



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 27, 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 7:00 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing audience. F. Turkington announced that the transfer station pilot program started today. The Board reminded viewers that the Community Values Forum will be held Wednesday, September 29.

The Board recessed and reconvened at 7:05 p.m. in the Large Hearing Room to attend the Finance Committee Warrant Article Hearing. The Board of Selectmen left the Finance Committee meeting and reconvened in the Selectmen's Meeting Room at 8:23 p.m. to resume its regular agenda.

A2. Reconvene in Selectmen's Meeting Room to Meet with Planning Board to Review Zoning Articles Kevin Murphy, Chair, Planning Board, and Sarkis Sarkisian, Town Planner, appeared before the Board to discuss the zoning articles for the Special Town Meeting. F. Turkington told the Board the Municipal Service Overlay article would be revised to read Municipal Services. T. Fay noted that applicants will still have to comply with all other Planning Board procedures. S. Correia asked if anything else needs to be done before school buses can park in the municipal overlay property. K. Murphy said the school will investigate that. F. Turkington said the town must assess whether gravel or an impervious surface is needed, and an appropriation must be made. J. Nolan encouraged the Planning Board to hold sufficient public meetings on the zoning rewrite article. K. Murphy said he will meet personally with anyone who has specific issues. F. Turkington said the board will make Special Town Counsel available if necessary to address any issues.

A3. Public Comment Gloria Villari, 3 Winthrop Road, said she was concerned that the Conservation Commission had approved a concrete dugout with roof, benches, fences, batting cage storage shed, lighting, etc., at the Art King Field without submitting any plans. She questioned why a permanent structure was allowed to be built with private funding on town land by town employees; she wanted to know whether they had a building permit, and who had paid the fees. S. Correia asked if she had addressed her concerns to the Conservation Commission in writing, and whether they have responded. She said no, it happened too fast. The Board noted that the project was under the jurisdiction of the Recreation Commission and was not the responsibility of the Selectmen. F. Turkington advised her that the Board would be discussing the Athletic Field Master Plan next Monday night, and she was welcome to provide public comment at that time. Mike Lowery, 120 Lakeshore Drive, said residents have the right to appeal an Order of Conditions of the Conservation Commission.

A4. Consider and Approve Consent Calendar T. Fay moved, seconded by S. Pope, to approve the consent calendar. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

A5. Review Correspondence The Board discussed the week's correspondence. J. Bladon agreed that the speed of the traffic on Cochituate Road is a problem that should be addressed. T. Fay congratulated the Surface Water Quality Committee on the positive report on milfoil in Dudley Pond. The Board discussed the appropriate response to the letter from Alice Boelter regarding appointment to the Historic District Commission. S. Correia said the Board conducted a fair interview process and made its appointments as they are legally authorized to do. J. Bladon said the Board should correct any misperceptions. T. Fay suggested that the Board write a letter that explains the process.

A6. Update on Community Values Forum Presenters and Logistics F. Turkington provided an update on the Community Values Forum to be held September 29. He said the League of Women Voters has agreed to provide the moderators, several people have been invited to speak, and WayCAM will be filming the event. T. Fay said he is not concerned that the panels are full, because the most important part will be the small group discussions and the summary. S. Correia asked the Town Administrator to confirm that the draft master plan is on the website.

A7. Report of the Town Administrator T. Fay moved, seconded by J. Bladon, to adopt the Board meeting schedule for the rest of the year as presented by the Town Administrator. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. F. Turkington said he has not yet received any feedback from the Dudley Area neighbors in regard to the draft charge for the proposed Dudley Area Advisory Committee. He addressed the issue of town funding versus the grant money provided by Mass Housing for the evaluation of the site. He said Mass Housing will not fund the consultants for open space, etc., and the funding will stop completely should the soil test prove the land is not viable for affordable housing; therefore it is in the best interest of the town to have additional funds available. T. Fay said it is best to consider the area as a whole, and he felt the change proposed by Mike Lowery was consistent with the spirit of the study. J. Nolan said the town should not decline state funding, but should allow multiple opinions and let Town Meeting decide what should be funded. T. Fay said a study of the entire pond area is cost prohibitive. J. Bladon and S. Correia agreed to hold Selectmen office hours on October 22 at 7:15 a.m. in the Wayland Town Building. F. Turkington said there will be a Special Town Meeting logistics meeting on Wednesday morning at the Middle School. He said the town will try to get I-Net in place for a live broadcast; otherwise the meeting will be taped and rebroadcast. The Board reviewed the list of article sponsors, advocates and Finance Committee assignees. F. Turkington outlined upcoming agenda topics.

