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TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

MINUTES BOARD OF SELECTMEN Monday, January 27, 2020 6:30 p.m. Wayland Town Building Selectmen's Meeting Room 41 Cochituate Road, Wayland, MA

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Thomas J. Fay

Absent: 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 6:32 p.m. in the Selectmen's Meeting Room in the Wayland Town Building when a quorum was present, and reviewed the agenda for the public.

A12. Minutes: Review and vote to approve minutes of January 13, 2020. L. Anderson moved, seconded by T. Fay, to approve the minutes of January 13, 2020. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A13. Consent: Review and vote to approve (see separate sheet)

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of approving the request for one (1) sandwich board promoting registration for the Wayland Public Schools Foundation Spelling Bee on March 29, 2020. Sandwich board would be located at Old Connecticut Path and Cochituate Road (Five Paths) from February 2, 2020 through February 8, 2020.

L. Anderson moved, seconded by T. Fay, to approve the Consent Calendar in the Board Packet. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A14. Correspondence Review The Board reviewed correspondence included in the Board Packet. C. Karlson provided an explanation regarding the US Census item, and that the Town Administrator's office was preparing information for review and signatures at a future BoS meeting in February, ahead of the March 1 deadline.

A3. Announcements and Public Comment C. Karlson deferred Public Comment until after 7:00 p.m. M. Antes announced that the Lunar New Year celebration is cancelled due to concern about the coronavirus. C. Karlson noted that the Town Administrator and BoH were not initially aware of the cancellation and that there is no active CDC advisory, just a decision by the event committee. M. Antes announced that works by African-American composers will be the focus of a concert to be held at Wayland High School on Friday, Jan. 31 at 8 p.m.

A7. Warrant for 2020 Presidential Primary T. Fay suggested addressing the agenda item from the Town Clerk regarding the Warrant for 2020 Presidential Primary that would be posted by the constable. T. Fay moved, seconded by M. Antes, to adopt the Warrant for the 2020 Presidential Primary as included in the Board Packet. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A2. FY2021 Operating and Capital Budgets: Update and potential vote; review letter to Finance Committee

Town Administrator L. Miller introduced the discussion on the FY21 budget. On Jan. 15 the Finance Committee issued a letter to L. Miller and Superintendent Arthur Unobsky, with a request to prioritize new initiatives and identify \$750,000 in budget reductions. The Superintendent and Town Administrator prepared a draft response that was distributed to the Board. L. Miller summarized the response and reviewed the details of new initiatives for both the School Dept. and the Town.

L. Miller reviewed unclassified budgets to provide feedback on the suggested reductions of \$613,000 to the Finance Committee, which include \$100,000 in reductions in Health Insurance budgets and \$200,000 in reductions in debt service. The Town will know exact numbers on these two items in February. Regarding the remaining \$313,000, L. Miller invited the Finance Committee to discuss the need and mechanics of a Capital Stabilization Fund, and to maintain debt service within the levy at an even amount, rather than the fluctuations the Town currently experiences; the goal is to provide stability. L. Miller mentioned that she would provide a Moody's bond rating update later in the meeting, but that one of the three items Moody's highlights is to achieve stability in the debt service load going forward.

L. Miller reported that she previously shared details with the Finance Committee regarding Town Budgets and the process by which we arrive at those budgets. She also reviewed the transfers between department budgets and gave examples to support better control of the budget. L. Miller looked at additional expenses outside of the Town's control, such as increases in the Town Clerk's budget due to the number of elections, the \$43,000 increase in the Facilities Budget due to the increase in utility transmission rates that are set by the Massachusetts Department of Public Utilities, and changes in police cruisers equipment. L. Miller reported that there are certain budget requests totaling \$76,000 that cannot be postponed another year, and that the snow and ice budget cannot be decreased. New Town initiatives include salaries only. There are three positions not recommended for cuts and represent a net zero increase: part-time clerical help and one summer intern in the Town Administrator's Office; Business Manager in the Facilities Department; and School Nurse in the Health Department. There are several other full and part-time positions prioritized in the response to the Finance Committee. T. Fay and L. Anderson thanked L. Miller for a very detailed review of the budget priorities. C. Karlson expressed concern for lack of a Town mission statement to support the new initiatives that will provide excellent services, and agreed with L. Miller's identification of non-negotiable items.

