



# 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 27, 2012

**Attendance:** John Bladon, Edward Collins, Steven Correia, Douglas Leard

**Also Present:** Town Administrator Fred Turkington, Secretary MaryAnn DiNapoli

Chair J. Bladon called the meeting of the Board of Selectmen to order at 6:45 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.

**A2. Public Comment on Matters Other than those Related to Special Town Meeting** There was no public comment.

**A4. Review Special Town Meeting Logistics** F. Turkington reviewed the handouts for the Special Town Meeting, including the Errata Sheet, the revised version of Article 2, "Adopt Bylaw re: Utility Herbicide Application," and the Finance Committee comments on Article 4, "Resolution to Provide More Fiscal Control Through the Voted Budget." He noted that petitioner Steve Hakar has indicated he is amenable to restricting his motion to be applicable to utilities only on Article 3, "Resolution Seeking Federal and State Legislation to Require Public Hearing and Approval by Board of Health for Application of Chemicals." F. Turkington discussed the availability of parking and the placement of directional signs for Special Town Meeting next week.

**A6. Selectmen's Reports and Concerns** E. Collins moved, seconded by S. Correia, to approve the request of the Finance Committee to have the auditors test the health insurance payments from the employee withholding account and insurance 32B account. YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. E. Collins moved, seconded by S. Correia, to approve the application filed by Van de Michael Investments LLC dba Bottled of Wayland, for a new alcoholic beverage license to sell beer and wine only off premises (package store) at 65 Andrew Avenue in Wayland. YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A3. Special Town Meeting Warrant Hearing** J. Bladon opened the warrant hearing at 7:00 p.m. F. Turkington reviewed the handouts. Linda Segal, 9 Aqueduct Road, noted that the Town Moderator and Town Counsel were not present and was told they would arrive momentarily. Town Moderator Dennis Berry and Town Counsel Mark Lanza arrived at 7:03 p.m. J. Bladon read a letter from the Board of Health advising that they did not support the article regarding the application of herbicides. D. Berry asked if the letter would be presented at Special Town Meeting; Health Director Julia Junghanns said yes, the Chair will present two statements. D. Berry asked for a written Planning Board report on Article 6, "Amend Zoning Bylaw: Article 18, Conservation Cluster Development District to Permit Detached Units." Town Planner Sarkis Sarkisian said the Planning Board has continued its public hearing on the issue until October 2, and will have a report

for Special Town Meeting. F. Turkington reminded him that the Planning Board report is required before the article can be presented at Special Town Meeting. Scott Machanic, petitioner for Articles 1 and 2, said the Planning Board has requested more time to consider Article 1, "Adopt Bylaw: re: Clearing, Grading and Protection of Specimen Trees," and he is inclined to agree, but asked what procedure should be used to ensure that the article is placed in the 2013 Annual Town Meeting. M. Lanza said the Moderator can postpone consideration to an indefinite time and place, or a motion could be made to defer action to the 2013 Annual Town Meeting. George Harris, 8 Holiday Road, asked if this has ever been done. M. Lanza said yes, but only when another session has been scheduled. F. Turkington noted that the Board of Selectmen or Planning Board could also vote to submit the article, or the petitioners could submit ten signatures by January 15, 2013. L. Segal asked if Town Counsel would present his opinion in writing so the petitioner would have a clear understanding of the procedure. Petitioner S. Machanic said he does have a clear understanding of the procedure. D. Berry said he would not formally answer the question, as it has not been formally raised. J. Junghanns noted for the record that the statement of the Board of Health was in regard to Article 2. The warrant hearing was closed at 7:20 p.m.

