



# 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 14, 2011

**Attendance:** John Bladon, Steven Correia, Thomas Fay, Joseph Nolan, Susan Pope

**Also Present:** Town Administrator Fred Turkington, Secretary MaryAnn DiNapoli

Chair T. Fay called the meeting of the Board of Selectmen to order at 7:05 p.m. in the Large Hearing Room and reviewed the agenda for the viewing public. F. Turkington announced the Special Town Meeting to be held on Thursday, November 17, at 7:30 p.m. in the Wayland Middle School. He reviewed the shuttle service from satellite locations, and said the Board will be meeting at 6:30 p.m. that night if residents have questions prior to the meeting. He said supplemental Finance Committee comments on Articles 3 and 4 were mailed to every household, and is also available on the website.

**Public Comment** Kent George, 15 Indian Dawn, asked the Board to verify that petitioners would be allowed to speak during the warrant hearing, and the Board confirmed that.

**A2. Consider and Approve Consent Calendar** S. Pope moved, seconded by J. Bladon, to approve the consent calendar. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**A3. Review Correspondence** J. Bladon noted, in the report of the fire department, that a home had caught fire during the recent nor'easter due to a generator, and urged residents to use caution. He congratulated the fire chief on improved communications and improved shelter facilities. T. Fay asked to put the issue of cutting back trees on the upcoming agenda. S. Correia noted the challenge grants from the state and said they should be discussed with the Sudbury Board of Selectmen during their upcoming meeting. S. Pope noted that the amount of records requests from citizens was becoming a burden to town staff. J. Nolan asked that the notice from URS be passed along to the DPW, and T. Fay noted the payment from Twenty Wayland for consultants as part of the development agreement.

**A6. Report of the Town Administrator** F. Turkington updated the Board on the Town Center project; he said all outstanding sewer use charges have been paid, and he is awaiting the draft language on a replacement AUL agreement from Raytheon. He said the interview process for Fire Chief began on Monday, November 7, two additional panels will be convened in November, and he expects to have a decision for Board ratification in December. He reviewed upcoming meetings and agendas. J. Nolan moved, seconded by S. Correia, to authorize the Town Administrator to execute the Intermunicipal Agreement with the Town of Sudbury to expand shared recreation services. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

**A7. Selectmen's Reports and Concerns** J. Bladon moved, seconded by S. Pope, to extend the charge and appointments of the Operational Review Committee to December 22, 2011. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by J. Bladon, to extend the charge and appointments of the Dudley Area Advisory Committee to April 30, 2012. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

S. Pope said she has received calls about the construction and traffic in town center. She expressed regret at the inconvenience but noted the police are doing a good job. She asked that the NStar representative be invited to a Board meeting after the first of the year, and said the town of Weston is considering its own utility company. T. Fay and S. Correia agreed to hold office hours on Saturday, December 10. T. Fay said he attended the Veterans Day ceremony, and he congratulated the Public Ceremonies Committee for its work in putting together a very successful event.

