



# TOWN OF WAYLAND

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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 November 8, 2010

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

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

Chair S. Correia called the meeting of the Board of Selectmen to order at 7:06 p.m. in the Large Hearing Room and reviewed the agenda for the public. The Board expressed its sympathy to the family of Peter Regan, a Wayland firefighter who was killed in a tragic accident this week, and reviewed the calling hours and funeral schedule. F. Turkington reviewed the upcoming Veterans Day events on November 11.

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

**A3. Approve Energy Reduction Plan (#3 of Green Communities Designation)** Anne Harris, Co-chair of the Energy Advisory Initiatives Committee, presented the Energy Reduction Plan for the town. She noted the town had two audits done, one by Nationalgrid and one by NStar. She said benchmarking reports were done for the town building and the Happy Hollow School, and the results were applied to other town buildings. She said that she and John Moynihan, Public Buildings Director, had agreed to merge the results of the audit with the current five year capital plan. The plan also included issues such as employee education, appliance power controls, vehicles and streetlights. S. Pope commended A. Harris for her detailed report, and asked if the committee had addressed the use of solar panels. A. Harris said nothing has been scheduled at the moment because of time constraints; the committee expects to look into the issue after the first of the year. The Board thanked her for her work. J. Nolan moved, seconded by J. Bladon, to approve the Energy Reduction Plan as presented, #3 of the Green Communities Designation. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**A7. Consider and Approve Consent Calendar** J. Nolan moved, seconded by T. Fay, to approve the consent calendar items 1 through 6. 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. J. Bladon noted the numerous open meeting law complaints, and said he was disappointed that George Harris had rejected the suggestion of the Town Administrator to handle his complaints informally. He thanked Bob Lentz for his service to the town. He recommended to the Board that the content of the town website be reviewed and monitored by the Board of Selectmen or the Town Administrator. T. Fay asked if the Board should address the traffic concerns expressed by the Happy Hollow principal; F. Turkington said he would schedule the topic on an upcoming agenda. T. Fay expressed concern about the confusion regarding field maintenance in the Recreation Commission minutes. J. Nolan noted the forum on Wednesday for the MWRTA. S. Pope thanked Stephanie Leong for her letter commending the town on its flood response.

S. Correia noted the possible closure of Hannah Williams playground; F. Turkington said a proposal to replace it has been included by the DPW in the capital plan.

