



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

AFR
5/10/2010

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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 April 12, 2010

Attendance: S. Correia, T. Fay, J. Nolan (arrived 7:05 p.m.), S. Pope, M. Tichnor
Also Present: Town Administrator F. Turkington, Secretary M. DiNapoli

Vice Chair S. Correia called the meeting of the Board of Selectmen to order at 7:01 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience. F. Turkington noted that the town building will be closed on April 19 for Patriot's Day. He updated the Board on the flooding situation; he said all roads are open except River Road and Water Row, and there is still some pumping going on at Squirrel Hill Road. M. Tichnor reminded residents that tomorrow is the primary election for the State Senate seat.

A2. Public Comment Tom Turner, 7 Nob Hill Road, and dispatcher for the town, expressed concern about the air quality and mold at the Public Safety Building due to the flooding. He requested that the town conduct an air quality test on the building. J. Nolan said the priority of the Board was to get through the immediate crisis before dealing with other issues. Bill Ryan, 4 Old Farm Circle, thanked the town for its help during the flooding, but noted it was not clear who was in charge, and there was no mechanism for getting notifications out to the public. He also said there was confusion about the role of the Happy Hollow wells in causing the flood. F. Turkington said the town did not yet know about the impact of the reduced use of the Happy Hollow wells on the flood levels. He noted that the Public Safety Building lost its reverse 911 system during the flood, which hampered communication. He said the town's emergency team met twice a day to coordinate its response. Finally, he said the town will hold a public forum in May in order to get feedback and recommendations for the future. Tom Maglione, 29 Rice Road, said he has concerns about the environmental safety of the former Dow site, and said there should be public hearings on the proposal to use the property. He said the Recreation Commission has not investigated this issue enough. Linda Segal, 9 Aqueduct Road, said that there was a lot of work done by residents to acquire the Dow property, and it was a project based on science, which is not within the understanding of lay people. She said the work of the Dow Neighbors was being mischaracterized. Tom Sciacca, 31 Rolling Lane, said the flooding was clearly a result of global climate change, and therefore the town should be prepared to deal with such an event at regular intervals going forward. He said he was leaving the Board meeting to attend the Public Works meeting, where he would present his calculation of the impact of the pumping rate from the town wells. Isaac Aaron, 34 Rolling Lane, said the town was not prepared and did not communicate well with the residents impacted by the flood. He said the town should hire a hydrological engineer to ensure this never happens again. J. Nolan said the town will consider hiring an engineer to determine why Rolling Lane was flooded. John Howe, 8 Old Farm Circle, said he had several conversations with the town Fire Chief, but he did not seem to know who was in command. F. Turkington said meetings were held every day, and decisions were made by consensus. Nancy Hammerton, 39 Rolling Lane, asked if the Board was committed to fixing the problem. Kevin Murphy,

the son-in-law of N. Hammerton, and a resident of Maynard, said he could see the failure of Wayland compared to other towns. He said the town's Conservation Commission should have been paying more attention to the pavement of open spaces and the taking of wetlands. He expressed concern about the inadequate construction of the kettle hole on Rolling Lane, and the lack of pumping equipment.

