



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

AFR
11/2/09

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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 October 13, 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. Public Comment Jackie Ducharme, 44 Pond Drive, representing "Wayland Neighbors for Responsible Land Use," expressed concern about the committee formed to seek a consultant to develop a land use plan for the property at Doran Road. Joe Dorr, 14 Doran Road, said he is opposed to building an affordable housing project at Doran Road. Debbie Portyrata, 48 Pond Drive, said she was upset that no one informed her that the town was pursuing such a project on land in which she has an interest. Stanley Ducharme, 44 Pond Drive, said he attended the Doran Road Advisory Committee meetings since May, and he is concerned that the committee intends to duplicate the Nike Site project. J. Nolan said the goal of the Board of Selectmen is to consider the property in terms of open space, its impact on the pond, the need for a community septic system, and affordable housing; he said they are aware of the concerns of the residents. F. Turkington said all the committee meetings have been open to the public, and the Board has actively sought members from the neighborhood. He said the committee charge is very broad with no special weight given to affordable housing, and it is still very early in the process. He also noted that the deadline for the grant submission has passed and the funding for the consultant may not be available. J. Ducharme said the Doran Road property is not mentioned in the current Master Plan, and a revised Master Plan should be prepared that spreads affordable housing throughout Wayland. F. Turkington said he will send information on the housing partnership and the master plan to every member of the "Wayland Neighbors for Responsible Land Use." Anette Lewis, 33 Claypit Hill Road, thanked the Town Administrator for the draft amendment to the town center development agreement. She said the Board needs to explain what is being proposed and allow time for public review and comment. David Bernstein, 25 Glezen Lane, thanked the Board for making available the Finance Committee assessments of the town center project, and he also requested public hearings. J. Nolan thanked A. Lewis for pointing out that Exhibits C and D to the Development Agreement had not been filed at the Registry of Deeds. The Board reviewed for the public the changes to the Development Agreement.

A3. Review and Discussion of Proposed Amendment to Development Agreement between the Town of Wayland and Twenty Wayland LLC Bob Lentz, Finance Committee, joined the Board to review and discuss the financial analysis prepared by the Finance Committee in regard to the proposed amendment to the Development Agreement. He said the Finance Committee believed the town center project must continue, and cited the increased tax revenue which would fund 20%-43% of the new high school, the \$3 million gift, the gift for the bike path and municipal parking, twelve affordable units, a

municipal pad, the enhancement and development of Wayland Commons, and the 80% favorable vote at the 2006 Annual Town Meeting. B. Lentz requested that the analysis be included as an appendix to the Special Town Meeting warrant.

F. Turkington reviewed minor revisions by Twenty Wayland attorney Sarah Orlov to the Amendment to the Development Agreement. The Board discussed the advisability of further public comment. T. Fay said the Board should have thirty minutes of discussion and public comment at the next meeting. M. Tichnor said the Board should not create a false expectation that it will consider changes in the business terms which were developed through difficult negotiations. The Board agreed to schedule public comment at the next meeting.

The Board reviewed and approved an opinion piece for the local media prepared by F. Turkington, "Town Center: Preserving the Concept and the Vision."

A4. Discussion and Vote on Request for Debt Exclusion Ballot Question for High School Project

M. Tichnor moved, seconded by S. Pope, that the Board of Selectmen authorize the placement of the following question on the ballot at the Special Town Election to be held on November 17, 2009: "Shall the Town of Wayland be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bond issued in order to expand and modernize Wayland High School?" YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A5. Consent Calendar M. Tichnor moved, seconded by S. Correia, to approve the consent calendar (Warrants TA101309, SA101309 and M1008S). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A6. Correspondence The Board considered the reinstatement of the previously banished dog, "Kaya," and asked that the Dog Control Officer provide an opinion. M. Tichnor noted resident concerns about changing the age restriction on the Wayland Commons project; F. Turkington said the Zoning Board of Appeals had already voted to lift the 55+ age restriction on the project. T. Fay cited the retirement of Deputy Fire Chief Ken Hart, and commended him for his service to the town.

A7. Report of the Town Administrator M. Tichnor moved, seconded by T. Fay, to order and insert the Special Town Meeting articles as presented. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. F. Turkington said the Finance Committee public forum on budget guidelines will be Monday, October 19, and suggested the Board meet at 6:30 pm to attend the forum before their regular meeting. He discussed a meeting with Sudbury officials regarding collaborative issues such as a joint contract for solid waste hauling and disposal and recyclable materials at the end of the current agreements, and shared use of transfer stations. The Board reviewed upcoming agenda items.

A8. Selectmen's Reports and Concerns The Board discussed the Doran Road issue. J. Nolan said there is a lot of disinformation, and it should be made clear that the Board intends to protect the pond, the aquifer, and open space. F. Turkington said the project will proceed only if grant money is available; he also said that Mary Antes, a member of the committee, has discussed using CPA funds. Michael Lowery, 120 Lakeshore Drive, said the Board's conception of the committee proceedings is not the reality. He suggested that the Doran Road residents be invited to tour the Nike Site project. S. Pope and J. Nolan said they attended the retirement party of Deputy Fire Chief Ken Hart, and thanked him for his contribution to the town. S. Correia said the demolition of the WayCAM studio in the current high

school building is scheduled for 2012. He also noted the second round of cable negotiations will begin next Thursday. J. Nolan said that he attended the Economic Forum sponsored by the 495 Arc of Innovation, and it was suggested that the Wayland Nike development is the gold standard for publicly funded affordable income properties. He said he would like to plan an event in Wayland to recognize this achievement.

A9. Executive Session At 9:32 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by M. Tichnor and seconded by S. Correia, to go into executive session pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) to discuss strategies with respect to pending litigation regarding the Public Safety Building because a public discussion of this matter will have a detrimental effect on the litigating position of the Town. The Board will return to open session in approximately ten minutes for the sole purpose of adjourning.

The Board returned to open session at 9:45 p.m.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 9:45 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.



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CONFIDENTIAL

Board of Selectmen
Executive Session Minutes
October 13, 2009

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

Purpose: The session was called at 9:32 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by M.G.L. Chapter 39, Section 23B, paragraph three, to discuss strategies with respect to pending litigation regarding the Public Safety Building because a public discussion of this matter will have a detrimental effect on the litigating position of the Town.

Discussion: T. Fay updated the Board on the negotiations with BSC Group in regard to the Public Safety Building. He said that according to Special Town Counsel John Perten, the BSC Group is not willing to consider any further offer over \$20,000 for the building envelope deficiencies. He said J. Perten recommends working with the architect, Finegold Alexander, to finalize the building envelope portion of the lawsuit for a settlement figure of between \$550,00 and \$600,000. The town would then pursue the BSC Group for another \$600,000 in settlement for the basement issues without a setoff. It was the sense of the Board to pursue the strategy as presented.

Adjourn: By motion of S. Pope, seconded by T. Fay, the Board, by roll call vote, unanimously voted to exit executive session at 9:45 p.m.