



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 April 26, 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 announced the Open Meeting Law Seminar on April 28 this week, the warrant hearing on May 3, the Special State/Annual Town election schedule and the Annual Town Meeting schedule. He said the Board of Selectmen meeting on May 10 will include an open forum on the town response to the recent flooding, with representatives from police, fire and the DPW. He said the forum will be widely publicized. The Board signed the warrant for the May 13, 2010 Annual Town Meeting.

A2. Public Comment Stephanie Leong, 38 Rolling Lane, provided the Board with a summary of the April 25, 2010, meeting of the Rolling Lane/Old Farm Neighborhood regarding the extent of the damage caused by the recent floods and how the neighborhood would like to engage the town in the future. Maryanne Blahut, 12 Squirrel Hill Road, thanked the Board for their help and said she looks forward to the forum on May 10. Kara Brewton, 36 Rolling Lane, thanked T. Fay and F. Turkington for responding so quickly to the flooding problems. She also asked the Board to prepare a protocol and a better communication system going forward. Arnold Goldenbaum, 35 Rolling Lane, said rainfall has increased over the last one hundred years, and the town's drainage systems should be updated to reflect the changing climate. He also said that the reduced draw from the Happy Hollow wells has created a higher water table. Linda Segal, 9 Aqueduct Road, said the Happy Hollow wells will continue to be used during peak demand. She said she felt the public hearings held for the debt exclusion question were presentations rather than hearings, and proper hearings should be scheduled to comply with Board policy. Finally, she requested that the Board hold public hearings on the Loker issue. Pierre Gauguet, 42 Rolling Lane, said he appreciated the town efforts in regard to the flooding, but he would like to see a pump installed at the kettle hole to alleviate future problems. Tom Sciacca, 31 Rolling Lane, said he has a hydrogeologist investigating the drainage issue. He also hypothesized that the increased water table was caused by overflow from Davlin Road by way of the 40B project at 225 Old Connecticut Path, and that a drain could be installed that outputs below the clay layer. He said studies should be done immediately while the water is still high. Jay Vileniskis, 41 Rolling Lane, said he abuts the kettle hole, and his property has received the most damage; his home is potentially unlivable. Susan Howe, 8 Old Farm Circle, asked that the town investigate the two catch basins by the high school, and study the topography before constructing the new school.

A3. Meet with Wastewater Management District Commission Regarding Siting Issues and Timing of Construction of New Treatment Facility The Board was joined by Wastewater Management District Commission members David Schofield and Fred Knight, Administrative Consultant Bill Prendergast, the town's engineering consultant Ian Catlow, and Public Buildings Director John

Moynihan. I. Catlow said he has forwarded the necessary siting information to Town Surveyor Alf Berry, who is drafting the plans, and Town Counsel Mark Lanza is working on the blanket easement and the template for the parcel swap. F. Turkington said he estimates it will be approximately two more weeks before these issues are finalized. I. Catlow said he forwarded plans to F. Dougherty of KGI Properties for review of the outfall alignment and utility connections; he said there were minor modifications but nothing that would stop the submission of the NOI. F. Turkington said the Planning Board will vote tomorrow on the plan as presented. He said Special Counsel Adam Kahn is putting together a scope of services regarding water conservation measures from other towns that he will present to the Wastewater Management District Commission on May 11. F. Knight discussed the water conservation measures that are already in place. He also emphasized the need for a third member on the commission. S. Pope described her meeting with the users of the wastewater facility; she said it was explained how the process worked, and the market rates on ten, twenty and thirty year schedules. J. Moynihan said he met with M. Lanza and confirmed that funds must be appropriated before the bidding process can begin.

A7. Consent Calendar M. Tichnor moved, seconded by S. Correia, to approve the consent calendar (warrants BA042610, TA042610, SA042610 and C1022M). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. Nicholas Mimosos, the applicant for the change of name and manager at Old Wayland Restaurant Inc., discussed the change from Luigi's Italian Grill to Primebar Grill; he said he expects the new name and format to be in place by June 2010.

A8. Correspondence The Board discussed the week's correspondence. The Board expressed concern that certain issues were redacted from the Minuteman report due to alleged confidentiality. F. Turkington advised the Board that the Environmental Protection Agency had recognized Marcy Crowley posthumously. He said the DPW is holding an open house on May 1.

