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# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

LEA T. ANDERSON  
MARY M. ANTES  
ANTHONY V. BOSCHETTO  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

### Board of Selectmen Meeting Minutes Executive Session July 27, 2015

**Attendance:** Lea T. Anderson, Tony V. Boschetto (arrived 7:23 p.m.), Cherry C. Karlson, Joseph F. Nolan (arrived 6:45 p.m.)

**Absent:** Mary M. Antes

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Assistant Superintendent of Schools Brad Crozier, Finance Committee member Carol Martin, and Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

**Purpose:** The session was called at 6:45 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to collective bargaining pertaining to the school custodians and potential vote to instruct the Selectmen's representative to those negotiations on a potential school committee vote; and to review and consider for approval the minutes of May 18, 2015, June 24, 2015, and July 13, 2015, relative to said subjects: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of potential litigation regarding illegal affordable housing rentals; and a discussion of strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al, and a discussion of strategy with respect to pending actions regarding Ide, et al, v. Zoning Board of Appeals et al, Frishman V. Lanza, et al, Carvalho's v. Town, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Dresens, et al v. Planning Board, et al, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, and Appellate Tax Board cases filed by the Wayland Town Center LLC and West Beit Olam Jewish Cemetery Corporation; and a discussion of collective bargaining strategy pertaining to contract negotiations with the Police Union, the Fire Union, and the AFSCME Clerical Union, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), a discussion of the exchange, lease or value of real estate in regard to the municipal parcel at Town Center. The Chair declares that a public discussion of pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:** B. Crozier said the School Committee and the custodians' union have negotiated a successor one-year extension of their contract with the same COLA of 1.5% as the other bargaining units. He said the only difference is another increase of 1.5% on the last day of the contract, so if a successor contract isn't negotiated, it will line up with the other contracts. He discussed minor changes in the contract, including changing the procedure on snow removal, web-based posting of jobs, the authority to authorize overtime, building checks, and overnight stays at the town building. He said an RFP will be prepared in the fall to evaluate the advisability of contracting out the services. He said the School Committee supports the contract. C. Martin asked about the funding of the COLA's. B. Crozier said it is in the budget. J. Nolan moved, seconded by L. Anderson, to authorize the Selectmen's designee to the School Custodian negotiations,

Assistant Town Administrator John Senchyshyn, to vote in support of the Memorandum of Agreement between the School Committee and the Public Employee's Local Union 1116 Custodians and Maintenance. Roll call vote: YEA: L. Anderson, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0.

J. Senchyshyn said he has not received any feedback from the Board on the Septage IMA (Intermunicipal Agreement) with Sudbury. C. Karlson said the Sudbury Board of Selectmen has asked for a redlined copy; she said she described the changes, and understands that they will review it at their meeting of July 28. She said she did not go forward with Special Counsel; it was the opinion of counsel that the River's Edge RFP can proceed without the IMA. However, they recommended drafting into the River's Edge RFP a disclosure of the issue and a contingency plan. She said the current RFP is drafted without the IMA; if the IMA is approved before the River's Edge RFP is issued, it will be included as an addendum. J. Nolan asked if the Board could vote the RFP tonight. C. Karlson said the developer would be responsible for the demolition unless the matter is settled. She said Rebecca Stanizzi, Chair, River's Edge Advisory Committee, would like to get the RFP out by September 1. J. Nolan expressed concern that Sudbury's position would be bolstered if the RFP is issued without the IMA. He said the RFP should be issued, but he would like to get the IMA finalized and included as an addendum.

The Board reviewed and made edits to the draft executive session minutes. L. Anderson moved, seconded by J. Nolan, to approve as amended and hold the executive session minutes of May 18, 2015, June 24, 2015, and July 13, 2015. Roll call vote: YEA: L. Anderson, C. Karlson, J. Nolan. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0.

L. Anderson moved, seconded by J. Nolan, to exit executive session at 7:21 p.m. Roll call vote: YEA: L. Anderson, C. Karlson, J. Nolan. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0.

#### **Items Distributed for Information and Use by the Board of Selectmen at the July 27, 2015, Meeting**

1. Memorandum of 7/27/15 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen re: School Custodial Union Negotiations
2. Memorandum of 7/27/15 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen re: Septage Negotiations
3. Draft Executive Session Minutes of May 18, 2015, June 24, 2015, and July 13, 2015