



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 March 27, 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 6:33 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 reminded residents that the Annual Town Elections are Tuesday, April 2, and the Annual Town Meeting will begin on Thursday, April 4.

A2. Review and Approve Consent Calendar (See Separate Sheet) E. Collins moved, seconded by S. Correia, 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.

A3. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. S. Correia asked the Board to consider the appointment of Mary Ellen Castago to the Minuteman Regional Vocational-Technical High School Regional Agreement Amendment Sub-committee. E. Collins discussed the notice to NSTAR from the Oak Hill neighborhood regarding vegetation management. He asked for clarification of the process for requesting a public hearing from the Department of Environmental Protection in regard to the groundwater discharge permit for Wayland, and the status of the litigation. He asked for an update on the status of the property at 150 Main Street; F. Turkington said the owner is withdrawing his application from the Planning Board and is pursuing a variance from the Zoning Board of Appeals. J. Bladon questioned the Immediate Response Action Completion at 8 Simpson Road; F. Turkington said it was a standard notification of cleanup. J. Bladon requested further information regarding the Minuteman Regional School project.

A4. Approve Permit for Fireworks Display on June 15, 2013, to be Held in Conjunction with 375th Anniversary Commemoration Mary Antes, Chair, and members Allison Tobia and Deborah Seidman, 375th Anniversary Commemoration Committee, appeared before the Board to request a permit in conjunction with the 375th Anniversary celebration. A. Tobia explained that, due to the prohibitive cost of fireworks, and the lack of an appropriate venue, the decision was made to instead pursue a ceremonial bonfire. M. Antes said the proposal had been approved by the Police and Fire Chiefs, and will take place on private property at 43 Old Connecticut Path. Participants will be shuttled from outside parking lots. A. Tobia said the estimated cost is \$1,200 to \$1,500. E. Collins moved, seconded by S. Correia, to approve a ceremonial bonfire to be held in conjunction with the 375th Anniversary Commemoration on June 15, 2013, at 43 Old Connecticut Path. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Public Comment on Items Not Related to the Warrant There was no public comment.

A6. Open and Conduct Annual Town Meeting Warrant Hearing in Large Hearing Room; Close

Hearing; Recess and Reconvene in Selectmen's Meeting Room The Board recessed and left the Selectmen's Meeting Room at 6:56 p.m. S. Correia moved, seconded by D Leard, to open the Annual Town Meeting Warrant Hearing at 7:04 pm. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. E. Collins questioned the need for the debt exclusion, as the levy limit on page 12 is \$7.426 million. Bill Steinberg, Chair, Finance Committee, said debate should take place at town meeting. Linda Segal, 9 Aqueduct Road, said that on page 15, there was no mention of the views of the three Finance Committee members who voted against the funding for WaylandCares. B. Steinberg noted the text, "concern about keeping expenses in check." E. Collins questioned the accuracy of the FY2014 amount to be raised by taxation, \$56,694,733; F. Turkington said it is correct. Tom Greenaway, Finance Committee, said the number may change slightly after the Finance Committee meeting tonight. L. Segal said the Finance Committee comments regarding the "Wastewater Professional Expense" on page 32 were insufficient and should have included a map. L. Segal asked if a facilities study had been completed. John Moynihan, Facilities Director, said a draft study should be available within the next ten days. E. Collins asked if the repaving of the town building parking lot would affect the the wastewater proposal for a leaching field. J. Moynihan said no. Jeff Horan, 15 Center Street, said that in regard to the petitioners article for the acquisition of 150 Main Street, the developer has withdrawn his application, and the public should be informed. Sarkis Sarkisian, Town Planner, said the applicant has withdrawn the previous application, but the site plan approval is still in effect. The Board discussed the potential funding sources for the acquisition. Bruce Cummings, 6 Eden Road, asked how the purchase price was calculated. T. Greenaway said it was based on the assessed value of the property, and Town Counsel Mark Lanza noted the assessment was based on the January 1, 2012 data. Anette Lewis, 33 Claypit Hill Road, asked for an explanation of the quantum of vote. M. Lanza said a purchase by eminent domain is a 2/3 vote, and a gift is a majority vote. He also noted that the Board of Selectmen cannot be compelled to purchase the property based on the Town Meeting vote. F. Turkington reviewed the errata. The Board thanked the office staff for the preparation of the warrant. D. Leard moved, seconded by J. Nolan, to adjourn the warrant hearing at 7:32 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board recessed and reconvened in the Selectmen's Meeting Room at 7:40 p.m.

