



# 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 September 10, 2012

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

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. F. Turkington said that no meetings will be scheduled for the evening of September 17 due to the Rosh Hashanah holiday, and the next regular meeting of the Board is September 24. He said the Board will meet briefly on the morning of September 19 to sign the warrants for the Special Town Meeting. S. Correia announced the Lobster Bake fundraiser to support the Friends of the Council on Aging on Sunday, September 30, 2012.

**A2. Public Comment** David Bernstein, 25 Glezen Lane, noted that the vote of the 2012 Annual Town Meeting was to endorse the use of electronic voting for all sessions of town meetings, and therefore a few people should not be allowed to decide whether or not electronic voting will be used. He said electronic voting ensures privacy and accuracy, and advised that the quote for the upcoming Special Town Meeting is \$18,000. E. Collins asked if this was part of the town's three-year contract; F. Turkington said yes. Linda Segal, 9 Aqueduct Road, noted an email she sent to the Board on Friday but could not discuss because it was not in the Selectmen's packet. In regard to the proposed Danforth project, she said she was pleased that the overall project had been reduced, but expressed concern about the clarity of the ownership. She reviewed the Framingham Planning Board meetings she attended, and noted there is no application yet. She requested that the traffic study be peer-reviewed at the expense of the proponent. J. Nolan said he shared her sentiment regarding the reduced project, and asked if she agreed that the concurrent litigation should also be less. L. Segal said that was dependent upon the extent of the issues involved. D. Leard asked if the Town Center Green was still an AUL (Activity and Use Limitation). L. Segal said yes. Mike Lowery, 250 Lakeshore Drive, urged the Board to consult with the Board of Public Works and the professional staff in regard to the project. Rebecca Butler, 100 West Plain Street, agreed that the scope of the project is improved, but advised the Board to wait for more information before negotiating with the proponent.

**A3. Presentation by Baystone Development on Revised Danforth Housing Proposal, off Old Connecticut Path, Framingham** Roy McDowell, Danforth Green LLC, appeared before the Board to present a revised Danforth Housing proposal. He said he owns the property, along with other family members. He noted that definitive plans have not been filed because they are still meeting with Framingham boards and departments, although there has been agreement on the number of units, the height limit of three stories, the restriction on building on less than a third of the land, and the protection of approximately 100 acres of open space. He said the traffic report from VHB is preliminary because it has not been reviewed by the consultants for Framingham. He presented maps and drawings of the proposed project, noting for the Board the reduction in scope and size, and that he will be responsible for any environmental remediation, restoring the berm along Old Connecticut Path to preserve the visual integrity of the land, and relocating and repaving River Path to make it more attractive. He asked that the Board of Selectmen accept the proposal, subject to approvals from Framingham. D. Leard asked that he address the concerns of the public. Linda Segal, 9 Aqueduct Road, discussed the impact on the wells. R. MacDowell said nothing from the property

will affect either the proposed wells in Framingham or the current wells in Wayland. L. Segal said a higher standard of cleanup would give her a greater sense of comfort. R. MacDowell said it is a diminishing problem. S. Correia asked when Framingham is expected to make a decision; R. MacDowell said he hopes to have a decision in six months. Board members expressed concern about the impact on traffic, and R. MacDowell said VHB would be willing to work with a traffic consultant hired by Wayland. E. Collins asked for background as to the ownership of the land. R. MacDowell described the chain of events from the time of the foreclosure on the previous developer until it was purchased by Danforth Green LLC on March 15, 2012. E. Collins asked for confirmation that PUD regulations are Framingham issues, and he said the decrease in traffic alleged by the proponent is being contested by a resident. He also discussed the impact of an age restriction on the property; R. MacDowell said that age restrictions would limit his market. J. Bladon said the Board was not ready to make a decision, but will review the matter expeditiously.

