



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
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AFR  
6/7/2010

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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 May 3, 2010

**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 7:00 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience. F. Turkington said there will be a public forum on the town's flood response at the Board meeting on May 10. He reminded residents that the Annual Town Election will be held concurrently with the Special State Election on Tuesday, May 11, with separate check-ins and separate ballots. He said the Annual Town Meeting will begin on Thursday, May 13, at 7:30 p.m. at the Wayland High School Field House and will continue as necessary on May 17, May 19, and May 20.

**A2. Interview Candidates for Economic Development Committee** The following candidates appeared before the Board to be interviewed for the Economic Development Committee: Amy Frankel Nau, Sam Potter, Colleen Sheehan, Rebecca Mattson Stanizzi, Maxine Weintraub, and Nick Willard. Julieann Esper Rainville and Xiaofeng (Sunny) Huang did not appear. The candidates reviewed their backgrounds and interest in serving on the committee. M. Tichnor asked if the applicants thought the town center project was well conceived; they all expressed their support for the project and the need for a vital town center. S. Pope asked the applicants what they considered to be the impetus for the formation of the committee, and the function of the committee in relation to the master plan. R. Stanizzi said a number of the parcels noted in the master plan have come before the Planning Board with development proposals; she said the master plan will provide balance to the committee. S. Potter said it will be responsibility of the committee to ensure that businesses, such as the potential buyer of the former Finnerty's property, are entitled; that is, guided through the permitting process. S. Correia asked the applicants for ideas on how to attract business to Wayland. C. Sheehan said the town can be marketed by putting the facts into a simple and professional proposal. M. Weintraub said there are a range of things that make the town appealing. S. Potter said the available commercial zoning is practically built out and needs to be expanded. J. Rainville said the town should be proactive in pursuing federal and state grants. J. Nolan said the town needs to develop in a balanced way that improves the tax base but does not take away from the culture.

**A3. Annual Town Meeting Warrant Hearing** Chair J. Nolan opened the warrant hearing for the Annual Town Meeting at 7:36 p.m. Anette Lewis, 33 Claypit Hill Road, asked for an explanation of the large increase in capital expenditures in 2013 through 2015. Cherry Karlson, Finance Committee, said the amounts were not approved, but were submitted for large scale planning purposes. A. Lewis asked where the capital funds for the new high school were listed; C. Karlson said the funding was already approved and would not appear again on a list of future capital plans. A. Lewis asked for an explanation of the purpose of a five-year capital plan. C. Karlson said the five-year plan is a list of projects that have been submitted for consideration, and have not yet been voted or approved. Bob Lentz, Finance Committee,

