



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 March 20, 2013

Attendance: Edward J. Collins, Douglas J. Leard, Joseph F. Nolan

Also Present: Town Administrator Fred Turkington, Secretary MaryAnn DiNapoli

Selectman J. Nolan called the meeting of the Board of Selectmen to order at 7:06 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 distributed additional items for review. The Board approved the lowering of the flags to half-staff at the Public Safety Building to mark the untimely passing of Public Safety Dispatcher William Reilly. D. Leard reported on the Selectmen's Hours and the Girl Scouts Award Ceremony. The Board signed the 2013 Annual Town Meeting Warrant.

A2. Public Comment Mike Lowery, 120 Lakeshore Drive, and member of the Surface Water Quality Committee, announced that the committee had been awarded the DCR 2013 Partnership Grant in conjunction with the Town of Framingham. He also noted that they will be receiving funds from the Nyanza settlement and the Dudley Pond Association.

A5. Review and Approve Consent Calendar (See Separate Sheet) D. Leard moved, seconded by E. Collins, to approve the consent calendar. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0.

A6. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. E. Collins discussed the concerns of residents in regard to the prioritizations of the playing fields by the Recreation Commission. F. Turkington said he has encouraged the parties to come to an agreement on the Loker Field proposal before the Annual Town Meeting on April 4. D. Leard said it was good to see the Historical Commission communicating with the Permanent Municipal Building Committee regarding archeological sites, and he also noted that Fire Chief Smith is the "Right to Know" coordinator. J. Nolan discussed the use of Greenway for recreation purposes.

A3. Public Hearing – On-premises All Alcohol Liquor License Application for The Local, Andrew Avenue (Wayland Town Center) D. Leard moved, seconded by E. Collins, to open the hearing for the on-premises all alcohol liquor license application for The Local at 7:21 p.m. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. The Board was joined by Attorney Stephen Buchbinder, Legal Assistant Megan Rothwell, and The Local Manager Frank A. Santo Jr. S. Buchbinder presented the application and reviewed the background and qualifications of F. Santo. The Board noted the importance of TIPS certification and the town's commitment to prohibiting the sale of alcohol to minors. Linda Segal, 9 Aqueduct Road, questioned whether the master special permit for town center regulated the hours of business operation. E. Collins moved, seconded by D. Leard, to close the hearing at 7:43 p.m. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia.

ABSTAIN: none. Adopted 3-0. E. Collins moved, seconded by D. Leard, to approve The Local Restaurant of Wayland, LLC, dba The Local Restaurant, for a new all alcoholic beverage license to serve and sell such beverages to be drunk on the premises at 11 Andrew Avenue, Wayland MA, with a closing time of 1:00 a.m., subject to review at the end of 2013, and with confirmation that the master special permit for town center does not restrict the closing time of the restaurant. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0.

A4. Preparation for 2013 Annual Town Meeting and Warrant Hearing F. Turkington reviewed a potential amendment to Article 11, Reporting on Articles to Town Meeting, in order to address the concerns raised by the Finance Committee. E. Collins asked if the Finance Committee was amenable to the proposed change. F. Turkington said he didn't know if a majority was agreeable, but if not, the original article could proceed as prepared. E. Collins moved, seconded by D. Leard, to modify Article 11, Reporting on Articles to Town Meeting, as proposed, and to request that the Finance Committee reconsider its recommendation accordingly. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0.

The Board discussed Article 16, "Transfer and Dispose of Septage Facility Land and Adjacent Town-Owned Land on Boston Post Road." F. Turkington said the Economic Development Committee requested that Town Counsel incorporate a summary of the RFP and sale process to provide to town meeting if citizens wished to include a specific plan as a condition of the sale. Rebecca Stanizzi, Chair, Economic Development Committee, noted the highlights for the Board. Once project bids are received, she suggested that an advisory committee be appointed to review them and make a recommendation to the Board of Selectmen. E. Collins said he would like to have indemnification removed from the article. Sam Potter, Economic Development Committee, said that it was not included upon the advice of Special Counsel, Adam Kahn of Foley Hoag. E. Collins asked about the relationship between Sudbury and Wayland regarding the cleanup and demolition. S. Potter said that Sudbury is party only to the demolition, and it will be addressed through an amended intermunicipal agreement. D. Leard asked who will incur the costs of any potential mitigation; S. Potter said mitigation costs will be the responsibility of the buyer.

