



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 July 9, 2012

Attendance: John Bladon, Edward Collins, Douglas Leard, Joseph Nolan
Also Present: Town Administrator Fred Turkington

Chair J. Bladon called the meeting of the Board of Selectmen to order at 6:33 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the public. He announced that the meeting is being broadcast and videotaped for later broadcast by WayCAM.

A2. Swearing-in Ceremony for Firefighter/Paramedic Kyle McLaughlin Fire Chief Vincent Smith introduced Kyle McLaughlin, who took the oath of service as the department's newest firefighter/paramedic before family and friends. K. McLaughlin is the third full-time paramedic and will enter the academy in January 2013.

A3. Public Comment J. Bladon opened public comment by explaining the ground rules for participation, including a five-minute maximum time limit, and he noted he would enforce standards of civility as appropriate. Stewart Millard, 6 Melody Lane, expressed concern that the Route 20/27 intersection work performed by the contractor for Twenty Wayland as part of the Town Center traffic mitigation requirements was taking too long to complete. He noted that businesses had reported to him a steep decline in sales, and he had observed a motorized wheelchair citizen unable to navigate the area because sidewalks aren't completed. Mike Lowery, 120 Lakeshore Drive, member of the Surface Water Quality Committee, and Chair of the Board of Public Works, gave a report on the status of pond maintenance. In regards to Heard Pond, he said chestnut removal is now in maintenance mode after three years of aggressive mitigation. In regard to North Pond, he said milfoil remains a problem; he demonstrated the device used to harvest plants and the buoys that may be seen until plants are pulled. He noted that the state matches on a 2:1 basis contributions from Framingham and Wayland. The state grant is \$45,000. In regard to Dudley Pond, he said divers have been employed to pull the milfoil plants and more than 10,000 have been harvested to date. M. Lowery noted that the Surface Water Quality Committee would make drainage and septic control priority issues for maintaining pond health by excluding nutrients that provide a favorable climate for invasive plants. Molly Upton, 23B Bayfield Road, asked the Board to consider a wage freeze and eliminate automatic increases in steps and other financial elements of collective bargaining agreements, noting the continued fragile economic climate. She believes that the reduced tax rate has contributed to improved real estate sales.

The Town Administrator reviewed the material distributed for use at the meeting, noting the addition to the consent calendar of the June 2012 invoice for Town Counsel services in the amount of \$8,279.52. J. Bladon moved the order of the agenda in the interest of time.

A7. Consider and Approve Consent Calendar J. Nolan moved, seconded by D. Leard., to approve the revised consent calendar to include the June 2012 invoice for Town Counsel. YEA: J. Bladon, E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 4-0.

A8. Review Correspondence The Board reviewed the week's correspondence. J. Bladon discussed his conversation with Minuteman School Committee member MaryEllen Castagno regarding the building project and the correspondence from the towns of Belmont and Carlisle. He asked for the matter to be placed on the August 1 or 20 agenda for discussion, and to invite M. Castagno to participate.

A4. Executive Session At 7:10 p.m., J. Nolan moved, seconded by D. Leard, that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. The Chair declared that discussion of strategy with respect to contract negotiations with those bargaining units with agreements expiring on June 30, 2013, in an open meeting may have a detrimental effect on the negotiating position of the Board. YEA: J. Bladon, E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 4-0. The Board invited Town Administrator Fred Turkington to attend and participate. The Chair noted that the executive session will be held in the School Committee Room with the Finance Committee, School Committee and Personnel Board, and that the Board would 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 returned to open session at 8:01 p.m. in the Selectmen's Meeting Room.

A5. Update on NStar's Mitigation Plan for Transmission Lines Adjacent to Oak Hill Road and Meadow View Road J. Bladon asked J. Nolan to report on the meeting of the neighborhood he attended. J. Nolan discussed the mitigation measures being sought by residents and the general parameters provided by NStar. J. Bladon then asked the Town Administrator to provide a summary of the meeting that he and S. Correia attended that was organized by Framingham officials and included a selectman, town administrator, and state legislators representing Framingham, Natick, Sudbury and Wayland. F. Turkington reported that the emphasis was assuring that NStar provided reciprocal treatment to all communities and each impacted resident. He reviewed NStar actions and attendance at meetings in each town and described the bill passed by the State House that would give additional authority to the DPU to regulate vegetation management plans. E. Collins asked whether Massachusetts General Laws Chapter 87, Section 14, covering notification to address hazardous trees is applicable to the removal of trees under transmission lines. J. Nolan and E. Collins suggested that the town consider a local bylaw that would require a longer notification period and public hearing on vegetation management plans.

J. Bladon then took comments from citizens. Scott Machanic, 26 Meadow View Road, suggested that Town investigate through survey whether trees were illegally removed in the right-of-way near the corner of Stonebridge Road and Oak Hill Road, noting that a single tree remains. Allen Dines, 32 Oak Hill Road, questioned which entity was profiting from the lumber and other by-products of the trees removed from private property. Linda Segal, 9 Aqueduct Road, speaking for Wayland Wells which plans to provide comments in advance of the meeting on July 18, suggested that town counsel explore a moratorium on herbicide in the four towns and designation of the wellhead area as "environmentally sensitive"; ask NStar to update MSDS data on the chemical to be used; the Town engage the Board of Health, Conservation Commission and Libby Herland from the National Park Service as abutting property owner; and consider soil testing to protect the wellhead area. She said she also intends to document fuel leaks and the use of heavy equipment in wellhead area, and she asked the town to seek damages from NStar. She said a letter will be provided by Monday, July 16, in hopes that NStar will be prepared to comment.

