



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

AFR
7/9/2010

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BOARD OF SELECTMEN

JOHN BLADON
STEVEN J. CORREIA
THOMAS J. FAY
JOSEPH F. NOLAN
SUSAN W. POPE

Board of Selectmen Meeting Minutes July 26, 2010

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

Also Present: Town Administrator F. Turkington

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. He announced that Spice 'n Pepper had filed a notice of withdrawal of the application for a liquor license so the scheduled hearing at 7:15 p.m. would not be held. He said the applicant will likely reapply and provide additional information. F. Turkington reminded the Board that it would be continuing with a summer meeting schedule, so the next meetings of the Board will be August 9 and 23.

A2. Public Comment There was no public comment.

A3. Liquor License Hearing for AprilEileen dba Spice 'N Pepper The hearing for Spice 'n Pepper was cancelled.

A5. Consider and Approve Consent Calendar With the cancellation of the liquor licensing hearing, the Board considered the consent calendar. S. Correia moved, seconded by J. Nolan, to approve the consent calendar as presented. S. Pope noted that she would abstain since she is an election official being approved as part of item 3. F. Turkington explained that item 2, accepting a Massachusetts General Law regarding Sunday liquor sales, was required to effect the Sunday 10:00 a.m. sale of alcoholic beverages on premises approved on July 8. He also explained the background on item 9, the website disclaimer and privacy policy. YEA: S. Correia, T. Fay, J. Nolan. NAY: none. ABSTAIN: S. Pope. ABSENT: J. Bladon. Adopted 3-0-1.

A6. Review Correspondence S. Pope and S. Correia expressed frustration over the time spent by the Town Administrator and staff, and the expense for town counsel services, to deal with decided open meeting law and public record issues (correspondence items 2, 3, and 4). S. Correia suggested that a standard format for agendas and minutes be circulated to all boards and committees. J. Nolan and T. Fay suggested that a meeting be organized with Doran Road and Dudley Woods neighbors to attempt to find a consensus on a shared use of the seven-acre parcel. T. Fay agreed to take the lead in organizing the meeting. F. Turkington distributed a letter from the neighborhood group that had been sent to and provided by Mass Housing Partnership criticizing the scope of the housing feasibility grant, reporting that the agency wished to discuss the status on July 28. S. Pope noted the letter from Linda Segal seeking records of conversations of the selectmen in the minutes preceding the July 8 selectmen's meeting. She asked for clarification of what exactly is alleged to consist of town business so selectmen could respond to the request. S. Pope and S. Correia recalled discussing Independence Day holiday activities and briefly talking about the town boards and committees to which citizens would be appointed that evening. F. Turkington explained the circumstances of the delivery of the request and his efforts to gather a

clarification from L. Segal. Given L. Segal was not in attendance, the Board asked F. Turkington to contact her in an effort to clarify the request so the Board would properly and fully comply with the request. F. Turkington noted the grant award from DCR of \$22,560 to develop the handicapped accessible trail at the Nike Site property.

A7. Discussion of Draft Schedule for Special Town Meeting (November 2010) F. Turkington discussed the November Special Town Meeting. He reviewed the proposed schedule and Middle School gymnasium location, calling attention to the anticipated date of November 16 (Tuesday) and November 18 (Thursday) as the second day, if needed. He said the warrant opening will be September 7 and the closing date will be September 16. The Finance Committee Warrant Hearing will be September 27, and a potential State of the Town meeting could be held on September 29. It was the consensus of the Board to use the State of the Town Meeting to begin to educate residents on long-term capital funding needs. The specific agenda and format will be discussed in August. While no vote will be taken until September 7 to open the Warrant, it was the consensus of the Board to approve the schedule as presented.

A8. Report of the Town Administrator F. Turkington reviewed the schedule of consulting contracts and capital projects being bid during the summer months; the activity of the Economic Development Committee and Operations Review Committee; plans for expending the \$550,000 allocated for the Town Beach bathhouse project supplemented with in-kind support by DPW and other departments; reaction to the updated website and subsequent improvements made in response to resident comments; and the list of remaining committee vacancies. He also discussed future meeting topics and schedules, including a joint session on August 9 to consider an associate member of the Planning Board and plans for developing goals and objectives for 2010-11 to be voted by early October.