A6. Update on Emergency Operations in Response to Flooding F. Turkington reviewed the town's emergency response to the recent flooding. He said the first rainstorm brought three feet of water into the Public Safety Building, which required the relocation of the electricity and the heat. The communications operation was transferred to Sudbury, but was returned to Wayland once a generator was in place. He said the town is now in the process of restoring the building; there will be air testing, cleaning of air ducts, and every attempt to make a more habitable environment. He noted there will be substantial expenses and a long-term recovery. The library has also taken on water, and although the state has waived the bidding requirements to restore the building, it will be at least July 1 before the staff can return. As for communications, he said the town has used every avenue at its disposal: Wayland enews, the website, the police facebook, electronic newsletters, the Wayland Town Crier, and WayCAM. He said flyers were distributed to the Pelham Island residents. He discussed the logistical problems of maintaining traffic flow and access to Pelham Island. As for the future, he said the town will look at ongoing construction, review Conservation Commission calculations, and consider hiring a hydrogeological engineer. In regard to communication, F. Turkington said the lack of reverse 911 created difficulties. He said having an updated website in July will help create real-time traffic alerts. The Board discussed the benefits of mitigation efforts and the likelihood of recurrence against the anticipated expense. M. Tichnor said MEMA has limited resources, so the town may need to invest in additional emergency equipment. T. Fay said the town has an Emergency Preparedness Committee, chaired by former Selectman Doug Leard. The Board expressed its commitment to addressing the water issues at locations such as Rolling Lane and Squirrel Hill Road. M. Tichnor asked that any action taken by the neighborhoods should be coordinated with town officials. S. Correia said the town needs to analyze its communication in terms of other emergencies as well. Linda Segal, 9 Aqueduct Road, said the Wellhead Protection Committee has a hydrogeologist who has already studied the town wells.

T. Fay left the meeting to join the Finance Committee meeting at 8:10 p.m.

A3. Discussion of Article 27 – Transfer and Lease Loker Recreation Area Steve Goldstein, lead petitioner for the Town meeting article to transfer and lease the Loker Recreation area, appeared before the Board to discuss the article. He said he has met with the Land Use group, the Finance Committee, the Town Administrator and Town Counsel, and has had neighborhood meetings. He said the article focuses on transfer and lease authorization and will begin the process for the Board of Selectmen to create an RFP. Once a bidder is selected, the proposal would be brought before all necessary boards and committees. He said the purpose of the article is to create recreational facilities and leverage town assets. He noted similar projects in other towns which have been successful. He said the site is clean, safe and suitable, and cited the report by MassDEP that the site poses no foreseeable threat, risk or harm to public welfare. S. Pope noted the interest amongst residents and the need for recreational facilities. M. Tichnor said the Board should have a legal environmental counsel address the issue before town meeting. The Board discussed the financial impact to the town and noted the project needs to be financially viable and not cause the town any liability. J. Nolan asked about the impact on the remaining conservation land. S. Goldstein said the project can be constructed entirely upon recreation land, within the setbacks and buffer zones, and would improve the access to conservation land.

A4. Update on Changes to Annual Town Meeting Warrant Articles F. Turkington there were no changes to the warrant articles from the previous week.

A5. Review and Approve Final Order of Articles for Annual Town Meeting Warrant M. Tichnor moved, seconded by S. Pope, to order the Warrant Articles as follows:

1. Recognize Citizens and Employees for Particular Service to the Town
2. Hear Reports
3. Choose Town Officers
4. Current Year Transfers
5. FY 2011 Omnibus Budget
6. Independent Review of Town and School Budget Process
7. Pay Previous Fiscal Year Unpaid Bills
8. Sell or Trade Vehicles and Equipment
9. Accept Gifts of Land
10. Accept Law Increasing Real Estate Tax Exemption Amounts
11. Set Aside Community Preservation Funds for Later Spending
12. Appropriate CPA Funds for Design Services for Rail-to-Trail
13. Personnel Bylaws and Wage and Classification Plan
14. Compensation for Town Clerk
15. Transfer and Restrict Use of Certain Town-Owned Land for Septic Purposes and Conservation Purposes
16. Lease DPW Land for Private Construction of a Community Pool
17. Acquire Town of Sudbury's Interest in Septage Facility
18. Amend Town Code re: Department of Public Works
19. Amend and Expand Refuse Disposal District
20. Amend Chapter 6 of Town Code re: Posting of Board Policies
21. Change the Format of Town Meeting
22. Electronic Voting at Town Meeting
23. Create Town Meeting Debate Website
24. Transfer of Parcel on Stonebridge Road for Affordable Housing
25. Transfer and Lease the Recreation Portion of the Loker Conservation and Recreation Area
26. Acceptance of Alice Drive and Hidden Springs Road as Town Ways
27. Routes 30 and 27 Intersection Land Acquisition
28. Amend Zoning Bylaw – Aquifer Protection District
29. Amendment of Zoning Bylaw Section 198-1102.1.4.1.4 re: Auto Service Stations
Town Approved Affordable Housing Master Plan

YEA: S. Correia, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSENT: T. Fay. Adopted 4-0.

