



# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

JOHN BLADON  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
DOUGLAS J. LEARD  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes April 30, 2012

**Attendance:** John Bladon, Edward Collins, Steven Correia, Douglas Leard, Joseph Nolan

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

Senior Member J. Nolan 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 public. He thanked outgoing members Tom Fay and Susan Pope for their service, and welcomed new members Doug Leard and Ed Collins. F. Turkington presented a revised consent calendar and a revised list of documents attached to the agenda. He noted the invitation from Heidi Heilman to the WaylandCares meeting on May 2, 2012, at 7:30 a.m. at the Wayland High School.

**A2. Organizational Matters** S. Correia moved, seconded by D. Leard, to appoint J. Bladon as the Chair of the Board of Selectmen until the first meeting following the adjournment of the 2013 Annual Town Meeting. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by J. Bladon, to appoint S. Correia as the Vice-Chair/Clerk until the first meeting following the adjournment of the 2013 Annual Town Meeting. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0. F. Turkington distributed for review the May 2011-April 2012 portfolio assignments. The Board discussed the new assignments and liaison roles. J. Nolan moved, seconded by D. Leard, to accept the assignments and liaison roles as presented. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A3. Public Hearing – Utility Relocation of NStar Poles** J. Bladon opened the public hearing on the utility relocation of NStar poles at 7:16 p.m. There was no public comment and no response from abutters. E. Collins suggested that the statutory basis for public hearings be mentioned for all cases. The Board expressed concern about the continuing problem of double poles, and asked that NStar be invited to an upcoming Board meeting to provide an update on the issue. J. Bladon closed the public hearing closed at 7:24 p.m. J. Nolan moved, seconded by D. Leard, to approve the following petitions:

- a petition from Nstar Electric Company and Verizon New England Inc. for the purpose of obtaining an order for an alteration in the location of said existing poles so that hereafter said poles, together with such other fixtures as may be necessary to sustain or protect the wires of the line, shall be located, substantially as shown on the plan made by A. Debenedictis dated March 6, 2012, on Boston Post Road, northerly side, approximately 150 feet west of Winthrop Road, relocate nine (9) poles, 276/62, 276/63, 276/64, 276/65, 276/68, 276/69, 276/82, 276/83, 276/84, install one (1) stub pole 276/82S; and on Boston Post Road, southerly side, approximately 2750 feet west of Pelham Island Road, relocate six (6) poles, 276/90, 276/89, 276/88, 276/86, 276/85
- a petition from Nstar Electric Company for the purpose of obtaining an order to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by A. Debenedictis dated February 2, 2012, on Boston Post Road, northerly, approximately 2839 feet west of Pelham Island Road, a distance of about 45 feet-conduit at pole 276/91

- a petition from Nstar Electric Company for the purpose of obtaining an order to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by A. DeBenedictis dated February 2, 2012, on Boston Post Road, northeasterly, approximately 2032 feet west of Pelham Island Road, a distance of about 90 feet-conduit at pole 276/87
- a petition from Nstar Electric Company for the purpose of obtaining an order to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by A. DeBenedictis dated February 2, 2012, on Old Sudbury Road, northwesterly, thence turning southwesterly, approximately 1021 feet southeast of Bow Road, a distance of about 105 feet-conduit at pole 23/11

YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A5. Public Comment** Alice Boelter, 106 Lakeshore Drive, requested that resident's concerns be followed up, and that a second public comment be added at the end of the Board meetings. George Harris, 8 Holiday Road, extended his congratulations to the new Board members. He said that the Board is obliged by law to make the public aware at the beginning of every meeting that the meeting is being audio and visually recorded. In regard to his Open Meeting Law complaint, he noted that his previous complaint was against Tom Fay, former Chair of the Board of Selectmen, but the most recent complaint is against the entire Board. Secondly, he said this complaint constitutes a clear violation of the SJC 2009 ruling involving the Wayland School Committee. Finally, he reviewed the list of complaints he had filed against the Board, and the disposition of each.

**A4. Public Hearing – Wayland Country Club License to Serve All Alcoholic Beverages from Carts on the Golf Course During Play** J. Bladon opened the public hearing at 7:34 p.m. for the alteration of premises at Golf Course Enterprises, LLC, dba Wayland Country Club, to serve alcoholic beverages on the grounds of the golf course. Robert Quirk, owner of the Wayland Country Club, appeared before the Board. He said the cart will only sell beer and wine by TIPS certified servers. E. Collins asked if service would be limited to tournaments; R. Quirk said no, it will be available whenever the course is open. There were no comments from the public. The hearing was closed at 7:41 p.m. D. Leard moved, seconded by J. Nolan, to approve the application of Golf Course Enterprises, LLC, dba Wayland Country Club, for an alteration of premises to allow the service of alcoholic beverages on the grounds of the golf course. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A5. Public Comment** There was no further public comment.

**A6. Review of Annual Town Meeting and Implementation Plans for Approved Articles** F. Turkington provided a review of the disposition of the articles at the April Annual Town Meeting. E. Collins asked how the disbursement of reserve water rates would be determined. F. Turkington explained the procedure and also noted that any expenditure must be approved by Town Meeting. The Board discussed the implementation of Article 28, "Request Audit of School Fee-Based Programs Since FY2007." D. Leard said he would like to see this issue addressed quickly in order to restore trust and ensure accountability; E. Collins agreed. J. Nolan said this was a School Committee issue, but the Town Meeting directed the Board to make the request to the state. The Board debated the level of information to be included in the transmission. J. Bladon said it was the sense of the Board to authorize the Town Administrator to draft a transmittal letter to the state, send it to the School Committee and any resident who wants to provide input, and then include it in

the packet next week for review. In other matters, J. Nolan said he would like to see the Finance Committee invited to a future meeting to discuss the effect of using one-time revenues to balance the FY2013 budget. The Board agreed to have an appraisal done of 24 and 26 Lakeshore Drive.

