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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 August 31, 2015

Attendance: Lea T. Anderson, Tony V. Boschetto (arrived at 6:40 p.m.), Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli (left at 6:52 p.m.)

A1. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Disposition of the Wayland/Sudbury Septage Facility

At 6:32 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss strategy with respect to the disposition of the Wayland/Sudbury Septage Facility because a public discussion of the purchase, exchange, lease or value of real property in regard to the Wayland/Sudbury Septage Facility may have a detrimental effect on the negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark J. Lanza, and Administrative Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 6:52 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 6:53 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. L. Anderson said the Library Planning Committee has posted its report on its website. J. Nolan noted that school begins this week, and M. Antes said the Arts Fair will take place on the grounds of the Wayland Town Building on September 19.

A3. Public Comment Larry Kiernan, 17 Concord Road, and Chair of the Rail Trail Committee, said he is meeting on September 17 with the Historic District Commission regarding the future rail trail route through the railroad depot, and he has already met with the Historical Commission and abutters. He asked the Board to clarify the ownership of the parking lot of the depot, as he would like to have full representation. J. Nolan suggested that cobblestones be added to the bike path for historic ambience and to delineate the track structure.

A4. Joint Meeting with Planning Board to Interview Candidates and Potential Vote to Appoint Associate Planning Board Member for a Term to Expire at the 2016 Annual Town Election

This agenda item was postponed until a later date.

A5. Discuss Potential to Waive Attorney Client Privilege of Letter submitted by Attorney Toomey of Murphy, Hesse, Toomey & Lehane; Meet with School Committee Representative to Discuss and Potential Vote to Co-Sponsor Article to Adopt State Statute for School Revolving Funds The Board was joined by Ellen Grieco, Chair of the School Committee, and Susan Botton, School Business Manager, to discuss the Special Town Meeting article to adopt the state statute for school revolving funds. E. Grieco said the School Committee voted 5-0 to waive attorney-client privilege in regard to the opinion letter from Attorney James Toomey. The Board discussed concerns about setting a precedent. L. Anderson moved,

seconded by M. Antes, to waive attorney-client privilege and release to the public only the letter from Attorney James Toomey dated August 25, 2015, on school revolving funds. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board considered whether to co-sponsor the Special Town Meeting article submitted by the School Committee on revolving funds. T. Boschetto asked for more time to discuss and consider the article. E. Grieco said the School Committee voted 4-1 in favor of submitting the article. J. Nolan said he would support the inclusion of the article in order to allow the debate at Town Meeting. The Board postponed its vote to a later meeting.

A8. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar. T. Boschetto expressed concern that the Board did not have the details of the legal invoices. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: T. Boschetto. ABSENT: none. ABSTAIN: none. Adopted 4-1. The Board discussed reviewing the policies regarding legal counsel at a future meeting.

A6. Meet with Representatives of the Recreation Commission to Discuss Special Town Meeting Article to Authorize the Board of Selectmen to Petition the Legislature for a Special Act to Increase the Cap on the Recreation Revolving Fund; Discussion of Recreation Budget Structure for FY17

The Board was joined by Recreation Commission members Frank Krasin, Anna Meliones, and Brud Wright, Recreation Director Jessica Brodie, Finance Committee member Carol Martin, and Finance Director Brian Keveny, to consider an article for Special Town Meeting that addresses the issues regarding the Recreation revolving fund. J. Nolan said the Recreation Commission would like the town to petition the legislature to increase the 53E½ cap to 5% of taxation. He expressed concern that the town will continue to absorb the cost of the salaries, and suggested that a placeholder article for an enterprise fund be included as well. B. Keveny recommended that the salaries be paid by the Recreation Commission. He said that the projected balance in the Recreation revolving fund for the end of FY16 is \$880,000, an excess fund balance of 100% of revenues. J. Brodie noted approximately \$100,000 in outstanding FY16 invoices for expenses incurred in FY15. Members discussed the advisability of transferring excess funds to the general fund, or, alternatively, allowing the funds to remain in the revolving fund and to begin to draw it down for the payment of salaries. B. Wright said the recreation staff should be paid from the general fund, noting it is common practice in peer towns, and it was the practice before the formation of the DPW. He suggested that the excess funds in the revolving account be used for capital improvements of the fields and other facilities, and said the users would prefer to have their user fees used in this manner. T. Boschetto said bifurcating the costs of the recreation programs doesn't give a clear picture to the taxpayers and hinders financial management decisions. J. Nolan said the use of the surplus for capital projects excludes recreation projects from the five-year capital plan. C. Karlson noted that recreation did not submit any projects on its five-year capital plan. She said there remains two conflicting plans, with no unified approach to present to town meeting. B. Wright said the Recreation Commission agreed to remain as a 53 E½ revolving fund and to ask the approval of the State legislature to raise the cap to 5%. J. Nolan said he would agree to that approach if the salary expenses were included in the recreation budget. T. Boschetto said he would support an enterprise fund; it was his opinion that the budget could be better managed, and noted that it would allow the Recreation Commission to incur debt and fund capital projects. B. Wright said if an enterprise fund included salaries, the Recreation Commission would need to increase fees. J. Nolan suggested putting two placeholder articles in Special Town Meeting. M. Antes said more work needs to be done so the voters have clarity. C. Karlson said there needs to be agreement on the amount of the cap before town meeting. N. Balmer pointed out that an article to create an enterprise fund cannot be submitted to a Special Town Meeting. B. Wright said the Recreation Commission has voted to submit this article. It was the sense of the Board that more preparation was necessary to create a

unified plan, and if the parties could not agree upon a clear plan and budget, the Board retains the right to withdraw the article.

