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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 March 30, 2015

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan (arrived 6:35 p.m.)

Also Present: Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, Executive Assistant MaryAnn DiNapoli

A1. Convene in Open Session and then Enter into Executive Session pursuant to: (i) Massachusetts General Laws (MGL) Chapter 30A, Section 21a(3) to discuss collective bargaining strategy in regard to the AFSCME Professional Union; and (ii) MGL Chapter 30A, Section 21a(6) to Consider the Purchase Exchange, Lease or Value of Real Property Relative to the Septage Facility; and (iii) MGL Chapter 30A, Section 21a(6) to Consider the Purchase Exchange, Lease or Value of Real Property Relative to the Town Center Municipal Parcel; and (iv) MGL Section 21a(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 System Users, and with Respect to Potential Litigation Regarding the Enforcement of the Judgment with Respect to Bernstein et al v. Wayland Planning Board; and (v) MGL Chapter 30A, Section 21a(3) to discuss collective bargaining strategy pertaining to the OPEB recommendation in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and (vi) to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: January 12, 2015, February 3, 2015, February 10, 2015, and February 23, 2015 At 6:25 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to (i) Massachusetts General Laws (MGL) Chapter 30A, Section 21a(3) to discuss collective bargaining strategy in regard to the AFSCME Professional Union; and (ii) MGL Chapter 30A, Section 21a(6) to consider the purchase exchange, lease or value of real property relative to the septage facility; and (iii) MGL Chapter 30A, Section 21a(6) to consider the purchase exchange, lease or value of real property relative to the town center municipal parcel; and (iv) MGL Section 21a(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 System Users, and with respect to potential litigation regarding the enforcement of the judgment with respect to Bernstein et al v. Wayland Planning Board; and (v) MGL Chapter 30A, Section 21a(3) to discuss collective bargaining strategy pertaining to the OPEB recommendation in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and (vi) to review and consider for approval and potential release the following executive session minutes relative to the said subjects: January 12, 2015, February 3, 2015, February 10, 2015, and February 23, 2015. The Chair declares that a public discussion of these matters will have a detrimental effect on the bargaining, litigating or negotiating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. Vice Chair C. Karlson invited attendance by Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Administrator Nan Balmer, Assistant Town Administrator/HR Director

John Senchyshyn, and Town Counsel Mark Lanza. The Board will reconvene in open session in approximately forty minutes.

The Board returned to open session at 6:59 p.m.

A2. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Large Hearing 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, and noted that the Annual Town Elections will be held Tuesday, March 31, 2015.

A3. Potential Vote to Approve a Memorandum of Agreement with regard to a Successor AFSCME Collective Bargaining Agreement T. Boschetto moved, seconded by E. Collins, to approve the Memorandum of Agreement between the Town of Wayland and AFSCME 690 Wayland for the collective bargaining agreement from July 1, 2011, to June 30, 2014. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Potential Vote to Release Executive Session Minutes of January 12, 2015, February 2, 2015, February 10, 2015, and February 23, 2015 C. Karlson moved, seconded by M. Antes, to approve as amended and release with redactions the executive session minutes of January 12, 2015, February 3, 2015, and February 10, 2015. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by E. Collins, to approve as amended and release with redactions the executive session minutes of February 23, 2015. YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

A5. Public Comment Mark Hays, 1 Sylvan Way, and member of the technology task force for the public schools, distributed a powerpoint presentation that will be presented to the Finance Committee at its meeting later that night. Anette Lewis, 33 Claypit Hill Road, asked if changes would be made to the Annual Town Meeting warrant due to the approval of the AFSCME collective bargaining agreement. J. Senchyshyn said an errata sheet will be created to revise the pay scales. Tom Greenaway, Chair, Finance Committee, said the budget adjustments will be done through the reserve salary account.

A6. Warrant Hearing for 2015 Annual Town Meeting J. Nolan opened the warrant hearing at 7:10 p.m. The Board was joined by Town Counsel Mark Lanza and Town Moderator Dennis Berry. M. Lanza advised the public that the warrant hearing is to review the warrant for errata, substantive changes, and procedural issues. Finance Director Brian Keveny said that the total revenue amount in Table 2 on page 7 will decrease due to an error in the transfer from the revolving funds, and he noted the corrections going forward to the following tables. Linda Segal, 9 Aqueduct Road, noted that the article numbers were wrong at the bottom of page 12. B. Keveny reviewed corrections to Table 12 on page 20, and said the final amount to be raised by taxation, Fiscal Year 2016, will be \$60,717,268. On Table 14, page 21, the final total of local receipts becomes \$4,192,000. Rick Greene, 26 Pequot Road, and member of the Wastewater Management District Commission, disputed the funding source for the transfers to wastewater expense, and he corrected the amount of the transfer. A. Lewis said the motion at town meeting must identify the correct budget source. L. Segal asked that the final motions be made available to the public before town meeting. M. Hays asked for more detail in the IT budget; T. Greenaway said it will be discussed at the Finance Committee meeting tonight. A. Lewis corrected the table heading on page 25 to "CURRENT YEAR TRANSFERS FY 2015." She questioned the procedure for payment of the Minuteman Vocational Assessment. Cliff Lewis, 33 Claypit Hill Road, and member of the OPEB Advisory Committee, noted that the estimated cost of the OPEB funding on page 27 was calculated differently than last year. A. Lewis said consistency is important because

