first employment handbook for Wayland. M. Castagno said she is a nurse, with experience in unions and management. She said she served on labor management committees and participated in peer interview processes. She noted that her son is a Wayland Police Officer, and that the Ethics Commission did not see it as a conflict. T. Boschetto asked what policy issues the Board should address. D. Cohen noted the accrued sick leave policy, better communication, and consolidation of school and town positions. M. Castagno said there should be better collaboration with other committees. M. Jones said the town should evaluate its labor costs in terms of comparable towns. The Board discussed the need for confidentiality, the Open Meeting Law, and the candidates' ability to make the time commitment. M. Antes asked how they

would approach a request for new employee. M. Castagno said the department must submit a justifiable plan, and M. Jones said the town must qualify the positions available within the collective bargaining agreement and take a more global approach. E. Collins asked who should draft employment contracts, and participants said it should be a collaborative effort.

**A7. Discussion and Potential Vote to Approve the ESCO Contract** The Board was joined by Anne Harris and Ellen Tohn of the Energy Initiatives Advisory Committee, and Harold Meyer of Ameresco. R. Mercier said the ESCO contract has been reviewed and approved by the Town Counsel. E. Tohn said the town has received two grant awards: \$250,000 in the second round of the Green Community funding to invest in ESCO, and a second grant of technical assistance for a solar energy project to provide backup battery power at the Middle School. J. Nolan congratulated the committee on its work. T. Boschetto asked if the contract locked the town into a scope of services, and expressed concern that the Board does not yet have a full understanding of its facility planning. E. Tohn said the work will be phased in order that the town building will be addressed at the end of the contract. T. Boschetto asked if there are provisions in the contract to modify the scope of services. H. Meyer said that no town is ever clear on the long-term viability of every project. T. Boschetto asked what protection was in the contract for the town, as there is no opportunity to amend the scope of services. R. Mercier said the town can issue a partial notice to proceed, leaving out the town building until the Board issues an opinion for that specific project to proceed; he said the rest of the contract will remain the same. T. Boschetto says it is not explicitly stated. E. Collins asked if there was language in the contract to track the savings. H. Meyer said Ameresco issues quarterly and annual reports. J. Nolan asked if the contract is recommended by the Energy Initiatives Advisory Committee, the Town Counsel and the Town Administrator. R. Mercier said yes. T. Boschetto moved, seconded by E. Collins, that prior to a notice to proceed on the library and the town building, the Board of Selectmen must be notified and must issue approval. There was no vote. J. Nolan said he did not want to jeopardize the grant, and he was comfortable with the library upgrades. He said he would support the motion in regard to the town building, and C. Karlson agreed. T. Boschetto moved, seconded by E. Collins, that prior to a notice to proceed on the town building, it must be presented to the Board of Selectmen for review and approval, notwithstanding any other provision of the agreement. 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 authorize the Interim Town Administrator to sign the ESCO contract on behalf of the Board of Selectmen, subject to the prior motion. YEA: M. Antes, C. Karlson, J. Nolan. NAY: T. Boschetto, E. Collins. ABSENT: none. ABSTAIN: none. Adopted 3-2. E. Tohn said there will be a working session of the Energy Initiatives Advisory Committee to address the ESCO projects on September 10, and invited Board members to attend.

**A8. Update on Finance Committee's Long Range Plan Meeting** C. Karlson and M. Antes provided the Board with an overview of the recent Long Range Planning meeting. C. Karlson said approximately thirty people attended, and participants identified preliminary long-range efforts. She said the involvement of the Board of Selectmen includes identifying efficiencies in government and structure, how town-owned land is used, and the cost of healthcare and benefits. M. Antes said there was confusion about the process which needs to be addressed. C. Karlson said there will be a Finance Committee meeting on long range planning on September 17, 2014. T. Boschetto said he will follow this issue as the Finance Committee is part of his portfolio.