**A4. Special Town Meeting Warrant Hearing** Chair S. Correia opened the warrant hearing for the Special Town Meeting at 7:30 p.m. Anette Lewis, 33 Claypit Hill Road, asked for more explanation of Articles 2 and 3; she said it was not clear why the town was no longer planning to connect to the sewer system, and she said the \$510,000 figure in Article 3 was confusing. F. Turkington said the Health Director assessed the size and condition of the septic system, and has advised that the system is appropriate for the long term; he said this is a routine article that releases the borrowing. Don Ouellette, DPW Director, said that in regard to Article 3, he determined that the best use of funds would be to treat the flow issues from new Baldwin Pond treatment plant, rather than apply the funds where it is not urgently needed. As for cost, he \$333,000 is the base cost, but the true cost will include police details, site work, excavation, and other contingencies. He said the full cost won't be known until the project is bid and completed. J. Nolan asked if the Board of Public Works agreed that this project is a higher priority. Christopher Brown, member, Board of Public Works, said they do. Kim Cook, 12 Ellie Lane, asked if the town got any second opinions from engineering firms; if this was part of the original design of the Baldwin pond facility; and why the \$510,000 was not part of the capital process. D. Ouellette said the engineering firm of Tata and Howard did the analysis. He said the original design was done five years ago, and a second water main was abandoned in the meantime. Finally, he noted that time was an issue, as it should be done by April before the peak summer season for water. A. Lewis asked for the size and length of each of the lines. D. Ouellette said he would get back to her. Louis Jurist, Chair, School Committee, said that in regard to Article 4, the field house weight room upgrade was included in the initial proposal that the town voted and the MBSA approved. In the process of value engineering, it was eliminated; however, now that the bids are in, there is enough funding to restore it within the original project. A. Lewis asked if the transfer and lease in Article 5 could be better accomplished by a licensing process. F. Turkington said a license is an exclusive decision of the Board that can be suspended at any time, and WayCAM needs a more secure lease agreement in order to get financing. Mark Lanza, Town Counsel, said a license agreement was possible but not acceptable in this case because of the need for a long-term agreement. Kim Cook, 12 Ellie Lane, asked why the town is renovating the field house when there is space available at the Loker School. L. Jurist said the WayCAM studio is a part of the high school curriculum. S. Correia said the WayCAM relocation committee considered all options and chose the Field House location. A. Lewis asked the size of the facility. S. Correia said the facility is 2,000 s.f. A. Lewis asked for the terms of the agreement with Sudbury regarding the acquisition of Sudbury's interest in the septage facility in Article 5. She asked why the land is being transferred, as it belongs to Wayland, and she asked what would happen if the existing contract were allowed to expire in 2017. She also asked for comment on the \$500,000 cost to demolish the existing building. F. Turkington said the article is identical to the Annual Town Meeting article with the costs updated, as requested. He said the terms of the agreement have not been completed but are in keeping with the article, and the amount requested. In terms of potential use, he said the town had received an inquiry from Windriver Environmental in Spring 2009 about the use of the space as a holding facility, and noted the Board of Health would be in charge of permitting such a venture. In terms of the IMA (Intermunicipal Agreement) with Sudbury, he said the town of Sudbury expects to share any revenue to 2017. M. Lanza said the Town of Wayland owns the land, except for off-record easements. He said both towns own the facility jointly. F. Turkington noted that the Board of Selectmen is empowered to negotiate and execute an IMA. A. Lewis asked what happens in 2017 when the original agreement expires. M. Lanza said the current IMA says the towns can operate the facility jointly, or one town can operate it and split the profits. A. Lewis asked if there were hazardous materials at the site, and if the DEP (Department of Environmental Protection) has signed off.

