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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

LEA T. ANDERSON  
MARY M. ANTES  
THOMAS J. FAY  
CHERRY C. KARLSON  
DOUGLAS A. LEVINE

## Board of Selectmen

### Meeting Minutes

November 8, 2019

8:00 a.m.

Wayland Town Building  
Selectmen's Meeting Room  
41 Cochituate Road, Wayland

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Thomas J. Fay, Douglas A. Levine  
**Also Present:** Town Administrator Louise Miller, Assistant Town Administrator Elizabeth Doucette

**A1. Call to Order by Chair** C. Karlson called the meeting of the Board of Selectmen to order at 8:01 a.m. in the Selectmen's Meeting Room in the Wayland Town Building when a quorum was present, noted that the meeting was not being broadcast or videotaped for later broadcast by WayCAM, and reviewed the agenda for the public.

**A2. Announcements and Public Comment** The Wayland Concert Series will present a concert at Wayland High School at 8:00 p.m. on Friday, November 15. The concert is free and open to the public. There was no public comment.

**A3. Town Manager Special Act: Working session to review and discuss latest draft, develop FAQs, discuss community presentation and next steps** L. Anderson reported that Town Counsel would be available by phone if needed. She walked the Board through the edits made by Town Counsel based on discussion at the Nov. 4 BoS meeting. The Board noted some additional minor edits and discussed the need to understand how best to protect Chapter 347 of the Acts of 2008 (Establishment of a Department of Public Works) relative to the Town Manager Special Act.

At 8:19 a.m. C. Karlson phoned Town Counsel, Carolyn Murray. C. Murray, and the Board discussed the minor revisions and agreed on wording regarding Chapter 347 with her. C. Murray agreed to make the additional revisions and return an updated draft for posting on the Town's website in preparation for the Community Forum. The call ended at 8:40 a.m.

The Board discussed the need to inform citizens of the upcoming forum and to revise the presentation based on the new draft of the Special Act. There was consensus authorizing L. Anderson to write a letter to the editor on behalf of the Board with details of the forum to be held on Thursday, November 21 at 7:00 p.m. in the Town Building. The Board also authorized C. Karlson to revise the PowerPoint presentation as discussed. The Board deferred working on the Frequently Asked Questions until after the forum.

L. Miller and E. Doucette entered the meeting at 8:45 a.m.

**A4. Enter into Executive Session; Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation – Stephen Cass v. Town of Wayland; and Pursuant to Massachusetts General Laws to G.L. c. 30A, Section 21(a) (1) (7) and (9): to discuss complaints brought against public officers. Specifically, the Board will discuss and determine whether further action should be taken with respect to five Open Meeting Law complaints filed by George Harris against the Board of Selectmen on 11/13/18, 1/4/19, 2/1/19, 3/4/19, and 5/29/19, as a result of mediation regarding said complaints; to comply with or act under the authority of any general law. Specifically, the Board will convene in executive session to comply with G.L. c. 233, Section 23C with regard to the confidentiality of the Open Meeting Law complaint mediation referenced above. To meet or confer with a mediator, as defined in section 23C of chapter 233. Specifically, the Board will discuss and consider possible action to be taken as a result of the confidential mediation with George Harris of the above-referenced Open Meeting Law complaints; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers Edge Project at 484-490 Boston Post Road, and Pursuant to Massachusetts General Laws, chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of October 15, 2019 and October 28, 2019**

**APPROVE AND HOLD: Executive Session minutes of October 15, 2019 and October 28, 2019**

At 8:48 a.m., C. Karlson moved, seconded by L. Anderson, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation – Stephen Cass v. Town of Wayland; and Pursuant to Massachusetts General Laws to G.L. c. 30A, Section 21(a) (1) (7) and (9): to discuss complaints brought against public officers. Specifically, the Board will discuss and determine whether further action should be taken with respect to five Open Meeting Law complaints filed by George Harris against the Board of Selectmen on 11/13/18, 1/4/19, 2/1/19, 3/4/19, and 5/29/19, as a result of mediation regarding said complaints; to comply with or act under the authority of any general law. Specifically, the Board will convene in executive session to comply with G.L. c. 233, Section 23C with regard to the confidentiality of the Open Meeting Law complaint mediation referenced above. To meet or confer with a mediator, as defined in section 23C of chapter 233. Specifically, the Board will discuss and consider possible action to be taken as a result of the confidential mediation with George Harris of the above-referenced Open Meeting Law complaints; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers Edge Project at 484-490 Boston Post Road, and pursuant to Massachusetts General Laws, chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of October 15, 2019 and October 28, 2019

**APPROVE AND HOLD: Executive Session minutes of October 15, 2019 and October 28, 2019**

The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: T. Fay, M. Antes, C. Karlson, D. Levine, L. Anderson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator; Elizabeth Doucette, Assistant Town Administrator; Andrew Weiner, MIIA (by phone) and Adam Simms, town counsel (by phone). The Board will reconvene in approximately 30 minutes solely for the purpose of adjourning.

The Board returned to open session at 9:36 a.m.

**A5. Adjourn** D. Levine moved, seconded by M. Antes, to adjourn the meeting at 9:36 a.m. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 8, 2019.**

None

**Items Included as Part of Agenda Packet for Discussion During the November 8, 2019 Board of Selectmen's Meeting**

1. Select Board/Town Manager Act FAQs dated 11/4/19
2. Select Board/Town Manager Act Draft with revisions dated 11/4/19
3. An Act Establishing A Select Board and The Position of Town Manager in the Town of Wayland  
PowerPoint presentation dated 7/15/19