



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
STEVEN J. CORREIA
THOMAS J. FAY
JOSEPH F. NOLAN
SUSAN W. POPE
MICHAEL L. TICHNOR

Board of Selectmen Meeting Minutes February 1, 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. There were no announcements. The Board recessed and reconvened at 7:05 p.m. in the Large Hearing Room to participate in the Annual Town Meeting Warrant Hearing sponsored by the Finance Committee.

The Board of Selectmen left the Finance Committee meeting and reconvened in the Selectmen's Meeting Room at 9:00 p.m. to resume its regular agenda.

A2. Public Comment There was no public comment.

A3. Petitioner's Workshop for Special Town Meeting Articles The Board opened the petitioner's workshop at 9:02 p.m. Mark Greenlaw, lead petitioner for the article, "Change the Format of Town Meeting," reviewed his article for the Board. The Board advised him that the format of town meeting will also be discussed by the Town Meeting Review Study Committee. M. Greenlaw said the biggest issues are the need to improve the efficiency of the process and to address those disenfranchised from voting. There were no other petitioners' questions. The Board left the workshop open should any petitioners join the meeting later in the evening.

A4. Meet with Planning Board to Review Zoning Articles Sarkis Sarkisian, Town Planner, and Kevin Murphy, Planning Board, appeared before the Board to discuss zoning articles for the Annual Town Meeting. K. Murphy explained the articles in order of their priority for the upcoming town meeting. He said the three most important articles are "Routes 30 and 27 Intersection Land Acquisition," "Amend and Expand Refuse Disposal District," and "Acceptance of Alice Drive, Hidden Springs Road and Lee Road as Town Ways." He said the Planning Board would also like to proceed with the article, "Amend Zoning Bylaw - Aquifer Protection District" to bring the town in compliance with state requirements. K. Murphy said the Board does not consider the article, "Amend Zoning Bylaws re: Renewable or Alternative Energy Research and Development Activities" as a priority, and would prefer an interpretive letter to promote green initiatives. However, he also noted that every step towards renewable energy brings the town closer to state funding. He said the Planning Board will vote to withdraw the article, "Demolition Delay Bylaw," and will recommend postponing until the fall town meeting the article, "Transfer of Parcel on Stonebridge Road for Affordable Housing." Finally, K. Murphy said the article, "Amend Zoning Bylaw re: Planned Wireless Communications Services District," could be postponed, but inconsistencies in the language have caused problems for applicants and legal expenses for the town. He said the bylaw needs to be corrected to be consistent internally and consistent with similar bylaws throughout the state.

A5. Discussion on Twenty Wayland Request to Amend Development Agreement to Allow Phasing of Town Center Traffic Improvements

F. Turkington reviewed for the Board a letter from Twenty Wayland LLC requesting an amendment to the town center development agreement that would allow for the phasing of traffic improvements in order to comply with the ruling of the Wayland Historic District Commission. He then presented a report prepared by the town's traffic consultant, Kevin Dandrade of TEC, that said traffic mitigation measures should be constructed and made operational prior to the issuance of a Certificate of Occupancy for phase one of the development. J. Nolan noted that the intersection was given an F rating in 2006 and traffic improvements would be required even under current conditions. T. Fay said that fifteen items presented to the Historic District Commission by Twenty Wayland LLC were accepted without issue, leaving only the traffic light timing issue in dispute. Frank Dougherty, Twenty Wayland LLC, said the Historic District Commission has made no plans to meet with them to discuss the compromise offer of a settlement. He also said the Commission could be waiting for the decision of the Board of Selectmen tonight. It was the sense of the Board to abide by the original development agreement. They noted that the Historic District Commission has not considered a compromise or made a counterproposal, and they also cited the significant safety concerns that the current intersection presents. M. Tichnor encouraged the Historic District Commission to meet with Twenty Wayland LLC to work out a compromise and avoid any further litigation. F. Dougherty advised the Board that approval was received from the Department of Environmental Protection for onsite work, and next step is to issue an approval for offsite work by the Conservation Commission.

A6. Consent Calendar S. Pope moved, seconded by T. Fay, to approve the consent calendar (warrants SA020110, TA020110, and CA020110). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A7. Correspondence The Board discussed the correspondence of the last two weeks. The Board expressed concern about the letter from the Board of Library Trustees and its impact on planning for a shared facility at the municipal pad in the proposed town center. F. Turkington reviewed the potential consolidation of the Wayland and Sudbury transfer stations.

