



# 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 August 26, 2013

**Attendance:** Tony V. Boschetto, Edward J. Collins, Steven J. Correia (left at 7:42 p.m.), Douglas J. Leard, Joseph F. Nolan (arrived 7:01 p.m., left at 8:19 p.m.)

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

**Executive Session to Discuss Strategy and Negotiations with Respect to Collective Bargaining with Wayland Police Association; Discuss Pending Litigation in Matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission*; Update on Negotiations with Firefighters** T. Boschetto 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 (1) strategy with respect to collective bargaining negotiations with the Wayland Firefighters Association; (2) mid-term bargaining with the Wayland Police Association; and (3) strategy with respect to *Twenty Wayland, LLC, v. Town of Wayland and Wayland Wastewater Management District Commission* as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. The Chair declared that discussion of strategy with respect to collective bargaining negotiations with the Wayland Firefighters Association; strategy with respect to mid-term bargaining with the Wayland Police Association; and strategy with respect to *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* in an open meeting may have a detrimental effect on the negotiating and litigation position of the Board. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

The Board invited Fred Turkington to attend and participate in the executive session and Executive Assistant MaryAnn DiNapoli to attend and record minutes of the executive session. In addition, the Board invites Assistant Town Administrator John Senchyshyn to attend and participate in the discussion of items #1 and #2 and Police Chief Robert Irving to attend and participate in the discussion of item #2 of the executive session. The Board will return to open session in approximately 30 minutes.

The Board returned to open session at 7:03 p.m.

Chair D. Leard called the meeting of the Board of Selectmen to order at 7:04 p.m. in the Selectmen's Meeting Room. He reviewed the agenda for the public and announced that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. S. Correia asked for clarification of agenda item 4, the review of the Town Administrator's employment agreement and job description. D. Leard said the agenda item was proposed by T. Boschetto. S. Correia said it is the Chair that sets the agenda. D. Leard said the purpose was to review the employment agreement of the Town Administrator, and S. Correia questioned as to what purpose. S. Correia noted for the record that he asked the Chair for the purpose of the agenda item three times and was not given a response.

**A2. Public Comment** Kent George, 15 Indian Dawn, questioned whether it is appropriate for the Finance Committee to prepare the annual budget guidelines without the approval of the Board of Selectmen.

F. Turkington said it has been a matter of practice. K. George challenged the Board to take charge of the budget process. He said the levy is well above what the town needs to spend, and the tax rates are unsustainable. J. Nolan suggested that the issue be considered as an agenda item at a future meeting. Dennis Berry, 15 George Street, and Town Moderator, asked the Board to consider setting the date for the Spring 2014 Annual Town Meeting as soon as possible.

**A3. Consider Appointments to Boards and Committees** Sarah Greenaway, 26 Jeffrey Road, appeared before the Board to interview for appointment to the Youth Advisory Committee. She discussed her background and her interest in serving on the committee. The Board asked about her ability to make the time commitment, and her views on incorporating Wayland Cares into the Youth Advisory Committee. D. Leard advised her to attend the Open Meeting Law Seminar on September 19. T. Boschetto moved, seconded by E. Collins, to appoint Sarah Greenaway to the Youth Advisory Committee for a term to expire on June 30, 2014. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by E. Collins, to appoint Dennis Giombetti as the MetroWest representative to the Regional Planning Organization. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board agreed to amend the charge of the Senior Property Tax Relief Committee and reduce the number of members to seven; F. Turkington said he will have a revised charge for a vote at the next meeting.

**A4. Review Town Administrator Employment Agreement and Job Description** T. Boschetto moved, seconded by E. Collins, that the Board of Selectmen terminate the employment contract of Frederic E. Turkington, Jr. as Town Administrator effective immediately, August 26, 2013, without cause under the terms of Section VII(B) of said contract. He shall be immediately relieved of all duties and the Assistant Town Administrator shall serve as Interim Town Administrator on all matters until the Board of Selectmen appoint an interim or permanent replacement and that the Board of Selectmen shall schedule a meeting with all Department Heads for the purpose of creating an interim management structure. A written copy of this motion as approved by the Board of Selectmen shall be presented by hand to Mr. Turkington this evening on August 26, 2013, and serve as written notice in accordance with the terms of Section VII(B) of said contract. Mr. Turkington shall meet with a representative from the Board of Selectmen and the Assistant Town Administrator at 9:00 a.m. on August 27, 2013, in the Town Administrator's office for the purpose of returning all town assets in his possession and collection of all personal belongings. All compensation and benefits afforded Mr. Turkington under the terms of the agreement shall be paid in a normal and customary manner.

