



# 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 January 14, 2013

**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 7:00 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. The Board recessed and reconvened in the Senior Center for the presentation of FY2014 operating budget expenditures for departments within the jurisdiction of the Board of Selectmen to the Finance Committee.

The Board recessed and reconvened in the Selectmen's Meeting Room at 9:28 p.m. to continue its meeting.

**A3. Public Comment** Linda Segal, 9 Aqueduct Road, expressed concerns about the extent of the town's due diligence in regard to the negotiation of mitigation for the Danforth Green Housing project. Rebecca Butler, 100 West Plain Street, said the Board should not include the signalization at West Plain Street as part of the mitigation for the Danforth Green Housing project, as it is essential to the project. She also noted missing exhibits and concerns regarding the draft agreement included in the Board agenda. F. Turkington advised that the draft agreement was a placeholder to meet the deadline requirement for posting the meeting, and had not yet been approved by Town Counsel for final approval. He also noted that the agreement would only be approved after the project is approved by the Town of Framingham.

**A4. Review Proposed 2013 Annual Town Meeting Warrant Articles for Submission** S. Correia moved, seconded by J. Nolan, to insert for inclusion in the 2013 Annual Town Meeting the article "Department of Public Works Facility Construction Funding." YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by S. Correia, to insert for inclusion in the 2013 Annual Town Meeting the article "Amend 1978 Annual Town Meeting Vote re: Landfill Access Way Parcel." Andy Irwin, Chair, Conservation Commission, discussed the need to vest a portion of the land for conservation. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board discussed the article regarding the transfer of the septage facility land and former town dump to the Board of Selectmen. E. Collins questioned the need to include indemnification agreements, as well as its impact on the Town of Sudbury. Sam Potter, Economic Development Committee, said it is matter of spending the funds now to do an environmental cleanup, or indemnifying the buyers and then addressing the issue if it arises. He said Wayland and Sudbury have an agreement in place to address environmental issues. D. Leard asked if there was asbestos on the property. S. Potter said yes, but it is very limited. He said Foley Hoag LLP will be doing the indemnification, and the town will be well-protected. F. Turkington noted the article is a placeholder, and portions of the article can be removed later but cannot be added. J. Nolan said he won't support a motion that narrows the scope of the article. E. Collins asked Sam Potter if he will have an amendment ready for town meeting to eliminate the indemnification, and S. Potter said he would. E. Collins moved, seconded by D. Leard, to amend the motion, to eliminate the following from section (b): "including, without limitation, indemnification agreements." YEA: E. Collins. NAY: J. Bladon, S. Correia, D. Leard, J. Nolan. none. ABSENT: none.

ABSTAIN: none. Voted 1-4, motion does not carry. J. Nolan moved, seconded by S. Correia, to insert into the Annual Town Meeting warrant the article "Transfer and Dispose of Septage Facility Land and Former Town Dump Land on Boston Post Road." YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by D. Leard, to insert for inclusion in the 2013 Annual Town Meeting the article "Amend Zoning Bylaws to Create River's Edge Affordable Housing Overlay Zoning District." Rebecca Stanizzi, Economic Development Committee, provided an overview of the project. E. Collins questioned the use of the overlay zoning and the parking requirements. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. D. Leard moved, seconded by J. Nolan, to insert for inclusion in the 2013 Annual Town Meeting the article "Amend Section 19-3: Finance Committee Reports and Amend Section 36-5: Quantum of Vote, Reports." 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 insert for inclusion in the 2013 Annual Town Meeting the article "Amend Section 36-18: Attendance and Participation on Non-resident Town Officials." 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 insert for inclusion in the 2013 Annual Town Meeting the article "Amend Animal Control Bylaw re: Dogs." F. Turkington said the changes were made to comply with state law. D. Leard noted that there was no reference to banning dogs from cemeteries, and no enforcement provisions. J. Bladon questioned the use of "vicious" versus "nuisance." S. Correia said he would like to see the inclusion of a registration for dog walkers. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. E. Collins moved, seconded by D. Leard, to insert for inclusion in the 2013 Annual Town Meeting the article "OPEB Funding." 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 insert for inclusion in the 2013 Annual Town Meeting the article "Loker Recreation Area Design Funding." YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by S. Correia, to insert for inclusion in the 2013 Annual Town Meeting the article "Rescind Authorized but Unissued Debt." YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. F. Turkington noted that the Planning Board was inserting an article to accept roads, and a zoning bylaw regarding the siting of medical marijuana dispensaries. He said the Conservation Commission voted to insert an article to acquire open space using CPA funds at 74 Plain Road.

**A5. Review and Approve Management Response to Auditor's Recommendation from FY2012 Audit by Melanson & Heath** S. Correia moved, seconded by J. Nolan, to approve the management response to Auditor's Recommendation from FY2012 Audit by Melanson & Heath. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Review and Approve Consent Calendar (See Separate Sheet)** S. Correia 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.

**A7. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence.

**A8. Report of the Town Administrator** F. Turkington reviewed the upcoming agenda topics and meeting schedules. S. Correia thanked the Town Administrator for including a summary of the department heads meeting. F. Turkington reviewed the potential refinancing of bonds and the withdrawal of the Town Center

green capital project. He discussed pending legislation on OPEB and housing authority reforms. J. Nolan recognized the Town Administrator for his upcoming term as president of the Massachusetts Municipal Management Association.

**A9. Review and Approval of Conditional Offer of Traffic Mitigation Plan from Baystone Development Regarding Danforth Green Housing Development, Old Connecticut Path, Framingham** This agenda item was deferred to a future meeting.

**A10. Selectmen's Reports and Concerns** D. Leard asked that the Town Administrator provide the memoranda from departments and boards listing potential cuts to meet the 10% Finance Committee goal.

**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, D. Leard moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 11:17 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 January 14, 2013 Meeting**

1. Finance Committee meeting agenda for January 14, 2013.
2. Summary table "Status of Residential Developments 1-14-13" submitted by Highway Superintendent relative to proposed article on street acceptance.
3. Excerpt of minutes of December 19, 2012 and January 18, 2005 meetings of the Board of Selectmen relative to Danforth housing development.
4. Email dated January 11, 2013 from Ken Isaacson to Town Administrator relaying public comment on traffic on West Plain Street.
5. Email exchange dated January 11 and 14, 2013 from Mike Lowery, 120 Lakeshore Drive and Town Administrator regarding participation by boards and committees in the process of considering adjustments to the mitigation plan approved for Danforth Farms, Old Connecticut Path in Framingham in 2005.

#### **Items Included as Part of Agenda Packet for Discussion During the January 14, 2013 Board of Selectmen's Meeting**

1. Proposed articles for insertion in 2013 Annual Town Meeting Warrant.
2. Revised draft management letter response to auditor's recommendations dated January 14, 2013.
3. Draft agreement describing mitigation plan based on letter dated October 24, 2012 from Baystone Development regarding mitigation proposal for Danforth Green housing proposal.