L. Anderson moved, seconded by M. Antes, to support the letter to the Finance Committee regarding the FY2021 Operating and Capital Budgets as presented. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A3. Announcements and Public Comment (continued) Michael Lowery, Lake Shore Drive, thanked L. Miller for her help with the process to approve the Conservation Commission's proposed Chapter 193 regulations and noted her assistance with developing the Water regulations. He also questioned the Town's initiative to purchase land for a Senior Center.

A4. Glezen Lane Fence Viewing: Update and potential vote to transmit findings T. Fay discussed the request for the BoS to view fencing on Glezen Lane. T. Fay reported that he and D. Levine went to the property line where three property owners are involved and observed not a fence, but wooden stakes and pink flagging tape connecting the stakes. They found this did not meet the legal definition of a fence or the applicability of the statute, and therefore found that the property owners must address the issue independent of the BoS, because the BoS does not have jurisdiction. T. Fay also provided comments from KP Law supporting the finding.

M. Antes moved, seconded by L. Anderson, to accept the report from Selectmen Doug Levine and Thomas Fay, to the Board of Selectmen, dated January 24, 2020, re: Findings for Fence Viewing at 24 and 28 Glezen Lane as presented in the Board Packet and authorize L. Miller to transmit the report to the involved residents. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A5. Appointments: Historical Commission - Interview and vote to appoint Brad Carver to a term ending June 30, 2021 The Board interviewed Mr. Carver and reviewed his résumé.

M. Antes moved, seconded by L. Anderson, to appoint Brad Carver to the Historical Commission for a term ending June 30, 2021. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A8. League of Women Voters Anniversary Proclamation: Discuss and potential vote to approve

Iryna Priester, member of the LWV Wayland, appeared before the Board to request a proclamation designating February 14, 2020 as League of Women Voters Day in celebration of the 100th Anniversary of the League of Women Voters. I. Priester read the proclamation and reported that there will be a reception on Feb. 10 at 6:30 p.m. prior to the Board's meeting.

M. Antes moved, seconded by T. Fay, to proclaim February 14, 2020 as League of Women Voters Day as requested. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A6. Conservation Restriction Lots 100W and 100E off Training Field Road: Vote to approve and sign

Town Planner, Sarkis Sarkisian, appeared before the Board and described the conservation cluster development and associated open space requirements. He presented the plans for Parameter Farm that includes Trail and Parking Easement; Driveway and Stormwater Maintenance Agreement and Creation of Homeowner's Association; Drainage Easement; Declaration of Landscape Preservation Easement and Covenant; and Conservation Restriction.

T. Fay moved, seconded by L. Anderson, to approve the Conservation Restriction on lots 100W and 100E off Training Field Road in Wayland including approval of Trail and Parking Easement; Driveway and Stormwater Maintenance Agreement and Creation of Homeowner's Association; Drainage Easement; Declaration of Landscape Preservation Easement and Covenant; and Conservation Restriction. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0. The Board signed the documents.

A11.4 Town Administrator's Report; MAPC Technical Grant Application Town Planner, S. Sarkisian, and Town Administrator, L. Miller, reported on work to submit a request for a grant to MAPC for technical assistance in creating a strategic plan for revitalization of Old Cochituate Village, East-West Plain St. and Main Street. L. Miller provided a grant application map where an old gas station remains. Current zoning limits use of the site. S. Sarkisian suggested also considering the surrounding areas and right-of-ways. He expects that the grant will be competitive; the application is due Jan. 31. L. Miller reminded the Board that this grant leverages state funds for more commercial tax revenue in Wayland.

A9. Finance Committee Presentation on Potential Debt Exclusion Finance Committee Chair, Carol Martin, presented the Finance Committee's debt exclusion funding recommendation for the Loker School Roof Project (\$3.8M) and did not recommend that WHS Athletic Field Complex Renovation Phase 3 (\$2.2M) be funded with a debt exclusion. T. Fay asked why the WHS Athletic Fields Phase 3 would not be funded with excluded debt. Carol Martin answered that the Finance Committee prefers the design for the project be completed first. C. Karlson noted that the statement in the presentation that "Moody's January 2020 discussion raised no issues" is not accurate and that the BoS would be hearing from the Town Administrator later on the Moody's call. C. Karlson called attention to the correspondence from the School Committee with the intent to eventually withdraw the request for a debt exclusion for the Phase 3 project in FY21. L. Miller offered clarification on the \$3.8M presented by C. Martin, that the total project cost for the Loker Roof project is \$3.8M, the MSBA confirmed a maximum grant of \$1.23M and \$312,500 was previously appropriated by Town Meeting for design. The amount remaining to be borrowed would be approximately \$3.4M. C. Karlson noted that the BoS would vote on placing this question on the ballot at the next BoS meeting. The Board thanked the Finance Committee for its report.

