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TOWN OF WAYLAND

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Approve and
Release with
Redactions

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DOUGLAS A. LEVINE

Board of Selectmen

Meeting Minutes

Executive Session

March 9, 2020

6:45 pm

Wayland Town Building, Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea Anderson, Tom Fay, Cherry Karlson, Doug Levine

Absent: Mary Antes

Also Present: Louise Miller, Town Administrator; Elizabeth Doucette, Assistant Town Administrator; Ellen Grieco, Vice Chair of the School Committee

Purpose: At 6:49 p.m. C. Karlson called the session to order in the Selectmen's Meeting Room, Wayland Town Building by unanimous roll call vote of the Board (YEA: T. Fay, C. Karlson, L. Anderson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to accepting Spencer Circle as a public way; and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176; and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Teachers Association, Wayland Educational Secretaries Association, Wayland Food Service Association, Custodians & Maintenance Local 116 regarding health insurance payroll deductions, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2) (3) and (6) to review and approve the executive session minutes of February 24, 2020 with the intent of approving and holding said minutes.

Spencer Circle: L. Miller provided an update of discussions with the residents of Spencer Circle and the latest proposed easement language. L. Miller provided a written update "Spencer Circle Easement and Deed Update" and a draft red-lined easement agreement for 6 Spencer Circle to facilitate the Board's discussion. She reviewed the Town's primary concerns entering negotiations: having access to the drainage system for maintenance and repairs, limiting liability related to the structure of the house and garage (6 Spencer Circle), related to potential damage to the driveway, landscaped areas and irrigation systems if the drainage system required repair/replacement. After many discussions, the Town negotiated a release of liability for the house/garage and a previous sink hole in the driveway (6 Spencer Circle) and agreed to patch the driveway, lawn (loam and seed) and irrigation system if damaged. The homeowners will provide an irrigation plan and, with notice of work to be done, will flag the irrigation heads and shut off the water prior to the maintenance/repair.

KPLaw completed its title search. The title search revealed that the road and portions of the drainage system under the road belong to the owners of the properties on Spencer Circle in fee simple and that the portions of the drainage systems under 4 and 6 Spencer Circle are owned by those properties. Therefore, each residence on Spencer Circle needs to grant the Town an easement to allow passage. The developer had a punch list of items to be completed, and the Town holds approximately \$2400 in bond money.

At this time, the road was built to specifications, the as built plans show the drainage structure, the Planning Board has voted three times to recommend accepting the road. If the road had been taken in 2003 when it was completed, it is likely none of these items would have been considered. By negotiating these easements, the Town and neighbors are in a better position.

C. Karlson reported that in a March 5th meeting, the owners of 6 Spencer Circle threatened to sue the Town if the road acceptance did not go forward to the Board of Public Works and ultimately to Town Meeting with a positive vote. They were very clear in their frustration with the process.

T. Fay moved, seconded by D. Levine, to authorize the chair to work with the Town Administrator to complete the easements with all Spencer Circle residents with language as discussed by the Board. Roll call vote of the Board: YEA: T. Fay, C. Karlson, L. Anderson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

T. Fay moved, seconded by D. Levine, to take the topic of Spencer Circle out of executive session despite the residents' threat of a lawsuit. Roll call vote of the Board: YEA: T. Fay, C. Karlson, L. Anderson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

Exit Executive Session: The Chair asked for a motion to exit executive session to allow for the participation of School Committee member Ellen Grieco when the Health Insurance Payroll Deductions are discussed.

At 7:12 pm, L. Anderson moved, seconded by D. Levine, to exit executive session. Roll call vote of the Board: YEA: T. Fay, C. Karlson, L. Anderson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

Executive Session, continued: At 7:13 pm, the Board continued its executive session under the same motion as previously moved with the addition of attendance by Ellen Grieco, Vice Chair of the School Committee.

Police Negotiations: L. Miller reported that the Police union membership voted in support of the terms of agreement. She will work with them to draft a Memorandum of Agreement (MOA) for signature of both parties. Once signed, she suggests amending the ATM budget motion to add 2% to the Police salary line item (from the Unclassified: Reserve for Salary Adjustment line). L. Miller will meet with Finance Committee member Kelly Lappin to review the financial aspects of the MOA. The Board thanked L. Miller for her work on these negotiations. This topic will not leave executive session until the MOA is signed by both parties.

Minutes: The Board reviewed the draft minutes of February 24, 2020. L. Anderson moved, seconded by T. Fay, to approve and hold the minutes of February 24, 2020, as prepared. Roll call vote of the Board: YEA: T. Fay, C. Karlson, L. Anderson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

Health Insurance Payroll Deductions:

[REDACTED]

[REDACTED]

[REDACTED]

Exit Executive Session: At 7:32 pm, L. Anderson moved, seconded by D. Levine, to exit Executive Session. Roll call vote of the Board. YEA: T. Fay, C. Karlson, L. Anderson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

Documents provided:

[REDACTED]