



# TOWN OF WAYLAND

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BOARD OF SELECTMEN  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
DOUGLAS J. LEARD  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes July 22, 2013

**Attendance:** Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan  
**Also Present:** Town Administrator Fred Turkington, Secretary MaryAnn DiNapoli

Chair D. Leard called the meeting of the Board of Selectmen to order at 7:02 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the public.

**A2. Public Comment** David Hill, 54 Orchard Lane, spoke in support of the sound system for the Large Hearing Room. Jackie Ducharme, 44 Pond Drive, said that the fate of Dudley Woods has been debated for fifty years, and she reviewed the history. She said two charrettes were open to the public, and the consensus was for passive recreation and septic use, if necessary. She asked that Rocky Point be transferred to the Conservation Commission and open to the public, and she asked that the divisive debate be ended. Tom Sciacca, 31 Rolling Lane, said he served on the 1978 Conservation Commission that worked on the access road to the landfill. He said he will appeal the Order of Conditions issued by the Conservation Commission for the access road to the proposed DPW facility; he said that serious policy issues are bigger than the town's Conservation Commission, and he will take the matter to the State. Stanley Ducharme, 44 Pond Drive, noted that while some members of the Dudley Area Advisory Committee were in favor of affordable housing, the structure does not exist to support further housing in the Dudley Woods area. He appealed to the Board to encourage the Housing Authority and the Housing Partnership to purchase existing scattered housing.

**A3. WayCAM to Discuss Sound System Improvements for Large Hearing Room** Jim Mullane, Executive Director of WayCAM, and WayCAM Board members Ken Isaacson and Richard Turner, appeared before the Board to discuss the installation of a sound system in the Large Hearing Room of the town building. J. Mullane said John Moynihan, Facilities Director, had provided a proposal for a self-managed system that will also output to WayCAM audio. He noted that board members should be trained to use the system, if it is not being cablecast, and suggested that a short training session be scheduled before the Open Meeting Law training. D. Leard asked if the system would be adequate; K. Isaacson said yes, eight speakers would be positioned to provide audio to the room and the WayCAM audio. S. Correia asked if portable microphones would be available; J. Mullane said yes, three hand-held microphones could be added for \$876. He said WayCAM will maintain the system when they use it, and the custodians could be trained to maintain it for town use. The Board discussed the funding and whether to get further bids. F. Turkington said the Board could vote a cap of \$10,000 and J. Moynihan could solicit more bids. He said funds are available in the building maintenance account, and K. Isaacson noted the equipment is not permanently affixed. R. Turner suggesting adding screens and projectors to the Large Hearing Room and Selectmen's Meeting Room, if it is financially practical. J. Nolan moved, seconded by E. Collins, to authorize John Moynihan, Facilities Director, to get bids and expend up to \$10,000 to install a sound system, similar to the one presented, in the Large Hearing Room of the Wayland Town Building, and to seek information regarding the possible inclusion of audio and visual upgrades. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A4. Interview Candidates for Appointments to Boards and Committees** Alice Boelter appeared before the Board to interview for the position of Second Alternate Member of the Historic District Commission. She said she served on the commission in 2009 for a year, and the work is consistent with her professional career advising clients regarding development. S. Correia asked if she still believed that the Historic District Commission had the right to hire private counsel against the town, and if the commission had jurisdiction to regulate safety issues within the district. A. Boelter said she was not on the commission during those discussions, and did not attend the hearing when the vote was taken. She said she spoke out as a private citizen, and felt the commission handled a difficult situation artfully by voting that the town center project could go forward with the first phase, but not the second phase without further studies being done. S. Correia asked if she believes it was within the jurisdiction of the Historic District Commission to stop the permitting of the town center project; she said yes, it was within their jurisdiction. T. Boschetto questioned the need for a second alternate member, and suggested that members who are not attending regularly be replaced. F. Turkington said that, according to the memorandum from the Historic District Commission Chair, there are normal attendance issues as well as abutter issues, and the bylaw permits a second alternate. T. Boschetto asked A. Boelter if she would have any issue faithfully honoring her position. She said no, she would commit to attending and serving. D. Leard asked if she were familiar with the Open Meeting Law; she said yes.

