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# 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 28, 2011

**Attendance:** John Bladon, Steven Correia, Thomas Fay, Joseph Nolan (arrived 7:14 p.m.), 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 7:00 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing public. F. Turkington announced that Selectmen T. Fay and S. Correia will be holding office hours at Saturday, December 10, 2011, from 8:00 a.m. to 9:00 a.m. at Mel's Commonwealth Cafe, 310 Commonwealth Road. He said the remaining Board meetings to be held in 2011 are December 5, December 12, and December 19.

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

**A3. Authorize Remote Participation by Members of Boards, Committees and Commissions in Accordance with 940 CMR 29.10 (OML Regulations) Effective November 30, 2011** F. Turkington advised the Board that there have been requests for a vote to authorize the use of remote participation. He provided an overview of the law, including the minimum requirements and permissible reasons. J. Bladon said he had concerns about the abuse of the privilege; i.e., members who are routinely absent. He was also concerned that the technology is not sufficient to allow easy and effective communication. T. Fay said it should be used prudently. S. Correia said the chair of each committee should monitor its usage. The Board agreed that the authorization should begin after the first of the year. S. Correia moved, seconded by S. Pope, to authorize remote participation by members of boards, committees and commissions in accordance with 940 CMR 29.10 (Open Meeting Law Regulations) effective January 3, 2012, with a review by the Board of Selectmen on June 30, 2012. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

**A4. Discussion with Town Counsel Relative to Legal Opinion on Jurisdiction of Placement of Traffic Control Devices Throughout Wayland** The Board was joined by Town Counsel Mark Lanza to discuss the jurisdiction of the placement of traffic control devices. M. Lanza said the Board acts as the traffic commissioner for the town, and is responsible for all movement of traffic by foot or by vehicle, either by issuing rules and regulations, or by individual order. The order is then carried out by the controlling board for the road structure, which is the Board of Public Works. He noted that this is a town bylaw which can be changed. The Board discussed its options. M. Lanza suggested that the bylaw be revised to require the Board of Selectmen to consult with the Board of Public Works and the Chief of Police before making a decision on traffic policy. Jon Mishara, Chair, Board of Public Works, said he drafted the traffic calming policy, and it deals only with the physical alteration of the roads. F. Turkington said the policy provides a valuable framework and points of prioritization. Anette Lewis, 33 Claypit Hill Road, said she agreed with Town Counsel that the town bylaw should be changed as per his suggestion, or alternatively, that the Board continue its current policy. The Board asked M. Lanza to draft a bylaw change for its consideration.

**A6. Consider and Approve Consent Calendar** S. Pope moved, seconded by J. Bladon, to approve the consent calendar. The Board requested further information on the sale of bottled wine at the Winter Farmer's Market, and the consent calendar was not approved.

**A5. Executive Session** At 8:15 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 21(a)(3) to discuss strategies with respect to litigation. Chair T. Fay declared that the discussion of strategy in open meeting with respect to litigation between Twenty Wayland LLC and the Town of Wayland and the Wastewater Management District Commission as filed in court will have a detrimental effect on the litigating position of the Town and the Commission. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. The Board invited Town Administrator Fred Turkington, members of the Wastewater Management District Commission, Executive Assistant Bill Prendergast, and Town Counsel Mark Lanza to participate. Executive Assistant MaryAnn DiNapoli will attend to record the minutes of the executive session. The Board will return to open session at approximately 9:00 p.m. to resume the agenda for the public portion of the posted meeting of the Board of Selectmen.

David Schofield moved, seconded by Sam Potter, that the Wastewater Management District Commission go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategies with respect to litigation. Chair F. Knight declared that the discussion of strategy in open meeting with respect to litigation between Twenty Wayland LLC and the Town of Wayland and the Wastewater Management District Commission as filed in court will have a detrimental effect on the litigating position of the Town and the Commission. YEA: F. Knight, S. Potter, D. Schofield. NAY: none. ABSTAIN: none. Adopted 3-0. The Commission invited Town Administrator Fred Turkington, members of the Board of Selectmen, Executive Assistant Bill Prendergast, and Town Counsel Mark Lanza to participate. The Commission will return to open session to resume its agenda with a discussion of the FY2012 budget.

The Board returned to open session at 9:17 p.m.

**A7. Review Correspondence** The Board noted the launch of an economic development initiative by the MetroWest Tourism & Visitors Bureau, and suggested that the Economic Development Committee be invited to attend. J. Nolan provided an update on the MWRTA service. F. Turkington highlighted the updates on the town beach project, the legal notice for the tax rate hearing, and the rejection of the MassWorks funding for the sidewalks project.

**A8. Report of the Town Administrator** F. Turkington reviewed possible dates for a joint meeting with the Sudbury Board of Selectmen, the discontinuation of pay phones to save money, the issue of town-owned clocks in two churches, and the status of the fire chief selection process. It was the consensus of the Board to discontinue the use of pay phones. T. Fay suggested that the Historical Commission be contacted for its input into the disposition of the town clocks. F. Turkington said the town audit will be received this week and will be posted on the website. He reviewed upcoming meetings and agenda items.

**A9. Selectmen's Reports and Concerns** The Board reviewed the potential schedule for the 2012 Annual Town Election and Annual Town Meeting, and agreed to schedule the election for April 3, 2012, and to begin the Annual Town Meeting on April 5, 2012. The Board then discussed the recent Special Town Meeting vote. T. Fay said the Board must now reconsider the budgeting for capital projects and find ways to reduce the tax rate, although he noted that he has been impressed by the ability of the Finance Committee to keep expenditures down. He cited the need for improved reporting and increased commercial development.

S. Correia said more information should be on the website. J. Bladon said financial reporting should be a monthly agenda item. In regard to capital projects, he noted that funding a new DPW garage cannot be delayed, as the current facility is in critical need of updating. S. Pope agreed that the DPW garage project is vital. J. Nolan said the Board needs to improve communication with residents, as the issue of cash reserves was misunderstood. T. Fay suggested that the Board submit an article to Annual Town Meeting to withdraw from the CPA fund, and an article to create an enterprise fund for water monies. He said the Board should discuss the stabilization funds. S. Pope requested that the Board of Public Works be invited to a meeting to explain the water billing. The Board discussed hiring a consultant to create financial reports to post on the town website by February 15, 2012.

J. Nolan moved, seconded by S. Correia, to reduce the membership of the Permanent Municipal Building Committee from five to three permanent members and seven to five members in total. YEA: J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope. NAY: none. ABSTAIN: none. Adopted 5-0.

The Board made edits and approved the press release, "New Tax Relief for Wayland." S. Correia noted the opening on the Minuteman Regional High School building committee, and asked for information about the installation of Verizon FIOS. S. Pope said she had received complaints about the condition of the property at the former Kathryn Barton Nursing Home site; F. Turkington said he has spoken to the Building Commissioners and they are in compliance. T. Fay suggested that a contractor be hired to provide oversight to the construction work being done in the historic district by the town center developers.

**A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
T. Fay said there were no additional topics.

**A11. 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 10:30 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 28, 2011 Meeting**

1. Draft Guest Column for Publication in Thursday, December 1, 2011 edition of *The Wayland Town Crier*