said a capital budget is an estimate of what will be appropriated; he said the debt payments are a separate issue. A. Lewis said a better explanation should be provided. C. Karlson noted that on page 9 of the warrant, it explains that the five-year plan is “presented for planning purposes only.” A. Lewis said it should be repeated on the same page as the five-year capital plan. John Dyer, 287 Cochituate Road, said it should be made clear whether a capital project approved in 2011 is a one-time expenditure or an ongoing obligation. A. Lewis asked for the details of the \$95,000 current year transfer for town counsel expenses. F. Turkington said there was a shortfall in the budget due to the Public Safety Building litigation and the cable negotiations. He said the town has recovered some of the cost of the Public Safety Building litigation. A. Lewis asked what funds were used to pay Foley Hoag LLP. F. Turkington said Foley Hoag was engaged for the settlement of the NPDES permit and to assist in the DEP permitting for town center. He said a portion of the funds will come from the Wastewater Management District Commission budget and the balance will come from the gift funds from the town center developers. A. Lewis asked if funds were appropriated for the legacy costs of the town pool staff. F. Turkington said the costs were carried in the town unclassified account, but most recently, the part-time staff was not eligible for retirement benefits. J. Dyer asked for an explanation of the personnel budget figure under the Septage Fund. F. Turkington said the \$52,992 is the legacy cost for retired employees. A. Lewis asked why the capital appropriation of \$625,000 for the network meters reading system was not in a separate article, and why there had been no discussion. M. Tichnor said there was a discussion before the Board of Selectmen. C. Karlson said there were also discussions with the Finance Committee; she said it is appropriately a capital budget item and not a stand-alone article. A. Lewis asked if the amount would be charged to the users. F. Turkington said the allocation of the charges will be decided by the Board of Public Works after a series of public hearings. B. Lentz noted errata on page 29; there were two items numbered 12 in the capital budget. A. Lewis requested the cost of Article 6, audit resolution. C. Karlson said \$45,000 is included in the Finance Committee budget for auditing services. A. Lewis said there was no need for Article 13, the Personnel Bylaws and Wage and Classification Plan, as there were no changes, and the insertion of the tables into the warrant was a waste of time and money. F. Turkington said the tables are specific to the fiscal year 2011, and some residents would have raised questions if the wage and salary tables were not included in the Warrant. Mike Lowery, 120 Lakeshore Drive, asked for clarification of the quantum of vote for Article 15. Town Counsel Mark Lanza said a 2/3 vote is required if the three portions of the article are moved as one vote. A. Lewis asked that the parcel of land referred to in Article 16 be clarified. A. Lewis said, in regard to Article 17, that she hoped the Board could explain the logic of its proposal, provide details of the legacy costs, and account for any additional costs that may not as yet be anticipated. F. Turkington said the legacy costs have been evaluated and the town is awaiting the property appraisal for the final valuation. J. Dyer asked when the appraisal will be done; F. Turkington said it is unlikely that the appraisal will be available for town meeting, and if town meeting is unwilling to grant the authority requested under the article absent a specific amount, then it may become necessary to hold the article until the fall. He said Sudbury has granted the authority requested in the article to its Board of Selectmen. A. Lewis questioned the choice of the party granted authority (Board of Public Works and the DPW Director) throughout Article 18 and suggested the text was confused and required an errata sheet to be created. M. Lanza said he would review it with her prior to town meeting. A. Lewis asked for a definition of “review” in Article 24. M. Lanza said the word is used as written; the Planning Board can review the development plans and make recommendations. Linda Segal, 9 Aqueduct Road, requested that an enlarged version of the map for Article 24 that appears on page 97 be displayed at town meeting and made easier to read. A. Lewis said errata should be issued to clarify that Article 24 refers to four 3-bedroom units of housing and not a total of 12 units. She also requested that in the future, Planning Board Reports should be voted by the Planning Board and printed in their entirety. L. Segal requested

that errata be issued regarding Article 25, as the Finance Committee comments report that the Dow site was cleaned up in close collaboration with NED/Dow Neighbors, and this is not an accurate statement. She also said the ponds were not dredged during the cleanup, and neither the neighborhood group nor the Town conducted tests. She requested the acreage for the recreation and conservation portions of the property be provided as the map on page 98 does not reflect the amount of land that is being considered. She said the vote of the Recreation Commission on page 63 (2-2) was mischaracterized as a vote of no position. F. Turkington said this language is accurate and consistent with the wording regarding the Finance Committee vote on page 55. F. Turkington said that Article 29 is expected to be passed over. Gretchen Schuler, 126 Old Connecticut Path, recommended that the Planning Board Report for Article 29 be distributed at Town Meeting, in the event that the article is not withdrawn. Sarkis Sarkisian, Town Planner, said he would make the report available. L. Segal asked if there were any changes to the Moderator's Rules. Town Moderator C. P. R. Gossels said changes were made to clarify ambiguities in regards to a challenge to the vote. F. Turkington described the changes in detail. L. Segal noted that in the Report of the Board of Assessors, the number "2" was used twice at the top of page 79. She asked about the status of the \$200,000 appropriated at a previous town meeting for a full list and measure. F. Turkington said the Board of Assessors expended \$40,000 that was separately appropriated for a review of procedures and the cyclical inspection process. As a result, there is better quality data and a reduced level of appeals; at this point, the Board of Assessors has yet to move forward with the full list and measure and will use the funds in the future within the scope of the appropriation. A. Lewis asked if the wage charts were printed in the Town Code; F. Turkington said no. A. Lewis said if there were no changes to the wage tables, then the town has wasted time and money in printing them. F. Turkington noted that the fiscal year has changed, and the tables are informational. He noted errata on the map on page 98; the legend says Article 27 and it should be Article 25. For clarification, he said the warrant has been posted outside the Library in conformance with Town Bylaws and noted on page 1 of the Warrant, although the Library is closed. Ira Sager, 59 Draper Road, asked that errata and updated maps be sent to him and he will publish the final version on his website, [www.waylanddebates.org](http://www.waylanddebates.org).

