



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 June 20, 2011

Attendance: John Bladon, Steven Correia, Thomas Fay, Joseph Nolan, Susan Pope (arrived 7:37 p.m. after attending the Town Meeting Procedures Subcommittee)

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

Chair T. Fay called the meeting of the Board of Selectmen to order at 7:05 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the viewing public.

A3. Interview Applicants for Positions on Boards and Committees Aida Gennis appeared before the Board to interview for reappointment to the Zoning Board of Appeals. She expressed her interest in reappointment, and noted that she also serves as a Library Trustee. She said she supports the formation of a design review committee. T. Fay noted how well the Zoning Board of Appeals functions, and thanked her for her participation in the process.

A2. Joint Meeting with Members of the Board of Public Works to Consider Appointments of Two Members of the Permanent Municipal Building Committee for DPW Facility; Selectmen to Authorize Board of Public Works to Modify and Adopt Charge and Appoint Members to Wellhead Protection Committee The Board met with Director of Public Works Don Ouellette, and Board of Public Works members Tom Abdella, Jon Mishara, Chris Brown, and Mike Lowery. T. Abdella and J. Mishara volunteered to serve on the Permanent Municipal Building Committee for a DPW facility. T. Abdella described his background in architecture and sitework, and J. Mishara said he works as an attorney in construction issues. J. Bladon moved, seconded by S. Correia, to appoint Tom Abdella and Jon Mishara to the Permanent Municipal Building Committee for the DPW Facility as representatives of the Board of Public Works. YEA: J. Bladon, S. Correia, J. Nolan, T. Fay. NAY: none. ABSENT: S. Pope. Adopted 4-0. C. Brown moved, seconded by M. Lowery, to appoint Tom Abdella and Jon Mishara to the Permanent Municipal Building Committee for the DPW Facility as representatives of the Board of Public Works. YEA: T. Abdella, C. Brown, M. Lowery, J. Mishara. NAY: none. ABSENT: M. Wegerbauer. Adopted 4-0.

The Boards considered the charge of the Wellhead Protection Committee. F. Turkington explained that the committee was originally appointed by the Board of Water Commissioners, which was later incorporated into the Board of Public Works. As a matter of clarity and good legal practice, he advised that the Board of Selectmen formally authorize the Board of Public Works to adopt a charge and appoint the committee members. M. Lowery said he would accept the opinion of Town Counsel and the Town Administrator, but felt that the Board of Selectmen did not need to give the Board of Public Works the authority to appoint its own committee. J. Mishara noted there have been several troubling issues regarding the committee, including its submission of the draft wellhead plan to the Department of Environmental Protection without the approval of the Board of Public Works. He said the Board would like to put parameters and restrictions on the mandate of the committee. J. Nolan moved, seconded by

J. Bladon, to support the efforts of the Board of Public Works to modify and adopt the charge of the Wellhead Protection Committee, and appoint its members, as it sees fit. YEA: J. Bladon, S. Correia, J. Nolan, T. Fay. NAY: none. ABSENT: S. Pope. Adopted 4-0.

A3. Interview Applicants for Positions on Boards and Committees Andy Irwin appeared before the Board to interview for reappointment to the Conservation Commission. He said he has served for thirteen years, and is very active in conservation professionally as a chemical engineer. He noted the amount of recent changes in state rules and town bylaws and said the commission is working with a consultant to establish regulations with more specificity. S. Pope asked if the commission will be able to oversee the town center project in a timely fashion, and he said there are technical consultants to help them in their work. J. Nolan suggested that the commission pursue legislation through the DCR (Department of Conservation and Recreation) to earmark state funds for dam repair.

A4. Public Comment There was no public comment.

A5. Discussion on Date, Format, and Topics for "State of the Town" Meeting The Board discussed the upcoming "State of the Town" meeting. Suggestions included an overview from each department, roundtable discussions, topics such as the use of the municipal pad, ongoing projects, potential future projects, the needs of the elderly, the space needs of the Council on Aging, and an expression of appreciation for the high rate of town volunteerism, including projects such as Wayland to Waveland and the tornado disaster relief. The Board agreed to finalize the topics and format by the end of July, and to choose either Thursday, October 13, or Thursday, October 20, as the date of the "State of the Town" meeting.

Steve Correia left the meeting at 8:05 p.m. to attend the Board of Public Works meeting.

A6. Consider and Approve Consent Calendar S. Pope moved, seconded by J. Bladon, to approve the consent calendar. YEA: J. Bladon, J. Nolan, S. Pope, T. Fay. NAY: none. ABSENT: S. Correia. Adopted 4-0.

A7. Review Correspondence The Board reviewed the week's correspondence. J. Bladon commended F. Turkington for his letter requesting an advisory opinion from the Attorney General regarding the posting requirements for a public body presenting before an adjudicatory body. He said he is concerned about the suggestion from a resident that the general ledger of the town be posted online, as the level of detail makes it cumbersome. He suggested that a ledger with a lower level of detail be considered. S. Pope asked that the National Grid work on Old Connecticut Path be posted on the website. J. Nolan thanked Charles Raskin for his service to the town. T. Fay said that he and S. Pope will meet with the owners of the Fireseed Eco-Art Lab to discuss their proposal, and asked that the U.S. Census information be posted on the website.