Jim Murphy appeared before the Board to interview for the position of Commissioner of Trust Funds. The Board was joined by Trust Fund Commissioners Russell Kopp and David D'Orlando. E. Collins asked if their participation was a violation of the Open Meeting Law; F. Turkington said no, as they were invited to join a meeting of the Board of Selectmen to vote on an appointment per Massachusetts General Laws Chapter 41, Section 11. J. Murphy discussed his 25 years of experience in insurance and investments. He said he is also a trustee of a private charitable foundation, volunteers for the Wayland Baseball and Softball Association, and is active with the MA/RI Chapter of the Cystic Fibrosis Foundation. J. Nolan asked about the work of the Commissioners. R. Kopp said they meet three to four times a year to review financial statements, and the current funds amount to approximately \$3 million. T. Boschetto asked if he plans to be a candidate in the 2014 election; he said yes. T. Boschetto moved, seconded by J. Nolan, to appoint Jim Murphy as a Commissioner of Trust Funds for a term to expire at the 2014 Annual Town Election. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan, D. D'Orlando, R. Kopp. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 7-0.

**A5. Presentation of Recommendations by Dudley Area Advisory Committee** Patricia Reinhardt, Chair, Dudley Area Advisory Committee, appeared before the Board to present the final recommendation of the committee regarding the use of the seven-acre parcel of town property in the Dudley area. She said that due to the diversity of opinion, the final votes were broken down into several questions. The committee recommended that Rocky Point be transferred to the Conservation Commission, all other land be transferred to the Recreation Commission, a possible Distributed Wastewater Treatment Facility be considered, and that no housing be built on the property at this time. The committee recommended that the town pursue the purchase of housing in the vicinity to convert to affordable housing. If that didn't happen within five years, then the recommendation is to allocate a portion of land within the seven acres for four units of housing. E. Collins said that "vicinity" needs to be further defined. T. Boschetto said that recreational activities would be within the purview of the Recreation Commission and not the Conservation Commission; P. Reinhardt said the committee believed the Conservation Commission would be the better steward of the land. E. Collins asked if the Recreation Commission had voted on this decision; P. Reinhardt said no. F. Turkington said counsel would recommend the transfer based on use. T. Boschetto said funding and maintenance issues need to be determined. F. Turkington said the next step is for Town Counsel to draft a town meeting article based

on the committee recommendation, and to consult the Finance Committee as to funding. S. Correia asked about the 1977 vote that some part of the land be used for affordable housing, and the allocation of \$45,000 to the Housing Authority. F. Turkington said the Town Meeting article would rescind previous votes. D. Leard said he would support the use of the land for recreation and conservation, but not for housing; he noted that 73% of affordable housing is already in Cochrane, and should be allocated more consistently across the town. S. Correia said the town needs to provide affordable housing, and there are projects being proposed in North Wayland. T. Boschetto said he would also support the recommendation, although he felt the septic proposal should be handled privately; he also said he believes private investment is a better way to pursue affordable housing. J. Nolan said the percentage of affordable homes in Cochrane is due to the density and nature of the homes, and he said that a half-acre or so of the Dudley land should be reserved for affordable housing, if no scattered housing becomes available. S. Correia noted that community preservation funds can be used for recreation purposes. E. Collins asked about the supplemental report by Rachel Bratt of the Housing Partnership; P. Reinhardt said it was a solid summary to consider, but it was not endorsed by the committee. P. Reinhardt urged to the Board to open Rocky Point to the public as soon as possible. F. Turkington agreed to work with staff and the Board of Public Works on this request.

**A6. Discussion on Appointment and Reappointment Process** E. Collins asked for a discussion of the appointment and reappointment process, in order to provide clarification for the future. He said some applicants were not notified of their interview before the Board. J. Nolan said he was only aware of one, and asked for further examples. No other instances were noted. J. Nolan moved, seconded by T. Boschetto, that applicants for positions on boards and committees must provide confirmation that they have been notified of their scheduled interview before the Board of Selectmen. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board discussed ways of creating better public awareness of board and committee vacancies, especially during the reappointment process, noting that when a person's term expires, that position is vacant. It was the consensus of the Board to treat expiring terms as vacancies with respect to advertising and considering appointments. Members discussed whether a board or committee member may continue to serve until they are replaced; F. Turkington said it is the opinion of Town Counsel that the position becomes vacant upon the expiration of their term. E. Collins asked that motions for appointments be made on an individual basis. J. Nolan said he would not support any policy that restricts the right of the Board to make motions as they deem appropriate. No action was taken on this request.