It was the sense of the Board that, due to D. Leard's absence from Town Meeting, Article 20, Amend Town Code Section 91: Regulation of Dogs, be reassigned to J. Bladon, and Article 24, Hear Reports, be reassigned to S. Correia. F. Turkington reviewed the changes to the Moderator's Rules and provided an update on the Annual Town Meeting Logistics.

D. Leard moved, seconded by E. Collins, to recommend to Town Meeting the approval of Article 1, "Recognize Citizens and Employees for Particular Service to the Town." YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. F. Turkington noted that Article 2, "Pay Previous Fiscal Year Unpaid Bills," will be passed over. D. Leard moved, seconded by E. Collins, to recommend to Town Meeting the approval of Article 6, "Compensation for Town Clerk." YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. E. Collins moved, seconded by D. Leard, to recommend to Town Meeting the approval of Article 7, "Approve Personnel Bylaw and Wage & Classification Plan." YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. D. Leard moved, seconded by E. Collins, to recommend to Town Meeting the approval of Article 8, "Accept Law Allowing Increased Real Estate Tax Exemption Amounts." YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. D. Leard moved, seconded by E. Collins, to recommend to Town Meeting the approval of Article 12, "Amend Town Code Section 36-18: Attendance

and Participation of Non-Resident Town Officials.” YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. D. Leard moved, seconded by E. Collins, to recommend to Town Meeting the approval of Article 13, “Set Aside Community Preservation Funds for Later Spending.” YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. D. Leard moved, seconded by E. Collins, to recommend to Town Meeting the approval of Article 21, “Choose Town Officers,” Article 22, “Sell or Trade Vehicles and Equipment,” Article 23, “Accept Gifts of Land,” and Article 24, “Hear Reports.” YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0.

A7. Report of the Town Administrator F. Turkington reviewed upcoming meetings and agenda items. E. Collins asked if the bonds were straightened out for the acceptance of road as public ways for the upcoming town meeting; F. Turkington said yes, with the exception of Green Way and Rose Hill, which will not be resolved before town meeting. J. Nolan noted that Chapter 90 funding will be increased by the acceptance of the roads.

A8. Selectmen’s Reports and Concerns E. Collins moved, seconded by D. Leard, to appoint Joseph F. Nolan as the representative to the MWRTA (MetroWest Regional Transit Authority), and to appoint Town Planner Sarkis Sarkisian as the alternate representative to the MWRTA. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0.

A9. Executive Session to Discuss Potential Litigation At 8:35 p.m., D. Leard moved, seconded by E. Collins, that the Board of Selectmen go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the town. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0. Selectman J. Nolan stated that the Board invites Town Administrator Fred Turkington to attend the meeting, and Executive Assistant MaryAnn DiNapoli to attend and record minutes of the Executive Session. The Board will return in approximately 20 minutes for the sole purpose of adjourning.

The Board returned to open session at 8:47 p.m.

A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any J. Nolan said, “I know of none.”

A11. Adjourn There being no further business before the Board, E. Collins moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 8:48 p.m. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0.

Items Included as Part of Agenda Packet for Discussion During the March 20, 2013 Board of Selectmen’s Meeting

1. Liquor license application for The Local, Andrew Avenue (Wayland Town Center).
2. 2013 Annual Town Meeting Warrant; list of articles and assignees with positions.
3. Proposed amendment to be offered (if approved by Selectmen) on Article 11 – Reporting to Town Meeting on Articles.
4. Proposed plan for administering RFP for sale of land contemplated under Article 16.

5. Appendix A – Moderator’s Rules (red-lined version to show changes since October 2012 Special Town Meeting).
6. Letter dated February 22, 2013 from Attorney General regarding Article 2, October 3, 2012 Special Town Meeting.
7. Motion to enter executive session.

Items Distributed For Use by the Board of Selectmen at the March 20, 2013 Meeting

1. Proposed motion for Annual Town Meeting Article 16.
2. Email dated March 20, 2013 from Town Administrator to Selectmen announcing untimely passing of Public Safety Dispatcher Bill Reilly.
3. Email dated March 20, 2013 from Town Planner regarding withdrawal of special permit application for 150 Main Street (former Finnerty’s Restaurant site).
4. Material distributed by legal counsel for The Local describing the space, business relationships of LLC, and menu related to on-premises all-alcoholic beverage license request.