A8. Report of the Town Administrator F. Turkington reviewed upcoming agenda topics and the list of remaining reappointments. The Board discussed the installation and financing of sidewalks along the west side of Old Sudbury Road between the historic district and the driveway entrance to Wayland Commons and the town center development. F. Turkington reviewed the availability of funding and said he is working with the Town Planner, Conservation Commission, and the Historic District Commission to get the necessary approvals. T. Fay said he attended the Historic District Commission meeting on Thursday to talk about the sidewalks and confirmed their desire to proceed with construction; he said they

would like to extend elements of the current design, including rick pavers, to the edge of the historic district, if funds are available. Cindy Oliver, 15 Old Sudbury Road, said that Wayland Commons has gifted the town \$75,000 for sidewalks from the Depot to the entrance across from her driveway, and asked if the project was moving forward. F. Turkington said yes, it will likely begin in August. He said he has asked staff to respond to the issues raised by William Hearne regarding fields.

S. Correia returned to the meeting at 8:37 p.m.

A9. Selectmen's Reports and Concerns J. Nolan moved, seconded by J. Bladon, that the Board, in accordance with the provisions of MGL c. 7, sec. 38A1/2-O and the Designer Selection Procedures adopted by the Board on December 3, 2007, accept the recommendation of the Public Safety Building Advisory Committee and authorize the Town Administrator to execute a contract for design and construction administration services for the relocation of mechanical, electrical and communication equipment at the Public Safety Building with CSS Architects, Inc. of Wakefield, MA in the amount of \$100,800. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by J. Bladon, to reappoint Andy Irwin, John Sullivan, and Roger Backman to the Conservation Commission for terms that will expire on June 30, 2014. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. S. Pope moved, seconded by J. Bladon, to appoint C. Peter R. Gossels, Jane Sciacca, and Barbara Holtz to the 375th Anniversary Commemoration Committee for terms to expire on December 31, 2013. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan asked the Board to consider at its next meeting the issuance of a written endorsement of the new configuration of the Metropolitan Planning Organization. S. Pope reported on the redistricting state legislator hearing at Framingham State College. She said the Town Meeting Procedures Subcommittee had issued its final report, which she did not endorse as there was one paragraph that she felt was beyond the scope of the committee. She commended Dennis Berry and Mary Antes for their work on the committee. J. Bladon asked the Board to review a draft opinion piece for the Town Crier regarding the town playing fields. J. Nolan moved, seconded by S. Pope, to submit the article, "Improving Our Playing Fields," to the Wayland Town Crier. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. S. Correia reported on the traffic calming procedures that had been discussed at the Board of Public Works meeting this evening. He also expressed concern that a few citizens were micromanaging town issues that were being handled capably by town staff.

A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If

Any T. Fay said the Board received notice today from the office of the Attorney General that it had found the Board of Selectmen in violation of the open meeting law. T. Fay distributed a press statement for the Board's review. J. Bladon moved, seconded by S. Pope, to authorize T. Fay to read the statement for the public and cause it to be distributed to the media. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0. T. Fay read the following: "Concerning the Open Meeting Law determination issued today by the Attorney General, last July and August we reviewed the Complaint filed by a town resident and concluded that a violation had occurred. We then took the affirmative step of repeating the content of the conversation that occurred on July 8th, using a transcript of the videotape. We also responded to the Attorney General and asked that she accept our acknowledgement and remedial action, and take no further action. The comments made during a less than five minute period just prior to the formal opening of the July 8th Board of Selectmen meeting should have occurred during the meeting.

We received only this afternoon an advanced copy of the determination letter. We will take time to review the findings and conclusions and decide the appropriate course of action.

As we have stated before, the Open Meeting Law establishes a very high bar for all committee and Board members to do the public's work in public. That bar is set high on purpose, and appropriately so. We are committed to the Open Meeting Law and we are committed to make certain that this type of conduct will not occur again."

S. Pope moved, seconded by J. Bladon, to authorize the Town Counsel to consult with the Attorney General in regard to the letter of determination OML2011-26 issued today. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

S. Pope moved, seconded by J. Bladon, to adjourn the meeting of the Board of Selectmen at 9:09 p.m. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

Items Distributed For Use by the Board of Selectmen at the June 20, 2011 Meeting

1. Email dated June 20, 2011 from Town Administrator to Selectmen transmitting press release from Attorney General relative to violation of Open Meeting Law and letter of determination dated June 20, 2011 from Assistant Attorney General Jonathan Scarsic to Board of Selectmen in complaint of Linda Segal alleging OML violation on July 8, 2010; proposed statement of the Board of Selectmen on the matter
2. DRAFT op-ed piece for publication in Thursday, June 23, 2011 editions of The Wayland Town Crier entitled "Improving Our Playing Fields"