A7. Consent Calendar M. Tichnor moved, seconded by S. Pope, to approve the consent calendar (warrants C1021, C1021M, TA412102, TA041210, BA041210, and SA041210). YEA: S. Correia, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSENT: T. Fay. Adopted 4-0. M. Tichnor moved, seconded by S. Pope, to approve, issue and forward to Comcast of Massachusetts I, Inc., the "Request for Proposal for Cable Television Renewal License," dated April 12, 2009. YEA: S. Correia, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSENT: T. Fay. Adopted 4-0.

A8. Correspondence The Board discussed the week's correspondence.

A9. Report of the Town Administrator F. Turkington noted the passing of Marcia Crowley; he said the Board celebrated her life and accomplishments a month ago, for which she was very grateful. He said her family was also very appreciative of the Board's efforts. M. Tichnor thanked J. Nolan for speaking at her service. F. Turkington said the League of Women Voters Candidates Night is Thursday, April 15, and the next meeting of the Board is scheduled for April 26.

A10. Selectmen's Reports and Concerns M. Tichnor asked for an update on the MWRTA at a future meeting. He said he attended the groundbreaking for the new pool, and he congratulated everyone who worked so hard to make it possible. S. Correia reminded residents that they are still raising funds. S. Pope said she attended the TD Bank opening, and the bank made a \$5,000 donation to the new pool and a \$5,000 donation to the Housing Authority. She reminded F. Turkington about the lack of lighting at Traditions. She asked about scheduling a discussion on the use of town land for lease by landscapers; F. Turkington said the Board would take up the issue after town meeting. S. Correia said he is committed to maintaining the Board's commitment to the residents of Bow Road. He asked when the air quality testing would be done at the Public Safety Building. F. Turkington said it may be next week; the debris must be removed and the ventilation system cleaned before testing can be done. S. Correia thanked Fire Chief Loomer for helping the Cub Scouts on Friday night. J. Nolan said Chief Loomer did a presentation for the Boy Scouts as well, and is to be commended. J. Nolan also thanked TD Bank for its outreach effort and generosity to the town.

A11. Executive Session At 9:31 p.m., the Board of Selectmen, by roll call vote, unanimously (4-0) 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 potential litigation regarding the wastewater treatment facility and an update on litigation regarding the Public Safety Building. The Board will return to open session in ten minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 9:48 p.m.

S. Pope moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 9:48 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 April 12, 2010

Attendance: S. Correia, T. Fay (arrived 9:42 p.m.), J. Nolan, S. Pope, M. Tichnor

Also Present: Town Administrator F. Turkington, Secretary M. DiNapoli

Purpose: The session was called at 9:31 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 potential litigation regarding the wastewater treatment plant and current litigation regarding the Public Safety Building. The Board will return to open session in approximately ten minutes for the sole purpose of adjourning the meeting.

Discussion: F. Turkington reviewed conditions at the Public Safety Building; he said attorneys for the opposition were invited to see the damage, and it should help the town's case. The next mediation is Thursday, May 27, and he hopes the case will be finalized quickly. In regard to the wastewater treatment plant, he said Special Counsel Adam Kahn spoke to the Department of Environmental Protection this week, and the points submitted were accepted. The Board now needs to get draft water conservation regulations ready, get the Wastewater Management District Commission to hold a special meeting to vote them, and set up a meeting with Twenty Wayland to get their commitment to the plan.

Adjourn: By motion of S. Pope, seconded by T. Fay, the Board, by roll call vote, unanimously voted to exit executive session at 9:48 p.m.