



# TOWN OF WAYLAND

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BOARD OF SELECTMEN  
STEVEN J. CORREIA  
THOMAS J. FAY  
JOSEPH F. NOLAN  
SUSAN W. POPE  
MICHAEL L. TICHNOR

## Board of Selectmen Meeting Minutes December 14, 2009

**Attendance:** S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor  
**Also Present:** Town Administrator F. Turkington, Secretary M. DiNapoli

Chair J. Nolan called the meeting of the Board of Selectmen to order at 7:02 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience.

**A2. Recess to Attend Finance Committee Presentation of the Updated Long-range Financial Plan** The Board recessed at 7:04 p.m. to attend the Finance Committee presentation on the town long-range financial plan, and returned to its regular meeting at 8:00 p.m. F. Turkington announced that the Board will not be meeting on Monday, December 28, 2009, and that Santa's Ride in Wayland is scheduled for December 20-22.

**A3. Public Comment** There was no public comment.

**A4. Report by WayCAM on 2010 Budget and Status of Finances** Ken Isaacson, Jerry Boos, and Susan Koffman of WayCAM appeared before the Board to review the 2010 budget of WayCAM. S. Koffman said that WayCAM is ahead of its income target as a result of the Verizon income being more than anticipated and a successful fundraising drive. She also noted that they spent less than anticipated. The Board discussed the proper level of cash reserves, possible other sources of income, and budgeting for their anticipated move from the High School. S. Correia said that WayCAM will create a small working group to find alternate space, as well as to consider the costs and the timeline for the move. M. Tichnor asked if they had developed a long-term financial plan. K. Isaacson said no, they will work with Verizon to create one. The Board asked to be advised of the long-term plan once it is established.

K. Isaacson addressed the issue of the broadcast of the Special Town Meeting. He acknowledged that they experienced difficulties, but noted the space is larger and the sound system was not adequate. He said they will work to make improvements by the next meeting, and also asked the viewing public for volunteers.

**A5. Discussion of Open Meeting Law Issues** The Board discussed the ongoing allegations of violations of the Open Meeting laws. J. Nolan said that three issues were raised over the last six weeks. The first was an assertion that certain emails sent by a selectman and copied to all members were deliberative in nature and therefore violated open meeting laws. He said the Board should discontinue the practice and instead send emails through the Town Administrator. M. Tichnor said he would prefer to get an advisory opinion from the Middlesex District Attorney's office to determine the distinction between deliberative emails and information that is distributed by the delivery of the packets. J. Nolan said the second concern was a two-week delay of listing two emails before it appeared on the pink sheet. He noted that the documents were made public. He asked the Town Administrator to include

correspondence on the pink sheet in accordance with Board policy. He said the third issue was the reception for Representative Niki Tsongas, and he noted there was no deliberation, no discussion of issues, and according to the opinions of two counsels, there was no violation of the open meeting law. J. Nolan said the Board must be extremely diligent in its actions. M. Tichnor said the Board has been in compliance for the six years he has served, and should continue to do so. T. Fay said the purpose of the law is to maintain transparency, and Wayland has an excellent record in that regard. S. Pope noted legal counsel has opined that the town was not in violation, and the Board should move on to important issues, such as the town center project and the new high school. S. Correia said technology is changing, and the Board needs to be aware of new compliance issues. J. Nolan said the Board should look at its policies and see if there's anything that needs to be improved. He noted that diligence in complying with the Open Meeting Law and Public Records Law is the responsibility of the members of each board; he noted this is a town-wide issue and said the selectmen should take the lead and offer training for employees and volunteers. T. Fay suggested the Board consider this matter in the fall when the Attorney General takes over enforcement of the rules. F. Turkington noted the potential for an appointed Attorney General (based on the results of the US Senate election on January 19, 2010) and the likely delay in reconciling differences in interpretation of OML issues by district attorneys. He recommended training in the next few months by the Middlesex DA and follow-up training to be offered later in the year on changes in policy that may be established by the Attorney General. He also suggested that the Board review its electronic communications policy (see Selectmen's Manual pp. 5-11) referenced in one of the complaints and update as required to meet the advice provided by the District Attorney.

**A6. Review of Selectmen's Department Proposed Budgets for FY11** F. Turkington reviewed the proposed budgets for departments under the Board of Selectmen for FY11. He noted the only adjustments are salary adjustments, an increase in IT for software licensing, and snow removal for the DPW. He said the savings from the MWRTA in the Council on Aging budget is offset by a request to make a contract employee into a permanent employee. F. Turkington reviewed the timeline for the remainder of the budget process.

**A7. Consent Calendar** S. Pope moved, seconded by S. Correia, to approve the consent calendar (warrant TA121409). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

**A8. Correspondence** The Board discussed the week's correspondence. F. Turkington distributed additional correspondence from Tom Cooper regarding a procedural objection to Special Town Meeting vote. He said Town Counsel Mark Lanza will draft a response to the three letters that raised this issue. The Board discussed electronic voting, and asked the Town Administrator to invite the Town Moderator to a future meeting for further discussion.

