



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 March 28, 2012

Attendance: John Bladon (arrived 6:17 p.m.), Steven Correia, Thomas Fay, 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 6:05 p.m. in the Large Hearing Room and reviewed the agenda for the public. S. Pope said the grand opening of the new Hannah Williams Park will be on Saturday, March 31, at 10:00 a.m.

A2. Public Comment There was no public comment.

A3. Consider and Approve Consent Calendar S. Pope moved, seconded by S. Correia., to approve the consent calendar. YEA: S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Bladon, J. Nolan. ABSTAIN: none. Adopted 3-0.

A4. Review Correspondence The Board reviewed the week's correspondence. S. Correia noted the sodium level in the water; F. Turkington provided the Board an update on the actions being taken. S. Pope asked that the public be notified of the aerial inspections by NStar.

A6. Report of the Town Administrator F. Turkington updated the Board on audiovisual preparations for the Annual Town Meeting. He distributed a list of legal questions answered by Town Counsel Mark Lanza in anticipation of the warrant hearing. He presented a draft errata sheet and reviewed the procedures for the warrant hearing. He noted a handout prepared by the Board of Assessors that details the changes embodied in Article 18, "Amend Section 19-8 of Town Code: Board of Assessors." Finally, he said that the Finance Committee will post a "Frequently Asked Questions" page on the town website, and will consider the budget proposal of four residents to reduce the town's budget.

A7. Consider and Vote to Recommend to Voters Approval of Town Meeting Articles #1, #3, #7, #13, #14, #15, #16, #17, #20, #26, #27, #29, #30, #31; Recommend Article #2 be Passed Over S. Pope moved, seconded by S. Correia, to recommend approval of Article 1, "Recognize Citizens and Employees for Particular Service to the Town." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by S. Correia, to recommend approval of Article 3, "Current Year Transfers." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. The Board deferred a vote on Article 7, "Establish Enterprise Fund for Water Department." S. Pope moved, seconded by S. Correia, to recommend approval of Article 13, "Compensation for Town Clerk." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Correia moved, seconded by J. Bladon, to recommend approval of Article 14, "Approve Personnel Bylaw and Wage and Classification Plan." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 15, "Sell or Trade Vehicles and Equipment." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 16, "Accept Gifts of Land." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

S. Pope moved, seconded by J. Bladon, to recommend approval of Article 17, "Accept Law Allowing Increased Real Estate Tax Exemption Amounts." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 20, "Set Aside Community Preservation Funds for Later Spending." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by S. Correia, to recommend approval of Article 26, "Amend Town Code 68-1: Traffic Calming." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 27, "Authorize Sale of Town-owned Land at 24 and 26 Lakeshore Drive." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 29, "Hear Reports." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 30, "Choose Town Officers." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. There was no motion made on Article 31, "Resolution in Support of Funding Electronic Voting through June 30, 2015." S. Correia moved, seconded by J. Bladon, to pass over Article 2, "Pay Previous Fiscal Year Unpaid Bills." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A12. Selectmen's Reports and Concerns The Board discussed the performance evaluation of the Town Administrator. The Board praised F. Turkington for his availability and responsiveness to the public, his work ethic, his relationship with town staff, and his accessibility to board and committee members. F. Turkington thanked the Board for the positive evaluation. S. Pope moved, seconded by J. Bladon, to approve the evaluation of Town Administrator Fred Turkington as presented. YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. T. Fay confirmed that the four subdivided parcels at the town center project will have no impact on the gift money to the town, as was suggested by a resident. He noted that this is his last meeting before the Annual Town Meeting, and said it has been a pleasure to work with the Board.

A5. Discussion of Verizon FIOS Build-out Requirement and Recommendation CATV Advisory Committee Steve Allen, Cable Advisory Committee, appeared before the Board to recommend that the Board commence enforcement actions against Verizon for its failure to complete the buildout of CATV services within the four years required by the license. S. Pope moved, seconded by S. Correia, to authorize the Cable Advisory Committee to begin discussions with Verizon to address the issue of noncompliance with the Cable TV License dated January 22, 2008. YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A8. Public Hearing with WayCAM T. Fay opened the public hearing with WayCAM at 7:03 p.m. The Board was joined by WayCAM members Ken Isaacson, Susan Koffman, Jerry Boos, Frank Fuller, and Richard Turner. K. Isaacson reviewed the events of 2011, including the lease and construction of a new studio at the high school, the creation of a state of the art production studio, several new installations for live broadcasting in town, the hiring of a second employee, the completion of the required peer review, and the expansion of programming available on demand through the WayCAM website. F. Fuller reviewed the findings of a resident survey from November 2011. S. Correia said the WayCAM financials have improved, and he praised the members for good management and the creation of enhanced revenue opportunities. T. Fay thanked them for their work and innovation.