A7. Executive Session to Discuss Potential Litigation At 7:42 p.m., J. Nolan, seconded by D. Leard, 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: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Bladon stated that the Board invites Town Administrator Fred Turkington and Town Counsel Mark Lanza 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.

The Board returned to open session at 8:11 p.m.

A8. Preparation for 2013 Annual Town Meeting F. Turkington reviewed the proposed motions for Annual Town Meeting. E. Collins questioned whether a motion should be made to ensure that the funding to WaylandCares be subsequently reduced by the amount of any future grant money received. E. Collins expressed concern about the status of the access road to the proposed DPW facility. The Board discussed the feasibility of using River Road, should the current proposed access road become unavailable. J. Nolan moved, seconded by S. Correia, to recommend to Town Meeting the approval of Article 15, "Acquisition of 150 Main Street Property (Formerly Finnerty's Restaurant)." J. Nolan said the exposure to

the town by eminent domain could be a substantial fiscal and legal problem. YEA: none. NAY: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. none. ABSENT: none. ABSTAIN: none. Motion rejected, 0-5. J. Nolan moved, seconded by S. Correia, to recommend to Town Meeting the approval of Article 16, "Transfer and Dispose of Septage Facility Land and Adjacent Town-owned 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 recommend to Town Meeting the approval of Article 17, "Amend Zoning Bylaw Chapter 198: River's Edge Housing Overlay Zoning District." 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 recommend to Town Meeting the approval of Article 19, "Amend Town Code Chapter 193A: Land Clearing, Grading and Protection of Specimen Trees" There was no vote. The Board deferred its vote to town meeting. D. Leard moved, seconded by E. Collins, to recommend to Town Meeting the approval of Article 20, "Amend Town Code Section 91: Regulation of Dogs." YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Selectmen's Reports and Concerns D. Leard said he attended the funeral of Dispatcher and Reserve Officer William Reilly; he said there was a very good representation of Wayland police and fire. The Board discussed whether other towns had ever funded projects without a debt exclusion.

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, D. Leard moved, seconded by E. Collins, to adjourn the meeting of the Board of Selectmen at 8:50 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Included as Part of Agenda Packet for Discussion During the March 27, 2013 Board of Selectmen's Meeting

1. Emails dated March 15, 2013 between Mary Antes, chair of the 375th Anniversary Commemoration Committee and Fire Chief; material relates to request for ceremonial bonfire permit for June 15, 2013 celebration.
2. 2013 Annual Town Meeting Warrant; list of articles and assignees with positions taken through March 20, 2013; draft motions for all articles except Article 15.
3. Email dated March 22, 2013 from Town Counsel to Town Administrator relative to steps needed to make Green Way ready for town meeting vote to accept road under Article 18.

Items Distributed For Use by the Board of Selectmen at the March 27, 2013 Meeting

1. Invitation to Selectmen from Stop & Shop to a program at the Wayland store on April 4, 2013 at 11:00 a.m.
2. Email dated March 26, 2013 from Town Administrator transmitting letter dated March 15, 2013 from NSTAR relative to scheduled mechanical vegetation management activities in right-of-ways during 2013; and emails dated March 24, 2013 from Oak Hill Wayland Neighborhood Association, Inc. commenting on NSTAR's five-year vegetation management plan and status of efforts to have NSTAR resolve issues related to remediation plan following tree clearing in right-of-way in summer of 2012 (correspondence).
3. DRAFT 2013 Annual Town Meeting Errata Sheet.
4. Proposed motion for Article 15 – Acquisition of 150 Main Street Property.
5. Email dated March 26, 2013 from Town Administrator to Selectmen relative to Article 19 concerns.