**A5. Discuss and Vote Selectmen Recommendations to Town Meeting on Articles** The Board discussed Article 1 and noted that the petitioners may withdraw the article for further review. D. Leard said he supports the article. S. Correia said that he supports the spirit, but has concerns about the impact on smaller properties. E. Collins said the article is based on a model bylaw of the Cape Cod Commission and has been thoroughly vetted, but he would abide by the decision of the petitioners. D. Leard moved, seconded by S. Correia, to postpone a vote on Article 1 until October 3. YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. F. Turkington presented a revised Article 2 as prepared by Town Counsel in consultation with the petitioner. E. Collins moved, seconded by D. Leard, to recommend to Special Town Meeting the approval of the revised Article 2, "Adopt Bylaw re: Utility Herbicide Application." YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. In regard to Article 3, D. Leard noted that the issues of enforcement and expense create a challenge. Board members also noted that Article 2 is clearer and better crafted. J. Bladon said he is disappointed that the article was submitted for political purposes. E. Collins moved, seconded by D. Leard, to recommend to Special Town Meeting against approval of Article 3, "Resolution Seeking Federal and State Legislation to Require Public Hearing and Approval by Board of Health for Application of Chemicals." YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. The Board discussed Article 4. S. Correia said he supports fiscal controls and transparency, but felt this resolution goes too far; he said the town's warrant is in line with other towns. D. Leard said he agrees that more information should be made available to the public, and said many seniors don't have access to the website. J. Bladon said he agrees with the spirit of the article, but has concerns about the impact of the head count on bargaining, and the risk of low level budgets on the ability of departments to be flexible. He said he would prefer to see the petitioners and the Finance Committee come to a mutually satisfactory agreement. E. Collins said he supports the article; he said the voters should know how many employees the town has, and what they do. He said he also supports the idea of the OPEB budget appearing as a separate item, as it does in other communities. J. Bladon asked how a resolution would be operationalized. F. Turkington said Finance Committee will work with the petitioners to come to an agreed level of detail. E. Collins moved, seconded by D. Leard, to recommend to Special Town Meeting the approval of Article 4, "Resolution to Provide More Fiscal Control Through the Voted Budget." YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. In regard to Article 5, E. Collins said he favors passage of the article, as the town is in need of much more transparency. He said that Wayland has overfunded OPEB with an unauthorized line item in the budget. D. Leard said transparency is critical. S. Correia said that while he supports transparency, he does

not support changing the bylaw for a particular line item. He discussed the different approaches to OPEB by peer towns. J. Bladon said that while he agrees with the intentions of the article, he does not believe the OPEB account is overfunded. He noted that if the town does not make the payment this year, OPEB will be \$200,000 under budget. E. Collins moved, seconded by D. Leard, to recommend to Special Town Meeting the approval of Article 5, "Adopt Bylaw: Fund OPEB Through an Individual Warrant Article." YEA: E. Collins, D. Leard. NAY: J. Bladon, S. Correia. ABSENT: J. Nolan. ABSTAIN: none. Motion fails, 2-2. D. Leard said he has concerns about the setback issue in Article 6. F. Turkington advised the Board that if it helps the passage of the article, the Planning Board has agreed to remove it. S. Sarkisian said that the article does not increase or decrease density, but allows for detached townhouses; he also said that the Building Commissioner has agreed that the bylaw change is acceptable. D. Leard moved, seconded by E. Collins, to recommend to Special Town Meeting the approval of Article 6, "Amend Zoning Bylaw: Article 18, Conservation Cluster Development District to Permit Detached Units." YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. J. Bladon said Article 7 is a resolution that will not have any effect on unfunded mandates, and could have been deferred to Annual Town Meeting. S. Correia said the petitioner created an unfunded mandate by submitting the article. Petitioner Steve Hakar, Framingham resident, addressed the Board. He reviewed the effect of unfunded mandates on the budgets of the local towns. S. Correia moved, seconded by E. Collins, that the Board of Selectmen take no position Article 7, "Resolution Seeking Federal and State Legislation to End Unfunded Mandates." YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A6. Selectmen's Reports and Concerns** There were no further reports or concerns of the Board.

**A7. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
J. Bladon said "I know of none."

**A8. 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 8:21 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 September 27, 2012 Meeting**

1. None

#### **Items Included as Part of Agenda Packet for Discussion During the September 27, 2012 Board of Selectmen's Meeting**

1. Spreadsheet list of articles, assignees and positions for the October 3, 2012 Special Town Meeting.
2. Finance Committee comments on Article 4 for the October 3, 2012 Special Town Meeting in supplement to the Warrant.
3. Email dated September 21, 2012 from Audit Committee chair Chris Riley to Board of Selectmen chair John Bladon and Finance Committee chair Bill Steinberg reporting on approval of Finance Committee request to review employee withholding and Insurance 32B account payments for health insurance.