A11.5 Town Administrator's Report: Moody's Bond Rating Call L. Miller reported that after a Jan. 22 call, Moody's did maintain the Town's Aaa bond rating; the rating rationale was based on the stable tax base supported by very high resident income. Moody's did make a statement that the Town's financial position is lower than Aaa median communities. C. Karlson noted that the Moody's report will be available online.

A10. Annual Town Meeting (ATM) Articles: Review and discussion; potential votes to insert in Warrant and vote Board position

C. Karlson led the Board through groups of articles being proposed for Annual Town Meeting: first CPA funded articles; second, petitioners articles; and third, articles sponsored by the BoS.

Community Preservation Committee Chair, Gretchen Schuler, appeared before the Board to discuss warrant articles submitted with CPA funding sources. She reviewed the CPA article for Set Asides and Transfers and agreed to move with abbreviated procedures. She requested that the set asides and transfers be ordered ahead of the other CPA articles. G. Schuler reviewed CPA Funding for Housing Consultants and Housing Production Plan, ADA Improvements at Free Public Library, CPA Funds to Preserve Open Spaces' Native Plants and Pollinator Plant Material at Heard Farm, and Recreation Commission's request for CPA funds for Accessibility Improvements for

two Town Playgrounds at Claypit Hill School and Happy Hollow School, to comply with ADA and MAAB (Mass. Architectural Access Board) standards. T. Fay and M. Antes asked a question about surface selection for the playgrounds project. L. Miller offered information on ADA regulatory compliance, and indicated that there is only one material that meets the MAAB standards, and that is the surface that is proposed.

Michael Lowery, 120 Lake Shore Drive, representing himself, appeared before the Board as lead petitioner for a warrant article proposing Finance Committee Participation in Collective Bargaining. L. Anderson asked if it was possible to report financial consequences of contracts to the Town once contracts are public and if other Towns' Finance Committees participate in collective bargaining. Michael Lowery did not know of any. L. Miller also was not aware of other Finance Committees that participate in collective bargaining, but was aware of those who create financial information for Town Meeting. T. Fay stated that it is in the best interest of the Town to have effective levels of expertise in negotiating and asked about the impact on confidentiality.

Molly Upton, Bayfield Road, appeared before the Board as lead petitioner for a warrant article to Change Town Election Date. She described the proposal to change the ballot vote from before to after Town Meeting to allow voters to hear the debate regarding the article before the ballot decision. C. Karlson asked if other Towns do this. Molly replied that Concord does. C. Karlson suggested the need to clarify the language of the article.

Carole Plumb, Bald Rock Road, appeared before the Board as lead petitioner for a warrant article to change appointing authority of the Finance Committee to the Moderator and change responsibility of the BoS and Finance Committee regarding the budget. M. Antes had heard of other Towns that use this model, but also had heard of concerns about a single person being the appointing authority. C. Karlson suggested that the entirety of Chapter 19 needs to be re-written, not just these sections. She expressed that the BoS is subject to Open Meeting Law and appointments happen in public open session, while the Moderator is not subject to OML. C. Karlson posed a question about how language is written in other communities. C. Karlson asked if the article assumes that the Select Board/Town Manager Act passes. C. Plumb answered that it does not matter.

C. Karlson discussed articles sponsored by the Board of Selectmen. Regarding OPEB Funding, L. Miller confirmed proposing \$500,000 from the General Fund, and contribution per capita for FTEs for each revolving and enterprise funds. C. Karlson asked for any questions on 'tailings', an article to Accept Massachusetts General Laws Chapter 200A, Section 9A. There were none. Regarding the article to Allow Certain Contracts up to 5 Years, L. Miller said that this change would allow us to enter into state contracts where we may see some savings on administering contracts.

