



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

AFR  
10/13/2010

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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 September 20, 2010

**Attendance:** J. Bladon, S. Correia, T. Fay, J. Nolan (arrived 8:14 p.m.), 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 7:00 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience. F. Turkington announced that the Finance Committee hearing on warrant articles for the November Special Town Meeting will be held on September 27 at 7:00 p.m. in Large Hearing Room of the Wayland Town Building, and a logistics meeting for the Special Town Meeting will be held at the Middle School on Wednesday, September 29, at 8:00 a.m. He also noted that the Transfer Station pilot program begins next week. S. Pope said the Touch-a-Truck event sponsored by the Recreation Commission will be held at the Middle School on Saturday, September 25. S. Correia thanked Wayland and Sudbury firefighters for their work in controlling a three-alarm fire in Wayland this past weekend.

**A2. Public Comment** George Harris, 8 Holiday Road, said it was his belief that the Board discussed traffic improvements during a July 26, 2010 executive session, in violation of the open meeting law, as traffic improvements are not a reason to convene an executive session. He then said he presumed the Board's response would be that they were discussing litigation, of which traffic safety is a component. He then countered that presumed argument by citing the December 2009 decision of the Supreme Judicial Court which rejected the School Committee's right to discuss the performance of the School Superintendent while they were discussing the contract of the School Superintendent. Linda Segal, 9 Aqueduct Road, requested that the Board make its information and consultants available to the Conservation Commission in regard to the flood storage issue at the Public Safety Building. She also expressed disappointment that the draft warrant articles for the Special Town Meeting were not attached to the agenda packet last week.

**A3. Discussion of Proposed Renewal License for Cable Television Franchise to Comcast of Massachusetts I, Inc. and Memorandum of Agreement with Verizon New England, Inc. Relative to Video-Return Service** Members of the Cable Advisory Committee (Steve Allen, Phil Radoff, and Richard Turner) and Special Counsel Bill Solomon appeared before the Board to present the renewal license for Comcast and a Memorandum of Agreement with Verizon New England. T. Fay moved, seconded by S. Pope, that the Board of Selectmen approve and authorize the Chair to sign the proposed Memorandum of Agreement between the Town and Verizon New England, Inc. dated September 2010 pertaining to compensatory payments to the Town for the provision of video-return services. YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. Adopted 4-0. B. Solomon said there will be a thirty-day comment period before the Verizon license can be amended to match the agreement. S. Correia reviewed the summary of the cable franchise renewal license with Comcast. Frank Foss, Senior Manager of Government and Community Services for Comcast, thanked the Board, the

Committee, and B. Solomon for their work in negotiating the contract renewal. He presented the I-Net decommissioning letter for Board signature, and a letter stating Comcast's intent to continue the senior discount.

F. Foss made the following three points: First, Comcast recognizes that the Town will not be ready to carry video return over the Town MAN on the 12/31/10 date for end of Comcast's I-Net obligation and will continue carrying it over its I-Net until we are ready. Comcast has done that for six to eight months for other towns. Secondly, the \$10,000 allowance for relocating Comcast's Fiber Link to the new studio location is based on a near-worst-case estimate and should cover all but the most extreme locations. Third, Comcast will not downgrade the current Standard free subscriber accounts provided to municipal and school buildings despite the license requirement of only Basic service.

S. Correia opened the floor to the public. L. Segal thanked the committee for its work. T. Fay asked about the impact of the I-Net on the municipal buildings. B. Solomon said the schools have built a fiber network; this license provides additional funding so the portion of I-Net that was on the Comcast network will now be on town network. S. Pope asked if any public comment has been received prior to the meeting tonight; F. Turkington said no. T. Fay moved, seconded by J. Bladon, that the Board of Selectmen approve the proposed cable franchise renewal license with Comcast of Massachusetts I, Inc. for a term beginning September 17, 2010 and expiring September 16, 2020. YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. Adopted 4-0. The Board thanked the participants for their hard work.

T. Fay moved, seconded by S. Pope, to authorize the Chair to sign, on behalf of the Board of Selectmen, the institutional network buyout letter in the amount of \$50,000 to relieve Comcast of any further obligation associated with the operation of the existing Institutional Network (the "I-Net") as of December 31, 2010. YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. Adopted 4-0.

**A4. Review Special Town Meeting Schedule and Letter Submitted Special Town Meeting Warrant Articles** The Board reviewed assignments for the Special Town Meeting warrant articles. F. Turkington said he would be distributing a spreadsheet to ensure that all boards acknowledge receipt of all articles to be considered for the Warrant, and to indicate whether they wish to offer any comments to the Finance Committee for use in preparing the comments printed in the Warrant.

