



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 August 20, 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. Introduction of West Suburban Veterans Services District (Weston/Wellesley/Needham/Wayland) Director Stan Spear Stan Spear introduced himself to the Board and reviewed his background and the scope of services provided to veterans by himself and assistant director Matt Ching. He said the Wayland office hours will be Fridays from 9:00 a.m. to 12:00 noon starting in September.

A 3. Public comment Kent George, 15 Indian Dawn, encouraged the Board to assign oversight of the review of school accounts to the Audit Committee. He said that the request by the School Committee was in keeping with representations made by the Selectmen that the committee would be involved with both town and school finances. He also asked that the Board investigate the \$500K encumbrance recently released to free cash. Donna Bouchard, 72 Concord Road, presented a petition she stated was signed by 196 residents asking the Board to amend the charge of the Audit Committee to include the oversight of the independent school audit of certain accounts. She cited eight bank accounts opened and not under the control of the Town Treasurer in violation of state law. She said she believes an audit is necessary to assure citizens that the town won't be held responsible for financial issues related to payments from these accounts. Tony Boschetto, 23 Brook Trail Road, speaking as the School Committee appointee of the Audit Committee but not for the committee, also asked the Selectmen to accept the School Committee request. He cited a GFOA best practice document and the committee charges for Foxborough, Longmeadow and Natick as the basis for amending the charge. He also said that the Town of Wellesley assigned oversight of a school audit to their audit committee. Shawn Kinney, 6 Dairy Farm Lane, speaking as a citizen and not on behalf of the School Committee of which he is a member, asked the Board to approve the School Committee request for audit oversight. He challenged J. Bladon's participation in the discussion since Dianne Bladon is a former treasurer of the school PTO's and had written a guest column in the Town Crier questioning the need for an audit. George Harris, 8 Holiday Road, stated that if the Operational Review Committee members are too busy to complete their charge, they should be disbanded and certainly not given additional work related to the proposed school audit.

A4. Presentation by members of the Council on Aging, Library Board of Trustees, Town Administrator and Facilities Director on concept plan for Library/Community Center on municipal parcel at Town Center Aida Gennis, Chair of the Library Board of Trustees, and Betsy Soule, Chair of the Council on Aging, reviewed the results of the feasibility and program space study completed by Kang Associates. The study revealed that a 43,300 s.f. building on the municipal parcel at Town Center would accommodate both the library and the senior services programming, utilizing 28% of the building as shared space. The estimated project cost is \$14M. The committees asked the Board to

support the concept to move forward to Finance Committee for possible capital funding of full design and engineering in FY2014, to the Planning Board for zoning bylaw adjustment, and to the Conservation Commission for an advisory opinion on the work in the buffer and upland review areas. J. Nolan expressed concern for the costs, given the one-time revenues used to support the FY2013 budget and the DPW building coming to the 2013 Annual Town Meeting for consideration. D. Leard questioned whether the AUL on the site constricted the project, and expressed concern about actual water and flooding issues based on spring 2010 floods in area and high water table. The consensus of the Board was generally to support the project concept and to direct the committees to proceed with next steps.

A5. Update on Status of WayCAM Vehicular Access Issue F. Turkington and Public Buildings Director John Moynihan reviewed proposed solutions to address WayCAM's desire for direct vehicular access to leased space in 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. J. Moynihan said that access is controlled by a locked gate, with keys given to public safety, school officials, and park maintenance personnel. WayCAM was offered a key to the gate, but it feels that is 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. S. Correia and J. Nolan expressed concern for public safety, with the potential for cars to leave the parking area and start down the driveway only to find the locked gate. Parking might occur, especially during athletic events, blocking emergency access. WayCAM expressed its position that the terms of the lease require the Town to remedy their concerns. D. Leard moved, seconded by E. Collins, that the Board of Selectmen request the High School Building Committee to approve a change order to provide an electronic gate with remote control that can be used from within the leased space and to suspend, if possible, installation of the current gate in order to reduce the cost. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Review of Minuteman Regional High School Building Feasibility Study Issue with Minuteman School Committee Member Mary Ellen Castagno MaryEllen Castagno, Wayland's representative on the Minuteman School Committee, reviewed the issues surrounding the school building feasibility study, including discussion of educational programs, enrollment projections, two studies for member towns and larger school with non-member enrollment, and capital allocation between member towns and addressing capital costs by non-member towns. D. Leard moved, seconded by S. Correia, to authorize the Town Administrator to draft a letter similar to that of Carlisle to the Minuteman School Committee expressing Wayland's concern that these items be addressed in short order before proceeding beyond the feasibility study. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. It was the consensus of the Board that members would review the draft and provide individual feedback to the Town Administrator who would send a consensus letter on behalf of the Board prior to next meeting.

