



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

## BOARD OF SELECTMEN

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

### Board of Selectmen Meeting Minutes December 10, 2012

**Attendance:** John Bladon, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. 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 Large Hearing Room and reviewed the agenda for the public. He announced that the meeting is being broadcast and videotaped for later broadcast by WayCAM.

A swearing-in ceremony was held for Bryan M. Healy and Christopher J. Custodie as police officers with the Wayland Police Department.

**A2. Public Comment** There was no public comment.

### **A3. Approval of Renewal of Liquor Licenses and Common Victuallers Licenses Calendar Year 2013**

D. Leard moved, seconded by E. Collins, to approve the following list of licenses for calendar year 2013:

Allenco LLC (Paul Allen, President)	268 Boston Post Road	Sale of Used Vehicles II
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Liquor License On Premise All Alcoholic, Victualler License
Broomstones Inc.	1 Curling Lane	Liquor License, Club, All Alcoholic
Coach Grill (BBRG Operating Inc.)	55 Boston Post Road	Liquor License On Premise All Alcoholic, Victualler License
Cornu, Timothy and Thomas	356 Boston Post Road	Sale of Used Vehicles II
Donelan's Supermarkets Inc.	177 Commonwealth Road	Liquor License Package Store Wine & Malt
Dudley Chateau of Cochituate Inc.	20 Crest Road	Liquor License On Premise All Alcoholic, Victualler License
Einstein Brothers Bagels	44 Main Street	Victualler License
Herb Chambers of Wayland Inc. dba BentleyBoston and dba Rolls-Royce Motor Cars of New England and dba Herb Chambers Lamborghini of Boston	533 Boston Post Road	Sale of Used Vehicles I
International Auto Works Inc.	118 Main Street	Sale of Used Vehicles II
J.J McKay's (Town & Country Restaurant Inc.)	171 East Commonwealth Rd	Liquor License On Premise All Alcoholic, Victualler License, Entertainment License

Lavins Inc. of Wayland	330 Old Connecticut Path	Liquor License Package Store All Alcoholic
Liberty Pizza (MC&G Pizza Inc.)	116 Main Street	Victualler License
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Liquor License On Premise Wine & Malt, Victualler License
New Sandy Burr Inc.	103 Cochituate Road	Liquor License On Premise All Alcoholic, Victualler License
Post Road Liquors Inc.	44 Boston Post Road	Liquor License Package Store All Alcoholic
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Liquor License On Premise All Alcoholic, Victualler License, Entertainment License
Marcus Max Design Inc. dba Michelle's Jewelry	310 Boston Post Road	Sale of Second Hand Articles
Shepard's Service (Mark Shepard)	268 Boston Post Road	Sale of Used Vehicles II
Starbucks Coffee Company	44 Main Street	Victualler License
Stephen Jones dba State Road Auto Body	292 Boston Post Road	Sale of Used Vehicles II
Spice 'n Pepper (Aprileileen Corporation)	236 Boston Post Road	Victualler License
The Villa Inc.	48 East Plain Road	Liquor License On Premise All Alcoholic, Victualler License, Entertainment License
Viva Mexican Grill and Tequileria Inc.	15 East Plain Street	Liquor License On Premise All Alcoholic, Victualler License
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Liquor License On Premise Wine & Malt, Victualler License
Wayland Automotive Sales (Richard Devlin)	322 Commonwealth Avenue	Sale of Used Vehicles II
The Wayland Country Club	121 Old Sudbury Road	Liquor License On Premise All Alcoholic, Victualler License
Wayland Imports (Glenn B. Schwartz)	70 Boston Post Road	Sale of Used Vehicles II
Wayland Mobil (E & J Service Station LLC)	315 Commonwealth Road	Sale of Used Vehicles II
Wayland Pizza House	336 Boston Post Road	Victualler License
Wayland Variety and Deli Corporation (Beer & Wine Pkg)	70 Boston Post Road	Liquor License Package Store Wine & Malt
Wayland Wine and Spirits (P & P Liquors Inc.)	302 East Commonwealth Rd	Liquor License Package Store All Alcoholic
Weston Automotive Inc. (Steven Yerardi, President)	274 Boston Post Road	Sale of Used Vehicles II