A8. Report of the Town Administrator F. Turkington updated the Board on the continuing warrant process; he said he would like to assign members to articles next week, as well as begin deciding which articles will be included in the warrant. He noted there were no new applicants for the Town Meeting Review Study Committee, and the Board decided to make a decision based on their written applications rather than to interview all the candidates. F. Turkington said the Board of Assessors have gone from 398 abatement requests last year to 102 abatement requests this year, and said the Board of Assessors is very pleased with the improvements in the office. M. Tichnor and F. Turkington discussed a presentation they attended on Friday to discuss regional public health services. M. Tichnor said there is potential in the proposals, but also lots of work to do before changes can be made. He said one model was for shared services, and another model was for the merging of departments. It was recommended that the towns involved (Weston, Wayland, Sudbury and Lincoln) start with small projects and shared services. M. Tichnor said the Board should address the regionalization issue at a later meeting. J. Nolan suggested the formation of a working group to spearhead these efforts. The Board congratulated F. Turkington for his election as a district representative in the Massachusetts Municipal Association and his appointment by Governor Patrick to serve a two-year term on the Local Government Advisory Commission. F. Turkington reviewed upcoming agenda topics and meeting schedules. M. Tichnor moved, seconded by T. Fay, to establish the Economic Development Committee as presented by the Town Administrator. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A9. Selectmen's Reports and Concerns T. Fay asked the Town Administrator to review the lighting issue at the town basketball court. S. Correia updated the Board on events at recent WayCAM meetings. J. Nolan said he will be meeting with the Housing Authority regarding flooding at the Main Street units in Cochituate.

A10. Executive Session At 10:35 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 (i) pending litigation between the Town and Twenty Wayland, LLC relative to the on-site wetlands permit; (ii) pending litigation between the Town and Finegold Alexander Architects and BSC Group related to design defects at the Public Safety Building; and, (iii) pending litigation between the Town and Robert Robinson because a public discussion of these matters will have a detrimental effect on the litigating position of the Town and pursuant to Massachusetts General Laws Chapter 39, Section 23B(6) to consider the lease or value of real property because a public discussion of this matter will have a detrimental effect on the negotiating position of the Town. The Board will return to open session in approximately 30 minutes.

The Board returned to open session at 10:56 p.m.

S. Pope moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 10:57 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
STEVEN J. CORREIA
THOMAS J. FAY
JOSEPH F. NOLAN
SUSAN W. POPE
MICHAEL L. TICHNOR

CONFIDENTIAL

Board of Selectmen Executive Session Minutes February 1, 2010

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

Also Present: Town Administrator F. Turkington, Assistant Town Administrator/Human Resources Director John Senchyshyn

Purpose: The session was called at 10:35 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 (i) pending litigation between the Town and Twenty Wayland, LLC relative to the on-site wetlands permit; (ii) pending litigation between the Town and Finegold Alexander Architects and BSC Group related to design defects at the Public Safety Building; and, (iii) pending litigation between the Town and Robert Robinson because a public discussion of these matters will have a detrimental effect on the litigating position of the Town and pursuant to Massachusetts General Laws Chapter 39, Section 23B(6) to consider the lease or value of real property because a public discussion of this matter will have a detrimental effect on the negotiating position of the Town.

Discussion: J. Senchyshyn reviewed the results of mediation held Friday with Bob Robinson and MIIA to resolve the suit alleging adverse treatment of R. Robinson while an employee at the landfill by former Superintendent Charles Kiley. The parties agreed to settle the case for \$45,000. The Town has a \$25K deductible which has been carried forward in the past two legal budgets. The balance of the claim would be paid by MIIA. The settlement is subject to approval by the Board of Selectmen and the bankruptcy court considering Robinson's request. T. Fay moved, seconded by S. Pope, to approve the settlement, subject to approval of bankruptcy court. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0. It was noted that the settlement needs to be approved in a public session once the concurrence of all parties is secured.

The Board reviewed the settlement agreement with Finegold Alexander Architects. F. Turkington advised the Board that the check has been prepared and placed in escrow pending approval and signature. The Board of Selectmen will execute the document on February 8th.

F. Turkington reviewed the direction provided to Conservation Administrator Brian Monahan with regard to settling the Chap. 194 case between Twenty Wayland and the Conservation Commission over the on-site local wetlands permit. The goal is to compromise in the area of required bonding and to incorporate language from the state superceding order of conditions into the local permit in order to settle the court appeal.

F. Turkington reviewed the letter from Lynch Landscaping expressing interest in leasing or purchasing for the former septic facility site for his business. F. Turkington reviewed prior interest from a number of small businesses in this site, as well as the old landfill site, and the pending interest from WindRiver to use the facility as a transfer station. He outlined the process for determining the use of the facility after Sudbury's interest is purchased at Annual Town Meeting, including town meeting action, review of zoning limits and competitive selection among potential users. He noted that he was providing information only and no action is required.

Adjourn: By motion of T. Fay, seconded by M. Tichnor, the Board, by roll call vote, unanimously voted to exit executive session at 10:56 p.m.