F. Turkington said the tests provided to the DEP confirm there are no contaminants and the DEP signed off on the approval for closing. A. Lewis asked for verification of the DEP approval. J. Nolan said groundwater testing of the wells also showed no contamination. K. Cook asked how recently the wells were evaluated, how many were evaluated, if soil excavation samples were taken, and if the site is compliant with DEP regulations for any future use. She also asked if the Town of Sudbury was relieved of any liability should contamination be discovered at a later date. J. Nolan said you have to know the future use before DEP can declare the site compliant, and he said he didn't know how recently the wells were tested. M. Lanza said the IMA does not release the Town of Sudbury from liability. John Dyer, 287 Cochituate Road, asked why Sudbury was not paying half of the \$500,000 demolition cost. J. Nolan said the Town of Wayland has the benefit of taking control of the property. J. Dyer said he felt it was not a full explanation. A. Lewis asked why the town would do this without knowing what was planned for the property. F. Turkington said the town owns the property and would like the flexibility to use the property before 2017. K. Cook asked to review the legacy costs and balance sheets. J. Dyer reiterated the position that the Town of Sudbury should pay half the demolition cost. A. Lewis asked for an explanation of the use of public funds for a private enterprise, the Vokes Theatre, in Article 8. S. Correia said the Vokes Theatre is a nonprofit historic property. M. Lanza said the law allows the use of Community Preservation funds to preserve historic resources, private or public. A. Lewis asked if the funds came from reserved or unreserved Community Preservation funds. F. Turkington said it is coming from the historic portion of the funds. In regard to Article 9, A. Lewis asked where the conservation restriction would be placed on Mainstone farm land, and also if the town contemplates buying the land. S. Correia said the funding is for a land use study to contemplate a conservation land restriction. C. Peter R. Gossels, 32 Hampshire Road, reviewed the history of the acquisition and zoning of the Mainstone farm property. He said the town incurred no charges during the original zoning and distribution, and he didn't understand why the town needed funding for an appraisal now. Paul Grasso, Finance Committee, said the funding is for an appraisal to begin negotiations for the purchase of a conservation restriction on 218 acres. Gretchen Schuler, 126 Old Connecticut Path, said the appraisal is being done to assess the value in the event that it is the will of the town to preserve that property. S. Correia noted the Board would be passing over Article 10, Acquire 41 River Road Open Space Land. G. Schuler expressed several concerns in regard to Article 11, the revision of the zoning bylaw, including the definition of educational and religious property, the definition of a kennel, the addition of buildings to structures and lots, and all changes from "shall" to "may." M. Lanza said the definition of educational and religious property references state law and has not changed. Sarkis Sarkisian, Town Planner, said he will meet with G. Schuler to review her concerns. A. Lewis asked if the tables in the article are current tables with corrections or new tables; S. Sarkisian said they are existing tables with changes. A. Lewis said that Article 11 is a very long article, and public meetings should have been held in advance so as not to burden town meeting. In regard to Article 13, A. Lewis said residents should know exactly how the town will be enacting a 20% reduction in energy use before town meeting. She noted that the new high school, garage and library will increase our baseline. Anne Harris, Chair, Energy Initiatives Advisory Committee, said the 20% reduction plan was presented to the Board of Selectmen and approved earlier in the evening, and the School Committee is expected to approve it tonight. She said the town can petition the DOER (Department of Energy Resources) to have the baseline revised during the process. Mike Lowery, 120 Lakeshore Drive, asked about the term "as of right" in regard to renewable energy zoning. M. Lanza said it is a legal term, meaning you must meet the current zoning. M. Lowery asked what the implications are for residential zoning; A. Harris said there is no change in the zoning. G. Schuler asked if there were changes to the Aquifer Protection District map in the Appendix. F. Turkington said the map is the same as the map in the 2010 Annual Town Meeting warrant. With regard to Article 13, S. Sarkisian said a section of land abutting the river will be removed. M. Lowery asked the Moderator if an overhead

projector will be available at the town meeting. P. Gossels said that for this particular town meeting, there is no equipment available that can create an adequate projection. S. Correia said it is the town's intention to provide overhead projection in the future. F. Turkington said printouts of any changes will be made available to those attending town meeting. S. Correia said there are still some town vacancies and encouraged volunteers. A. Lewis cautioned the Board to ensure that the Stretch Energy Code is written in such a way that it does not have to come back to town meeting. S. Correia closed the hearing at 8:44 p.m.

P. Gossels and Dennis Berry, Assistant to the Moderator, joined the Board to discuss the logistics of the upcoming Special Town Meeting. F. Turkington requested that suggestions from the Town Meeting Advisory Committee or any of its subcommittees go to the Town Administrator for distribution. Members discussed electronic voting within the April 2011 Annual Town Meeting; topics included postponing electronic voting to a later meeting, calling a Special Town Meeting within the Annual Town Meeting and using the electronic voting only within the Special Town Meeting, and confining electronic voting to one venue. F. Turkington suggested that the Board make an announcement at Special Town Meeting that electronic voting will be postponed for another year. P. Gossels said the town could not override a vote of the town meeting. He also noted the electronic voting was offered for free because Wayland would be the first to use it; it may not be free at a later date. S. Correia said that if any Board members have further ideas, they should contact Dennis Berry.

**A5. Discuss and Vote Positions on Special Town Meeting Warrant Articles** T. Fay moved, seconded by J. Nolan, that the Board recommend to residents the approval of Articles 1 through 16, with the exception of Articles 4 and 10, which will be passed over, YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan noted several articles for which questions were asked at the warrant hearing and need to be addressed by staff prior to Special Town Meeting.