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

**A4. Presentation of FY2014 Department Operating Budget Requests by Town Administrator; Review Budget Format, Public Safety Departments** F. Turkington reviewed the budget requests under the

jurisdiction of the Board. He outlined the major decision points in the budget, and noted the additional requests for WaylandCares and additional police and fire staff. He said the school budget includes just the cost of steps and lanes, and the variables to be followed into February will be debt service, free cash reserve policy, pension funds, the offset for fringe benefit costs, enterprise funds and revolving funds. Police Chief Robert Irving and Lieutenant Patrick Swanick provided an overview of the police department budget request. S. Correia asked about the inclusion of overtime funds if they are planning on a new hire; R. Irving said it usually takes a full year to get a new officer on board and impact overtime. D. Leard said he supports an additional officer; he noted that the study done at the time of the prospective town center project indicated that the police and fire departments were understaffed. D. Leard asked about dash cameras; R. Irving said the funding was in last year's budget, and is now being impact bargained with the police union. E. Collins asked for the justification for an additional officer; R. Irving said there has been an increase in incidents, which will continue to grow as development projects are built out. E. Collins asked about the distinction between overtime and details. R. Irving said details are billed to private contractors and the town imposes a 10% fee as an administrative surcharge. J. Bladon noted that the ratio of officers to residents will still be below the average, and said the upcoming implementation of the medical marijuana law should also be taken into consideration. R. Irving and P. Swanick reviewed the budgets for JCC, emergency management, and the dog officer, which were status quo budgets.

**A8. Review and Approve Consent Calendar (See Separate Sheet)** 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.

**A9. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. E. Collins noted the articles in the Beacon magazine relative to OPEB. J. Nolan said he will be attending the OPEB seminar at the MMA conference. In regard to the public comment about Mitchell Road traffic, he said it would be beneficial for the Board to revisit the issue after six months of activity.

**A5. Presentation by Board of Assessors of Tax Classification Options; Selectmen to Vote on Classification and Exemption Options; Review of Tax Recapitulation Sheets and Supporting Documents** Susan Rufo, Chair, Board of Assessors, opened the presentation on tax classification options at 8:05 p.m. The Board was joined by the Board of Assessors, the Finance Committee, and Ellen Brideau, the Director of Assessing. S. Rufo explained the three alternatives that the Board must consider: the selection of a minimum residential factor (a uniform or split tax rate), the selection of a discount for open space, and the granting of a residential and/or small commercial exemption. The Board considered the minimal size of the commercial tax base. E. Brideau noted that, due to the tax agreement with the new town project, the commercial base of the new project does not enter consideration until it exceeds \$23.5 million. F. Turkington suggested that in future years, if the Board approved a split rate, they might also consider a 10% exemption for small businesses. Bill Steinberg, Chair, Finance Committee, said it was the consensus of the Finance Committee that a split tax rate does not make sense for Wayland. E. Collins moved, seconded by S. Correia, that, in accordance with Massachusetts General Laws Chapter 40, Section 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2013 tax rate, will be set at a Residential Factor at 1.0 with a CIP shift of zero, pending certification by the Massachusetts Department of Revenue. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. F. Turkington reviewed the tax recap sheet indicating a FY2013 tax rate of 17.89. E. Collins asked for a clarification of "other available funds." F. Turkington said a description of other funds is outlined on schedule B-2. E. Collins said he has never received a satisfactory explanation of the OPEB appropriation. F. Turkington said all the information was

provided and is posted on the website. J. Nolan questioned the overlay surplus on schedule B-2. F. Turkington said the number reflects the balance in the overlay fund and may be released in overlay appropriations. Donna Bouchard, 72 Concord Road, questioned the decrease in revenue to the water fund in Schedule A-2. F. Turkington said the water rates were lowered by the Board of Public Works after a public water rate hearing. Anette Lewis, 33 Claypit Hill Road, asked for an explanation of the increase in revenue of the wastewater fund. F. Turkington said the total revenue line increased by a third due to revenue plus retained earnings. A. Lewis asked how the town certifies free cash. F. Turkington said the amount at the closeout of fiscal year goes to the state for certification. A. Lewis asked if encumbered funds that are not spent are carried over; F. Turkington said yes. A. Lewis asked for an explanation of the legal mechanism for carryovers versus encumbrances, and cautioned the town to ensure that everything is done legally. George Harris, 8 Holiday Road, asked who did the work for the Finance Department. F. Turkington said the work was done by Accountant Susan Shaw and Acting Finance Director John Senchyshyn; he said Andrew Nelson from the Department of Revenue reviewed the documents to make sure they were correct. G. Harris asked how the tax rate was decreased; F. Turkington said the amount to be raised by taxes was decreased due to a one-time use of free cash.