**A7. Consider and Approve Consent Calendar** J. Nolan moved, seconded by E. Collins, to approve the consent calendar. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A8. Review Correspondence** The Board reviewed the week's correspondence. In regard to the public comments on Annual Town Meeting, S. Correia said more information is readily available to any resident upon request. J. Nolan suggested the public needs to be more engaged. E. Collins noted that it would be difficult to resolve some of the issues raised without disrupting the process. S. Correia asked that the Town Moderator be invited to a future meeting for further discussion.

**A9. Report of the Town Administrator** F. Turkington reviewed procedures for new members. He presented a draft schedule of meetings for the remainder of 2012, and he reviewed upcoming agenda topics. Open items include the Danforth Green settlement agreement, the pending open meeting law cases, a municipal pad design study, a traffic study and recommendation for Route 27 and Green Way, pending litigation between Twenty Wayland LLC and the Wastewater Management District Commission/Town of Wayland, board vacancies, and negotiations with Verizon over the delayed build-out. He said the Board will need to take a hard look at budget issues. D. Leard said he will follow up on the issue of a regional dispatch center and will attend the meeting on May 24, 2012, in Sudbury.

**A10. Selectmen's Reports and Concerns** E. Collins moved, seconded by J. Nolan, to extend the duration and appointments of members of the Temporary Advisory Operational Review Committee to June 13, 2012. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by S. Correia, to extend the duration and appointments of members of the temporary Dudley Area Advisory Committee to May 31, 2013. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A11. Discussion of Open Meeting Law Complaint filed by George Harris on April 25, 2012, Alleging Improper Deliberation Through the Use of Emails** F. Turkington presented a draft letter of response to the Open Meeting Law complaint filed by George Harris for the review of the Board of Selectmen. E. Collins said it appears that the Board does have a violation of the Open Meeting Law. He asked that the Supreme Judicial Court decision, District Attorney for the Northern District v. School Committee of Wayland, 455 Mass. 561, 569 (2009), be posted on the town website, as it may be useful to other boards. J. Nolan said the case has ramifications throughout the state, and a clarification of the law would be welcome. J. Bladon said the Board could use guidance in creating an efficient process for reviewing documents. D. Leard asked that his name be deleted, as he was not a member of the Board at the time. The Board agreed to delete the references to the number of cases filed by G. Harris. J. Nolan moved, seconded by S. Correia, to authorize the Town Administrator to send the letter to the Attorney General on behalf of the Board of Selectmen, with the revisions as noted. YEA: J. Bladon, S. Correia, J. Nolan. NAY: E. Collins. ABSTAIN: D. Leard. Adopted 3-1-1.

**A10. Selectmen's Reports and Concerns** S. Correia recognized the passing of Steve Allen, chair of the Cable Advisory Committee, and commended him for his work for the town. J. Bladon said the Board will consider the scheduling of two public comments at future meetings.

**A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**

J. Bladon said there were no additional topics.

**A13. Adjourn** There being no further business before the Board, E. Collins moved, seconded by D. Leard to adjourn the meeting of the Board of Selectmen at 9:45 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**Items Included as Part of Agenda Packet for Discussion During the April 30, 2012 Board of Selectmen's Meeting**

1. Selectmen's Policy on Officers and Meetings, Approved April 26, 2010, and restated on October 13, 2010
2. Legal Notice, Public Hearing for NStar Relocations and Installations
3. Legal Notice, Public Hearing for Golf Course Enterprises, dba Wayland Country Club, for a license to serve on the grounds of the golf course at 103 Cochituate Road, and application submitted to the Town March 22, 2012
4. Summary of Action Taken at 2012 Annual Town Meeting, prepared by Town Administrator
5. Annual Town Meeting Follow-up Action Items, prepared by Town Administrator
6. Proposed Meeting Schedule for Board of Selectmen through 2012
7. Email of 4/24/12 from Frederic E. Turkington, Jr., Town Administrator, re: Extension of Committee Charge of the Operational Review Committee
8. Charge of the Dudley Area Advisory Committee
9. Email of 4/25/12 from Frederic E. Turkington, Jr., Town Administrator re: Open Meeting Law Complaint from George Harris Alleging Illegal Deliberation by Email in Conducting Performance Evaluation of Town Administrator, and Complaint filed by George Harris, April 25, 2012

**Items Distributed For Use by the Board of Selectmen at the April 30, 2012 Meeting**

1. Email dated April 30, 2012 from Heidi Heilman inviting Selectmen to attend the May 2, 2012 meeting of Wayland Cares.
2. Revised consent calendar for April 30, 2012.
3. Proposed motion rescinding the vote of the Board of Selectmen on November 28, 2011 reducing the number of members of the Permanent Municipal Building Committee and appointing Eric Sheffels and Brian Chase to fill vacancies for terms expiring June 30, 2014.
4. Revised "pink sheet" list of documents provided in advance to the Board of Selectmen for use during discussion at the April 30, 2012 meeting.
5. DRAFT letter to the Office of Attorney General Division of Open Government prepared for Board discussion and review relative to the Open Meeting Law complaint filed by George Harris on April 25, 2012 (distributed at the time this item is discussed).