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AFR
9/10/2012

BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes August 1, 2012

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

Chair J. Bladon called the meeting of the Board of Selectmen to order at 7:02 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. Public Comment There was no public comment.

A3. Interview Candidates for Appointments to Fill Vacancies on Town Boards and Committees

Carol Martin appeared before the Board to interview for an appointment to the Finance Committee. She reviewed her experience in sales in the newspaper industry, her educational background earning an MBA, her service as an election and town meeting worker, and as a member of the Council on Aging and the Senior Property Tax Relief Committee. She expressed her interest in serving on the Finance Committee, and said she has been a Wayland resident for 23 years. C. Martin expressed agreement with the general direction of town finances, but would be mindful of the fragile economy and the ability of residents to pay taxes when considering budget issues and fiscal policy. She said she is retired and has no children, so would provide that perspective on the committee. She said she has met with the current and former chairs of the Finance Committee to discuss the workload and commitment and is comfortable with it.

A6. Consider and Approve Consent Calendar E. Collins moved, seconded by J. Nolan, to approve the consent calendar. F. Turkington noted that the vote would encompass signing the warrant for the state primary on September 6 and the list of election workers previously presented and approved on July 18. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Review correspondence E. Collins asked why copies of citizen testimony to the Attorney General on the proposed regulation regarding intentional violations of the open meeting law were included in the packet. F. Turkington responded that the documents were provided by the Attorney General (redactions by the Attorney General) since the comments concerned the Wayland Town Counsel and the Town Administrator, and there had been Board discussion about comments previously provided to the Attorney General by the Town Administrator. S. Correia disagreed with the assertion that the Town Counsel opinions are excerpted. S. Correia noted the letter from the MSBA regarding the 435 student enrollments for member towns for Minuteman High School to be used for future building project. D. Leard commented on the minutes of the Local Emergency Planning Committee, noting his presentation on the need for the continuity of the operations plan. J. Nolan, noting citizen comments on Conservation Commission regulations for dog use on conservation land, suggested that consideration be given to a bylaw requiring professional dog walkers to register and pay a fee for a license to use town property. J. Bladon asked for comments from the Dog Officer, the Dog Control Appeals Board, the DPW, the police, the Conservation Commission, Town

Counsel, and other interested parties before the item returns for discussion. D. Leard expressed concern about dogs being walked in cemeteries in defiance of the bylaw.

A4. Update by Town Center Green Design Advisory Committee Colleen Sheehan, a member of the Town Center Green Design Advisory Committee, presented the concept plan to the Board under consideration and discussed plans for broad public input on the draft plan through a hearing and written comments. Plans will be posted at the library and the Council on Aging, and notices will be sent to the media. There was broad consensus among the Board to oppose the use of the green for a farmer's market. F. Turkington suggested that the committee verify whether lease restrictions between tenant stores and Town Center developers may preclude such activities. F. Turkington also asked that the committee consider public restrooms adjacent to the green so as not to burden the municipal parcel building (and provide facilities at times the building is closed). J. Nolan asked about the reaction of playground advocates to the natural landscape style area without traditional equipment or fencing. C. Sheehan stated there was general acceptance of the idea that the green was too small for a traditional playscape, and advocates like the idea of a natural style that would be different from other playscapes in town. J. Nolan asked that officials weigh ownership vs. lease of town green if it impacts the potential use of Community Preservation funds to finance improvements that will likely cost \$250K to \$300K. He also asked about the maintenance responsibility. The committee is due to present a final site concept plan on September 10, and will have until mid-October to finalize the capital budget and phasing plan for improvements. A site walk was scheduled on August 2, 2012, at 8:00 a.m. for those interested in seeing the site.

A5. Discussion on Vehicular Access for WayCAM to Door of Leased Space at Wayland High School Field House F. Turkington provided the Board with background on issue; he said WayCAM seeks direct vehicular access to leased space in the High School Field House to facilitate deliveries, transportation of equipment, and for the convenience of volunteers. The access point is a driveway that is for emergency use between the rear of the buildings and the athletic fields. Access is controlled by a locked gate, with keys given to public safety, school officials, and park maintenance personnel. He said WayCAM was offered a key to the gate, but felt it was too inconvenient, given frequency of use. WayCAM wants the gate relocated further down the driveway past the door to their space with a turnaround for vehicles to address the problem. Eric Sheffels, representing the High School Building Committee, expressed concern for public safety; he said there is the potential for cars to leave the parking area and start down the driveway only to find the locked gate. He also noted that parked cars may block the emergency access, especially during athletic events. The Board agreed to investigate alternatives, such as an electronic gate at the current location and an additional sidewalk to reduce the walking distance to the studio. J. Bladon asked that the matter return on the August 20 agenda for a presentation of alternatives.