**A6. Presentation of FY2014 Department Operating Budget Requests by Town Administrator (Continued); Unclassified Budgets and OPEB Appropriation** Fire Chief Vincent Smith and Deputy Fire Chief David Houghton appeared before the Board to review the budget. V. Smith discussed the budget changes from FY13 to FY14. D. Leard said he would support the hiring of an additional firefighter, and he referred to the study done at the time of the prospective town center project indicating that the police and fire departments were understaffed. The Board noted the importance of public safety; there was a consensus to support the budget increases.

**A7. Review Capital Improvement Program for FY2014 through FY2018; Discuss Town Administrator's Recommendation for FY2014 Capital Budget Funding Sources** John Senchyshyn, Acting Finance Director, reviewed for the Board the capital improvement program for FY2014 through FY2018. F. Turkington reviewed the funding sources for the proposed capital budget. E. Collins discussed the use of free cash instead of borrowing for the Middle School roof, and F. Turkington noted that it was a less costly option due to the funding from the MSBA. S. Correia asked about the land acquisitions. D. Leard asked in which cemetery was expansion being proposed. J. Nolan asked if the town center green project needed a recommendation from the Board; F. Turkington said the budget number was presented by the Town Center Green Advisory Committee. J. Bladon asked about the impact of the proposed capital projects on debt. F. Turkington said all the proposed capital expenditures were within the debt capacity, including the new DPW garage at the projected cost of \$11 million. F. Turkington advised the Board that he would provide more details on any capital projects at their request.

J. Nolan left the meeting at 9:39 p.m.

**A9. Review Correspondence (See Separate Index Sheet)** The Board continued its review of the week's correspondence. S. Correia highlighted the alert from the MMA regarding the budget shortfall. F. Turkington said the biggest impact of the shortfall will be with the SPED (Special Education) reimbursements. J. Bladon commended the fire department for its rapid response times.

**A10. Report of the Town Administrator** F. Turkington reviewed the upcoming agenda topics and meeting schedules. He noted the request from George Harris to schedule open meeting law training conducted by special legal counsel, and asked the Board to consider the request. He reviewed the November 30, 2012,

expenditure reports, and noted that the overtime for firefighters was high due to the recent injury of a firefighter. He also noted some variance in salary based on the hiring of replacement workers for open positions at lower rates of pay and the period of vacancy.

**A11. Selectmen's Reports and Concerns** S. Correia moved, seconded by E. Collins, to approve the request of the School Committee relative to the assignment of phase 2 of the review of school accounts to the Audit Committee for particular assistance. YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. D. Leard said he met with residents of Bent Park, and will present his notes to the Board next week. S. Correia asked the Board to support a delay of the new state marijuana laws after a review by the Board of Health. E. Collins and D. Leard said they are opposed; no vote was taken. J. Bladon said he received an email from a resident opposing the removal of tree on Rice Road which had been authorized by the Board of Public Works. F. Turkington said the removal of the tree has been stayed until an appeal is made to the Board of Selectmen.

**A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** J. Bladon said, "I know of none."

**A13. Adjourn** There being no further business before the Board, D. Leard moved, seconded by E. Collins, to adjourn the meeting of the Board of Selectmen at 10:03 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

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

1. Press release dated December 10, 2012 from Police Chief relative to appointments of Bryan Healy and Christopher Custodie as police officers.
2. Email dated December 8, 2012 from Town Administrator to Selectmen relative to draft FY2014 budget template for 2013 Annual Town Meeting warrant.
3. Notes from Town Administrator reporting on notable November 30, 2012 expenditure report variances.

#### **Items Included as Part of Agenda Packet for Discussion During the December 10, 2012 Board of Selectmen's Meeting**

1. Memorandum dated December 5, 2012 with schedule of liquor and common victuallers license renewals.
2. FY2014 operating budget detail with Town Administrator's transmittal memorandum dated December 7, 2012; memorandum from departments and committees reviewing functions and services; memorandum dated October 30, 2012 with supporting material in support of additional police officer and memorandum dated November 30, 2012 in support of additional firefighter.
3. Board of Assessors tax classification informational presentation and recommendation; tax recapitulation sheets and supporting documents for FY2013 tax rate.
4. FY2014 through FY2018 capital improvement program; Town Administrator's FY2014 capital project budget recommendation as to funding sources.
5. Email dated December 1, 2012 from George Harris seeking Selectmen approval of Open Meeting Law training to be conducted by special town legal counsel.
6. FY2013 budget expenditure reports through November 30, 2012.
7. Email dated December 5, 2012 from School Committee chair Barb Fletcher requesting Selectmen assignment of phase 2 of the review of school accounts consultant selection process to Audit Committee.