**A9. Report of the Town Administrator** T. Fay moved, seconded by S. Correia, to approve the liquor licenses, entertainment licenses, victuallers licenses, and auto dealers as attached. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

Section 12 On-Premise All Alcoholic

1. J.J. McKays (Town and Country Restaurant Inc.)
2. The Villa Restaurant (The Villa Inc.)
3. VFW Post #6260 (Club License)
4. Broomstones (Club License)

Section 12 On-Premise Wine & Malt

1. Water Lily (Ho Tai Wayland Inc.)
2. Mel's Commonwealth Café (Elmwood Donuts Inc.)

Retail Package Goods Stores, All Alcoholic

1. Post Road Liquors Inc.
2. Lavins Inc. of Wayland

Retail Package Goods Stores, Wine & Malt

1. Donelan's Supermarkets Inc.

Common Victuallers

1. Water Lily (Ho-Tai Wayland Inc.)
2. Coach Grill (BBRG Operating Inc.)
3. J.J. McKay's Restaurant (Town & Country Restaurant Inc.)
4. The Villa Inc.
5. Wayland Country Club (Golf Course Enterprises)
6. VFW Post 6260
7. Mel's Commonwealth Café (Elmwood Donuts Inc.)
8. Luigi's Italian Grill (Old Wayland Restaurant Inc.)
9. Starbucks Coffee Company
10. SMOG (South Middlesex Opportunity Council)
11. Wayland Pizza House
12. Finagle-a Bagel
13. Liberty Pizza (MC&G Pizza Inc.)
14. Caraway's (Franklin Caterers Inc.)
15. Einstein Brothers Bagels (Einstein and Noah Corporation)

Entertainment Licenses

1. J.J. McKay's Restaurant (Town & Country Restaurant Inc.)
2. The Villa Inc.
3. Luigi's Italian Grill (Old Wayland Restaurant Inc.)
4. Starbucks Coffee Company
5. Einstein Brothers Bagels (Einstein and Noah Corporation)

Auto Dealers

1. Herb Chambers of Wayland Inc. dba Bentley Boston (533 Boston Post Road)
2. Herb Chambers of Wayland Inc. dba Herb Chambers Rolls-Royce Motor Cars
3. Herb Chambers of Wayland Inc. dba Herb Chambers Lamborghini
4. International Auto Works Inc. (118 Main Street)
5. Wayland Imports (Glenn B. Schwartz – 70 Boston Post Road)
6. Wayland Automotive Sales (322 Commonwealth Road)
7. State Road Auto Body (Stephen Jones – 292 Boston Post Road)
8. Shepard's Service (Mark Shepard – 268 Boston Post Road)
9. Belmont Motorcars Inc. (Joshua Marmor – 268 Boston Post Road)
10. Wayland Mobil (DJS Inc. - 315 Commonwealth Road)
11. Wayland Gulf Inc. (130 Main Street)
12. Vladimir Chumakov (129 Boston Post Road)

F. Turkington reviewed the upcoming agendas and meeting schedules. He requested that the Board consider the creation of an economic development committee. He noted that most town boards are regulatory in nature, and there should be a counterbalance available to foster a healthy debate. The Board reviewed the Annual Town Meeting schedule and agreed to vote its approval next week.

**A10. Selectmen's Reports and Concerns** T. Fay acknowledged the editorial piece by Frank Doherty in the Town Crier, and said he hopes the project breaks ground by the spring. M. Tichnor said the Finance Committee did an extraordinary presentation tonight, and noted that all boards and committees must be cooperative and deal with budget cuts in a way that minimizes disruption of services. S. Pope agreed, and said she was particularly glad to see the Finance Committee considering GIC for healthcare. S. Correia updated the Board on a meeting with the Community Preservation Committee; he said they are looking at bonding to borrow and purchase large parcels of property. He also updated the Board on ComCast negotiations.

**A11. Discuss and Vote on Evaluation of Town Administrator** The Board reviewed the final evaluation of the Town Administrator. The Board asked to modify the format next year, as the categories were unclear. S. Pope moved, seconded by T. Fay, to authorize the Chair to finalize the evaluation of the Town Administrator as presented. M. Tichnor said the evaluation does not adequately reflect the high quality of work done by F. Turkington. J. Nolan said he has a particular gift for articulating his thoughts, and is well-respected throughout the state. T. Fay said he is one of the best assets of the town, and his patience is admirable. S. Correia said he would be an asset to any Fortune 500 company, and the town is fortunate to have him. S. Pope said it has been a very difficult year, and F. Turkington has always been up to the task. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

**A12. Executive Session** At 9:54 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by M. Tichnor and seconded by S. Pope, to go into executive session pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) to discuss strategies with respect to pending litigation between the Town and Finegold Alexander Architects and others relative to the Public Safety Building. The Board will return to open session in approximately three minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 10:10 p.m.

S. Pope moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 10:10 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.