



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

AFR
3/8/2010

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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 February 22, 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 FY2011 Operating and Capital Budget Hearing sponsored by the Finance Committee.

The Board of Selectmen left the Finance Committee meeting and reconvened in the Selectmen's Meeting Room at 7:50 p.m. to resume its regular agenda.

A2. Public Comment There was no public comment.

A3. Discussion and Vote to Change Date of Town Election from May 4th to May 11th and Change Start of Annual Town Meeting from May 10th to May 13th Town Clerk Lois Toombs appeared before the Board to discuss the option of combining the Annual Town Election and the Special State Election on May 11, 2010. She also said it would be easier to schedule the Annual Town Meeting on May 13 so as not to overburden the staff on the evening before an election. M. Tichnor moved, seconded by T. Fay, to change the date of the Annual Town Election from Tuesday, May 4, 2010, to Tuesday, May 11, 2010, said election to be held at designated polling places, and change the date of Annual Town Meeting from Monday, May 10, 2010, to Thursday, May 13, 2010, said Town Meeting to begin at 7:30 p.m. in the Wayland High School Field House. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A4. Consent Calendar S. Pope moved, seconded by S. Correia, to approve the consent calendar (warrants SA022210, TA022210, and C1018). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

A5. Correspondence The Board discussed the week's correspondence. T. Fay discussed revenue from telecommunications and he emphasized the need for the governor to push health insurance plan design authority for the cities and towns. S. Pope asked about the Minuteman Regional High School issue; F. Turkington said he will be attending an upcoming meeting and will report back to the Board. The Board discussed the upcoming seminars on the new Open Meeting Laws to be held in Wayland.

A6. Report of the Town Administrator F. Turkington reviewed upcoming agenda items and meetings. He said the first meeting of the Town Meeting Procedures Review Committee will be Thursday night, February 25, with the goal to hold a public forum in early March and complete the study by June for the fall Special Town Meeting. He reviewed the results of a meeting with a website developer to modernize the town's current website.

A7. Finance Committee Presentation on Debt Exclusion Question per Board of Selectmen Policy on Proposition 2 ½ Sam Peper, Chair, Finance Committee, appeared before the Board to review its recommendation for a \$2.35 million debt exclusion for FY11 in a single debt exclusion question. He noted the debt exclusion question will be tax neutral, and discussed with the Board the items that would be included. The Board asked what role community preservation funds could play in capital projects. S. Peper said the regulations are stringent; he said that if land on which a project is proposed was not acquired by community preservation funds, it would not be eligible. The Board asked the Town Administrator to determine if community preservation funds could be used to make improvements to the town building or library. F. Turkington said the Community Preservation Committee will attend a future meeting to address these issues in greater detail.

A6. Report of the Town Administrator (Continued) The Board discussed the composition of the Community Preservation Committee, and in particular whether it should be expanded to eight members to accommodate a representative from the Recreation Commission. F. Turkington reviewed the revised Annual Town Meeting schedule, given the change of the date from May 10 to May 13, 2010.

A8. Selectmen's Reports and Concerns T. Fay congratulated the Wayland girls swimming and diving team on its fifth state championship, and the Wayland boys swimming and diving team on its Division II State Championship. M. Tichnor also congratulated the Wayland wrestling team for its Division 3 State Championship. S. Pope recommended that Board members hold office hours, and said she would be willing to schedule her office hours with the public right away. S. Correia asked about the future of the St. Ann's Parish property. T. Fay said a committee comprised of members from both St. Ann's Parish and St. Zepherin's Parish will meet to discuss a merger; no decision will be made until the fall. S. Correia updated the Board on Comcast negotiations and announced the start of the public hearing process on March 10 and April 1, 2010. J. Nolan asked if there would be a meeting with residents of the Doran Road area. T. Fay said he has spoken to residents and will arrange a date for a meeting.