A8. Report of the Town Administrator F. Turkington reviewed the correspondence between Tony Boschetto and himself relative to the agenda for the organizational meeting of the Audit Committee. S. Correia moved, seconded by J. Nolan, that the Town Administrator be allowed to attend and present at the Audit Committee meetings. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. F. Turkington reviewed the process for filling the positions of Building Commissioner and Financial Analyst. E. Collins asked about the source of authority to fill vacancies and new positions. F. Turkington reviewed the opinions provided by Town Counsel relative to legal questions raised in connection with the tree-cutting program and planned herbicide application.

A9. Selectmen's Reports and Concerns E. Collins asked about the history of the \$500,000 encumbrance scrutinized by citizens that the Finance Committee agreed to dissolve and track the funds to free cash.

F. Turkington responded that this item and the origins of the difference between budget and actuals for health insurance would be discussed by the Finance Committee at their next meeting. E. Collins asked whether some committees or individuals might wish to pursue regulations or bylaws to test the boundaries of the legal case that Town Counsel relied upon to advise that the state had sole right to regulate pesticides and herbicides. J. Bladon explained that he had been contacted by the chair of the School Committee, asking that the Board consider assigning to either the Audit Committee or the Operational Review Committee oversight of the independent audit of school accounts being conducted on behalf of and funded by the School Committee. It was the consensus of the Board that the Audit Committee would be inappropriate given that it hasn't yet convened, and in light of town meeting rejection of the broader scope proposed by the citizen petition. J. Bladon said there were issues with membership on the Operational Review Committee, noting the desire of the School Committee that the review be independent, potential lack of time for the Finance Committee appointee, and his desire to avoid entangling the Board of Selectmen with a school issue. F. Turkington circulated a draft motion to address all concerns related to assigning oversight of the school account audit to the Operational Review Committee, if that was the direction to be chosen by the Board. It was the consensus of the Board to defer action until the next meeting.

A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
J. Bladon said "I know of none."

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 10:13 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Included as Part of Agenda Packet for Discussion During the August 1, 2012 Board of Selectmen's Meeting

1. Letter of interest and supporting material from Carol Martin and from Kate Moore for appointment to fill the vacancy on the Finance Committee.
2. Email dated July 27, 2012 from Town Planner, together with draft concept plan for Town Green area at Wayland Town Center.
3. Email dated July 30, 2012 from Town Counsel to Town Administrator and emails dated July 19 and July 27, 2012 from WayCAM board of directors chair Ken Isaacson to Town Administrator; documents relate to request form WayCAM for vehicular access to leased space in Wayland High School Field House.
4. Information related to legal questions raised by Board of Selectmen and Board of Public Works at public meeting discussing tree removal by NStar beneath electric transmission lines in Oak Hill and Meadow View Road neighborhood on July 18, 2012 (emails dated July 20 and 27, 2012 from Town Counsel to Town Administrator. Email dated July 27, 2012 from NStar to Town Administrator providing additional information on tree trimming activities. Email dated July 19, 2012 from BoPW chair Mike Lowery summarizing the discussion with NStar on July 18, 2012.
5. Email dated July 30, 2012 from Steven Hakar of Framingham relative to special town meeting to adopt broader enforcement power for Board of Health over herbicides.
6. Letter dated June 18, 2012 from Board of Public Works to Board of Selectmen concerning governance and jurisdictional issues in management and policy with respect to public works operations; Town Counsel analysis and opinion dated July 18, 2012 responding to "white paper" on BoPW and DPW" submitted by Anette Lewis during public comment to the Board of Public Works (white paper and attachments).

Items Distributed For Use by the Board of Selectmen at the August 1, 2012 Meeting

1. Agenda for August 6, 2012 meeting of the Audit Committee and emails regarding content of agenda.
2. Letter dated July 28, 2012 from David and Sarah Barton, 48 Hawthorne Road, accepting the terms of sale of Town-owned land at 52 Hawthorne Road.
3. Email / press release dated July 31, 2012 from Fire Chief to Town Administrator and Selectmen reporting on fire at the Coach Grill, 55 Boston Post Road.
4. Letter dated July 27, 2012 from School Committee to potential audit firms regarding scope and process for independent review of certain school accounts and general ledger activity and proposed amendment to charge of the Operational Review Committee.
5. Sketch of exterior space and access issue distributed by WayCAM president Ken Isaacson pursuant to agenda item A5.