

**WAYLAND BOARD OF PUBLIC WORKS
WAYLAND TOWN BUILDING**

June 19, 2012

7:00 PM

MEETING MINUTES

DRAFT

Present: Mike Lowery (Chair), Tom Abdella (Vice Chair) Bob Goldsmith, Jon Mishara
Michael Wegerbauer (at), Don Ouellette and Diane Gorham

Lowery opened the meeting at 7:06 pm

Scenic Tree Hearing

Planning Board and Sarkis Sarkasian (Town Planner) are present

Letter of objection received for Claypit Hill road trees- 1070, 1074, 1075, 1076, 1077,
1078, 1079, 1083 Sullivan

Letter of objection received for Main St tree #1276 Pauplis-

Discussion between the Boards about the trees on the Scenic Hearing list.

1260 – 1264 Peterson, Residents of 93 Draper Road are present. They explain the need to have these trees removed since the trees shade their driveway. Because of this, their driveway is a sheet of ice in the winter. Both of the residents have fallen on the icy driveway in the past. Discussion. The resident further explained that since they are older tall pine trees they are not nice looking trees. Mike Lindeman, tree warden, explained that the trees are in good health so he cannot recommend their removal. The trees do not pose a safety hazard. Discussion.

Planning Board member Sheehan made a motion to remove trees #531 – #1255 plus #1277 and requested that two trees be planted on Old Connecticut Path at tree#531 location, two on Glezen Lane and six on West Plain Street.

2nd Reck

Unanimous in favor

Sheehan made a motion to deny the removal of trees 1260, 1261, 1262, 1263 & 1264

2nd Greenawalt

Unanimous in favor

Mishara made a motion to deny trees 1260, 1261, 1262, 1263 & 1264

2nd Lowery

Unanimous in favor

Mishara made a motion to approve the removal of #531 – 1255 plus 1277

2nd Lowery
Unanimous in favor.

Ms. Sullivan of Claypit Hill road spoke to Ouellette and Lowery regarding the objection letter of the trees on Claypit Hill Road. Ouellette offered to plant new trees for her. Ouellette told Sullivan that the trees are in poor condition and described the problems of the trees to her. Ouellette told her the trees won't come down because of her objection letter. Ouellette said that ~~he will~~ ^{she could} appeal to the Board of Selectmen.

Water Division policy and access to property by easement holders

Lowery would like to understand the laws that give the utilities rights on these easements. Ouellette said that we do get a notification from NSTAR regarding the work they will be doing in the easement. Lindeman said that when NSTAR trims in the right of way they have to get a permit from DPW and we regulate them. Lindeman said that a tree in the right of way would need to go to hearing for removal. Ouellette spoke of the open access at Meadowview however, according to Mark Lanza, Town Counsel they have the right to come in cut mow etc. The location of the well does limit their use of herbicides. Ouellette said that he has no right to hinder them from working in the easement. Lowery said he doesn't think we have any standing to do anything. Trees within the towns right of way along Meadowview and Oakview wont be touched and will need to go to hearing for removal. Discussion about the use of chemicals within a zone 1, zone 2 and ~~zone 3~~.

the aquifer protection district
further

Cemetery Utilization Policies

Discussion about recent requests. Lindeman asked that Ouellette and he go over cemetery rules and regulations and come back to the board with their recommendations. Lindeman mentioned that the Jewish section in the Cemetery.

Lowery made a motion that Ouellette and Lindeman go over the cemetery rules and regulations and make recommendations for revisions.

Bob 2nd
Unanimous

Public records request & open meeting law status

Lowery told the Board that the only public records request is the Harris request for the large block of emails. Discussion. Abdella said that he has sorted through and segregated about 1000 pages for the request. Discussion about how to furnish, how much to charge, and how much time is involved?

Lowery proposed best efforts to segregate privileged information to and from Mark Lanza and figure a cost estimate. A letter along with an estimate will be sent to Mr Harris.

Lowery made a motion that he will draft letter to Mr Harris that the information he requested minus privileged correspondences with Mark Lanza will be sent to him electronically. A cost estimate to furnish this information will also be sent to Mr. Harris. Lowery will send a copy of the draft letter to Mishara, Turkington and Lanza for ~~approval~~ and how to proceed ^

comment

2nd Mishara
4-0 Unanimous

Board Members reports and concerns

Lowery told the Board that there was a nice article about the eco garden at Hannah Williams.

Lowery told the Board that Mr Bustin received permission from the Town Administrator to speak with Michael Hatch, Water Superintendent. Lowery said that he feels this is not the proper way to approach staff. Lowery said that he should have approached the Board. Lowery expressed his concern about staff time. Lowery said that he does not feel it is the Town Administrators place to grant DPW staff time.

Shade Tree hearing

Lowery asked if anyone present wanted to talk about a tree:?