Tom Largy, Moore Road, appeared before the Board regarding the Surface Water Quality Committee (SWQC) article. Tom stated that he has served on the SWQC for 20 years, and explained the request for funding was based on historical patterns. C. Karlson recommended that the article be moved with abbreviated presentation procedure with a comprehensive write-up by the Finance Committee.

L. Anderson shared a list of Frequently Asked Questions (FAQs) organized by category for Select Board/Town Manager Special Act for the Board's review.

M. Antes moved, seconded by T. Fay to insert and support the following five CPA articles: CPA -- Set Asides and Transfers, CPA -- Funding for Housing Consultants and Housing Production Plan, CPA -- ADA Improvements at Free Public Library, CPA -- Funds to Preserve Open Spaces' Native Plants and Pollinator Plant Material, CPA -- Accessibility Improvements for two Town Playgrounds. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

L. Miller clarified the intent of the motion to 'support' is that it is the position of the BoS to recommend Town Meeting adopt the five articles. The Board concurred.

T. Fay proposed postponing taking a position on the petitioner articles until D. Levine is present. C. Karlson reminded the Board that the articles will be inserted in the warrant automatically. L. Miller also reminded the Board that the articles will be forwarded to Town Counsel immediately. C. Karlson stated there are other petitioner articles to be reviewed at the next meeting. C. Karlson proposed that the Board postpone voting on the Fiscal Year 2021 Revolving Fund Expenditure Limits and OPEB Funding articles.

T. Fay moved, seconded by L. Anderson to insert and support the following four articles sponsored by the Board of Selectmen: Accept Massachusetts General Laws Chapter 200A, Section 9A, Allow Certain Contracts up to 5 Years, Surface Water Quality Committee Budget, Select Board/Town Manager Special Act. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A11. Town Administrator's Report and Updates

1. **Council on Aging/Community Center RFP** L. Miller reported that there has been little response to the RFP so far; one entity previously requested an extension of time for questions, but has not submitted any questions. Unless the Town receives questions in the next couple of days, it is not likely the deadline will be further extended. Proposal opening is February 4..
2. **Department of Housing and Community Development Safe Harbor Application** L. Miller thanked Wood Partners and its attorneys for their quick work on the application. They expect to file application for Safe Harbor this week.
3. **Conservation Commission Regulations** L. Miller reported there was a lot of activity with various boards on this topic and will set a plan to develop regulations going forward. She anticipates two or three more meetings before the new regulations are adopted. The draft regulations are not yet at the point where Town Counsel can review them. L. Miller asked Conservation to include all the comments in public documents so the public can review the changes. C. Karlson noted that there is a petitioner's article to repeal these regulations and that we could have a conversation with the petitioners to learn if they know about the plan to revise the regulations.
4. **MAPC Technical Grant Application** Item 4. was discussed earlier in the meeting.
5. **Moody's Bond Rating Call** Item 5. was discussed earlier in the meeting.
6. **Town Annual Audit** L. Miller reported that the audit is drafted and almost ready. The Auditor will be scheduled to meet with the BoS before Town Meeting, at the end of February.
7. **Massachusetts Department of Transportation National Bridge Inspection Standards (NBIS) Bridge Inspection Reports** L. Miller reported that the Town is working on the project design for the bridge repair. This is the bridge that is shared with Framingham.
8. **Fire Department Grants** L. Miller reported on the Fire Department's success with obtaining grant funds. A grant for \$93,714 was awarded with 5% Town match. The summary will be distributed and shared online; Fire Dept. will purchase 26 radios, which allows us to reduce the capital request. Another \$5,400 for gear and equipment care was granted. The Fire Dept. also received \$2,860 for turnout gear, and a SafeGrant \$6,313 for fire education for youth and seniors. Middlesex Savings Bank is interested in making a gift to Wayland Fire Dept.
9. **River's Edge Update** L. Miller reported that there is no update this week.
10. **Police Re-Certification** L. Miller reported there will be a ceremony, and BoS are invited to attend.
11. **Bond Issuance** L. Miller reported bids and documents will be ready to sign by Feb. 10 with the Town Clerk.
12. **Fiscal Year 2019 Legal Expenses by Matter** L. Miller reported legal expenses for 2019 came within the budget. Detailed information was provided in the packet.

A15. Selectmen's reports and concerns There were none.

A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any There were none.