A7. Discussion and Vote to Submit Articles Sponsored by the Board of Selectmen The Board was joined by Finance Director Brian Keveny to discuss the article submitted by the Finance Committee to revise the sources of funding for the fiscal year 2016 operating budget. J. Nolan moved, seconded by T. Boschetto, to accept for inclusion in the 2015 Special Town Meeting warrant the article, "Amend FY2016 Budget Funding Sources," with the correction from "2016 Annual Town Meeting" to "2015 Annual Town Meeting." YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board was joined by OPEB Advisory members Cliff Lewis and Maryanne Peabody to discuss the article for Special Town Meeting to rescind the town's special act to create an OPEB fund and adopt Massachusetts General Laws 32B Section 20 to establish an OPEB Trust Fund. C. Lewis reviewed the article and the need for investment expertise in order to meet the town's financial goals. He said one member of the committee opposed the article due to concerns of cost to benefit. T. Boschetto noted the article provides flexibility and does not mandate action, and C. Karlson said that should be clarified for town meeting. J. Nolan moved, seconded by L. Anderson, to accept for inclusion in the 2015 Special Town Meeting warrant the article, "OPEB Trust Fund Legislation and Governance." YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed the article to amend the Minuteman Regional Vocational School District Agreement to allow Wayland to withdraw. C. Karlson questioned the need to vote twice to withdraw; T. Boschetto said the town voted first to withdraw, and now must vote to accept and approve the amendment to withdraw. T. Boschetto said the town needs to follow up with other towns and request that they take action at their next town meeting. N. Balmer said the amendment must be sent to DESE (Department of Elementary and Secondary Education), and is expected to be approved by July 2017. Board members discussed the financial impact of the withdrawal, and considered the annual debt service charge, the formula for calculations, and the cost implications of non-member enrollment. C. Karlson suggested that a financial analysis be provided to town meeting to show the cost savings. J. Nolan said the town should also take into consideration the value of a new school facility. T. Boschetto moved, seconded by L. Anderson, to approve and accept for inclusion in the 2015 Special Town Meeting warrant the article, "Amendment to Minuteman Regional Agreement regarding the Withdrawal of the Town of Wayland from the Minuteman Regional School District" which was approved by the Minuteman Regional School Committee on July 7, 2015, and which has been submitted to the Board of Selectmen consistent with the current Minuteman Regional Agreement. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Board discussed the need to put a zoning article in the next town meeting regarding the sale of used cars.

A9. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence.

A10. Report of the Town Administrator N. Balmer provided an update on the Information Technology project, noting there is still not a sufficient description of the necessary projects to put together a funding request.

A11. Selectmen's Reports and Concerns There were no Selectmen's reports and concerns.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any

The Chair declared that there were no further topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.

A13. Adjourn There being no further business before the Board, J. Nolan moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:02 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, 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 August 31, 2015

1. Email exchange, 8/25/15, re: A Message from the Town Clerk
2. Letter of 8/28/15 from Edward Bouquillon, Superintendent, Minuteman School, to Wayland Board of Selectmen re: Clarification of New Minuteman High School Plans

Items Included as Part of Agenda Packet for Discussion During the August 31, 2015 Board of Selectmen's Meeting

1. Memorandum of 8/28/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Appointment of Vacant Position as Associate to the Planning Board, Applications from Nicole Riley, Jennifer Steel, and Steven Glovsky, and Letter of Withdrawal, 8/21/15, from Steven Glovsky
2. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: School Committee, Co-Sponsor Article on School Revolving Funds, and Letter of 8/25/15 from Murphy, Hesse, Toomey & Lehane re: Revolving Accounts
3. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Recreation Commission Article for Special Act to Increase the Cap on MGL 44 Section 53 E ½ Revolving Fund and Discuss Recreation Budget Structure for FY17
4. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Article Sponsored by Selectmen, Amend Minuteman Regional Vocation School District Agreement to Allow Withdrawal by the Town of Wayland
5. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Article Co-sponsored by Selectmen, Revise Sources of Funding for the FY 2016 Operating Budget
6. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Article Sponsored by Selectmen, Repeal OPEB Special Act and Accept State Statute for OPEB Trust Fund
7. Town Administrator's Report for the Week Ending August 28, 2015