A4. Discussion of Articles #20, #22 and #29 Related to Town Meeting with Petitioners and Receive Preliminary Report of Town Meeting Procedures Review Committee Members of the Town Meeting Procedures Review Committee joined the Board to discuss the three petitioner's articles for Annual Town Meeting. The lead petitioner for the article, "Change the Format of Town Meeting," was not available, but C. Peter R. Gossels, Town Moderator, said that as a result of interaction with the committee, the article will be amended at Town Meeting. Alan Reiss, lead petitioner for the article, "Electronic Voting at Town Meeting," said the advantages of electronic voting include quick and secure votes as well as privacy. Ira Sager, lead petitioner for the article, "Create Town Meeting Debate Website," said his article attempts to give residents a chance to make comments and ask questions right up to the time of town meeting. The committee members presented and reviewed its preliminary report to the Board. J. Nolan noted that the committee voted against supporting all three articles, and asked if the members had formed any of its own proposals. C.P.R. Gossels said they will begin to address that issue now that the report is final. T. Fay asked if they considered changing the articles to resolutions; C.P.R. Gossels said no. In regard to changing the format of Town Meeting, members discussed the impact on the budget vote, the ability to allow for amendments, and the lack of deliberative process. In regard to electronic voting, members debated public vs. private voting, and the costs of the system. In regard to the debate website, the Board and Committee expressed concern about staffing and operations, oversight, and the ability to correct misconceptions. Members agreed that debate websites are better suited to private entities rather than a town-sponsored site.

A5. Review and Vote Selectmen Position on Annual Town Meeting Warrant Articles M. Tichnor moved, seconded by S. Pope, to recommend approval of Article 1 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. Pope, to recommend approval of Article 2 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. Pope, to recommend approval of Article 3 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 T. Fay, to recommend approval of Article 4 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. Pope, to recommend approval of Article 5 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. The Board deferred action on Article 7 until Annual Town Meeting. S. Pope moved, seconded by S. Correia, to recommend approval of Article 8 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. The Board deferred action on Article 9 until Annual Town Meeting. S. Pope moved, seconded by S. Correia, recommend approval of Article 10 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. Pope, to recommend approval of Article 11 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by J. Nolan, to recommend approval of Article 12 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 13 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by J. Nolan, to recommend approval of Article 14 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 M. Tichnor, to recommend approval of Article 16 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 27 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 T. Fay, to recommend approval of Article 28 to the Annual Town Meeting. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. The Board deferred action on Article 29 until Annual Town Meeting.

A6. Appointment of Members of the Collaboration Committee T. Fay moved, seconded by S. Correia, to appoint Robert Lentz, Chris Riley, Michael Tichnor, Susan Pope, and Town Administrator Fred Turkington to the Collaboration Committee. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A9. Report of the Town Administrator F. Turkington reviewed upcoming meeting schedules and agenda topics. T. Fay reported on a neighborhood meeting he attended regarding the flooding and the town's communication with residents. He said it may be advantageous to hire a hydrogeological expert now while the flooding conditions are still in place. F. Turkington said he will be meeting with town staff before the Board meeting on May 10, and will have a better sense of what expertise is available internally. J. Nolan asked that the Conservation Administrator be consulted for his opinion as to what steps the town can take to mitigate against flood damage in the future. The Board reviewed the revised Board Policy for Electing Officers. M. Tichnor moved, seconded by T. Fay, to accept the policy as presented with the following revisions: Under "OFFICERS," Item 5, add: "The intent of this policy is for the chairman of the board to rotate among members of the board willing to serve. Nothing in this policy

prohibits a selectman from succeeded him/herself if the board so votes,” and under “MEETINGS,” Item 1, add: “Unless deemed appropriate by the board, discussion shall not begin on new business items after 11:00 p.m.” YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A10. Selectmen’s Reports and Concerns S. Correia thanked the Sudbury Minutemen for their historical reenactment on Patriot’s Day. S. Pope noted that all the Board members are willing to attend neighborhood meetings, and should be included in the future. She reminded F. Turkington about the lighting problem at Traditions. T. Fay thanked the petitioners who were working to improve the functioning of town meeting. He asked for an update on the air quality at the Public Safety Building. F. Turkington said the air ducts are being cleaned now and the air testing will be done next week, with the expectation that the building will be fully functional over next two weeks. T. Fay expressed concern about the claim of several citizens that the Loker property is not safe, as the town was assured the land was clean. He asked that the town have an environmental attorney confirm that the land need not be restricted. M. Tichnor moved, seconded by S. Pope, to expend up to \$5,000 to hire an environmental attorney to confirm the safety of the Loker property. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. M. Tichnor asked that the Town Administrator put together an opinion piece for the Wayland Town Crier on behalf of the Board in support of the debt exclusion question.

A11. Executive Session At 10:17 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by M. Tichnor and seconded by T. Fay, 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 current litigation regarding the Public Safety Building. The Board will return to open session in approximately five minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 10:42 p.m.

S. Pope moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 10:43 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.