



# TOWN OF WAYLAND

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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 March 15, 2010

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

Chair J. Nolan called the meeting of the Board of Selectmen to order at 7:07 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience.

F. Turkington provided an update for residents on the flooding which resulted from heavy rains the previous two days. The Town experienced flooding at both the Library and the Public Safety Building. He said that at the Public Safety Building, the basement floor has heaved again, some new cracks formed, and water seeped through the joint where the foundation meets the slab. The rapidly rising water required that the electricity and gas to the building be shut off about 4:30 a.m. on Monday, March 8. Temporary power, assistance from the regional command unit, and portable pumps have been used to maintain operations. The dispatch center and the training room are the only areas of the building open at this time. The Fire headquarters is temporarily operating from the Town Building, and vehicles have been deployed to both Station Two and the Town Building. The adjacent stream flooded Route 20 in front of the Public Safety Building, and traffic eastbound was diverted down Route 27 to Old Connecticut Path. Pelham Island Road is closed and residents are evacuating vehicles to the Town Center site with shuttle bus service being provided so residents can remain in their homes.

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

**A3. Recognition of Marcy Crowley for 40 Years of Service** J. Nolan reviewed the contributions of Marcy Crowley on many Wayland committees and offices, particularly her service for 24 years as a selectman, and her active membership on a number of regional transportation, environmental and women's officials groups. He read a certificate of recognition and appreciation from the Board of Selectmen. Although M. Crowley has relocated to Vermont and lives with family and was unable to attend, several visitors attended the meeting to address M. Crowley via cable access. Ken Soderheim, a member of the Natick Planning Board and chair of the MetroWest Growth Management Committee executive board, cited M. Crowley's long-standing and early advocacy for regional transportation solutions. Claire Freda, councilor from Leominster and former president of the MMA, recognized M. Crowley for her inspiration and leadership of the Women's Elected Officials organization at MMA, and her role on transportation policy committee. Josh Ostroff, Natick selectman and MMA vice-president, Marc Driesen, MAPC executive director, and Ellen Stoolmacher, MMA staff, also spoke. Mary Antes and Susan Weinstein, former Selectmen, cited M. Crowley as an inspiration to them to public service. All who spoke cited M. Crowley's optimism, energy, forward thinking, and commitment to Wayland and the region. Comments were offered by each member of the Board and the Town Administrator.

**A4. Review Grant Proposal with Surface Water Quality Committee** Mike Lowery and Toni Moores of the Surface Water Quality Committee explained the request to seek a grant to fund a nitrogen loading

study that the Department of Environmental Protection requires for Dudley Pond. The Surface Water Quality Committee and the Dudley Pond Association have funded the consultant who prepared the grant from existing funds and want to pledge matching funds and volunteer, in-kind contributions in FY2011. M. Tichnor moved, seconded by S. Pope, to authorize the Surface Water Quality Committee to file the grant application and to authorize the Town Administrator to prepare and execute any necessary documents related to the grant application on behalf of the Town. YEA: T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSENT: S. Correia. Adopted 4-0.

**A5. Discussion with Petitioners, Housing Authority and Housing Partnership on Municipal Housing Trust Articles (Articles 4 and 37) and Affordable Housing Master Plan (Article 40)**

F. Turkington reviewed the differences between Article #14 and #37 related to the formation of housing trusts. He said Article #14 is identical to an article passed over at the 2009 Special Town Meeting, accepting the state law granting 16 powers to a housing trust. Article #37 is a petitioners article (Tom Klem, lead petitioner) that would limit the ability of the trust to expend funds without town meeting approval, accepts fewer than half of the statutory powers granted to housing trusts, and would set a nine member trust with five elected members. Discussion followed as to whether a compromise was possible between the petitioners' article and the Board article. It was the consensus of the parties that T. Fay would organize a meeting of interested participants to discuss that possibility. Selectmen agreed to consider a dollar threshold for expending funds without town meeting approval as a reasonable limitation, urged petitioners to consider accepting additional statutory powers, and stated opposition to electing any members of the trust. The parties were given until March 29, 2010, to provide a draft unified article for Board review on March 31, 2010, with the intent of approving final text on April 12. Petitioners would then co-endorse the unified article and withdraw Article #37 by April 7. Another option is for both sides to withdraw articles to allow more time to develop a consensus article for a fall Special Town Meeting.