1276 – Letter of objection to the removal has been received. Lindeman said that he hasn't looked at the tree yet. The residents' request for removal was based on Lynch's recommendation and concern. Resident will retract letter provided there is a second opinion. Ouellette wants to see if it is a safety issue. Lowery would like to see other alternatives but would accept Lindeman's recommendation.

Mishara made a motion to approve the removal of all of the trees on the Shade Tree list except #1276

2nd Abdella
4-0 Approved

Ouellette explained to the Board that there is one tree on Claypit Hill road that a resident had requested be removed. This tree ~~did not make it~~ on the Scenic Tree list. Ouellette asked the Board to give him the OK to remove what is left of the tree citing his concern for public safety. Lowery asked that Ouellette get permission from the homeowner.

was inadvertently left off

Lowery made a motion to allow Ouellette to remove the tree providing the home owner gives written approval of the removal.

2nd Mishara
4-0 Approved

Public Comment

Lowery suggested that the Historical Commission draft a protocol of discussion so that misunderstandings could be avoided.

maybe a native American

Alyssa Scola 184 Glezen Historical Commission member regarding expansion of North cemetery said she had asked the tree planting be stopped, although later found out it was too late. The planting had already been done. Scola explained that there is an Old Indian burial ground at North cemetery. Scola stressed the archeological value of the area. Old meeting houses were once there too. Scola asked that whenever there is work done in the cemetery that the Historic Commission is notified. Scola stressed the importance of archeological survey. The survey would provide a lot of information. Ouellette said that the area of the planting was used for fields in the past. Ouellette said that we only dug 12 inches down within the loam. Scola said that they would like to see a monitor there when there is digging. They don't want possible sites disturbed. Scola thanked Ouellette for cleaning/ sand blasting of the Historic sign.

and that he was verbally advised by Steve Pendergast that the arbor vite could be planted.

Linda Segal, Aqueduct Road
2 topics

NSTAR Meadowview – Asked if the Board was aware in advance that NSTAR would be cutting the trees at the high tension lines? Spoke of restitution. Concerned about the Meadowview well area. The well area is now exposed, the buildings are now visible. Discussion about the accuracy of the town records for the well and the vault. Discussion about the location of the well and pump station. Wellhead and pump station are on State or Federal property fish and wildlife. Discussion about whether or not this information should be publically available?? Should the area be fenced? Ouellette said that DEP requires us to put a fence around the tank. Discussion about the use of herbicides in the area where NSTAR is cutting. When NSTAR proposed the cutting and made notice to the Town did this board get notified?? Lowery said that the DPW was notified. The trees within the Towns right of way that NSTAR want removed will have to go to tree hearing.

Transfer Station – expressed her concern with the choice of Cascella and single stream recycling. Discussion. Mishara said he read an article in the paper about the cutting edge high tech equipment to sort for single stream and was quite impressed.

Don Bustin – updated the Board regarding water finances. Bustin said he wants to create a general ledger for water. Assets and liabilities. Bustin spoke of accounts receivable, accounts payable, fund balance, capital projects. He said transfers should be defined. Bustin said the board should look at what has been borrowed to determine what the reserve fund should be. Discussed the need for water usage report and water abatement report. Bustin said that he will be meeting with Mike Hatch regarding water usage. Bustin said he saw the RFP for a financial consultant. Bustin asked the Board where they are going with it and what they are looking for. Lowery asked if it is his intention to come up with books. Bustin said yes, to help him understand the financials. Abdella said a goal is to see if the water finance is healthy. Discussion about budget allocation and if costs are accounted for correctly. Bustin claimed there is no paper trail. Ouellette said there is a paper trail. Every bill is processed documented and every invoice copied. Discussion.

30d

Relationship between the Board of Public Works and Town Administrator

Discussion about the Board's rights regarding the DPW Directors review and re-appointment. Lowery said that he is meeting with Turkington, Town Administrator, on Thursday. Lowery said that there are legal and practical concerns to discuss. Turkington had told the Board since they are not the appointing authority they cant participate except make recommendations individually. Discussion about how they as a board should have the ability to provide input in regards to a review. Turkington suggested setting goals and then rating the Director on how well the goals are achieved. Wegerbauer explained to the Board the hiring process when the DPW Director was interviewed. Discussion about how when the DPW was proposed the Town did not accept all of the recommended statutes. Mishara asked why all the statutes weren't accepted if it went before Town Meeting? Lowery said that he has a list of all of the statues that Wayland has ever accepted. Discussion about intent. Goldsmith said that the handout provided at town meeting is the document that was approved at town meeting. Discussion about the possibility of it being an administrative error. Was it voted on?? Was it sent to the Secretary of State?? Discussion. Lowery said the Board may have a complaint if the process has been completed. Discussion. Wegerbauer asked Don if another contract has been signed. Ouellette said that a new three year contract with the Town has been signed and executed. Lowery thanked Ouellette for providing the information.

Wegerbauer said the Board should propose an article for next Town Meeting that states that the Director of Public Works reports to the Board of Public Works, including authority of the Board of Public Works to hire and manage the Director with input from the Town Administrator.