**A4. Update from Town Center Green Design Advisory Committee** Colleen Sheehan, Town Center Green Committee, appeared before the Board to provide an update on the plans for the Town Center Green. She said the concept is a space that brings the whole community together, and includes open space, benches, a meandering path, and connection to Cow Commons and bike paths. She said the committee would like to have a 99-year lease on the property and then address the financing and maintenance issues. The Board discussed financing options, including a potential MassWorks grant, the use of CPA funds, and a capital appropriation to be repaid with housing funds from the developers. Town Planner Sarkis Sarkisian noted that the only requirement of the developer is to make the land flat, and provide a number of trees and a surrounding sidewalk. J. Bladon questioned the total cost of the plan presented by the committee; F. Turkington said it will be approximately \$700,000. The Board considered possible AUL issues, and D. Leard asked if there would be any drainage problems. S. Sarkisian said the drainage and overflow will be properly engineered. J. Nolan asked if the project will move forward by the spring of 2013; C. Sheehan said yes. The Board assigned S. Correia as the liaison to the project. J. Bladon thanked the committee for its work.

**A5. Interview Candidates for Appointment to Boards and Committees** Frank Krasin appeared before the Board to interview for appointment to the Finance Committee. He discussed his background in science and engineering, and his oversight of budgets. J. Nolan asked for his view of the current issues facing the Finance Committee; he said there should be better communication and more details provided. E. Collins asked if he had an agenda. He said the Finance Committee should have a strategy while keeping in mind the financial impact on the residents. J. Bladon asked his opinion on affordability versus need; for example, in regard to the proposed new DPW garage. F. Krasin said the detailed costs of repairs versus building a new structure should be reviewed and assessed. Steve Lesser appeared before the Board to interview for appointment to the Finance Committee. He reviewed his background in technology, and said he has worked with large and small budgets. D. Leard asked about the time commitment; S. Lesser said he is aware of the time commitment and will apply for the one-year vacancy. E. Collins asked if he had an agenda. He said he wants to give back to the town; he said Wayland is well-managed, conservative, relatively affluent, and struggles to balance community needs with the tax burden to the residents. J. Nolan asked about his communication skills and his ability to make difficult decisions. S. Lesser said communication is part of his job, he can make difficult decisions, and he has strong analytical and interviewing skills.

**A6. Review and Order Articles for Special Town Meeting Warrant; Confirm Assignees; Discuss Special Town Meeting Logistics Including Site Selection, Electronic Voting; Schedule Meeting for Wednesday, September 19, 2012, at 8:00 a.m. to Sign Warrants** The Board discussed the order of the following articles for the Special Town Meeting: (A) Resolution Seeking Federal and State Legislation to Require Public Hearing and Approval by Board of Health for Application of Chemicals, (B) Resolution

Seeking Federal and State Legislation to End Unfunded Mandates, (C) Amend Zoning Bylaw Article 18: Conservation Cluster Development District to Permit Detached Units, (D) Adopt Bylaw re: Utility Herbicide Application, (E) Adopt Bylaw re: Clearing, Grading and Protection of Specimen Trees, (F) Funding OPEB Through an Individual Warrant Article, and (G) Provide More Fiscal Control Through the Voted Budget. E. Collins moved, seconded by D. Leard, to order the articles as follows: G F C E D A B. There was no vote, and E. Collins withdrew the motion. J. Nolan moved, seconded by S. Correia, to order the articles as follows: E D A G F C B. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. F. Turkington recommended the use of the High School Field House for the meeting, as it is secure, has adequate parking, and can be set up for 500 chairs with additional seating for 250 in the bleachers. He noted the drawbacks include three days of setup and breakdown, and the cost of rental chairs. S. Correia moved, seconded by J. Nolan, to use the High School Field House as the venue for the Special Town Meeting. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan reiterated that the town's commitment to electronic voting was made without consideration for the number of articles being presented.

**A7. Review and Approve Consent Calendar** D. Leard moved, seconded by J. Nolan, 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** The Board reviewed the week's correspondence. E. Collins asked if the work of the Operational Review Committee has been completed; J. Bladon said yes on substance, but there are outstanding minutes to be approved. J. Nolan noted the September 12 tribute to retiring Veterans' Agent John Turchinetz, and asked for an update on the landfill access road. With regard to the illumination of the crosswalk at Route 20 at the CVS Pharmacy, he suggested including it in the Route 20 project. D. Leard said the issue also ties into the concerns of the senior rentals further down the street. He asked the public to remember the work and sacrifice of public safety on September 11. The Board thanked Paul Grasso for his service on the Finance Committee.

