



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

AFR  
6/28/2010

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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 June 7, 2010

**Attendance:** J. Bladon, 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 7:03 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience. F. Turkington announced the new high school ground-breaking on June 22, 2010, at 9:00 a.m. and the next PIP meeting on June 23. He reminded members of boards and committees to attend the seminar on the Open Meeting Law on June 17, 2010. S. Correia thanked the Public Ceremonies Committee for staging an outstanding Memorial Day observance.

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

**A3. Interview Candidates for Appointment to Town Boards and Committees** Carol Martin appeared before the Board to interview for appointment as a member of the Senior Property Tax Relief Committee. She reviewed her pre-retirement experience and offered some ideas of ways to provide relief to seniors, noting that they constitute 25% of the population and it is desirable to maintain the town's diversity and to hold down expenses if seniors move away and young families move into their homes.

**A4. Consider Adopting Regulations Concerning Bring-in Liquor to Restaurants Without Liquor Licenses** F. Turkington reviewed sample treatment of BYOB alcohol sales in restaurants in comparable communities and explained that state law will allow it unless the Board approves a policy with restrictions. He explained that one restaurant in town was contemplating BYOB in lieu of applying for alcohol license. It was the consensus of the Board to hold a hearing before voting a policy to limit BYOB and asked that the Wayland Business Association and restaurants be notified of the hearing and invited to comment. A tentative date of July 8<sup>th</sup> was chosen.

**A5. Review Request for Stay of Suspension of Liquor License of Dudley Chateau Pending Appeal Hearing Before ABCC** F. Turkington explained that the Dudley Chateau had appealed the 14 day suspension of the alcohol license to the ABCC. He said that because the hearing would not be called until July 14, and the suspension would have already been served, they applied for a stay of the suspension pending the decision of the ABCC. As the suspension began prior to the Board of Selectmen meeting, F. Turkington placed the matter on the agenda to determine whether there was any support for a stay of the second week of the suspension. It was the unanimous decision of the Board to take no action to stay the suspension and encouraged Ken Phillips to train and identify managers as required for reinstatement of the license at the conclusion of the suspension. Each member of the Board noted the progress in improving the establishment, but asked the operators to be especially diligent in following the rules and to contact the police with any concerns to avoid future action by the Board during the probationary period.

**A6. Request for Weekday Parking Ban on Nolan Farms Road During High School Construction**

F. Turkington presented the petition from residents of Nolan Farms Road and reviewed the Board action taken on March 1, 2010, following a similar request from residents of the Charena Farms neighborhood. It was the consensus of the Board to monitor the parking situation during the summer construction and the limited use of the high school campus for programs, and to enact the weekday 7:00 a.m. to 5:00 p.m. parking ban as necessary. F. Turkington agreed to provide an update at the meeting of August 9.

**A7. Consider and Approve Consent Calendar**

T. Fay moved, seconded by S. Pope, to approve the consent calendar, excluding item 6. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay moved, seconded by S. Pope, to revise item 6 to approve Sarkis Sarkisian, Town Planner, as the designee of the Town of Wayland on the MetroWest Regional Transit Authority's Advisory Board, with Steven J. Correia as the backup designee. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**A8. Review Correspondence**

The Board discussed the week's correspondence. F. Turkington highlighted the June 9 forum on the stretch building code sponsored by the Energy Initiatives Advisory Committee. J. Nolan noted the correspondence from Special Counsel Susan Crane advising that the former Dow property is suitable for recreational use and poses no public health concerns. S. Correia and T. Fay noted the correspondence regarding the presentation of the capital budget at Annual Town Meeting. F. Turkington advised that the Finance Committee and staff were reviewing information provided in the Warrant that could be expanded, as well as requirements for sponsoring boards to promote capital projects at public meetings prior to vetting with the Finance Committee in December and January during the capital budget process. J. Nolan noted the resignation of Jeff Dieffenbach as a member of the School Committee and thanked him for many years of service on both the School Committee and Finance Committee.

**A9. Report of the Town Administrator**

F. Turkington reviewed the Board's proposed meeting schedule. It was the consensus of the Board to set a tentative meeting schedule as follows: June 21 and 28; July 8 and 26; and August 9 and 23. F. Turkington announced the bankruptcy court had approved the allocation of the proceeds from the settlement of the lawsuit brought by Robert Robinson against the Town and Charles Kiley. T. Fay moved, seconded by S. Pope, to approve the settlement of the claim Robert Robinson v. Town of Wayland and Charles Kiley in the amount of \$45,000. It was noted that the Town had a \$25,000 deductible that has been reserved in the legal budget for this purpose and the remaining costs would be borne by MIIA, the Town's liability insurance carrier. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. F. Turkington reviewed the list of future meeting topics; briefed the Board on the state budget and municipal relief legislation; reviewed efforts to seek FEMA reimbursement and MEMA grants; and updated the progress for implementing the town website. T. Fay moved, seconded by S. Pope, to appoint Carol Martin to the Senior Tax Relief Committee for a term to expire on June 30, 2011. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**A10. Selectmen's Reports and Concerns**

J. Bladon provided responses to the request of Linda Segal to issue errata to Finance Committee comments on Article 25 of the 2010 Annual Town Meeting Warrant (Loker Recreation Area lease). T. Fay asked about the status of hiring the expert to evaluate Rolling Lane and Squirrel Hill Road for flood potential and MEMA grants for mitigation projects and advised he is working with the petitioners and Town Counsel on a housing trust document and article for fall Special Town Meeting. S. Correia updated the Board on the work of the Town Meeting Procedures Review

Committee and Comcast negotiations; he encouraged Board members to keep members updated on activities of boards and departments within portfolio assignments. S. Pope circulated her suggestion for office hours to begin in September held by pairs of Selectmen for one hour each month. She asked for feedback as to when and where to conduct the hours and whether to vary each month to accommodate different audiences. S. Pope also announced September 12<sup>th</sup> "Wayland's Iron Chef," an event sponsored by the Friends of the Council on Aging that will pit teams cooking against one another before judges and suggested the Selectmen and Town Administrator form a team. J. Nolan asked that the Board make time for a presentation by the MetroWest Growth Management Committee and to reconsider whether to pay dues this fiscal year.

**A11. Executive Session** At 9:00 p.m., the Board of Selectmen, by roll call vote, unanimously (5-0) approved a motion brought by T. Fay 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 relative to the Public Safety Building 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 fifteen minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 9:24 p.m.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 9:25 p.m. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.



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## CONFIDENTIAL

### Board of Selectmen Executive Session Minutes June 7, 2010

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

**Also Present:** Town Administrator F. Turkington

**Purpose:** The session was called at 9:00 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 relative to the Public Safety Building because a public discussion of these matters will have a detrimental effect on the litigating position of the Town.

**Discussion:** T. Fay presented proposals from the firm now employing engineering consultant Colin Simpson to allow him to continue to provide expert witness services regarding damages and repairs to the basement of the Public Safety Building. The firm seeks a hold harmless provision on plans, limiting use to purposes of litigation and not warranting the plans for construction purposes because the work is outside the expertise of the new engineering firm. J. Nolan moved, seconded by S. Pope, to authorize the Town Administrator to approve the condition and to execute the agreement with Loureiro Engineering for supplemental services for the same purpose. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**Adjourn:** By motion of S. Pope, seconded by T. Fay, the Board, by roll call vote, unanimously voted to exit executive session at 9:24 p.m.