

# TOWN OF WAYLAND

## Massachusetts

### TOWN MANAGER

Michael McCall  
Town Building  
41 Cochituate Road  
Wayland, Massachusetts 01778  
www.wayland.ma.us



### SELECT BOARD

Anne Brensley  
Thomas J. Fay  
Adam G. Gutbezahl  
Carol B. Martin  
William D. Whitney

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**Meeting Minutes**  
**Select Board Meeting**  
**Monday, November 6, 2023 at 7:00 p.m.**  
**Wayland Town Building, Council on Aging Room / Hybrid**  
**41 Cochituate Road, Wayland, MA 01778**

**Present:** Anne Brensley, Thomas J. Fay, Adam G. Gutbezahl, Carol B. Martin, William D. Whitney.

**Personnel present:** Town Manager Michael McCall

**A1. Call to Order, Review Agenda for Public:** At 7:00 p.m., pursuant to Chapter 2 of the Public Acts of 2023, Chair W. Whitney called the meeting of the Select Board to order when a quorum was present. W. Whitney announced that the meeting would be conducted in person and via remote means. W. Whitney announced that the public could also participate remotely via teleconference. W. Whitney announced that the meeting may be live-broadcast and recorded for re-broadcast. W. Whitney reviewed the agenda and announced each Board member by full name.

**A2. Announcements and Public Comment:** C. Martin announced that Veteran's Day was being observed on Friday, November 10 and the Town Building would be closed. W. Whitney announced that there would be a Veteran's Day ceremony to be held on Saturday, November 11, 2023 at 11:00 a.m. at the Town Building Veteran's Memorial.

Brian Boggia, Peck Ave, joined the meeting in person, and spoke on behalf of himself, the Wayland Housing Authority and the Wayland Housing Partnership. B. Boggia recommended that the Board consider using the property at the 212 Cochituate Road as a shared living facility. B. Boggia emphasized that there was a need for services for residents of all ages with cognitive disabilities. B. Boggia provided a document for the Board's review.

Asa Foster, Old Connecticut Path, joined the meeting via teleconference on behalf of himself and as Co-Chair of the Recreation Commission. A. Foster thanked and commended the Town for its effort to expedite the installation of AEDs at Town Building field and Cochituate Ball Park. M. McCall commended Recreation Director Katherine Brenna for assisting with the completion of the project.

Scott Walters, Draper Road, joined the meeting via teleconference and recommended the Board forego the handsets for the upcoming the Special Town Meeting due to the unnecessary costs.

**A10. Consent Calendar: a) Review and vote to approve listed items b) Discuss, consider, and potentially act on items removed from Consent, if any:**

1. Vote the question of approving Town Manager, Michael McCall, as signatory for approving the contract for Task Order #6, Contract No: 22-2003 from Kleinfelder Northeast, Inc. (of Boston, MA), for the purposes of FY24 Municipal Separate Store Sewer System (MS4) Compliance Assistance Engineering Services in the amount of \$102,565.00

T. Fay moved, seconded by A. Gutbezahl to adopt the Consent Calendar. Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved 5-0-0.

**A12. Review Correspondence:** The Board acknowledged the correspondence. C. Martin read an excerpt from a statement issued by the Human Rights, Diversity, Equity and Inclusion Committee (HRDEI) on October 25 titled Statement to Our Beloved Community Members Affected by Conflict in the Middle East.

**A3. Appointments to Committees: Interview, discuss and possible vote to appoint:**

Board/Committee	Appointee	Term End Date
Cultural Council	Dona Mitra	June 30, 2026

The Board reviewed D. Mitra's intent and qualifications to join the Cultural Council.

A. Gutbezahl moved, seconded by C. Martin, to appoint D. Mitra to the Wayland Cultural Council for a term ending June 30, 2026. Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved 5-0-0.

D. Mitra joined the meeting in person, and discussed her appointment with the Board.

**A4. Surface Water Quality Committee: invite attendance by Chair Tom Klem for update to the Select Board:** Chair T. Klein joined the meeting in person and presented the slideshow included in the supplemental packet. T. Klem summarized the FY 2024 Budget and proposed a \$50,000 budget for FY 2025 for projects to manage milfoil and tape grass on Dudley Pond and requested a conveyor to assist with weed management. The Board discussed the presentation. A. Gutbezahl addressed a recent online post by a member of the Surface Water Quality Committee directed at a former Town employee, who in turn expressed concern for current Town employees.

**A5. 104/106/110 Plain Road: Review and approve deed/Conservation Restriction Agreement:** M. McCall summarized the intent of the Conservation Restriction related to the conservation cluster at 104/106/110 Plain Road.

T. Fay moved, seconded by A. Gutbezahl, to approve deed/Conservation Restriction Agreement by grantor Michael Staiti to grantee Town of Wayland for the premises at 104, 106 and 110 Plain Road. In discussion, A. Brensley asked who wrote the agreement. M. Staiti joined the meeting via teleconference and confirmed that the Office of Environmental Affairs approved the conservation restriction, which had also been reviewed by the Planning Board and the Conservation Commission. Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved 5-0-0.