**A9. Report of the Town Administrator** F. Turkington reviewed the year-end financial results, including revenue, expenditure turnbacks, and free cash estimates. He noted that the town is at or near the targets discussed in March 2012. E. Collins said that Boston Magazine had ranked Wayland schools as sixth in performance; he also noted that the Minuteman Regional High School was ranked first in per pupil cost. F. Turkington asked the Board to take note of the commentary on savings in health insurance. He said the Finance Committee is starting the capital budget process, which is now designed to provide milestone dates and level of details that are consistent among departments and the school committee. Details include an explanation of variances in services, personnel, revenue items and other variables that impact the proposed budget. He reviewed upcoming agenda topics and meeting schedules, and presented a draft timeline for the 2013 Annual Town Meeting.

**A10. Selectmen's Reports and Concerns** Chris Riley, Audit Committee, appeared before the Board to request that the charge of the committee be clarified by adding two bullet points: (1) determine appropriate scope of the independent audit; and (2) make recommendations to the Board of Selectmen for areas where extra focus and/or expanded scope may be appropriate. S. Correia said the scope is set very specifically in the contract with auditors. C. Riley said it would help the committee define the scope for future audits. J. Nolan and S. Correia felt it undermined the authority of the Board of Selectmen. S. Correia moved, seconded by J. Nolan, to accept the recommendations of the Audit Committee with the following changes:

to change “determine” to “recommend,” and change “scope” to “focus.” YEA: J. Bladon, S. Correia, J. Nolan. NAY: E. Collins, D. Leard. ABSENT: none. ABSTAIN: none. Adopted 3-2.

J. Nolan moved, seconded by S. Correia, to approve the letter presented by the Town Administrator to the Attorney General in response to the complaint of George Harris regarding the Open Meeting Law Violation of August 22, 2012. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. S. Correia moved, seconded by D. Leard, to amend the minutes of August 1, 2012, as presented. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board agreed to postpone the vote on the appointment to the Finance Committee to the next meeting. E. Collins expressed his disappointment that there was no attempt to negotiate with him during the past week concerning his proposals for changes to the charge of the Audit Committee. D. Leard expressed his disappointment as well. J. Nolan apologized for his inability to make time for a meeting, but he did not feel the need to discuss the charge any further. S. Correia reported on the interviews for a Financial Analyst.

**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. Adjourn** There being no further business before the Board, J. Nolan moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:28 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed For Use by the Board of Selectmen at the September 10, 2012 Meeting**

1. Email exchange between Frederic E. Turkington, Jr., Town Administrator, Board of Selectmen, and Option Technologies re: Logistics and Electronic Voting at Special Town Meeting

**Items Included as Part of Agenda Packet for Discussion During the September 10, 2012 Board of Selectmen’s Meeting**

1. Proposed revised site plan for Danforth Green housing development in Framingham; letter dated August 28, 2012 from Keystone Development to Town Administrator with revised settlement agreement terms; executive summary of revised traffic study prepared by VHB.
2. August 29, 20123 concept plan for Wayland Town Green – Town Center; proposed rules governing use of Town Green prepared by Recreation Commission.
3. Resumes of Frank Krasin and Steven Lesser offered for consideration for appointment to Finance Committee.
4. Proposed order of articles and assignees for October 3, 2012 Special Town Meeting, together with schedule of activities and events culminating with Special Town Meeting on October 3, 2012.
5. Draft Finance Committee policy on budget preparation and review, together with proposed schedule of dates related to 2013 Annual Town Meeting and Town Election.
6. Resolution creating an Audit Committee; email dated September 4, 2012 from Audit Committee chair Chris Riley to Town Administrator seeking modification to committee charge.
7. Draft letter of response to Open Meeting Law complaint of George Harris of August 22, 2012; minutes of August 1, 2012 (subject to amendment and approval).