The Board discussed the motion. J. Nolan asked where the transparency was, as he did not learn of the substance of the agenda item until the motion was put in front of him. He asked to table the motion until he had time to consider and review the motion. T. Boschetto said the Open Meeting Law did not allow for the dissemination of the motion before the meeting. He said the termination of the Town Administrator moved the town in the direction the Board wants to move, and it is in the best interest of the citizens. He said it was most fair to F. Turkington and gives him a chance to pursue other employment. J. Nolan noted that the town is exposed to substantial severance, and the issue deserved a full debate among all the members. He said there was no forewarning, no constructive dialogue, no discussion with the Town Administrator, and no consideration of the time and cost involved in hiring a new Town Administrator. D. Leard said that according to the employment agreement, the Board can terminate without cause. S. Correia said the Chair should have known what the substance of the agenda item would be, and exhibited a lack of transparency, even though he had campaigned on the issue. He said he would not take part in the termination of the Town Administrator without discussion. S. Correia left the meeting at 7:42 p.m. J. Nolan said he felt it was

not in the best interest of the town; he noted that F. Turkington is the President of the Massachusetts Municipal Management Association, and that there has been no evidence raised to justify his dismissal. He said he had taken part in the dismissal of a previous DPW Director in the past, and it was a long process. D. Leard said that if a dismissal is with cause, then you must state your reasons, but this dismissal was without cause. J. Nolan noted that there were interested parties in the audience, and suggested that they were aware of the motion to be made, even while members of the Board were not. E. Collins said he had nothing to add; he noted that F. Turkington participated in the drafting of an agreement for termination without cause. T. Boschetto said any debate and discussion would put F. Turkington and the Board in a bad position. J. Nolan asked if the Board would debate the merits of incurring a year's salary while having no Town Administrator. T. Boschetto said he had confidence in the Assistant Town Administrator and the department heads. J. Nolan apologized to F. Turkington for the actions of the Board. D. Leard said he believed that a public discussion would have caused further problems. T. Boschetto said it is difficult to have an open dialogue. J. Nolan noted that the three votes were in place, and asked that the vote go forward. YEA: T. Boschetto, E. Collins, D. Leard. NAY: J. Nolan. ABSENT: S. Correia. ABSTAIN: none. Adopted 3-1.

**A3. Consider Appointments to Boards and Committees** Massimo Tauriso, 14 Pequot Road, appeared before the Board to interview for appointment to the Permanent Municipal Building Committee. He reviewed his background and interest in serving. D. Leard advised him to attend the Open Meeting Law Seminar on September 19. J. Nolan moved, seconded by T. Boschetto, to appoint Massimo Tauriso to the PMBC. YEA: T. Boschetto, E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: S. Correia. ABSTAIN: none. Adopted 4-0.

**A5. Review and Approve Amended Agreement for Mitigation Related to Danforth Farms Housing Project, Old Connecticut Path, Framingham** Roy MacDowell and Todd MacDowell appeared before the Board to provide an update on the Danforth Farms Housing Project. R. MacDowell noted that the permitting was complete, and that 88 acres of land will be donated to the Town of Framingham. He asked the Board to approve an updated agreement to replace the existing agreement relative to mitigation. Mike Lowery, Board of Public Works, said the Board of Public Works had agreed that the mitigation is satisfactory. D. Leard asked about granite curbing and lighting; R. MacDowell said the plans are approved and meet the town's specifications. T. Boschetto asked about the Meadow Street subdivision; R. MacDowell said a 12-lot subdivision was recently sold. J. Nolan asked for a timeline of construction on the intersection, and R. MacDowell said that realistically, it will begin in the Spring of 2014. He said the final endorsement of the Board of Selectmen is necessary before he can make application to the Conservation Commission. The Board discussed the concessions made regarding the size and scale of the site. J. Nolan asked if there would be a project manager; M. Lowery said a project manager has been requested. M. Lowery suggested that the Board confirm with the DPW Director that the bonding is correct. The Board agreed to table a decision until the meeting of September 9.