A8. Selectmen's Reports and Concerns S. Pope reported on the first Selectmen's Office Hours on September 24. She said it was very productive; residents provided good input and thanked the Board members for the opportunity. She asked that the Building Commissioner investigate the condition of the gas station on Route 20. She thanked the Recreation Commission for the success of the weekend's Touch-a-Truck event. T. Fay asked for an update on the Frishman dog case. F. Turkington said that Mark Frishman filed a motion to void the original January order. He said the prosecutor offered a settlement, but it was not accepted. T. Fay asked about the Rolling Lane/ Squirrel Hill Road review. F. Turkington said Tighe and Bond has been hired and the study is underway. T. Fay noted that during the Selectmen's office hours, a resident complained that the extended use of electronic signs is affecting the flavor of the town. He corrected the minutes from last week's meeting to reflect that information relative to the Public Safety Building would be made available as long as it was not restricted by current litigation. T. Fay said it would be a good idea to list public meetings so residents know that issues are being fully vetted. J. Nolan also thanked the Recreation Commission and all the staff who made the Touch-a-Truck event so successful, and he thanked the local vendors who provided goods and services. S. Correia said

that in regard to the article for the WayCAM studio, it should be made clear that it is worthwhile to renovate the space for any use, as the construction is subsidized by the state as part of the school project. He also noted that no lease terms or agreements have been discussed. T. Fay said that this may be a space that could be shared with other towns. F. Turkington asked the Board to send him their comments on the Master Plan draft report so he can forward them to the Master Plan Advisory Committee. S. Correia reminded the Board to send him their comments on the evaluation of the Town Administrator.

A9. Executive Session At 9:27 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 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 9:44 p.m.

T. Fay moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 9:44 p.m. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

Handouts During Meeting:

1. Email from Town Administrator to Selectmen and Finance Committee dated September 26, 2010 forwarding information from DPW Director Don Ouellette relative to Special Town Meeting Warrant article on FY 2011 water capital budget amendment.
2. Email from CPC chair Jerry Heller dated September 25, 2010 forwarding contact names for STM Warrant articles appropriating CPA funds for renovations to Vokes Theatre and assessment of Mainstone Farm property.
3. Draft revisions to STM Warrant articles E. Amend Charge and Composition of Public Ceremonies Committee and O. Amend Zoning Bylaw to Establish Municipal Services Overlay District.
4. Emails from Library Director Ann Knight and Anette Lewis dated September 25, 2010 regarding flooring installed at the library (further to correspondence #5).
5. Email from Town Administrator to Betsy Connolly and Steve Correia dated September 25, 2010 regarding participation of the Master Plan Advisory Committee in the Community Values Forum.
6. Email from Town Administrator to Selectmen dated September 27, 2010 regarding suggestions for revisions to draft report of Master Plan Advisory Committee.



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CONFIDENTIAL

Board of Selectmen Executive Session Minutes September 27, 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 9:27 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 the events at the trial of *Town of Wayland v. BSC*. He said BSC rested its case on Friday, the closing arguments will be made tomorrow, and the jury will then begin its deliberations. He said that Special Counsel J. Perten felt it had gone well, and the jury should be back with a verdict by the end of the week. The Board discussed the possible outcomes and the potential for an appeal by either party.

Adjourn: By motion of J. Nolan, seconded by S. Pope, the Board, by roll call vote, unanimously voted to exit executive session at 9:44 p.m.