A9. Discussion with Wastewater Management District Commission The Board was joined by Wastewater Management District Commission members David Schofield and Fred Knight, Administrative Staff Bill Prendergast, consultant Ian Catlow of Tighe and Bond, Town Counsel Mark Lanza, and Public Buildings Director John Moynihan. D. Schofield said the commission continues to have questions about the timeline moving forward; he said they have no information about the construction schedule of Twenty Wayland LLC. F. Turkington said groundbreaking is expected by late spring, based on the presumption that the developer can meet offsite conservation requirements and can reach a compromise with the Historic District Commission. He said the primary tenant expects occupancy by the summer of 2011. J. Nolan said the Conservation Commission will provide final text by March 1, 2010, to formally resolve the litigation regarding the onsite permit. The Board discussed construction vehicle access to the property. I. Catlow said he based his design on information received from Twenty Wayland, LLC, and is awaiting specific dates. He said he would prefer access from Route 27. M. Lanza said there would be no zoning issue, as the access would be for municipal use. I. Catlow said the electrical access is adequate on a temporary basis; he noted that Twenty Wayland wants to put utilities underground eventually. F. Turkington said that 100% of the sitework is part of the phase one construction. Participants discussed the decommissioning of the current plant. D. Schofield said ideally he would like the responsibility for the demolition of the current plant to be turned over to Twenty Wayland. F. Turkington asked for the rationale for such a request; I. Catlow said the town never offered them a green field site. J. Nolan said that could be a negotiating point. I. Catlow said he thought the new

wastewater facility could tie into the Twenty Wayland stormwater system, but Frank Dougherty (Twenty Wayland) told him they could not; they could only use the conveyance. I. Catlow said this matter is another issue of timing. I. Catlow said another issue is the connection to Wayland Commons. M. Lanza said it might be possible to review the plans and relocate an existing easement. The Board discussed the timeline for such a project. Finally, the participants discussed the construction borrowing requirement and timing. D. Schofield said the Commission had requested that the Board wait another year before borrowing the funds, but the Town Administrator and the Finance Director had appropriated the funds this year. He expressed his displeasure with the perceived lack of communication. M. Tichnor asked what would be the advantage of postponing funding for another year; D. Schofield said anything could happen in the meantime. J. Nolan said the town needs to be prepared to begin construction. M. Lanza then reviewed the items that will be discussed in executive session, and the Board discussed finding a third member to fill the vacancy on the Commission. Woody Baston, 11 Cochituate Road, challenged the right of the Board to go into executive session. M. Lanza said it is clear that potential litigation is imminent and there is no question, based on existing case law, that strategy can be appropriately discussed in executive session. W. Baston said he would consider initiating legal action if the Board goes into executive session on this matter.

A10. Executive Session At 9:54 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) and (6) to discuss strategies with respect to (i) the purchase, exchange or value of real property; and (ii) potential litigation between the Twenty Wayland LLC and the Town because a public discussion of these matters will have a detrimental effect on the negotiating and litigating position of the Town. The Board will be joined by Wastewater Management District Commission members David Schofield and Fred Knight, Administrative Staff Bill Prendergast, consultant Ian Catlow of Tighe and Bond, Town Counsel Mark Lanza, and Public Buildings Director John Moynihan, and will return to open session in approximately 20 minutes.

At 9:54 p.m., the Wastewater Management District Commission, by roll call vote, unanimously (2-0) approved a motion brought by D. Schofield and seconded by F. Knight, to go into executive session pursuant to Massachusetts General Laws Chapter 39, Section 23B(3) and (6) to discuss strategies with respect to (i) the purchase, exchange or value of real property; and (ii) potential litigation between the Twenty Wayland LLC and the Town because a public discussion of these matters will have a detrimental effect on the negotiating and litigating position of the Town. The Commission will return to open session in approximately 20 minutes.

The Board returned to open session at 10:40 p.m.

A11. Executive Session At 10:41 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 the Historic District Commission and Twenty Wayland, LLC relative to the appeal of the certificate of appropriateness because a public discussion of these matters will have a detrimental effect on the litigating position of the Town.

The Board returned to open session at 11:05 p.m.

S. Pope moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 11:05 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
February 22, 2010

Attendance: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor
Also Present: Town Administrator F. Turkington

Purpose: The session was called at 10:41 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by Massachusetts General Laws Chapter 39, Section 23B(3) and (6) to discuss strategies with respect to respect to the Historic District Commission and Twenty Wayland, LLC relative to the appeal of the certificate of appropriateness because a public discussion of these matters will have a detrimental effect on the litigating position of the Town.

Discussion: The Board discussed possible avenues of appeal of the litigation between Twenty Wayland LLC and the Historic District Commission, including other improvements to the historic district and amendments to the MassHighway permit.

Adjourn: By motion of T. Fay, seconded by M. Tichnor, the Board, by roll call vote, unanimously voted to exit executive session at 11:05 p.m.