**A6. Council on Aging/Community Center: discussion and update on status of project; possible vote to award construction contract and authorize Town Manager to sign all related documents:** Facilities Director Ben Keefe and Vice Chair of Council on Aging Bill Sterling joined the meeting in person. John Zychowicz Vice President of Design from DiGiorgio Associates, Inc. /LiRo Group and Kim Treacy, Project Manager from City Point Partners joined the meeting via teleconference.

B. Keefe described the procurement and bid process and reported that Permanent Municipal Building Committee (PMBC) had reviewed the bids for the new Council on Aging/Community Center construction. B. Keefe reported that the PMBC recommended the Board accept the base bid with three add-alternates from Tower Construction which totaled \$8,829,000. B. Keefe noted there were no need to add contingency funds in the budget at this time. The Board discussed the contract.

T. Fay moved, seconded by C. Martin, that the Board award the construction contract and authorize the Town Manager to sign all related documents. In discussion, C. Martin acknowledged a gift from the Friends of the Council on Aging and the work of B. Keefe and B. Sterling. A. Gutbezahl suggested a press release. Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved 5-0-0.

**A7. 212 Cochituate Road: update and possible next steps:** At 8:32 p.m., A. Gutbezahl recused himself from the discussion and left the room. T. Fay noted that the most recent owner failed to pay taxes on the property and as such the Town took the vacant parcel and now would need to determine the highest and best use of the three-acre property. T. Fay suggested the Town issue an RFP to establish three homes on the site including a group home. Town Planner Robert Hummel joined the meeting via video-teleconference and described the zoning related to the parcel which would yield a maximum of two lots. He added that it would be a good opportunity for

the Town to establish affordable housing. The Board discussed the future of the property as a group home and/or affordable housing.

At 8:52 p.m. A. Gutbezahl rejoined the meeting.

**A8. Fall 2023 Special Town Meeting a) Review, discuss and potential vote on aspects of Special Town Meeting to include but not limited to: Board position on articles and logistics, continued from November 1, 2023:** Town Moderator Miranda Jones joined the meeting via video-teleconference. M. McCall reported that the Town received a written request to re-open the warrant and that Town Counsel had recommended the Board not re-open the warrant. C. Martin volunteered to liaise with the Finance Committee and review the write-up. Through discussion the Board reached a consensus that it would not act to re-open the warrant.

The Board discussed the schedule/timeline for events leading up to the Special Town Meeting as well as the provision of electronic voting handsets. The Board estimated it would cost \$22,000 to provide electronic handsets. Moderator M. Jones recognized the value of electronic voting and supported the use of the handsets to honor previous Town Meeting support of such. The Board discussed Town Clerk T. Reid's suggestion at the prior meeting to use paper ballots which would preserve the value of electronic voting at a lower cost, given there was only one warrant article. A. Brensley emphasized the concern for costs. A. Gutbezahl suggested that the School Committee fund the cost of the handsets. There was a discussion on the suggestion. It was the sense of the Board that the tax-payer would pay either way. T. Fay indicated that it was ultimately the Board's decision. C. Martin expressed support for funding the electronic handsets. W. Whitney expressed that he was not in favor of funding for electronic handsets for a single warrant article.

T. Fay moved, seconded by A. Gutbezahl that the Board vote to replace electronic voting with private paper ballots for the Special Town Meeting. In discussion, M. McCall confirmed the cost of the electronic voting for the last Town Meeting was \$22,000. Vote: YEA: A. Brensley, T. Fay and W. Whitney. NAY: A. Gutbezahl, C. Martin. ABSENT: None. ABSTAIN: None. Approved 3-2-0.

Town Moderator M. Jones left the meeting 9:27 p.m.

#### **A9. Town Manager Report:**

- **Events: Veteran's Day:** M. McCall announced that the Public Ceremonies Committee would host a Veteran's Day service on Saturday, November 11, 2023 at 11:00 a.m. and that Town Building would be closed early on Thursday, November 9, 2023 and closed on Friday, November 10, 2023.
- **Treasurer Post Card Issue:** M. McCall reported that there was problem with the print vendor contracted by the Town Assessing Department for a recent post-card mailing and some residents received multiple copies of the postcard. M. McCall emphasized that the vendor, and not tax-dollars, paid all costs related to the error.
- **Recap since last Meeting:**
  - **Petition for STM:** M. McCall reported the Town received a citizen's petition for a Special Town Meeting (STM).
  - **AEDS:** M. McCall again commended Recreation Director Katherine Brenna for assisting with the completion of the installation of two outdoor AEDs.
  - **Town Manager Office Hours:** M. McCall reported that he would hold open office hours for residents to talk about topics of interest or concerns in November.
  - **Flu Vaccine Clinic coming up 12/06 morning:** McCall announced the upcoming flu vaccine clinics and noted that the information was on the Health Department website.
  - M. McCall reported that the budget process was continuing smoothly. McCall announced the success of the Town Building Halloween parade last Monday.