**A6. Approval of Regulatory Agreement for Habitat for Humanity Affordable Housing Project on Stonebridge Road** Tim Firment, Executive Director for MetroWest Habitat for Humanity, appeared before the Board to discuss the regulatory agreement for Board approval. J. Nolan said he did not know if Town Counsel had approved the document, and there was no Town Administrator to provide guidance, so he was not ready to vote. T. Boschetto asked if the DHCD (Department of Housing and Community Development) had approved and signed the agreement; T. Firment said yes. E. Collins asked as to the purpose of the documents; T. Firment said it is a typical LIP (Local Initiative Project) contract. D. Leard said the Board will contact Town Counsel Mark Lanza and schedule the agenda item again on September 9.

J. Nolan said he no longer wished to participate in the meeting, and left at 8:19 p.m.

**A7. Review and Approve Consent Calendar (See Separate Sheet)** T. Boschetto moved, seconded by E. Collins, to approve the consent calendar, with the exception of item one, as there were no payroll or expense warrants to sign. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A8. Review Correspondence (See Separate Index Sheet)** E. Collins noted that the Wayland Cares Review Committee was filing its minutes promptly. D. Leard reminded all board and committee members about the open meeting law seminar on September 19.

**A9. Report of the Town Administrator** The Board discussed future meeting dates and the potential date of the Special Town Meeting. T. Boschetto asked Dennis Berry, Town Moderator, if he was amenable to a Special Town Meeting date of November 20, and D. Berry said it was fine. He asked that the Board set the date for the Spring 2014 Annual Town Meeting as soon as possible.

**A10. Selectmen's Reports and Concerns** The Board discussed the adoption of the DPW State Mutual Aid agreement. Mike Lowery, Board of Public Works, said it is a legal structure that is required before the Town of Framingham will clear the brush across Stone's Bridge. D. Leard said the Board will consult with Town Counsel Mark Lanza. The Board agreed to put the review of proposed goals on hold, and to postpone the discussion of the Special Town Meeting and Annual Town Meeting schedules until Interim Town Administrator John Senchyshyn can be consulted. D. Leard noted that the lights at Cochituate Field are on continuously, and he will contact Recreation Director Nancy McShea for an explanation. He said the Town of Westborough is considering electronic voting. The Board congratulated former Wayland Police Sergeant Tom Galvin as he is being sworn in as Police Chief for the Town of Berlin. D. Leard said he needs to get more information regarding the land court decision on the former Finnerty's property.

**A11. 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, E. Collins moved, seconded by T. Boschetto, to adjourn the meeting of the Board of Selectmen at 8:31 p.m. YEA: T. Boschetto, E. Collins, D. Leard. NAY: none. ABSENT: S. Correia, J. Nolan. ABSTAIN: none. Adopted 3-0.

#### **Items Included as Part of Agenda Packet for Discussion During the August 26, 2013 Board of Selectmen's Meeting**

1. Letters of interest and background material provided by candidates for appointment to various boards and committees as outlined on meeting agenda.
2. Current committee charge and composition for advisory Senior Property Tax Relief Committee.
3. Employment agreement between Board of Selectmen and Town Administrator for period from September 19, 2011 through September 19, 2014; job description for Town Administrator.
4. Danforth Information
5. Regulatory Agreement and Declaration of Restrictive Covenants (Commonwealth Department of Housing and Community Development, Town of Wayland, and Habitat for Humanity regarding affordable housing development on Stonebridge Road.
6. Information on state public works mutual aid agreement.

7. Selectmen's and Town Administrator's goals and priorities for October 2012 through September 2013, together with comments on proposed changes for October 2013 through September 2014 period.
8. Schedule of dates related to Special Town Meeting on November 20, 2013; proposed meeting schedule for Board of Selectmen for September through December 2013.

**Items Distributed For Information and Use by the Board of Selectmen at the August 26, 2013 Meeting**

1. Proposed motion for entering executive session on August 26, 2013.
2. Email dated August 23, 2013 from Town Administrator transmitting proposed amended Danforth mitigation agreement.
3. Email dated August 26, 2013 from Roy MacDowell providing update on pending litigation against Danforth housing development.
4. Motion distributed by Mr. Boschetto regarding termination without cause of the Town Administrator.
5. Emails dated August 26, 2013 from Town Counsel Mark Lanza and Special Counsel John Mirick to Selectmen summarizing motion to be filed in response to opposition brief to motions filed by the Town in the matter of Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater District Commission.