**A7. Discussion on Dates for Special Town Meeting** F. Turkington reviewed possible schedules for a Special Town Meeting in the fall, noting there will be a special state primary election on October 16. It was the consensus of the Board to ensure that all boards involved with the proposed DPW facility are satisfied with the project before Special Town Meeting. David Hill, 54 Orchard Lane, said the Conservation Commission decision was only in respect to the access road and did not address the proposed DPW facility.

**A8. Review and Approve Consent Calendar (See Separate Sheet)** T. Boschetto asked for a spreadsheet of all legal matters, including costs and current standing. F. Turkington said he plans to have an accounting in August. E. Collins moved, seconded by T. Boschetto, to approve the consent calendar. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. Review Correspondence (See Separate Index Sheet)** In regard to the public comment in correspondence, T. Boschetto noted that there are many residents with financial hardship, and the Board should spend more time considering cost-savings initiatives. S. Correia said the Board is not in the budget

process now. T. Boschetto said the Board should be managing fiscal policy, establishing a five-year plan, and asking the Finance Committee to work on it. D. Leard asked T. Boschetto to make a presentation in writing. S. Correia asked for an accounting of the legal expenses incurred due to lawsuits filed by a member of the Board. J. Nolan asked E. Collins if, as a principal of the town, he would recuse himself from legal matters regarding his appeal. E. Collins said he was preserving his right of appeal, which can be withdrawn at any time, and the matter should not be discussed in open session. D. Leard asked that the conversation be brought to a close.

**A10. Report of the Town Administrator** F. Turkington reviewed upcoming agenda topics and meetings. The Board asked the Town Administrator to get more information regarding the Dudley Area Advisory Committee proposal before proceeding any further. D. Leard noted a correction the minutes of June 24.

**A11. Selectmen's Reports and Concerns** S. Correia said that the Recreation Commission is behind in posting minutes. E. Collins provided an update on the recent Wayland Cares Review Committee meeting. Secondly, he distributed a list of questions he formulated with Town Counsel Mark Lanza for presentation to Special Town Counsel John Mirick at the Board meeting on July 23; Board members noted that the information was executive session material, and the handout was withdrawn. Thirdly, he noted that when he ran for the Board of Selectmen, he was told it would get nasty, and said that after this evening's meeting, he can confirm that. D. Leard asked the Board to submit their goals and priorities to F. Turkington by August 12 for discussion at the meeting of August 26. He asked if there was a contract between the Town and Town Counsel; F. Turkington said no, there is a fee arrangement, and he is appointed by the Town Administrator indefinitely. D. Leard asked for copies of the performance evaluations of the staff that reports to the Town Administrator, and he asked that he be included in an exit interview committee. F. Turkington said he would ask Town Counsel if that was an option. D. Leard suggested that if a Board member cannot be included in exit interviews, then an objective third party should be included. T. Boschetto suggested that a member of the Personnel Board be included.

T. Boschetto moved, seconded by E. Collins, to appoint Alice Boelter as Second Alternate Member of the Historic District Commission for a term to expire on June 30, 2015. S. Correia voiced his objection to appointing a commission member who had supported the hiring of an outside attorney by the Historic District Commission against the wishes of the town, and slowed down the permitting process of the town center. J. Nolan said he didn't believe A. Boelter understood the charge of the committee. YEA: T. Boschetto, E. Collins, D. Leard. NAY: S. Correia, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 3-2.

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

There being no further business before the Board, J. Nolan moved, seconded by T. Boschetto, to adjourn the meeting of the Board of Selectmen at 9:48 p.m. YEA: T. Boschetto, 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 July 8, 2013 Board of Selectmen's Meeting**

1. Email dated July 11, 2013 from Ken Isaacson and proposal from Access AV for sound improvements in Large Hearing Room.
2. Letters of interest and background material provided by candidates for appointment to various boards and committees.
3. Recommendations and final report of Dudley Area Advisory Committee; email dated July 15, 2013 from Housing Partnership representative Rachel Bratt regarding affordable housing.
4. Email dated June 25, 2013 from Selectman Collins regarding future discussion of appointment and reappointment process; Board policy on appointments; Chapter 6 of Town Code on filling vacancies.
5. Draft schedules for Special Town Meeting to be held on either October 16 or October 29, 2013.