Mishara said the Board needs more information and needs to sort through the information. Mishara said that the Board needs to interpret the statutes.

Discussion Lowery asked for guidance from the Board regarding the discussion with Turkington on Thursday. Discussion about obtaining independent counsel. Mishara will attend the meeting on Thursday via phone.

Abdella made a motion to authorize the Chairman of the Board of Public Works to discuss matters regarding roles and responsibilities of the Board of Public Works with the Town Administrator.

2nd Wegerbauer

4 0 1 Lowery abstains.

Transfer station single stream – Lowery presented a nice article by the Town Crier regarding the single stream.

Discussion about what constitutes a change in policy vs. some thing that Ouellette thought he was doing that was sensible and saving money. Wegerbauer said that if there is a grey area or if he is not sure he should contact the chair. Wegerbauer stressed the need for better communication. Discussion about policy. Ouellette described what happened with a poor performing vendor. Ouellette discussed the process of choosing ~~Casella~~. Goldsmith spoke of communicating significant changes to the Board.

↑
spelling?
Casella

Discussion about loss by single stream. Ouellette said that he should have brought it before the Board. Wegerbauer said he would rather hear from Ouellette than someone else.

Lowery explained to Mr. Harris the vote for Lowery to draft the letter to him etc. Discussion about charges. Harris said he wants to understand the segregation. Harris asked the charges to supply the information by the Board be clear.

Goldsmith said that he would like to see quarterly water financial reports put on the website and semi annually sent with bill. Goldsmith said that this is useful for transparency. Goldsmith pointed out that the Residents are shareholders.

Abdella told the Board that the Eagle scout is building a kiosk at Hannah Williams playground and he is looking for contributions.

Ouellette said the park is so busy we are putting in a 2nd portable potty at Hannah Williams.

Action Item List (Handed out by Lowery)

Treasurer Paul Keating said the water bond can't be refinanced

Not granting abatements on irrigation related leaks – Abdella said that according to Lanza, Town Counsel, it is within the power of the Board of Public Works, but can't prevent people from making the request and appearing before the Board.

Road survey – Ouellette said that Stubby and Joe working on it and the Board should see something next meeting. The Road survey covers Public, Private and State roads

Sage hill Physical Alteration Permit, July 1 deadline to file .

Physical Alteration Permit revisions – Mishara said that A Lewis was kind enough to help with the revisions. Mishara said that he will have a draft for next meeting

Lowery said that there have been no other open meeting law responses except Harris's. Lowery said that Harris also made a request for the minutes of June 19th

Water restriction on private wells for irrigation – Lowery said in order for the Board to place water restrictions on private well there needs to be a bylaw.

Remove hazard at Heard pond farm equipment - Lowery said that Brian Monahan will write a letter requesting the DPW to do something about the old hazardous farm equipment. Lowery asked that a sign be put a sign there for now. Ouellette said DPW will furnish a sign to conservation and have them erect it. Will ask Conservation for wording. Ouellette said that we could put a fence around the area. Ouellette said that he will speak with Brian Monahan.

Lowery said that the Fire Chief wants emergency access to Dudley pond. Will look at the three spots the Fire Chief proposed.

Historic Commission Monuments.

Ouellette said that the Historic Commission has enough money (\$4,000.00) to work on about 3 monuments out of 17. DPW will either do the work or contract it out. The sign in front of North Cemetery has been sandblasted.

Parkland traffic calming request - waiting on the Police Department data. Discussion about a 3 way stop, extending the sidewalk and the speed bumps that the residents requested.

Water billing alternatives – Lowery said that he spoke to Vadar about making the abatement process easier. Vadar said that the DPW has the highest level software available. Vadar will look into the abatement issue. Lowery is getting more information and a manual.

Stone's Bridge debris – Lowery said that Framingham has a piece of equipment that may be able to pluck the stuff off of the bridge so we can haul it away.

Water Ban's for private wells – Lowery explained that the Town needs a bylaw in order for the Board to have control over private wells. Lindeman expressed concern about governing private well irrigation and having to shut fields down. Discussion about the boards discretion. Lindeman expressed his concern about appearance. Shut golf courses down but irrigate playing fields??

Ouellette said that the RFQ is going out soon in search of a Financial Consultant. Ouellette said that Moynihan has made a couple changes. Ouellette said that the Board must decide who will be on the selection committee.

Future agenda items

Water rates
Traffic calming
Physical alteration permit

Topics not anticipated by the Chair

Mishara made a motion to approve the minutes of June 4, 2012 as amended

2nd Lowery
Unanimous 5-0

Lowery made a motion that Gorham transfer the June 4, 2012 minutes to Harris once amended

2nd Abdella
Unanimous 5-0

Discussion about certifying irrigation vendors.

Meeting adjourned at 10:30 PM

Next meeting June 26, 2012 to discuss the relationship with the Town Administrator and the Boards roles and responsibilities.