**A12. Selectmen's Reports and Concerns** The Board discussed the appointments to the Finance Committee. T. Boschetto said he would support A. Lewis and D. Watkins. C. Karlson said S. Roman's background was similar to D. Watkins, and noted that A. Lewis would need to balance her advocacy with her involvement in the process. J. Nolan said his choices were T. Abdella and D. Watkins. M. Antes expressed

concern that while A. Lewis was qualified, she was not always amenable to compromise, and the smooth working of the committee is important. She said her choices were D. Watkins and T. Abdella. E. Collins said A. Lewis was his first choice and T. Abdella was his second choice. T. Boschetto said he had been chastised for not compromising, but noted for the record that the Board of Selectmen does not compromise either. T. Boschetto moved, seconded by E. Collins, to appoint Anette Lewis and David Watkins to the Finance Committee for terms to expire on June 30, 2017. YEA: T. Boschetto, E. Collins. NAY: M. Antes, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Motion fails, 3-2. E. Collins moved, seconded by T. Boschetto, to appoint Anette Lewis and Tom Abdella to the Finance Committee for terms to expire on June 30, 2017. YEA: T. Boschetto, E. Collins. NAY: M. Antes, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Motion fails, 3-2. M. Antes moved, seconded by C. Karlson, to appoint Tom Abdella to the Finance Committee for a term to expire on June 30, 2017. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto, E. Collins. Adopted 3-0-2. C. Karlson moved, seconded by M. Antes, to appoint David Watkins to the Finance Committee for a term to expire on June 30, 2017. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto, E. Collins. Adopted 3-0-2. The Board discussed the appointment to the Personnel Board. T. Boschetto moved, seconded by C. Karlson, to appoint Miranda Jones to the Personnel Board for a term to expire June 30, 2019. 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 appoint Deborah Cohen to the Personnel Board for a term to expire June 30, 2018. YEA: M. Antes, C. Karlson, J. Nolan. NAY: E. Collins. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 3-1-1.

**A9. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by E. Collins, 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.

**A10. Review Correspondence (See Separate Index Sheet)** The Board reviewed the correspondence of the last two weeks. E. Collins noted the Massachusetts Municipal Association newsletter item opposing state legislation to strip cities and towns of the site review of wireless facilities. E. Collins moved, seconded by M. Antes, that the Board of Selectmen draft a letter to the Speaker of the House to oppose any attempt to pass S. 2183 or any amendment to the Senate's economic development bill that would strip cities and towns of the ability to regulate wireless antennas, and to execute the letter on behalf of the Board of Selectmen. YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: C. Karlson. Adopted 4-0-1. T. Boschetto said, in regard to the letters from the Glezen Lane residents, that the parties should be brought together for a discussion; E. Collins agreed. J. Nolan asked the Acting Town Administrator to get an opinion from Town Counsel as to how to proceed. Mike Lowery, 120 Lakeshore Drive, suggested contacting the League of Women Voters to act as moderator. In response to the request from the MetroWest Visitors Bureau for applicants to the Arts, Music and Food Truck Festival in September, M. Antes volunteered to contact Wayland groups.

**A11. Report of the Interim Town Administrator** R. Mercier updated the Board on cash reconciliation, the Department of Environmental Protection decision, and upcoming meeting agendas. The Board thanked R. Mercier for his service to the town.

**A12. Selectmen's Reports and Concerns** T. Boschetto provided an update on a meeting regarding the Minuteman Regional school. M. Antes noted a leak in the Cochituate Village apartments.

**A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** J. Nolan said, "I know of none."

**A14. 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 11:35 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 July 28, 2014, Meeting**

1. None.

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

1. Email of 7/14/14 from Town Moderator Dennis Berry to Robert Mercier, Interim Town Administrator, re: Request to Meet with Board of Selectmen
2. Résumés of Applicants to Finance Committee
3. Résumés of Applicants to Personnel Board
4. Energy Services Agreement by and between Town of Wayland and Ameresco, Inc.