A7. Review 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. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Review correspondence E. Collins commended Wayland Wells for their work and asked about the disposition of their proposed action plan. F. Turkington advised that he forwarded the plan to the Board of Public Works for consideration since they have jurisdiction over the land in question. S. Correia encouraged the Board of Public Works to revisit and consider streamlining their traffic calming policy. He also made

note of the information from the state Health Department on the incidence of breast cancer. D. Leard made note of the implementation of the emergency medical dispatch mandate and commended the two chiefs. J. Bladon asked about the status of the Dudley Area Advisory Committee report. F. Turkington said he would report back at the next meeting.

A9. Report of the Town Administrator F. Turkington reviewed the potential for a petitioned Special Town Meeting by a Framingham resident; the fourth quarter financial reports; the origins of the difference between budget and actuals for health insurance and plans for FY2014 approach to Insurance 32B budget preparation; and topics scheduled for discussion on September 10. He then called upon Board of Public Works Chair Mike Lowery to discuss the origins and text of the proposed memorandum of agreement concerning governance and relationships between the Board of Public Works and DPE/Town Administrator. M. Lowery explained that the Board of Public Works feels it needs a better line of communication and understanding relative to items for action within their role. He stated the Board of Public Works is an elected board, not an advisory board. He further stressed that they believe they need more input over the work of the director. M. Lowery thanked the Town Administrator and Town Counsel for positive input and the organization of the draft prepared by the Board of Public Works. F. Turkington explained that the agreement put into writing the same protocol for correspondence, information and action items as used by the Board of Selectmen. The last section dealing with personnel is the extent to which Board of Public Works request for greater participation can be accommodated within the existing bylaw and constraints of state law governing public employee evaluations and contracts. He reminded the Board that the purpose of the MoU was to respond to the concerns of the Board of Public Works without going to town meeting to make changes in the governance of public works functions.

J. Nolan moved, seconded by E. Collins, that the Board approve the proposed Memorandum of Understanding between the Board of Public Works, Town Administrator, Director of Public Works and Board of Selectmen as presented by the Board of Public Works. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

E. Collins called the explanation for the history of the \$500,000 encumbrance/fund balance designation, that dates prior to 2004 prepared by the Town Administrator, as inadequate. He asked for further investigation as to the source of the designation and why it was not released until brought to light by a citizen. He further challenged the basis for the supplemental deposits into the OPEB trust. F. Turkington responded that all information that could be uncovered with regard to the fund balance designation was included in the explanation, and that the auditors and Department of Revenue were aware of the designation. Given the duration of the books, no one had questioned the basis for the designation. F. Turkington challenged the OPEB criticism, noting that the information has been provided many times since March 2012 and that the Finance Committee would now consider and approve any supplemental payments to the OPEB fund.

A10. Selectmen's Reports and Concerns E. Collins moved, seconded by D. Leard, to appoint Carol Martin to the Finance Committee for a term to expire on June 30, 2015. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Bladon explained that he had been contacted by the chair of the School Committee within the past day 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. S. Correia stated that the Audit Committee would be inappropriate, given that it hasn't yet begun its duties, and town meeting rejected the broader scope proposed by citizen petition.

E. Collins and D. Leard supported the request, stating the Audit Committee members were qualified to fill the role, the School Committee request should be honored, and citizens are expecting it based on the town meeting vote to seek an audit (albeit from State Auditor) and the petition submitted by Donna Bouchard at public comment. D. Leard moved, seconded by E. Collins, to amend the charge of the Audit Committee to include oversight of the independent school audit as requested by the School Committee. YEA: E. Collins, D. Leard. NAY: J. Bladon, S. Correia, J. Nolan. ABSENT: none. ABSTAIN: none. Motion fails 2-3.

