



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

AFR  
2/1/2010

FREDERIC E. TURKINGTON JR.  
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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 January 4, 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 7:03 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience.

**A2. Public Comment** There was no public comment.

**A3. Discussion of Town Moderator Peter Gossels Formation of Committee to Review Town Meeting Procedures** Town Moderator Peter Gossels joined the Board to discuss the formation of a committee to review Town Meeting procedures. P. Gossels described the events of the last town meeting in regard to the counting of votes. He noted that it was the consensus of his fellow town moderators that voter challenges of his rulings did not apply to a counted vote, and said he has made changes to his rules for the next meeting. T. Fay said he was intrigued by the Australian ballot model, as it increases resident participation. P. Gossels said he was not in favor of that option; he said residents would vote at the ballot and not participate in town meeting debate. M. Tichnor said he favored the formation of a committee to explore different options and make recommendations. S. Pope said she is in favor of continuing the current town meeting structure; however, she feels it would be a good idea to explore every option. S. Correia said he supports the formation of the committee, although he believes the current form of the meeting has served the town well. P. Gossels said the setup of the field house contributed to the issues encountered at the last meeting. The Board asked the Town Administrator and P. Gossels to draft a committee charge for review at its next meeting. Alan Reiss, 463 Old Connecticut Path, explained his petitioners' warrant article regarding electronic voting and directed viewers to his website ([www.electronicvoting.info](http://www.electronicvoting.info)) for more information.

**A7. Consent Calendar** T. Fay moved, seconded by S. Pope, to approve the consent calendar (warrant TA010410). YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

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

**A4. Liquor License Hearing for William Roberts, 131 Main Street** J. Nolan opened the hearing at 8:00 pm to consider the application of 167 West Main Street, LLC, for a new alcoholic beverage license to sell beer and wine only off premises (package store) at 131 Main Street. Bill Roberts, applicant, and Jonathan White, his attorney, appeared before the Board to describe the proposed package and convenience store. F. Turkington noted that the Police Chief had no issues with the application. M. Tichnor asked if the owner has had any problems with his other establishments; he said no. T. Fay asked if the current applicant intended to maintain the operation for the foreseeable future; B. Roberts said he expected to operate the store for several years, but may turn it over at a later date. J. Nolan noted that if

the premises were to become a Tedeschi's, there is a limit of three licenses per owner in the state. B. Roberts said that while he owns a Tedeschi's Market, he is not planning on opening one in this location. There was no public comment. S. Pope moved, seconded by T. Fay, to close the hearing at 8:19 p.m. T. Fay moved, seconded by S. Pope, to approve the application of 167 West Main Street LLC for a new alcoholic beverage license to sell beer and wine only off premises (package store) at 131 Main Street in Wayland. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSTAIN: none. Adopted 5-0.

**A5. Discussion on Creation of Economic Development Commission** F. Turkington discussed the creation of an Economic Development Commission and presented sample charges from several other towns. He said the Finance Committee had recommended the formation of such a commission in its long-range plan. T. Fay noted the importance of pursuing grant opportunities. The Board directed the Town Administrator to draft a commission charge for the next meeting.

**A6. Review of Potential Annual Town Meeting Warrant Articles** F. Turkington reviewed potential articles for the May 2010 Annual Town Meeting, which may include electronic voting, adopting the Australian ballot, the use of town property on Doran Road, and recreational development on the Loker Conservation land.

**A9. Report of the Town Administrator** F. Turkington reviewed upcoming agendas and meeting schedules. He said budget talks are in the final phase, and the Board will meet with the Finance Committee on January 19. He updated the Board on a meeting between the Conservation Commission and the developer for property at Boston Post Road to review offsite improvements and discuss issues of applicability of regulations. He said the Wastewater Management District Commission would like to meet with the Board regarding siting of the new plant and the land swap. The Board reviewed changes and revisions to the draft Selectmen Objectives and Strategies for 2010; they also discussed field utilization and the timeline for the upgrade of the town website. T. Fay encouraged the Board to support the creation of a committee to evaluate town meeting.

**A10. Selectmen's Reports and Concerns** S. Correia updated the Board on the ComCast negotiations; he said a formal proposal is expected by the end of January. S. Pope asked that the town request a streetlight at the entrance to Traditions on Cochituate Road. She also said the mandatory ethics training for government employees and volunteers is an unfunded mandate and she joins with the Town Manager's Association in opposing the legislation. T. Fay said he received a complaint from a resident regarding the lights being on at the basketball courts all night.

**A11. Executive Session** At 9:09 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 pending litigation between the Town and Finegold Alexander Architects and others relative to the Public Safety Building and between 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 will return to open session in approximately thirty minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 9:56 p.m.

S. Pope moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 9:56 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 January 4, 2010

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

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

**Purpose:** The session was called at 9:09 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 pending litigation between the Town and Finegold Alexander Architects and others relative to the Public Safety Building and between 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:** F. Turkington described for the Board a conversation that he and T. Fay had with Special Counsel John Perten in regard to the Public Safety Building litigation. He said J. Perten has prepared a draft motion with a settlement offer that includes a \$25,000 setoff for the basement damage. He said he expect the case to be settled within thirty days.

In regard to the Historic District Commission litigation, F. Turkington said that Twenty Wayland has indicated to him that they do not intend to expend any more legal fees on the issue of appointment of legal counsel; they are considering the option of pursuing a summary judgment motion. The Board discussed its options, including the possibility of a meeting with the Historic District Commission to broker an agreement and the feasibility of pursuing litigation in regard to the issue of the 27/126 intersection. T. Fay said he would attempt to meet personally with Gretchen Schuler, Chair of the Historic District Commission, and ask her to sit down and meet with the Twenty Wayland LLC developers with the goal of making the changes that would resolve the issue.

**Adjourn:** By motion of S. Pope, seconded by S. Correia, the Board, by roll call vote, unanimously voted to exit executive session at 9:56 p.m.