**A5. Consider and Approve Consent Calendar** T. Fay moved, seconded by J. Bladon, to approve the consent calendar. YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. Adopted 4-0.

**A6. Review Correspondence** The Board discussed the week's correspondence. The Board highlighted the need to support Senate Bill #2592, which addresses the issue of ambulance reimbursement of insured patients.

**A7. Report of the Town Administrator** F. Turkington reminded the public that the Board will hold its first office hours on Friday from 7:15 a.m. to 8:15 a.m. in the Selectmen's Meeting Room. He said the next date is tentatively scheduled for October 22. He noted the Board is also available to hear comments via email at [selectmen@wayland.ma.us](mailto:selectmen@wayland.ma.us). He said the Athletic Field Master Plan is available on the

Recreation Department website. He said there will be a joint meeting of the Board of Public Works and the Recreation Commission on October 4, 2010, to discuss a public hearing later in October. In regard to the draft charge for the proposed Dudley Area Advisory Committee, F. Turkington said he has not heard back from the neighborhood and will hold it for another week. He reviewed the Board meeting dates for the rest of the year and provided an update on the State of the Town/Community Values Forum. He said the planning process should begin for the 375<sup>th</sup> anniversary of the founding of Wayland. The Board discussed creating a commission that includes all facets of the town, and contacting anniversary committees from other towns for input.

**A8. Adopt Board of Selectmen Goals for October 2010 to September 2011** F. Turkington presented the revised goals for the Board of Selectmen for the coming year. T. Fay moved, seconded by S. Pope, to accept the Policy Goals and Priorities for October 2010 through September 2011. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**A9. Selectmen's Reports and Concerns** J. Bladon updated the Board on the work of the Operations Review Committee. S. Pope thanked S. Correia for his work on the cable contract. She noted that in regard to the rubber flooring at the library, the Emerson Hospital uses the same flooring and the complaint is not valid. J. Bladon said he went to see the library tiles and they appeared to be clean; he also noted that a solid rubber sheet would cost two and a half times as much and would have been much more costly to repair or replace. T. Fay said the Board will review the letter provided by G. Harris during public comment. S. Correia said that it was not fair of G. Harris to assume the Board's response. T. Fay said the Board will share its information with the Conservation Commission as requested by L. Segal, subject to any restrictions imposed by current litigation. As for the warrant articles not appearing in the agenda packet, F. Turkington said they were still in draft form, and he did not want several different versions of the documents being circulated. The Board approved the versions to be posted on the website. J. Nolan thanked S. Correia and all the participants in the cable negotiations for their work.

**A10. Executive Session** At 8:28 p.m., T. Fay moved, seconded by J. Nolan, 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 collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. Chair S. Correia declares that consideration of the matter of *Town of Wayland v. BSC* (civil engineer for the architect of the Public Safety Building) in an open meeting may have a detrimental effect on the litigating position of the Town. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. The Board invited Town Administrator Fred Turkington to attend and participate in the executive session. The Board will return to open session in approximately twenty minutes for the sole purpose of adjourning the meeting.

The Board returned to open session at 8:55 p.m.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 8:55 p.m. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**Handouts During Meeting:**

1. Memorandum of 9/20/10 from Linda Segal to Board of Selectmen and Conservation Commission re: Due Diligence Regarding the Public Safety Building
2. Letter of 9/20/10 from George Harris to Office of the Attorney General re: Open Meeting Law Complaint
3. Draft List of Warrant Articles with Selectmen Assignees



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## CONFIDENTIAL

### Board of Selectmen Executive Session Minutes September 20, 2010

**Attendance:** J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope  
**Also Present:** Town Administrator F. Turkington, Secretary M. DiNapoli

**Purpose:** The session was called at 8:28 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 *Town of Wayland v. BSC* (civil engineer for the architect of the Public Safety Building).

**Discussion:** T. Fay reported on events at the trial of *Town of Wayland v. BSC*. He said the trial will probably continue for three weeks. The Board scheduled members to be present during the court proceedings. T. Fay said he didn't expect a settlement discussion, as BSC had only offered \$20,000 and the town had rejected that offer.

**Adjourn:** By motion of J. Nolan, seconded by S. Pope, the Board, by roll call vote, unanimously voted to exit executive session at 8:55 p.m.