#### **A11. Minutes:**

**a) Review and approve the minutes of October 23, 2023 and October 25, 2023:**

T. Fay moved, seconded by C. Martin, to approve the minutes of October 23, 2023 and October 25, 2023 as amended. In discussion, the Board reviewed the minutes with no amendments. T. Fay withdrew the initial motion and moved, seconded by C. Martin, to approve the minutes of October 23, 2023 and October 25, 2023 as written. Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved 5-0-0.

- b) Approve the release with redactions of the executive minutes related to the discussion of strategy with respect to pending actions regarding 150 Main Street LLC v. Zoning Board of Appeals: November 21, 2016 and January 23, 2017.**
- c) Approve the release with redactions of the executive minutes related to the discussion of the acquisition, by gift, purchase or otherwise, interest in all or part of the parcels of land, on and off Elissa Avenue, north of the current X Golf business, and bounded by Elissa Avenue on the west and on the north by 185 Elissa Avenue, owned by the Town, from Boston Retail I, LLC: December 13, 2021 and April 4, 2022.**
- d) Approve the release with redactions of the executive minutes related to discussion of strategy with respect to litigation – Jane Doe v. Town of Wayland: December 9, 2019 and January 13, 2020.**
- e) Approve the release with redactions of the executive minutes related to an Open Meeting Law complaint filed by George Harris with respect to the Board of Selectmen’s executive session held on February 26, March 6, November 13th 2018; January 4, February 1, March 4, and May 29, 2019: April 2, April 23, 2018; November 4 and November 8, 2019.**
- f) Approve the release with redactions of the executive minutes related to discussion of reviewing executive session minutes: March 26, 2018; November 4, 2019; May 27, 2020, August 24, 2020; January 4, 2021; March 21, July 18, and August 29, 2022.**

T. Fay moved, seconded by C. Martin, to approve the release with redactions of the executive minutes as set forth in agenda items 11.b through 11.f on page 2 the meeting agenda. Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl and C. Martin. NAY: None. ABSENT: None. ABSTAIN: W. Whitney. Approved 4-0-1.

**A13. Select Board Members’ reports and concerns:** A. Gutbezahl reported the Energy & Climate Committee (E&CC) would provide an update to the Board ahead of the upcoming Annual Town Meeting. A. Brensley announced that the HRDEI would update the Board regarding a Town-SPIRIT program (Site Problem Identification and Resolution of Issues Together Event at an upcoming meeting.

**A14. Topics not reasonably anticipated by the Chair 48 hours in advance, if any:** There were none.

**A15. Executive Session:**

At 9:40 p.m., Chair W. Whitney moved, seconded by A. Brensley, that the Select Board enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of October 23, 2023 and October 25, 2023 with the intent to hold said minutes.

Chair W. Whitney declared that a public discussion of these matters may have detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved 5-0-0.

W. Whitney announced that the Board would not reconvene in open session and no other public business would be conducted at the meeting.

**A18. Adjourn:** At 9:40 p.m., the Board entered into Executive Session and would adjourn from executive session.

**Items included in the packet for the Select Board Meeting of November 6, 2023:**

1. Wayland Cultural Council Application Materials: D Mitra
2. Letter: Date: November 2, 2023 To: John Bugbee, Town of Wayland From: Mike Staiti Re: 104-106 Plain Road Conservation Restriction

3. To: Michael McCall, Town Manager From: John Bugbee, Asst. Town Manager Date: November 3, 2023  
RE: Council on Aging and Community Center Project – Bid Process Summary
4. 2023 Special Town Meeting Schedule for fall STM to held on December 6, 2023

**Supplemental Packet**

5. Slide Deck: Surface Water Quality Committee presentation by Chair Thomas Klem, Chair 11/06/2023.
6. Conservation Restriction: Open Space A at 104, 106 and 110 Plain Road, Wayland MA 01778. Middlesex (South) District Registry of Deeds at Book 65319, Page 344.
7. 2023 Special Town Meeting Schedule for fall STM to held on December 6, 2023
8. Draft: Minutes October 23, 2023
9. Draft: Minutes October 25, 2023

**Items distributed for information and use by the board during the meeting of November 6, 2023 otherwise not included in the packet (Handouts):**

1. Document: White Paper summary for 212 Cochituate Road parcel by B. Boggia
2. Slide Deck: Surface Water Quality Committee presentation by Chair Thomas Klem, Chair 11/06/2023.
3. Statement to Our Beloved Community Members Affected by Conflict in the Middle East by Human Rights, Diversity, Equity and Inclusion Committee, dated 10/25/2023.