M. Tichnor reminded the public that the Warrant Hearing would serve as a forum on the debt exclusion question in compliance with the Selectmen's policy. A. Lewis said the debt exclusion does not include funding for the repairs to the Public Safety Building and Library, and asked where the funds would come from. F. Turkington said there are several sources of funding, including insurance proceeds, litigation settlement funds, FEMA reimbursements and grants, reserve funds, and prior capital funding for repairs. L. Segal said that she felt the Board was in violation of sections 2 and 3 of the Board Policy in regard to Debt Exclusion Questions. She asked for assurance that there will not be an operational override in the fall. C. Karlson said repairs to town buildings are not operating costs, they are capital costs. She said the town does not anticipate an operational override or a capital override in the fall.

**A4. Recess Public Hearing** J. Nolan closed the hearing at 8:43 p.m.

**A9. Consider and Approve Consent Calendar** M. Tichnor moved, seconded by T. Fay, to approve the consent calendar (warrants CA050310, TA050310 and C1023). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

**A5. Remarks by John Sullivan, Conservation Commission, regarding Community Preservation Committee** John Sullivan of the Conservation Commission appeared before the Board to ask that the ninth member of the Community Preservation Committee be a representative of open space. Jerry

Heller, Chair of CPC, said it was the consensus of his committee that the ninth member should not be specified, and didn't feel it was necessary to bind the choice of the Board of Selectmen in any way.

**A6. Recess and Reconvene in Executive Session on Collective Bargaining Strategy with School Committee, Finance Committee and Personnel Board in School Committee Room** At 8:50 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 collective bargaining because a public discussion of the matter will have a detrimental effect on the town's bargaining position. The Board left the Large Hearing Room to join the School Committee, Finance Committee, and Personnel Board in the School Committee Room, and will return to open session in the Selectmen's Meeting Room in approximately forty-five minutes to resume its agenda.

The Board returned to open session in the Selectmen's Meeting Room at 9:49 p.m.

**A7. Public Comment** There was no public comment.

**A8. Vote Selectmen Positions on Annual Town Meeting Warrant Articles** M. Tichnor moved, seconded by S. Pope, to take no position on Article 6. M. Tichnor cited deference to the independence of the School Committee on budget matters, while acknowledging the Finance Committee oversight of finances to justify their support of the resolution. YEA: S. Correia, T. Fay, S. Pope, M. Tichnor. NAY: J. Nolan. ABSTAIN: none. Adopted 4-1. Proponents agreed with the spirit and sentiment expressed in the resolution as it pertains to town government. The Board has worked proactively with neighboring towns and the School Department to explore areas for collaboration, consolidation and outsourcing. However, the majority of the Board was uncomfortable taking a position on the resolution that will review the School Department budget and make recommendations on prerogatives of the independent School Committee. Some members of the Board remain uncomfortable with the creation of the temporary committee that will oversee the work of the consulting firm, believing it should be handled by the Finance Committee. In reaching its decision, the Board acknowledged the budget creation and recommendation role of the Finance Committee over both town and school budgets as a rationale for supporting the petitioners' resolution. Selectmen pledged their full cooperation with any audits or reviews funded by the Finance Committee regardless of whether the resolution passes Town Meeting. S. Pope moved, seconded by M. Tichnor, to recommend approval of Article 15 to the Annual Town Meeting. YEA: S. Pope. NAY: S. Correia, T. Fay, J. Nolan, M. Tichnor. ABSTAIN: none. The motion was defeated, 1-4. M. Tichnor moved, seconded by S. Correia, to recommend approval of Article 17 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. M. Tichnor moved, seconded by S. Correia, to recommend approval of Article 18 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. M. Tichnor moved, seconded by J. Nolan, to recommend approval of Article 19 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by J. Nolan, to recommend approval of Article 20 to the Annual Town Meeting. YEA: none. NAY: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. ABSTAIN: none. The motion was defeated, 0-5. T. Fay moved, seconded by M. Tichnor, to recommend approval of Article 21 to the Annual Town Meeting. YEA: T. Fay, M. Tichnor. NAY: S. Correia, J. Nolan, S. Pope. ABSTAIN: none. The motion was defeated, 2-3. T. Fay moved, seconded by S. Correia, to recommend approval of Article 22 to the Annual Town Meeting. YEA: none. NAY: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. ABSTAIN: none.