A6. Review of Request of Wastewater Management District Commission to Form a Temporary Committee to Review Funding for Potential Supplemental Groundwater Discharge at Town

Building The Town Administrator reviewed a request from the Wastewater Management District Commission to establish a temporary committee consisting of former Selectman Tom Fay, a current Selectman, a member of the Finance Committee and a member of the Wastewater Management District Commission to explore funding options for a potential supplemental groundwater discharge area at the Town Building. E. Collins asked for a summary of the situation giving rise to the study of a supplemental discharge area and background on Wastewater Management District Commission's request. F. Turkington outlined the history of the treatment plant, Federal NPDES permit, the limits of wastewater district bylaw and special act, the DEP permitting of Town Center, and the basis for study. He also reviewed the position of the Board and financing was grounded in limits of enterprise fund. It was consensus of the Board to have Wastewater Management District Commission liaison J. Nolan speak with a representative of the commission to continue communications, and not to establish a temporary committee.

A9. Report of the Town Administrator F. Turkington reported on recruitment for the positions of regional veterans district and Building Commissioner. He said he scheduled a staff meeting on July 18. He reported on the development of a job description for budget/capital projects analyst; reviewed the progress made by the working group on library / community center on Town center municipal pad; and projected agenda topics for next three meetings. He then discussed the background on jurisdictional and governance issues between the Board of Public Works and staff. The Board of Public Works has different views of staff and Town Counsel on the interpretation and application of town bylaws relative to jurisdiction on matters of personnel, management and operations. He reviewed concerns discussed in a meeting with Town Counsel and Board of Public Works members Mike Lowery and Jon Mishara on June 21, and the Board of Public Works meeting on June 25, citing several issues:

1. Differing opinions with Town Counsel and Town Administrator on the scope of authority exercised by the Board of Public Works;
2. Legitimate growing pains and communication concerns relative to policy vs. operational issues, information flow and time-sensitivity, and responsiveness to board priorities;
3. Changing legal context outside of the bylaw and special act in performance evaluation of the director; and
4. Belief of board members that they require certain authorities to prosecute their job as an oversight board effectively, some of which are clearly beyond the language of the bylaw and even beyond the powers formerly held by the Board of Road Commissioners or Board of Water Commissioners.

He said the Board of Public Works intends to propose some areas that they wish to achieve agreement on roles and responsibilities within the current bylaw. The Town Administrator indicated willingness to coach and mentor the director in an effort to improve communications and achieve consensus on policy vs. operational decisions. The Board of Public Works will discuss proposing an amendment to the bylaw and special act if additional authority is desired. F. Turkington said he expects them to request a meeting with the Selectmen to discuss their concerns.

A9. Selectmen's Reports and Concerns D. Leard inquired about the concerns of a member of the Historical Commission relative to planting of trees in the North Cemetery prior to the archeological survey planned for the area. J. Bladon reported on the Operational Review Committee meeting held earlier in the evening, noting they had received a draft final report and should complete their charge with one additional meeting. D. Leard questioned the \$500,000 addition to free cash resulting from liquidating a long-standing reserve for encumbrances. F. Turkington responded that the adjustment was included in current projections of free cash.

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

J. Bladon said there were no additional topics.

A11. Adjourn There being no further business before the Board, J. Nolan moved, seconded by E. Collins, to adjourn the meeting of the Board of Selectmen at 9:49 p.m. YEA: J. Bladon, E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 4-0.

Items Distributed For Use by the Board of Selectmen at the July 9, 2012 Meeting

1. Proposed motion to enter into executive session (agenda item #4).
2. Invoice for June 2012 from Town Counsel (consent calendar).
3. Emails and press release dated July 8 and 9, 2012 from Town Administrator to Selectmen regarding chemical spill at Wayland Community Pool.
4. Email dated July 9, 2012 from MMA summarizing the municipal provisions of the FY2013 state budget signed by Governor Patrick, together with FY2012 and FY2013 Cherry Sheet revenue and assessment estimates.
5. Email dated July 6, 2012 from Anette Lewis to Public Buildings Director John Moynihan and the Wastewater Management District Commission relative to segregation of work, liabilities and expenses of the WWMDC (ratepayers) and the Town (taxpayers).
6. Email dated July 9, 2012 from Town Administrator to Wayland Town Crier reporter Susan Wagner, Selectmen, BoPW and others responding to questions for news article on jurisdictional issues raised by the Board of Public Works.

Items Included as Part of Agenda Packet for Discussion During the July 9, 2012 Board of Selectmen's Meeting

1. Email dated June 29, 2012 from Fire Chief to Town Administrator relative to hiring of Firefighter/ Paramedic Kyle McLaughlin.
2. Information related to tree removal by NStar beneath electric transmission lines in Oak Hill and Meadow View Road neighborhood (memorandum dated June 25, 2012 from Board of Health and letter dated June 18, 2012 from Paul Church, 38 Oak Hill Road regarding health concerns related to application of herbicide; remediation requests from residents to NStar and response from NStar representative Annemarie Walsh; email dated June 19, 2012 from Town Administrator to NStar representatives, neighbors and others requesting a meeting to discuss long-term impacts of vegetation maintenance program and response dated June 29, 2012 stating that NStar would appear before Board of Selectmen on July 18, 2012; email dated June 29, 2012 from Wayland Wells; legislation adopted by the Massachusetts House on June 27, 2012 relative to regulatory power of Department of Public Utility over vegetation management plans; and letter from NStar to Framingham officials dated July 3, 2012 regarding mitigation plans).
3. Email and memorandum dated June 21, 2012 from WWMDC chair Fred Knight to Selectmen and others requesting establishment of a temporary committee to study the financing, as may be necessary, of a supplemental groundwater discharge area adjacent to Town Building.