residents need to make accurate comparisons. R. Greene said that in Motion 2 of Article 5, page 31, the Town Administrator was cited as responsible for the wastewater treatment facility. M. Lanza said that while the Wastewater Management District Commission has custody and control, the Town Administrator is responsible for daily operation. The Board agreed to delete the reference. A. Lewis said in Motion 1, Article 5, page 31, it states that \$1,322,580 shall be provided by transfer from other funds, and she asked for those funds to be defined. She asked why the text referred to "Acts" instead of citing the appropriate Massachusetts General Law. She said there are motions in the budget article that don't have any relevance to the budget, as tax abatements do not come from the omnibus budget. She questioned the two different amounts in the revolving funds for the Transfer Station and the Recreation Commission on page 32, and T. Greenaway explained the discrepancy. T. Greenaway said there will be changes in the capital IT budget and also in Motion 4, in the MSBA (Massachusetts School Budget Authority) language. A. Lewis said funding for the Claypit School doors and windows is a separate motion, so it must be deleted from Motion 3 on page 32. B. Keveny noted the headings in the Fiscal Year 2016 Budget charts were wrong. A. Lewis said the motion for Article 7 had the wrong pages listed. J. Senchyshyn said the headers on the FTE charts on pages 129-132 are incorrect. A. Lewis asked for clarification of the budget impact of the Valor Act, whether it has to be adopted annually, and its effect on the issue of unemployment. M. Lanza said the Valor Act only needs to be adopted once. C. Karlson said the funding is appropriated from the overlay. Gretchen Schuler, 126 Old Connecticut Path, and Chair of the Community Preservation Committee, noted that on page 66, Article 11, a.) the Fiscal Year should be 2015, and on page 69, Article 12, the Finance Committee reference should be Article 11. L. Segal said the maps in the appendices are too small and the details are unclear. J. Nolan said there will be 11x17 maps at town meeting; D. Berry said audio visual equipment will also be available. A. Lewis said the Motion for Article 19 has incorrect page numbers. A. Lewis questioned the need to determine the method of appropriation in Article 23, page 95, because the open space is a gift. M. Lanza said it is standard wording that offers all the options. Mike Lowery, 120 Lakeshore Drive, and member of the Board of Public Works, said that in regard to Article 23, there is no mention of the need to loop a water line beneath a portion of the land. R. Greene expressed concern that the transfer of land may not leave enough land for the expansion of the wastewater treatment facility, should it become necessary. The Board said they would review the issue. L. Segal said Appendices J and K are not legible. A. Lewis said that Appendix J does not show Lot R-21 as referenced in Article 25. She asked whether the decision has been made to buy or lease the land; J. Nolan said both options are currently under consideration. L. Segal asked if the town was indemnified for any contaminants at the municipal parcel cited in Article 26. M. Antes said there are ongoing conversations with Ben Gould, the town's LSP (Licensed Site Professional). A. Lewis asked that the Board strike the last sentence of Article 26, "and authorize the Town Administrator, with the approval by the voters of the Town of Wayland, to take any action necessary to carry out said program, review and designs." The Board agreed. L. Segal expressed concern about the configuration of the municipal land at town center; J. Nolan referred her to the planning process. A. Lewis said Article 28 should cite the Massachusetts General Laws and not the Acts. L. Segal asked that the Town of Lincoln be made aware of the proposed playing field at Oxbow Meadows. A. Lewis said the map at Appendix E says Appendix D. G. Schuler said the map at Appendix H will be revised for town meeting. C. Karlson said the map at Appendix J cites an access and utility easement, but the article only refers to the access easement. M. Antes moved, seconded by E. Collins, to close the warrant hearing at 8:42 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Discussion of River's Edge Project The Board was joined by members of the River's Edge Advisory Committee (Bill Sterling, Jerry Heller, Rebecca Stanizzi, Christine DiBona, Rob Morrison) and Special Counsel Stephen Anderson of Anderson & Krieger LLP. Participants discussed whether the Town of Wayland should sell or lease the River's Edge property. Bonnie Gossels, 15 Bennett Road, advocated for the lease of the property; she said a lease would provide more flexible options, better control, and the potential

for an increased bid price. S. Anderson advised the Board that there were more advantages to a sale, noting that a sale eliminates certain liabilities, relieves the town of property management obligations, and allows the town more control over the choice of projects, developers, and price. E. Collins said he agreed with B. Gossels, and asked for an economic analysis and a public hearing by the Economic Development Committee. C. Karlson said she preferred the option to sell, as she did not want the town to lose its right to qualitative review. T. Boschetto moved, seconded by C. Karlson, to dispose of the River's Edge property by sale versus lease. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: E. Collins. ABSENT: none. ABSTAIN: none. Adopted 4-1.