**A4. Special Town Meeting Warrant Hearing** T. Fay opened the warrant hearing at 7:32 p.m. for the Special Town Meeting to be held on November 17, 2011. The Board was joined by Town Moderator Dennis Berry and Town Counsel Mark Lanza. F. Turkington reviewed the logistics for the meeting and the shuttle bus service from satellite locations. T. Fay said a resolution will be offered by petitioners in lieu of Article 1, "Enable and Fund Electronic Voting at Town Meeting Through Calendar Year 2014." Anette Lewis, 33 Claypit Hill Road, said the Council on Aging will be providing bus service for elderly residents. She asked whether the approved transfer of \$30,000 from the Unclassified Account-Reserve Fund to the Unclassified Account-Town Meeting was shown on page 22 of the Warrant (list of funds). Cherry Karlson, Chair, Finance Committee, said it was not listed in the appendix of the Special Town Meeting warrant, but the amount reflected a transfer from the Finance Committee's reserve to the Unclassified budget line-item for town meetings in the FY2012 budget and could be referenced in the warrant for the 2011 Annual Town Meeting in the FY12 budget. Jay Sherry, 18 Pine Needle Road, asked if there would be electronic voting on Thursday night; the Board said no. F. Turkington said there are a number of legal concerns about Article 2, "Amend Chapter 19 of the Town Code: Require Tax Rate Public Hearing," and asked if the petitioners have a motion prepared. Donna Bouchard, 72 Concord Road, said it would be ready for town meeting. Kent George, 15 Indian Dawn, said the petitioners have had discussions with the Finance Director in which he indicated that the authority to estimate revenue receipts is solely within his jurisdiction and he is not bound by town meeting. S. Correia said the vote of town meeting falls to the Board of Selectmen for implementation, and the Finance Director reports to the Board. T. Fay said the Board has already committed to adjusting the revenue figures by \$1 million. F. Turkington said the consequences must be fully understood by the petitioners, and T. Fay said that is the view of the Board as expressed in Article 4. D. Bouchard asked the Board to clarify who has the ultimate responsibility for estimating local receipts. F. Turkington said he works with the Finance Director, the Finance Committee, and the Board of Selectmen, and the public will have an opportunity to review the tax recap sheet. T. Fay asked if the petitioners have determined the figure that they will submit to town meeting; D. Bouchard said no. George Harris, 8 Holiday Road, asked why the Finance Director did not admit that he answers to the Town Administrator. M. Lanza said the Town Administrator has authority over the Finance Director. C. Karlson said the Finance Committee did vote to support increasing the estimate of local receipts by \$1 million. Linda Segal, 9 Aqueduct Road, said the Finance Committee did not make a presentation to the public as listed in a calendar published on the town website. F. Turkington said the calendar was carried over from an Annual Town Meeting, and the listing was a mistake. J. Sherry asked if the vote of town meeting was to reduce free cash, or to empower the Board to make all the other budget adjustments. C. Karlson said the vote is limited to reducing free cash. A. Lewis noted an errata on page ten; she said the reference to cash balances should read as the percentage of the cash balances. She said the language of Article 4 made it appear as if Article 6 of the 2011 Annual Town Meeting could be reconsidered. M. Lanza said the article clearly does not allow any other changes to Article 6 of the Annual Town Meeting, and D. Berry agreed. G. Harris asked if Article 4 would become moot upon the passage of Article 3; F. Turkington said yes. G. Harris thanked the Board for putting the petitioners' article first. Mike Lowery, 120 Lakeshore Drive, said there is confusion caused by the amount of conflicting information. D. Berry explained the changes made to the Moderator's rules and regulations. J. Sherry asked the Board of Selectmen and the Finance Committee for an opinion as to the correct figure for free cash.

C. Karlson said the DOR suggests 3-5% for all communities, and Wayland has been at 5-10% for a number of years. She said it was not the goal of the Finance Committee to be over the range, and they were moving to reduce that figure by adjusting revenue and using the cash toward operating capital. She said a strong free cash position gives the town flexibility and the ability to pay for emergencies. She said it was not meant simply to solidify any specific bond rating. D. Bouchard said most towns fall within the 3-5% revenue guidelines. D. Berry said that in terms of procedures at the Special Town Meeting, he would consider primary amendments in \$500,000 increments, and secondary amendments in \$250,000 increments. T. Fay thanked everyone for participating in the hearing. The hearing was closed at 8:19 p.m.

**A5. Review and Vote Positions on Articles for Special Town Meeting** J. Nolan moved, seconded by J. Bladon, to support the resolution of the petitioners to address Article 1, "Enable and Fund Electronic Voting at Town Meeting Through Calendar Year 2014." YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. The Board thanked the petitioners for working with the Board to come a successful resolution. T. Fay said that while he supports the goal of Article 2, "Amend Chapter 19 of the Town Code: Require Tax Rate Public Hearing," the Board of Assessors consider it to be unwieldy. J. Bladon said more work needs to be done on the timing and scope. S. Pope expressed concern that the petitioners did not contact either the Board of Assessors or Finance Committee before drafting the article. F. Turkington said clarification is needed to ensure the article is workable and meets the approval of the Attorney General. J. Bladon moved, seconded by J. Nolan, to support Article 2. YEA: none. NAY: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. ABSTAIN: none. Voted 0-5, motion not adopted. It was the consensus of the Board that it could not vote its position on Article 3 without having a monetary figure. J. Bladon moved, seconded by S. Pope, to support the petitioners' Article 3, "Amend FY2012 Budget Funding Sources." YEA: none. NAY: S. Pope, J. Bladon. ABSTAIN: T. Fay, S. Correia, J. Nolan. Voted 0-2-3, motion not adopted. J. Nolan moved, seconded by S. Correia, to support Article 4, "Amend FY2012 Budget Funding Sources." YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0. The Board agreed to support the recommendation of the Finance Committee if they feel that more funds can be returned. T. Fay said the agenda for the Board meeting on November 17 should include reconsideration of Article 3.

**A8. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** T. Fay said there were no additional topics.

**A9. Adjourn** There being no further business before the Board, J. Bladon moved, seconded by S. Pope, to adjourn the meeting of the Board of Selectmen at 8:52 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 14, 2011 Meeting**

1. Email dated November 11, 2011 from Town Administrator to petitioners, Moderator, Town Counsel, Finance Committee chair and Selectmen reminding that motions for articles to be considered at Special Town Meeting should be submitted for distribution and publication