The motion was defeated, 0-5. T. Fay moved, seconded by S. Correia, to recommend approval of Article 23 to the Annual Town Meeting. YEA: none. NAY: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. ABSTAIN: none. The motion was defeated, 0-5. S. Pope moved, seconded by M. Tichnor, to recommend approval of Article 24 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. It was the consensus of the Board to defer a vote on Article 25 until May 10 when it is expected that the opinion of Special Counsel Susan Crane will be available. M. Tichnor moved, seconded by J. Nolan, to recommend approval of Article 26 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

**A10. Review Correspondence** The Board discussed the week's correspondence. T. Fay suggested that information in the Fire Chief's report be posted on the website; F. Turkington responded that it will be part of the FAQ and other material to be used during the forum on flood response next Monday and also posted on the website.

**A11. Report of the Town Administrator** F. Turkington reviewed upcoming meeting schedules and agenda topics. He reported on Board of Health action on the wireless water meter technology and the plan for a special meeting on Tuesday night to hear from the DPW staff. He discussed other Annual Town Meeting preparations, and briefed the Board on the work of the Energy Advisory Committee and plans for bidding a solar and methane capture RFP. He reviewed the plans for the flood response forum on May 10, and the draft op-ed piece to appear in the May 6<sup>th</sup> edition of the Town Crier supporting the debt exclusion ballot question. The Board approved the op-ed piece as prepared.

**A12. Selectmen's Reports and Concerns** S. Correia updated the Board on the status of cable negotiations. J. Nolan reminded members to be thinking about electing a new chair on May 24<sup>th</sup> and the resulting obligation to make the address at the Memorial Day observances. If the new chair is unavailable, J. Nolan agreed to speak.

T. Fay moved, seconded by M. Tichnor, to adjourn the meeting of the Board of Selectmen at 10:52 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 May 3, 2010

**Attendance:** S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor

**Also Present:** Town Administrator F. Turkington, Finance Committee (David Gutschenritter, Cherry Karlson, Paul Grasso, Bob Lentz, John Bladon, Richard Stack), Finance Director Mike DiPietro, Assistant Town Administrator/Human Resources Director John Senchyshyn, School Committee (Louis Jurist, Barbara Fletcher, Deborah Cohen, Jeff Dieffenbach, Malcolm Astley), Superintendent of Schools Gary Burton, School Business Manager Joy Buhler, Marlene Moskowitz-Dodyk

**Purpose:** The session was called at 8:50 p.m. in the Large Hearing Room and moved to the School Committee 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 collective bargaining because a public discussion of the matter will have a detrimental effect on the town's bargaining position.

**Discussion:** Cherry Karlson gave a recap of the March 8<sup>th</sup> joint session including overall negotiation objectives and methods to achieve those measurements. The goal of the meeting is to determine strategy relative to healthcare proposals. C. Karlson reiterated that the goal of negotiations was a one year settlement, but also presented the COLA option for a multi-year negotiation. J. Senchyshyn discussed healthcare strategy including moving to Rate Saver Plans, changing contribution rates and developing health reimbursement accounts. He also gave a brief summary of moving to the GIC and the control and cost concerns. There was a sense among all the boards to proceed with this healthcare strategy (moving to Rate Saver Plans, changing contribution rates, HRAs) and continue to develop the details of a proposal based on this strategy. General discussion covered varying COLA amounts and other towns' settlements. B. Fletcher updated the participants on negotiations with the teachers' union and the upcoming schedule of meetings. The School Committee described proposed changes to its administrative support structure and a proposal for a combined school/town payroll position.

**Adjourn:** By motion of M. Tichnor, seconded by S. Pope, the Board, by roll call vote, unanimously voted to exit executive session at 9:49 p.m.