A9. 2012 Annual Town Meeting Warrant Hearing T. Fay opened the 2012 Annual Town Meeting warrant

hearing at 7:30 p.m. The Board was joined by Town Moderator Dennis Berry, who reviewed the changes made to the town meeting rules and regulations, described the new audiovisual rules, and introduced Miranda Jones, the Assistant Town Moderator. Anette Lewis, 33 Claypit Hill Road, asked about the project identified as "Transfer Station capital project completed" listed under "Additions to free cash by June 30." F. Turkington said the funds reflect savings in the estimated cost for capping the former landfill on Boston Post Road, closed in 2010. A. Lewis asked why funds expended by the Wastewater Management District Commission for alternate groundwater disposal weren't listed under current year transfers in Article 3. Margo Melnicove, 245 Lakeshore Drive, asked about the order of the articles; T. Fay said the order of the articles is the prerogative of the Board. Ed Collins, 43 Plain Road, said the chart in Appendix B on page 121 is deceptive, as it does not include the appointing authority. George Harris, 8 Holiday Road, said these concerns were raised with the Finance Committee, and there is a difference of opinion over whether the information in the chart is accurate and complete. Linda Segal, 9 Aqueduct Road, reported errata in Appendix B where four towns should have been shown having elected Finance Committees, not appointed ones, prompting her to ask how the data were compiled for the chart. Richard Stack, Finance Committee, said he either contacted the towns or went to their website. Jay Sherry, 18 Pine Needle Road, petitioner for the article, "Reduce Rate of Community Preservation Act Property Tax Surcharge," said he had prepared a chart that would illustrate the ten-year tax saving for town meeting participants. Donna Bouchard, 72 Concord Road, questioned whether the proposed FY2013 enterprise fund budget for water must be approved as part of Article 7 rather than with other enterprise fund budgets that are part of the Omnibus FY2012 Operating Budget to be adopted under Article 8. F. Turkington said he would refer the question to Town Counsel. E. Collins asked if there were any town bylaws to support Article 7, the establishment of a Water Enterprise Fund. F. Turkington said all enterprise funds follow the same conscript as the general fund. E. Collins asked if any bylaws would be created to regulate the use of the fund. F. Turkington said state law regulates enterprise funds. A. Lewis said the current fund is in the control of F. Turkington and the boards have no say; she said that with regard to the Wastewater Management Enterprise Fund, "apparently monies, overtime, have been expended in excess of what was budgeted with no control." T. Fay reminded the questioner to be civil. D. Bouchard asked if capital projects for water need to be part of the enterprise fund budget; F. Turkington said he will review the issue with Town Counsel. L. Segal said the Finance Committee was questioned about the control of enterprise funds, so it is fair to repeat the question. A. Lewis asked for a breakdown of the DPW budget by parks, highway and recreation. Bill Steinberg, Finance Committee, said he would get that information. J. Sherry noted errata on page 47, section 2: Article 6 should be Article 8. L. Segal noted errata on page 54; she said the "Zone 2 Well Testing" should be "Capture Zone Analysis." F. Turkington said in the title of Article 9, the word "appropriate" is misspelled. Paul Doerr, 58 River Road, questioned the statement by the Finance Committee in Article 10, "Amend Zoning Bylaw: Definition of Refuse Disposal District," that access to the River Road site has been subject to flooding. He said that nearby roads have flooded in the past, but the access road at Boston Post Road has not. A. Lewis asked if there were any gifts of land this year; F. Turkington said no. E. Collins asked if Article 25, "Amend Zoning Bylaw Section 198-1102.1.4.1.4 and 198-1102.1.4.1.7, Governing Service Stations," would be withdrawn due to opposition. Attorney Brian Levy, 3 Ponds Road, said the opposition has been withdrawn. L. Segal said the Planning Board reports were not informative enough. Ira Montague, Planning Board, said all the public hearings were held as required. Kim Cook, 12 Ellie Lane, asked why no appraisal was done on the land at 24 and 26 Lakeshore Drive. S. Pope said an appraisal was done in 2006, and no appraisal is necessary on property valued at less than \$25,000. K. Cook expressed several concerns, including the value of waterfront property, the lack of restrictions and conditions on the sale, and the lack of a town code to govern the sale of town property. F. Turkington said the property is not accessible to the water; the restrictions and conditions are part of the zoning code; and state law governs the sale of property. Bruce Cummings, Board of Assessors, said it is not a buildable lot, the town collects no revenue from the property as it currently exists,