N. Balmer advised the Board that the issue of site assignment was addressed in a confidential memo, and therefore the Board can vote but cannot engage in discussion. L. Segal asked if the Board of Health should be included in the conversation. S. Anderson said the Board of Health was involved with both the River's Edge Advisory Committee and the Department of Environmental Protection regarding its options. M. Antes moved, seconded by C. Karlson, to keep the Site Assignment in place but secure Department of Environmental Protection Presumptive Approval for the new River's Edge use. YEA: M. Antes, C. Karlson, J. Nolan. NAY: E. Collins. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 3-1-1.

Chris Brown, Chair, Board of Public Works, said the Board supports the River's Edge project, but expressed concern about the ability of the Board of Public Works to retain control of the land in the event there is no development agreement. J. Nolan asked what options are available to address the issue. S. Anderson cited previous case law that provided flexibility in creating an agreement for the continued use of the land and arrangements that would satisfy all interests. Mike Lowery, Board of Public Works, questioned why the Board of Public Works could not convey the land for sale, and S. Anderson cited the legal justification for the conveyance to the Board of Selectmen.

S. Anderson left the meeting at 9:25 p.m.

C. Brown said another issue is the ability to supply water to the site, and a study must be authorized to insure that it will be possible. T. Boschetto asked about the source of funding; R. Stanizzi said the cost is approximately \$2,000 and is already included in the appropriation. C. Karlson volunteered to work with the Chair of the Board of Public Works on the issue. The Board reviewed the request for approval of legal fees and engineering and consultant contracts. T. Boschetto requested that the approval of the legal invoice be held until the details of the invoice are made available. C. Karlson moved, seconded by M. Antes, to approve the Tata & Howard contract for a study of water service capacity and flow testing in the amount of \$9,000, and to approve the contract of Ed Marchand, Consultant, for a follow up on peer review of the RFP, not to exceed \$1,000. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Review and Potential Vote to Support Annual Town Meeting Warrant Articles, Including Petitioners' Articles M. Antes moved, seconded by E. Collins, to recommend to town meeting the approval of the article, "Acquire Open Space Parcel in Sage Hill Subdivision." YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. T. Boschetto moved, seconded by M. Antes, to recommend to town meeting the approval of the article, "Acquire 246 Stonebridge Road." YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. In regard to Article 29, "Town will Enforce Lowest Speed Limit Allowed by Law," M. Antes said the petitioner would like to meet with the Board, Town Counsel, the Chief of Police, and the Board of Public Works to discuss his concerns outside of town meeting.

A9. Review and Approve Consent Calendar (See Separate Sheet) T. Boschetto moved, seconded by E. Collins, 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.

A10. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence, and noted the Chapter 90 funds for the repair of damaged roads after the snowstorms this winter.

A11. Report of the Town Administrator N. Balmer updated the Board on IT (Information Technology) capital projects, and a long-term capital and joint management plan to work with the schools. She reported on the Moderator's Forum, and she said that she is working with Superintendent of Schools Paul Stein and the Board of Public Works to get the fields open as soon as possible. She provided a memorandum on the status of the solar projects agreements with Ameresco from Facilities Director Ben Keefe.

A12. Selectmen's Reports and Concerns There were no Selectmen's reports and concerns.

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

A13. Adjourn There being no further business before the Board, C. Karlson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:10 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 March 30, 2015

1. Email of 3/30/15 from Ben Keefe, Facilities Director, to Nan Balmer, Town Administrator, re: Wayland High School Artificial Turf Update
2. Powerpoint Presentation to the Finance Committee by Dave Bernstein, David Howe, Rajiv Shridhar, and Mark Hays re: IT CIPS: New Direction Required

Items Included as Part of Agenda Packet for Discussion During the March 30, 2015 Board of Selectmen's Meeting

1. Memorandum of 3/25/15 from Jerry Heller and Rebecca Stanizzi, River's Edge Advisory Committee, re: Documents for River's Edge Update at March 30 Meeting
2. List of Articles for Annual Town Meeting with Positions of Board of Selectmen
3. Report of the Town Administrator for the Week Ending 3/27/2015