A4. Presentation by Town Meeting Procedures Review Committee Town Moderator C. Peter R. Gossels introduced members of the committee (David Bernstein, Dennis Berry, Miranda Jones, Bill Steinberg, and Steve Correia) and reviewed the principle recommendations of the committee, including the creation by the Moderator of a standing committee with sub-committees to address the electronic voting demonstration at the 2011 Annual Town Meeting, comfort issues at town meeting, and continued review of suggested changes in procedures. He acknowledged the dedication and resolve of members of the committee and the collegial atmosphere that marked their meetings, as well as the work of Dennis Berry who compiled the final report and appendices. Discussion continued on suggestions for a three-hour Sunday afternoon session of Annual Town Meeting, the impact of the field house on logistical and procedural issues, setting article agendas for each session, implementing a consent calendar, creating an assistant to the moderator to assist during the meetings, and improving counted vote procedures (pending the use of electronic voting).

T. Fay moved, seconded by J. Nolan, to acknowledge receipt of the final report of the Town Meeting Procedures Review Committee and to dissolve the committee with thanks of the Board of Selectmen for diligent and dedicated service in completing a comprehensive report effective July 27, 2010. YEA: S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. ABSENT: J. Bladon. Adopted 4-0.

A9. Selectmen's Reports and Concerns J. Nolan suggested that consideration be given to reviewing the use of the Loker property (recreational component), given the positive assessment of its availability. He questioned whether petitioners or the Recreation Commission or others should take the lead on studying the use of the property. F. Turkington advised of the pending recreational field master plan and suggested the Recreation Commission should lead the proposed use of the property and work with the

hockey group on facility options. T. Fay asked about the timing of the clean-up of the site being used by the contractor for staging the construction of the Route 20 bridge as the project nears completion; reported on the status of discussions for a single housing trust consensus article for the fall Special Town Meeting; and asked about the implementation of elements of the town meeting procedures recommendations (i.e., consent calendar, setting meeting dates well in advance, specifying session agendas, etc.).

A10. Executive Session At 8:51 p.m., T. Fay moved, seconded by S. Pope, that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 23(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Town. Chair S. Correia declares that consideration of the matter of *Twenty Wayland, LLC v. Wayland Historic District Commission* and *Town of Wayland v. BSC Group* in an open meeting may have a detrimental effect on the litigating position of the Town. YEA: S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. ABSENT: J. Bladon. Adopted 4-0. The Board invited Town Administrator Fred Turkington to attend and participate in the executive session. 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 9:37 p.m.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 9:37 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. ABSENT: J. Bladon. Adopted 4-0.



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CONFIDENTIAL

Board of Selectmen Executive Session Minutes July 26, 2010

Attendance: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope

Also Present: Town Administrator F. Turkington

Purpose: The session was called at 8:51 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 30A, Section 23(a)(3) to discuss strategy with respect to pending litigation because an open meeting may have a detrimental effect on the litigating position of the Town. The Chair declared that the subject matter of the meeting is *Twenty Wayland, LLC v. Wayland Historic District Commission* and *Town of Wayland v. BSC*.

Discussion: T. Fay briefed the Board on the status of the Public Safety Building litigation. He said new counsel for BSC had filed motions to reopen discovery, to postpone the trial date, and to move for summary judgment. He said Special Counsel John Perten filed emergency motions to be heard on July 27 opposing the three motions by BSC counsel.

T. Fay and F. Turkington discussed efforts to persuade the Historic District Commission to meet in executive session on August 9 to develop potential settlement options. T. Fay said the HDC is reluctant to discuss specifics, doesn't see a role for the Board of Selectmen since it doesn't represent Twenty Wayland, and would rather use the meeting to educate the Board on the role, rules and perspective of the HDC. F. Turkington reviewed a proposed revised certificate declaring a public safety hazardous condition at the Route 126/27 intersection resulting from any construction at the Town Center site. Twenty Wayland has requested revised language to clarify any dispute over the scope of work necessitating improvements, and that all changes are needed, not just the signal, to support a motion for summary judgment. Board members suggested language be reviewed by Kevin Dandrade and counsel, but it was the consensus of the Board to concur with the letter and its submission to Twenty Wayland.

Adjourn: By motion of J. Nolan, seconded by S. Pope, the Board, by roll call vote, unanimously voted to exit executive session at 9:37 p.m.

