

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

Meeting Minutes
Select Board Meeting
Monday, December 4, 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.

Present, participated remotely: William D. Whitney.

Personnel present: Town Manager Michael McCall

A1. Call to Order, Review Agenda for Public: At 7:02 p.m., pursuant to Chapter 2 of the Public Acts of 2023, Vice Chair Carol Martin, serving as Chair, called the meeting of the Select Board to order when a quorum was present. C. Martin announced each member by full name and noted that W. Whitney would participate remotely. C. Martin announced that the meeting would be conducted in person and via remote means and that the public could also participate remotely via teleconference. C. Martin announced that the meeting may be live-broadcast and recorded for re-broadcast and reviewed the agenda.

A2. Announcements and Public Comment: C. Martin announced that there was a modular home being stationed on the corner of Route 27 and West Plain Street which would soon be moved to Bayfield Road. C. Martin announced that there was ongoing construction in the Cochituate area related to the emergency connection to the Massachusetts Water Resources Authority (MWRA) water supply, which was funded by American Rescue Plan Act (ARPA) funds.

Maryanne Peabody, Bayfield Road, Chair of the Personnel Board but speaking on her own behalf expressed that the Personnel Board did not take any position on the sole warrant article for the upcoming Special Town Meeting. M. Peabody described the typical process for negotiating and budgeting for collective bargaining agreements ahead of the Annual Town Meeting. M. Peabody noted that the unions were aware that the contract would be delayed when each entered into the agreement. M. Peabody also noted that several other unions were still negotiating contracts.

Gretchen Dresens, Main Street, joined via teleconference and expressed opposition to the development of 193 Commonwealth Road. G. Dresens reiterated concerns she stated at a previous meeting for a lack of transparency resulting from appointed and elected officials having private discussions. G. Dresens asked if there would be a zoning change proposed at Annual Town Meeting as suggested by members of the Economic Development Committee (EDC) in a public meeting. G. Dresens asked if the Board authorized members of the EDC and/or Wayland Arts group to meet with residents regarding the project. G. Dresens noted that the Arts Wayland group was already publicizing the project as if it were decided and asked if it was accurate. Lastly, G. Dresens asked the Board what the Town is doing to engage residents in the process. G. Dresens also expressed support for the appointment of E. Burman as Police Chief.

Christopher Reynolds, Woodridge Road, thanked the Board for its confirmation of E. Burman as Police Chief of Wayland. C. Reynolds also commended M. McCall for his diligent efforts to appoint E. Burman.

Daisy Powers, French Avenue, joined the meeting via teleconference to express opposition to the development of 193 Commonwealth Road and to the proposed changes to current zoning regulations, as doing so would set a bad precedent and be disruptive to the environment.

A3. Special Town Meeting (STM) 2023: Warrant Hearing: At 7:20 p.m. C. Martin opened the 2023 Special Town Meeting (STM) Warrant Hearing. A. Gutbezahl noted that the hearing would include a review of the 2023 STM Warrant to allow participants to ask questions or offer errata and not to debate the merits of any article. C. Martin added that the motions for the sole article and the Moderator's rules were included in the packet and posted online. The Board reviewed the warrant. There was no public comment. At 7:24 p.m., C. Martin closed the 2023 Special Town Meeting Warrant Hearing.

A4. Special Town Meeting (STM) 2023: discussion of ATM topics, including but not limited to: logistics, motions and the article: M. McCall described that the Special Town Meeting and the warrant article were submitted by petitioners which gave the Town only 45 days to prepare for the meeting. M. McCall also described the process for notifying residents and reviewed the logistics for the meeting. The Board agreed to authorize T. Fay to speak on behalf of the Board in opposition to the warrant article at the Special Town Meeting, due to the previously discussed concerns for setting precedent and the lack of process that was followed. The Board acknowledged the costs, labor and staff required to prepare for the Special Town Meeting.

Town Moderator, Miranda Jones, Forty Acres Drive joined the meeting to discuss the anticipated process for presenting opposition to a warrant article. Town Clerk, T. Reid joined the meeting and described the voter check-in process and the process for secret ballot.

A5. Police Chief Appointment: to review, discuss and vote to confirm the Town Manager's appointment of Edward Burman as Police Chief: M. McCall described the formal process conducted to select and recommend Edward Burman to serve as Police Chief for the Town of Wayland.

W. Whitney moved, seconded by A. Gutbezahl, to confirm the Town Manager's appointment of Ed Burman as the Police Chief, subject to successful contract negotiation. In discussion, the Board congratulated E. Burman and acknowledged E. Burman's important role protecting the community. 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.

