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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 December 1, 2014

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

A1. Open Meeting and Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), with the Wastewater Management District Commission, to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland; and to Discuss Strategy with Respect to Pending Litigation and Collective Bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to Discuss Strategy with Respect to Contract Negotiations with Nonunion Personnel (Town Administrator), and to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: August 26, 2013, April 8, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, June 23, 2014, and July 28, 2014 At 6:03 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session with the Wastewater Management District Commission 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; and to discuss strategy with respect to pending litigation and collective bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to discuss strategy with respect to contract negotiations with nonunion personnel (Town Administrator), and to review and consider for approval and potential release the following executive session minutes relative to the said subjects: August 26, 2013, April 8, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, June 23, 2014, and July 28, 2014. 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 to discuss strategy with respect to pending litigation and collective bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to discuss strategy with respect to contract negotiations with nonunion personnel (Town Administrator), and to review and consider for approval and potential release the following executive session minutes relative to the said subjects: August 26, 2013, April 8, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, June 23, 2014, and July 28, 2014, 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 members Sam Potter and Rick Greene, Town Administrator Nan Balmer, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:08 p.m.

A2. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:09 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, 8 George Street, brought to the Board's attention the abandonment of a road authorized by town meeting in 1964, and said it needs Board of Selectmen action. Linda Segal, 9 Aqueduct Road, said the town needs a process to address the use of the municipal pad.

A4. Consideration and Potential Vote to Approve Teamster's Memorandum of Agreement for a Successor Collective Bargaining Agreement Effective July 1, 2014 C. Karlson moved, seconded by M. Antes, that the Board of Selectmen approve the Memorandum of Agreement with Teamsters Local 170 dated September 10, 2014, as amended by the mediation agreement dated October 29, 2014, for a successor collective bargaining agreement dated effective July 1, 2014. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Consideration and Potential Vote to Allow Personnel Board to Access Special Labor Counsel to Review Open Meeting Law Complaint The Board was joined by Assistant Town Administrator/Human Resources Director John Senchyshyn to discuss the Open Meeting Law complaint regarding Personnel Board minutes released with redactions. He said the issue is whether the redactions were too broad, and has asked the Attorney General for an opinion. He requested approximately two hours of Special Labor Counsel guidance, the results of which he will share with other boards. M. Antes moved, seconded by T. Boschetto, to approve the request of the Personnel Board to access Special Labor Counsel to review Open Meeting Law issues. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Tax Classification Hearing – Presentation by the Board of Assessors of Tax Classification Options; Potential Vote of the Board of Selectmen on Tax Classification; Review of Tax Recapitulation Sheets and Supporting Documents E. Collins moved, seconded by M. Antes, to open the Tax Classification Hearing for 2015. The Board was joined by the Board of Assessors, Director of Assessing Ellen Brideau, and office staff Denise Ellis and Jessica Marchant. Susan Rufo, Chair, Board of Assessors, explained the purpose of the hearing, and said the new rate will be \$18.39. She reviewed comparables, and she noted that the reduction in commercial property was due to a reclassification of property in the town center. David Watkins, member of the Finance Committee, said it was the sense of the Finance Committee not to split the tax rate. T. Boschetto asked for more information on the residential exemption next year. George Harris, 8 Holiday Road, asked for the amount of the median tax bill; E. Brideau said she would provide those numbers to him. Linda Segal, 9 Aqueduct Road, asked why the residential units at 373 Commonwealth Road were not included; E. Brideau said it is not an active development. Anette Lewis, 33 Claypit Hill Road, noted that other factors in the calculations include the vote at town meeting and the overlay. C. Karlson moved, seconded by M. Antes, to establish the residential tax factor of 1.0. 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 E. Collins, that the Board of Selectmen vote to not adopt a Residential Exemption. 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, that the Board of Selectmen vote to not adopt a Small Commercial Exemption. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

At 7:58 p.m., C. Karlson moved, seconded by M. Antes, to close the hearing on the tax classification. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

At 7:59 p.m., M. Antes moved, seconded by C. Karlson, to open a hearing on the tax recapitulation. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board was joined by Finance Director Brian Keveny. He reviewed the FY2015 tax recapitulation sheet. A. Lewis said it was difficult to read, and asked that article numbers be included next year. She asked that the issue of free cash be addressed with the School Committee. T. Boschetto expressed concern that the overlay reserves were overestimated. S. Rufo reviewed the issues that were taken into

consideration when the overlay was determined. G. Harris noted the difference between the requested overlay and the actual liability, and T. Boschetto asked the Board of Assessors to be less conservative. The Board reviewed the state statutes, and S. Rufo reviewed the process. G. Harris said he spoke to the Director of Account Gerard Perry at the Department of Revenue, who said that most towns underestimate the overlay. B. Keveny said the Department of Revenue is prepared to certify the recapitulation sheet this week. T. Boschetto discussed the levy limit, and A. Lewis asked for confirmation that the expenses of enterprise funds were properly allocated. M. Antes moved, seconded by E. Collins, to close the hearing at 8:39 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Segal asked if the Board needs to vote to sign the tax recapitulation; E. Brideau said no action is needed by the Board of Selectmen.

A7. Report from Building Commissioner Jay Abelli regarding Used Car Dealer Licenses Jay Abelli, Building Commissioner, appeared before the Board to discuss used car dealer licenses. In regard to the auto dealer at 322 Commonwealth, J. Abelli said there were no more than five cars with “for sale” signs. The Board discussed the issue of the vehicles listed for sale on the internet, and the problem of noise. J. Abelli said no complaints have been received in writing, and the noise emanates from contractor’s trucks which have no affiliation with the auto dealership. The Board asked about the appropriate process moving forward; J. Abelli said it is a zoning issue. The Board asked J. Abelli to work with the Town Administrator and Town Counsel to provide a standard procedure for the future and a process for bringing current license holders into compliance.