A13. Adjourn T. Fay moved, seconded by L. Anderson, to adjourn the meeting at 9:48 p.m. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of January 27, 2020

1. Finance Committee Presentation to the Board of Selectmen FY2021 Debt Exclusion Recommendation dated Jan. 27, 2020
2. Draft letter from Louise Miller and Arthur Unobsky dated Jan. 27, 2020 to the Finance Committee in response to request for information on prioritizing new initiatives in the 2021 budget
3. Map shown to the Board regarding L. Miller's report on the MAPC Technical Grant Application
4. Press release from Moody's Investor Service, Inc. dated January 27, 2020 re: Aaa rating assigned to the Town of Wayland, MA

5. Memo from L. Anderson to Board of Selectmen re: Select Board/Town Manager Act - Frequently Asked Questions, dated January 27, 2020

Items included as part of the Agenda Packet for discussion during the January 27, 2020 Board of Selectmen Meeting

1. Correspondence from the School Committee to the Board of Selectmen, dated January 13, 2020, re: Funding of High School Athletic Plan Complex Renovation – Part 3 and the Loker Elementary School Roof Replacement projects to be funded with exempt debt
2. High School Athletic Complex Renovation – Part 3 article
3. Roof Replacement –Loker Elementary School article
4. Correspondence from Cherry Karlson, Chair, Board of Selectmen to the Finance Committee, the Board of Selectmen, Louise Miller, Town Administrator and Teri Hegarty, Executive Assistant, dated January 14, 2020, re: Request for Debt Exclusion Presentation
5. Correspondence from the Board of Selectmen to the Finance Committee, dated January 14, 2020, re: Debt Exclusion Funding Requests
6. Board Policy on Proposition 2 ½ Ballot Questions
7. Listing of Committee Vacancies as of December 17, 2020
8. Cover letter from Bradford Carver
9. CV of Bradford Carver
10. Correspondence from Robert Orsi, Esq., Orsi Arone Rothenberg Turner, LLP, to S.Sarkisian, Town Planner, dated January 16, 2020, re: Lehmann: Parameter Farm (includes: Trail and Parking Easement; Driveway and Stormwater Maintenance Agreement and Creation of Homeowner's Association; Drainage Easement; Declaration of Landscape Preservation Easement and Covenant; and Conservation Restriction (CR).
11. Warrant for Presidential Primary
12. Wayland's Proclamation Celebrating the 100th Anniversary of the League of Women Voters
13. Annual Town Meeting of Listing of Articles dated January 23, 2020
14. CPA-Set Asides and Transfers article
15. CPA- Funding for Housing Consultants and Housing Production Plan article
16. CPA-ADA Improvements at Free Public Library article
17. CPA-Funds to Preserve Open Spaces' Native Plants and Pollinator Plant Material article
18. CPA-Accessibility Improvements for two Town Playgrounds article
19. Finance Committee Participation in Collective Bargaining article
20. Change Election Date article
21. Finance Committee Appointed by Moderator article
22. Fiscal Year Revolving Fund Expenditure Limits article
23. OPEB Funding article
24. Accept Massachusetts General Laws chapter 200A, Section 9A article
25. Allow Certain Contracts up to 5 Years article
26. Surface Water Quality Committee article
27. Select Board / Town Manager Special Act article (includes copy of Special Act Legislation Creating Select Board/Town Manager Form of Government in the Town of Wayland)
28. Correspondence from Barry Lorion, District 3 Highway Director, to Board of Selectmen, dated January 2, 2020, re: National Bridge Inspections Standards (NBIS) Bridge Inspection Reports
29. Correspondence from Elizabeth Doucette, Assistant Town Administrator, to the Board of Selectmen, dated January 20, 2020, re: Fiscal Year 2019 Legal Expenses by Matter
30. Draft of Board of Selectmen meeting minutes of January 13, 2020
31. Correspondence from Selectmen Doug Levine and Thomas Fay, to the Board of Selectmen, dated January 24, 2020, re: Findings for Fence Viewing at 24 and 28 Glezen Lane

CORRESPONDENCE

1. Correspondence from Cherry Karlson, to the Finance Committee, dated January 14, 2020, re: request for Debt Exclusion Presentation (includes attachment of letter from the Board of Selectmen to the Finance Committee dated January 14, 2020, re: Debt Exclusion Funding Requests)
2. Correspondence from the Director of the U.S. Census Bureau, to Cherry Karlson, Chair, Board of Selectmen, dated January 2020, re: Initial Boundary Validation