and selling the property will provide ongoing tax revenue. Dave Hanlon, 30 Lakeshore Drive, said he only wishes to purchase the land to make necessary upgrades to his septic system. A. Lewis said the Board must put the conditions of the sale in the warrant, require the purchaser to pay all the legal fees, require another appraisal at the expense of the purchaser, and display photographs of the area at town meeting. J. Sherry asked why four committee reports appeared in Appendix J of the warrant. F. Turkington said those committees are bound by bylaw or town meeting to prepare a report for the warrant. K. Cook and G. Harris questioned why the report of the Operational Review Committee was not in the warrant. Paul Grasso, Finance Committee, said the committee has not been able to get a quorum for a meeting, and as such, did not have a report ready. K. Cook said the "Hear Reports" should be at the beginning of the meeting. T. Fay closed the 2012 Annual Town Meeting Warrant Hearing at 8:46 p.m.

A10. Executive Session At 8:50 p.m., S. Correia moved, seconded by J. Bladon, 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 v. Town of Wayland and Wayland Wastewater Management District Commission 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, Facilities Director John Moynihan, 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 in approximately 45 minutes to resume the agenda for the public portion of the posted meeting of the Board of Selectmen.

The Board joined the Wastewater Management District Commission meeting which was already in executive session.

The Board returned to open session at 10:50 p.m.

A11. Consider and Vote Positions on Remaining Town Meeting Articles (Articles #4 through #6; #8 through #12; #18, #19, #21 through #25; and #28); Discuss Any Issue Related to Discussion on Articles and Questions Raised at Warrant Hearing; Discuss Potential Access Restrictions to River Road Parcel if DPW Facility Constructed on Site J. Bladon moved, seconded by S. Correia, to recommend approval of Article 4, "Amend Town Code Section 19: Elect the Finance Committee." YEA: none. NAY: J. Bladon, S. Correia, T. Fay, S. Pope. ABSENT: J. Nolan. ABSTAIN: none. Motion not approved, 0-4. S. Pope moved, seconded by S. Correia, to recommend approval of Article 5, "Establish and Fund an Audit and Review Committee." YEA: none. NAY: J. Bladon, S. Correia, T. Fay, S. Pope. ABSENT: J. Nolan. ABSTAIN: none. Motion not approved, 0-4. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 6, "Reduce Rate of Community Preservation Act Property Tax Surcharge." YEA: none. NAY: J. Bladon, S. Correia, T. Fay, S. Pope. ABSENT: J. Nolan. ABSTAIN: none. Motion not approved, 0-4. S. Pope moved, seconded by S. Correia, to recommend approval of Article 7, "Establish Enterprise Fund for Water Department." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. The Board deferred a vote on Article 8, "FY 2013 Omnibus Budget," until Annual Town Meeting. S. Correia moved, seconded by S. Pope, to recommend approval of Article 9, "Appropriate Funds to Study Teacher Compensation." YEA: none. NAY: J. Bladon, S. Correia, T. Fay, S. Pope. ABSENT: J. Nolan. ABSTAIN: none. Motion not approved, 0-4. S. Pope moved, seconded by S. Correia, to recommend approval of Article 10, "Amend Zoning Bylaw: Definition of Refuse Disposal District." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan.

ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by S. Correia, to recommend approval of Article 11, "Resolution Designating River Road Parcel for Future DPW Facility." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. J. Bladon moved, seconded by S. Correia, to recommend approval of Article 12, "Appropriate Funds for Construction Documents and Bidding of New DPW Maintenance and Storage Facility." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by S. Correia, to recommend approval of Article 18, "Amend Section 19-8 of Town Code: Board of Assessors." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Correia moved, seconded by S. Pope, to recommend approval of Article 19, "Amend Town Code Section 19: Require Tax Rate Hearing." All members agreed with the concept of a tax rate public hearing, but T. Fay and J. Bladon expressed reservations about the text and the Board of Assessors objections regarding the timing. YEA: S. Correia, S. Pope. NAY: J. Bladon, T. Fay. ABSENT: J. Nolan. ABSTAIN: none. Vote: 2-2. S. Pope moved, seconded by S. Correia, to recommend approval of Article 21, "Appropriate CPA and Other Funds for Due Diligence Efforts for Pre-Permitting and Potential Sale of Town-Owned Land on Boston Post Road." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by S. Correia, to recommend approval of Article 22, "Appropriate CPA Funds for Affordable Housing Project on Stonebridge Road." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by J. Bladon, to recommend approval of Article 23, "Create Stabilization Fund for Minuteman Regional Vocational-Technical High School." YEA: none. NAY: J. Bladon, S. Correia, T. Fay, S. Pope. ABSENT: J. Nolan. ABSTAIN: none. Motion not approved, 0-4. S. Pope moved, seconded by S. Correia, to recommend approval of Article 24, "Amend Zoning Bylaw: Establish Design Review Advisory Board and Designate Uses Subject to Review." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Pope moved, seconded by S. Correia, to recommend approval of Article 25, "Amend Zoning Bylaw Section 198-1102.1.4.1.4: Definition of Service Stations." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. S. Correia moved, seconded by S. Pope, to recommend approval of Article 28, "Request Audit of School Fee-Based Programs Since FY2007." YEA: none. NAY: J. Bladon, S. Correia, T. Fay, S. Pope. ABSENT: J. Nolan. ABSTAIN: none. Motion not approved, 0-4. S. Pope moved, seconded by S. Correia, to recommend approval of Article 31, "Resolution in Support of Funding Electronic Voting through June 30, 2015." YEA: J. Bladon, S. Correia, T. Fay, S. Pope. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
T. Fay said there were no additional topics.

A14. 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 12:19 a.m. on March 29, 2012. 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 March 28, 2012 Meeting

1. DRAFT errata sheet for 2012 Annual Town Meeting.
2. Chart dated March 28, 2012 depicting changes to Section 19-8 of the Town Code as embodied in Article 18 proposed by Board of Assessors.
3. Email dated March 3, 2012 from Town Administrator to George Harris suggesting amended language to resolve issues with Article 19: Require Tax Rate Hearing.

4. Email dated March 28, 2012 from Tony Boschetto, Kent George, Donna Bouchard and Shawn Kinney to the Finance Committee requesting consideration of resident's budget proposal to reduce retirement contribution by \$1,450,571, eliminate \$2,200,000 OPEB contribution, change funding source of Middle School roof replacement to \$1,500,000 from borrowing, and apply additional \$1,600,000 from free cash to reduce taxes.
5. Motion to enter executive session regarding pending litigation.
6. Chart prepared by Jay Sherry, lead petitioner of Article 6, regarding ten-year cumulative CPA tax cut for assessments ranging from \$300,000 to \$1,200,000.
7. 2011 WayCAM customer satisfaction survey detailed results.

Items Included as Part of Agenda Packet for Discussion During the March 28, 2012 Board of Selectmen's Meeting

1. Email dated March 13, 2012 from CATV Advisory Committee to Selectmen regarding Verizon compliance with scheduled build-out of FIOS to all residents in town.
2. WayCAM 2012 Annual Operating Report; list of equipment purchased in 2011; peer review customer survey.
3. List of articles, assignees and Finance Committee positions for 2012 Annual Town Meeting Warrant, together with the 2012 Annual Town Meeting Warrant.
4. Emails dated March 22 and 23, 2012 from Town Administrator to Kim Cook and Andrea Shamoian regarding the procedure for disposing 24 and 26 Lakeshore Drive if authorized by Town Meeting.
5. Composite Performance Evaluation of Town Administrator and Individual Selectmen Comments