**A6. Discuss Charge to Public Safety Building Advisory Committee** T. Fay asked the Board to support the formation of a committee consisting of three residents to address the repair issues at the Public Safety Building. He said he would seek the caliber of person currently on the High School Building Committee. He suggested putting out a notice as soon as possible, and inviting people to submit their names. He said the committee should work with Public Buildings Director John Moynihan and report several times to the Board. F. Turkington said he will draft a charge by the end of week for Board approval on November 16. He said the committee will need to meet with consultants, make a recommendation for a capital plan, consider the savings from FEMA funds, and have it ready to bid for next town meeting. The Board noted that work should begin before the spring of 2011.

**A9. Report of the Town Administrator** F. Turkington reviewed upcoming meetings, including an early Board meeting before the November 16 Special Town Meeting, Selectmen office hours on November 12, the Minuteman Regional High School briefing on the feasibility study on November 17, and the joint meeting with the Sudbury Board of Selectmen on December 2. He asked the Board to let him know if anyone was interested in attending the MMA conference in January 2011. He said the tax classification hearing will be November 22, and the Finance Committee debt and capital presentation will be December 6. He will be working with Town Counsel and staff next week on the land transfer for the new wastewater facility, and the Wastewater Management District Commission will meet Wednesday to discuss the DEP recommendations and capacity issues. J. Nolan moved, seconded by T. Fay, to appoint Tonya Largy to the Historical Commission for a term to expire on June 30, 2012. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**A10. Selectmen's Reports and Concerns** T. Fay offered condolences to the family of Peter Regan. He suggested the Board pursue the purchase of recycling buckets for placement at public fields over the next few years, and consider teaming up with another town to make a bulk purchase. F. Turkington said he will follow up with Don Ouellette. S. Correia said he has received concerns from residents about the number of Wayland Beautification signs in town, and asked that the Board review the policy. F. Turkington reviewed arrangements for the services in memory of firefighter Peter Regan. J. Nolan thanked Natick firefighters for their heroic attempts to save Mr. Regan's life.

The Board discussed the performance evaluation of the Town Administrator. S. Correia said F. Turkington has met all his goals in a very fiscally challenging environment, and continues to do good work in reorganizing areas of the town, including the DPW. He said it is the consensus of the Board that he has done a tremendous job. S. Pope noted that it is very impressive to hear that he will be heading a panel at the Massachusetts Municipal Association. T. Fay said F. Turkington is one of the town's greatest assets; he commended his ability to deal with his responsibilities efficiently and his skills as a communicator. J. Bladon said F. Turkington has been patient and good tempered through a difficult year, and his hard work is appreciated. J. Nolan said F. Turkington's greatest asset is his intellect and ability to discuss issues in a way everyone can understand. S. Correia said the Board looks forward to working with him in the future to continue to make the town stronger and better. F. Turkington thanked the Board for its comments. He thanked his staff, including Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Fire Chief Robert Loomer, and Public Buildings Director John Moynihan, who were all instrumental in meeting the challenges of the past years, including the flooding event and the fiscal issues. He thanked the Finance Committee for their dedication and policy setting, noting that Wayland is amongst a handful of towns not forced to lay off employees. He said the challenges continue to be fiscal responsibility, customer service, value for investment, the approvals of town center, the new high school, and new capital projects to enhance the town. He also commended his peers from comparable communities for their ideas and support, and providing a sounding board for creative and innovative solutions. He thanked the Board of Selectmen for setting the direction for the town and said he enjoys being part of a leadership team that makes a better community for everyone.

T. Fay moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 9:53 p.m.  
YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

#### **Items Distributed For Use by the Board of Selectmen at the November 8, 2010 Meeting**

1. Emails of 11/8/10 between Town Meeting Advisory Committee members re: Town Meeting Projection System and Trial Run
2. Email of 10/27/10 from Steve Curtin, Historical Commission, to Frederic E. Turkington, Jr., Town Administrator, re: Candidate Tonya Largy