



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 October 19, 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 7:03 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience. F. Turkington reported the passing of former Selectman Herbert Odell.

A2. Public Comment Marty Nichols, 11 Hickory Hill Road, expressed concern that a financial concession to the developers of the town center project based on economic factors could cause other developers to request the same concessions. He asked the Board to consider how it would protect the town against this eventuality. John Dyer and Richard Turner, Public Ceremonies Committee, asked the Board to reconsider portions of its report to the Special Town Meeting regarding the Annual Town Meeting article, "Recognizing Citizens for Extensive Service to the Town." Stanley Ducharme, 44 Pond Drive, said the Housing Authority is putting forth \$15,000 of its own money to study the use of land at Doran Road, and speaking on behalf of "Citizens for Responsible Land Use," he asked the Board to insure that all potential uses of the property are considered fairly. He said the Housing Authority should not be allowed to fund their own study, because their only interest is housing. Linda Segal, 9 Aqueduct Road, reported on the tree hearing with the Board of Public Works last week. Dave Bernstein, 25 Glezen Lane, thanked the Board for scheduling public comment on the draft development agreement for town center. He commended the Selectmen for not blaming town boards for the project delays in its editorial to the Town Crier, and he asked that the Board only sign the agreement when they are assured that the town is protected.

A3. Interview Candidate for Appointment to Board or Commission Historical Commission Elisa Scola appeared before the Board to interview for an appointment to the Historical Commission. She described her background and interest in serving on the committee. She said a primary goal would be getting more information about Wayland's history out to the public. J. Nolan encouraged her to investigate historic road grants for improvements to the freight house structure.

A4. Oxbow Associates to Report on Expenditure of CPA Funds for Nike Site Peter Smith and Kevin Maguire, Oxbow Partners, appeared before the Board to report on the Nike Site project and to present the Board with a check for \$35,000 to return to the CPA fund. P. Smith said the housing is fully occupied and the cost certification will be finalized. He and K. Maguire thanked the Board and the Town of Wayland for its dedication to the project.

A5. Presentation by Fire Chief and Town Administrator on Regional Advanced Life Support Initiative and Study Funded by State Grant on Regional Dispatch Services Fire Chief Robert Loomer and Town Administrator F. Turkington reviewed for the Board a Regional Advanced Life Support Initiative. R. Loomer recommended that the Board decline the proposal, because it would

require that Wayland service be centered entirely on Emerson Hospital, and in reality, Emerson is only one of five area hospitals that Wayland utilizes. He also noted that the proposal requires the issuance of an RFP for management and oversight by a private company, and he said Wayland does not contract out its emergency care. The Board discussed the effect of the proposal on response times and its potential impact on Wayland providing regional services. R. Loomer said he didn't think it would affect Wayland's Advanced Life Support program; F. Turkington said he suspects other towns will continue to buy into the Wayland program. The Board discussed the drawbacks of the concept of dynamic deployment. M. Tichnor moved, seconded by T. Fay, to decline the invitation to be "all in" and ask C.M.E.R.A. (Central Middlesex Emergency Rescue Authority) to consider the concept of "pay as you go" for calls north of Route 20, in which their services might be needed, and to direct the Fire Chief and Town Administrator to provide a recommendation for adjusting our current ambulance billing rates after surveying the market in comparable communities and taking into account pertinent factors not later than December 3, 2009, so that the Board of Selectmen can vote any appropriate rate adjustment to become effective January 1, 2010. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. R. Loomer invited the Board to a ceremony at the Public Safety Building at 10:00 a.m. on Monday, October 26, to mark the opening of Wayland Advanced Life Support services. He discussed the feasibility of a regional public safety communications center for our area, and the Board encouraged him to pursue State 911 Department Development Grant funding.

A6. Public Comment on Draft Development Agreement; Board Approval The Board opened public comment on the draft development agreement with Twenty Wayland LLC. Linda Segal, 9 Aqueduct Road, thanked the Board for sending her comments to town counsel. She asked if an invoice from CMG Environmental Services had been paid. She said the location of the municipal pad should be moved, and she discussed the possible unintended consequences in regard to the new wastewater treatment plant and the issues with the MEPA certificate. Kim Cook, 12 Ellie Lane, reviewed the financial analysis by the Finance Committee and disputed the figures. Woody Baston, 11 Cochituate Road, asked that the residents on the wastewater system be protected in the event the town center project is abandoned. Anette Lewis, 33 Claypit Hill Road, said she would have preferred that the public was made part of the Board deliberations with the developer. She questioned the expiration date of the original agreement and the need for an expiration date in the amendment. She noted that the amendment does not take the Master Plan into account, and that nothing in the amendment compels the developer to proceed with the project.

F. Turkington reviewed for the Board the Amendment to the Memorandum of Agreement. It was the sense of the Board to approve the amendment. M. Tichnor said it strikes the correct balance between protecting the town's interests while moving the project forward. J. Nolan said the project is a once in a lifetime opportunity to structure a new town center. F. Turkington said he would circulate to the Board a final copy of the amendment with edits, and the Board will meet tomorrow, October 20, to sign the finalized amendment.

A7. Consent Calendar S. Pope moved, seconded by T. Fay, to approve the consent calendar (Warrants TA101909). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. The Board asked for an update on legal fees.

A8. Correspondence The Board reviewed the week's correspondence. S. Pope said she has received positive feedback from the Board's opinion piece on town center. The Board discussed the court decision on the dog, "Laska," and also requested that F. Turkington send a letter to state legislators asking them to protect municipal aid as per the Massachusetts Municipal Association recommendation.

A9. Report of the Town Administrator F. Turkington said the Finance Committee is still working on budget guidelines and will make its presentation on October 26 at 6:30 p.m. He provided an update on the Doran Road study; he said Town Counsel will consider whether the expenditure of \$15,000 by the Housing Authority is permitted when the scope of the work is only partially for affordable housing. M. Tichnor moved, seconded by S. Pope, to withdraw Article 12, the use of Community Preservation Committee funds for the renovation of a portion of the Grout Heard house, from the warrant for the Special Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A10. Selectmen's Reports and Concerns T. Fay expressed his condolences to the family of Herbert Odell. M. Tichnor said the letter from Oxbow Partners was good news and requested that it be forwarded to the Town Crier for publication. He asked for a report on the status of articles from the April Annual Town Meeting that needed state approval. S. Pope noted that the bridge built by the Eagle Scouts was well done and thanked the Scouts for their work. S. Correia provided an update on Comcast negotiations.

A11. Executive Session At 9:25 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by T. Fay 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 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 9:40 p.m.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 9:40 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.