A8. Review and Potential Vote to Appoint Melanson and Heath as Independent Auditor Chris Cullen, Audit Committee, and Elizabeth Doucette, Financial Analyst, appeared before the Board to request the appointment of an independent auditor. They reviewed the background of the process and the option of including a CAFR (Comprehensive Annual Financial Report). T. Boschetto moved, seconded by M. Antes, that the Board authorize the appointment of Melanson Heath & Company PC, as independent auditor for FY15, with two one-year options to renew for FY16 and FY17, with the inclusion of CAFR in the audit report, and to authorize the Chair of the Board of Selectmen to execute the contract. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Review and Potential Vote to Open Warrant for 2015 Annual Town Meeting and Annual Town Election M. Antes moved, seconded by T. Boschetto, to open the Warrant for the Annual Town Meeting to begin on Monday, April 6, 2015, at 7:30 p.m. in the Wayland High School, and the Annual Election to be held on Tuesday, March 31, 2015, at designated polling places. The warrant for said Annual Town Meeting will be open from Thursday, December 18, 2014, at 8:30 a.m., through Thursday, January 15, 2015, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen’s Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Thursday, January 15, 2015. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. T. Boschetto said he would prefer the meeting be scheduled later in April but would abide by the will of the majority. E. Collins noted the confusion about the appropriate agenda for each of several meetings leading up to the Annual Town Meeting. L. Segal suggested the petitioners’ workshop be scheduled earlier, and suggested the use of mentors to help petitioners, as has been done in the past.

A10. Review and Set Meeting Schedule for Board of Selectmen, December 1, 2014 through April 6, 2015 The Board reviewed and approved the meeting schedule for the Board of Selectmen from December 1, 2014, to April 6, 2015.

A11. Authorize Chair to Sign Fee Agreement with the Firm of Anderson & Krieger LLP which Includes the Appointment of Counsel as Special Municipal Employee under Massachusetts General Laws Chapter 268A E. Collins recused himself from the agenda item and left the room at 9:21 p.m. T. Boschetto moved, seconded by C. Karlson, to authorize the Chair of the Board of Selectmen to sign the fee agreement with the firm of Anderson & Krieger LLP, which includes the appointment of counsel as a Special Municipal Employee under Massachusetts General Laws Chapter 268A. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: E. Collins. Adopted 4-0-1. The Board discussed the advisability of appointing counsel as Special Municipal Employee; N. Balmer said the Town Counsel had reviewed and approved the motion. E. Collins returned to the meeting at 9:24 p.m.

A12. 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.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the correspondence for the weeks ending November 17 and December 1. C. Karlson noted the need for long-term planning in regard to municipal properties, and asked for an update on conservation capital projects. E. Collins noted the letter from C. Peter R. Gossels in regard to the founding date on the town signs; M. Antes suggested the correct date is 1638.

A14. Report of the Town Administrator N. Balmer reported on the issue regarding the use of the field for the Wayland Warriors football game on November 29. She said she has begun preliminary budget work, and will begin to bring information to the Board next week. She said holiday lights will be installed at the Public Safety Building by a private contractor. The Board discussed the various methods of pursuing a long-term plan for the use of municipal property. N. Balmer discussed the search for a new Fire Chief, the flood damage at the WayCAM office, and the meeting next week with the Audit Committee. The Board discussed the creation of an enterprise fund for recreation, and agreed to discuss the issue further at a later meeting.

A15. Selectmen's Reports and Concerns M. Antes advised the Board that the town has been offered free membership in the MetroWest Visitors Bureau, and the Bureau requested the town's permission to be included in their directory; the Board offered its agreement.

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, M. Antes moved, seconded by E. Collins, to adjourn the meeting of the Board of Selectmen at 10:01 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 Meeting of December 1, 2014

1. Email of 12/1/14 from Jean Milburn to Linda Segal re: Raytheon Info Meeting This Week December 3, 2014
2. Revised Powerpoint Presentation from Board of Assessors re: Fiscal Year 2015 Tax Classification Hearing
3. Tax Rate Recapitulation Fiscal Year 2015
4. Department of Revenue Information Guideline Release, Overlay and Overlay Surplus

Items Included as Part of Agenda Packet for Discussion During the December 1, 2014 Board of Selectmen's Meeting

1. Memorandum of 11/25/14 from John Senchyshyn, Asst Town Administrator/HR Director, re: Personnel Board Access for Special Labor Counsel
2. Fiscal Year 2015 Tax Classification Hearing Presentation
3. Letter of 11/24/14 from Jay Abelli, Building Commissioner, to Board of Selectmen re: 322 Commonwealth Avenue
4. Memorandum of 12/1/14 from Elizabeth Doucette, Financial Research/Analyst, re: FY15-FY17 Annual Audit Services Recommendation
5. Notice 12/1/14 from Board of Selectmen re: 2015 Annual Town Meeting and Annual Town Election
6. Draft Worksheet Article List for 2015 Annual Town Meeting
7. Memorandum of 12/1/14 from Nan Balmer, Town Administrator, re: Proposed Meeting Schedule
8. Memorandum of 12/1/14 from Nan Balmer, Town Administrator, re: Rivers Edge Project, Special Counsel Fee Agreement/Designation of Special Municipal Employee Status
9. Town Administrator's Report, December 1, 2014