J. Nolan moved, seconded by D. Leard, to extend the duration of the charge and appointments of the Operational Review Committee retroactive to June 13, 2012, to September 28, 2012. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. . Members concurred that better enforcement measures are needed to police the use of town land by dogs and their owners. J. Nolan expressed support for the concept of a license bylaw for professional dog walkers. The information was taken under advisement pending a discussion of town meeting articles.

A11. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any

J. Bladon said "I know of none."

A12. Executive Session to Conduct Strategy Session in Preparation for Negotiations with Non-union Personnel Pursuant to MGL Chapter 30A, Sec. 21(a)(2)

S. Correia moved, seconded by E. Collins, that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel. The Chair declared that discussion of strategy with respect to contract negotiations with non-union personnel and the disclosure of the individual may have a detrimental effect on the negotiating position of the Board. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Bladon stated that the Board invites Town Administrator Fred Turkington to attend, participate, and record minutes of the executive session. The Board will return to open session in approximately 15 minutes for the sole purpose of adjourning the meeting. The Board entered executive session at 11:04 p.m.

The Board returned to open session at 11:12 p.m. in the Selectmen's Meeting Room.

A13. Adjourn There being no further business before the Board, D. Leard moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 11:13 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 20, 2012 Board of Selectmen's Meeting

1. Summary information sheet for Wayland's membership in West Suburban Veteran's Services District.
2. Letter dated June 28, 2012 from Kang Associates to Public Buildings Director, together with conceptual floor plans and site plan for combined Library/Community Center housing COA and senior services functions at Town Center municipal parcel.
3. Email dated August 16, 2012 from WayCAM President Ken Isaacson to Selectmen and email dated August 6, 2012 from Town Administrator and Facilities Director to Selectmen and WayCAM regarding options for vehicular access to studio space, together with prior emails on this subject including Town Counsel) dated July 19, 20, 23, 26, 27 and 30, 2012 regarding this subject.
4. Email dated August 16, 2012 from Minuteman School Committee member Mary Ellen Castagno to Town Administrator; email dated August 15, 2012 from Town Administrator to Ms. Castagno; letter

dated July 24, 2012 from MSBA to Minuteman regarding feasibility study conditions for two size school building projects; letters dated July 31, 2012 from the Town of Weston, June 5, 2012 from the Town of Belmont, and September 6, 2011 and June 14, 2012 from the Town of Carlisle to Minuteman; non-member tuition rate comparisons and school enrollment data for 2008, 2009, 2010 and 2011; all information relates to the proposed school building project feasibility study.

5. Financial reports for fiscal year ending June 30, 2012 as of August 15, 2012 (revenues and expenditures).
6. Board of Public Works proposed memorandum of understanding establishing framework for communication and division of authority between DPW Director, Town Administrator and Board of Public Works.
7. Letters of interest and supporting information provided by Carol Martin and Kate Moore for consideration for appointment to the Finance Committee.
8. Letter dated July 27, 2012 from School Committee to audit firms potentially interested in providing financial review services asking for proposals regarding scope and process for independent review of certain school accounts and general ledger activity; Article 6 of 2010 Annual Town Meeting and Article 8 of 2011 Annual Town Meeting.
9. Proposed motion to amend duration of appointment of Operational Review Committee: That the Board of Selectmen extend the charge of the Operational Review Committee as currently constituted from June 13, 2012 to September 28, 2012 to complete the work of Article 8 of the 2011 Annual Town Meeting.
10. Email dated August 5, 2012 from Town Administrator seeking comments relative to use of public lands by professional dog walkers and other for profit uses, together with responses dated August 6, 2012 from the Police Chief and Board of Public Works chair, and August 5, 2012 from Animal Control Officers; email dated August 6, 2012 from Weston Town Manager Donna VanderClock to Town Administrator regarding fees together with the Town of Weston by-law Article XX – Dog Regulations.

Items Distributed For Use by the Board of Selectmen at the August 20, 2012 Meeting

1. Petition presented by Donna Bouchard, 72 Concord Road, during public comment requesting Board of Selectmen assign the independent review of certain school accounts as voted by School Committee.
2. Guest columns on school accounts from Town Crier dated April 22 and 28, 2012 presented by Shawn Kinney during public comment.