The Board discussed Article #30 (Gary Rubin, lead petitioner) that would require preparation of an affordable housing plan. G. Rubin did not have a recommendation as to which town board would be responsible for preparing a plan. He was advised that Town Counsel has opined that the provision requiring town meeting approval of affordable housing projects not included in the five-year plan was inconsistent with state law.

**A6. Discussion on Article 24, Affordable Housing on Stonebridge Road** The Board discussed Article #24 with Mary Antes, Housing Partnership, and a representative of Habitat for Humanity. The plan calls for the construction of four, three-bedroom units (2 duplexes) on about three acres of Town land on Stonebridge Road. Staff is working to assure zoning compliance for the housing piece and the remaining twenty acres earmarked for a future water treatment plant. It was noted that the article has the support of the Housing Partnership, Housing Authority and Wayland Clergy Association.

**A7. Consent Calendar** M. Tichnor moved, seconded by S. Pope, to approve the consent calendar. YEA: T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSENT: S. Correia. Adopted 4-0.

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

**A9. Report of the Town Administrator** F. Turkington reviewed the Town's response to the flooding that occurred in the previous two days. He renewed calls for volunteers to serve on the economic development committee recently created by the Board of Selectmen, reviewed the agenda for future meetings including discussions on Warrant articles, and reported on the recommendation on the

composition of the Community Preservation Committee. It was the consensus of the Board to amend Article #19 to provide for a nine-member Community Preservation Committee with an additional appointee from the Recreation Commission and at-large member appointed by the Board of Selectmen. He also reviewed plans for a staff meeting in follow-up on the siting and easement issues related to the wastewater treatment facility and updated the Board on discussions between a neighborhood group, the Community Preservation Committee, and the owners of Lee's Farm Stand property.

**A10. Selectmen's Reports and Concerns** The Board commended F. Turkington and staff for their response to the flooding impacting residents and town facilities.

**A1. Executive Session** At 9:35 p.m., the Board of Selectmen, by roll call vote, unanimously (4-0) 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 with BSC relative to the Public Safety Building and (ii) collective bargaining because a public discussion of these matters will have a detrimental effect on the litigating and bargaining position of the Town. The Board will return to open session in approximately ten minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 9:47 p.m.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 9:48 p.m. YEA: T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSENT: S. Correia. Adopted 4-0.



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## CONFIDENTIAL

### Board of Selectmen Executive Session Minutes March 15, 2010

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

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

**Purpose:** The session was called at 9:35 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (4-0) in open session as permitted by M.G.L. Chapter 39, Section 23B, paragraph three, to discuss strategies with respect to (i) pending litigation with BSC relative to the Public Safety Building and (ii) collective bargaining because a public discussion of these matters will have a detrimental effect on the litigating and bargaining position of the Town.

**Discussion:** F. Turkington reviewed the flooding in the Public Safety Building basement and explained that he had notified Special Counsel John Perten to arrange a follow-up inspection and assessment by consulting engineer Colin Simpson. Counsel also notified BSC counsel to arrange an inspection if the defendants so chose. Prior to the flooding, BSC had modified a solution to the flooding problems in the PSC and were preparing to send it to the town so it can assess the viability of the solution. A mediation session will be arranged in May to be held not later than May 28, 2010.

F. Turkington reviewed the draft settlements with three locals representing water workers, highway/parks and cemetery crew, and landfill employees, calling for 0% change in pay for FY2011, no language changes, and a no layoff guarantee in FY2011. Discussion followed; the settlement mirrors the goals expressed by the Board and reached with another unit. The Board will vote the agreement on the consent calendar next week.

**Adjourn:** By motion of S. Pope, seconded by T. Fay, the Board, by roll call vote, unanimously voted to exit executive session at 9:47 p.m.