A6. Licensing: M. McCall noted that not all applicants had completed the paperwork and therefore some applications would be acted on at the next meeting.

a) Vote to approve renewal of 2024 licenses to include (see packet for list of applicants): • Liquor Licenses • Common Victuallers • Entertainment Licenses • Used Car Dealership Class I • Used Car Dealership Class II • Sale of Second-Hand Articles:

A. Gutbezahl moved, seconded by T. Fay, that the Board vote to approve the 2024 renewal of the following licenses as presented in the December 1, 2023 memorandum to the Select Board pending receipt of all renewal paperwork; (where applicable); updated insurance information (where applicable); any outstanding taxes and/or fee payments (where applicable); and any outstanding inspections (where applicable) with the exception of Einstein Brothers Bagels for its Common Victuallers and Entertainment license, Bagel Table for its Common Victuallers, Wayland Car Clinic of Used Car Dealer's License Class II and Wayland Imports for Used Car Dealer's License Class II. 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.

b) Vote to designate the Town Manager as the sole signatory to sign off on all 2024 approved renewals listed in the December 4th memorandum:

A. Gutbezahl moved, seconded by W. Whitney, that the Board vote the question of designating Michael McCall, Town Manager, as the sole signatory to sign off on all 2024 approved renewals listed in the December 1, 2023 memorandum, with the exception of Einstein Brothers Bagels, Bagel Table, Wayland Car Clinic and Wayland Imports. 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.

c) Vote to designate Select Board Chair, William Whitney, as the sole signatory to sign off on all 2024 Alcoholic Beverages Control Commission (ABCC) and Liquor License renewal reports.

A. Gutbezahl moved, seconded by T. Fay, the question of designating William Whitney, Chair, Select Board, as the sole signatory to sign off on all 2024 ABCC and liquor license renewal reports. 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.

A7. Tax Recapitulation Presentation a) Meeting and presentation with the Finance Director to Review the Tax Recapitulation Sheet for FY2024: Finance Director, B. Keveny joined the meeting in person and presented a summary of the FY 2024 Budget to support the Tax Recapitulation Sheet for FY 2024 presented on page 27 of the packet. B. Keveny offered comparisons to the previous year. He stated that appropriations were up 6.6% and reviewed the overlay, revenues, state and local receipts. He reviewed the projected total taxation and the resulting tax rate. B. Keveny noted that the total assessed values were up 13.62% over the previous year, resulting in the prior year tax recap of \$16.65 per thousand dollars of assessed value to drop to \$15.52 per thousand dollars of assessed value. The Board discussed the tax recapitulation presentation. B. Keveny left the meeting.

A8. Energy and Climate – invite attendance by Ellen Tohn, Chair of Energy and Climate Committee to provide an update on the following: Ellen Tohn, Chair and Anne Harris Co-Chairs of Energy and Climate Committee (ECC) joined the meeting. Sustainability Manager Abigail Shute also joined the meeting.

- a) **Committee's work:** A. Shute summarized recent funding opportunities through the Massachusetts Department of Energy Resources (DOER) Green Communities Annual Report and competitive grant application. A. Shute stated that grant funds, if awarded, would be used for energy conservation projects at the DPW building, Town Building and Claypit Elementary School to reduce emissions and utility bills. The awards will be announced in January. A. Shute added that she also applied for a grant from the Municipal Energy Technical Assistance (META) for a feasibility study for a battery project at the Middle School Emergency Shelter to connect to the existing solar panels. A. Shute added that she also applied for an Accelerating Climate Resiliency Grant through the Metropolitan Area Planning Council (MAPC).
- c) **Overview of Electrifying Community Outreach (ECO) Program, and seek authorization to sign all related document and use of Town Seal in support of the program:** E. Tohn explained that the Towns of Acton, Natick and Wayland and the City of Framingham are working together with non-profit organization MassEnergize, Inc. to promote residential actions to significantly reduce greenhouse gas emissions. She added that the Electrify Community Outreach (ECO) is a campaign which involves a marketing consultant retained by MassEnergize to enhance residential engagement and develop effective outreach materials. All materials will drive residents to a common website that promotes the technologies of heat pumps, rooftop solar and community shared solar. E. Tohn noted that the question before the Board was to authorize M. McCall and A. Shute to include the Town seal and ECO information on the Town's census mailer before December 11.

A. Gutbezahl moved, seconded by T. Fay, that the Board authorize the Town Manager and Sustainability Manager to sign all necessary documents and provide the use of the Town seal with respect to the ECO program. The Board discussed the request. W. Whitney suggested an amendment to the motion to authorize M. McCall in consultation with A. Shute to prevent confusion. A. Gutbezahl accepted the amendment to the motion, and T. Fay seconded. 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.

- b) **Potential Annual Town meeting articles:** E. Tohn informed the Board that the Energy and Climate Committee (ECC) would recommend three warrant articles at the Annual Town Meeting. She stated that the first approval was to opt-in to Specialized Building Code, which is a more stringent energy code for buildings than either the base state building code, or the Green Communities Stretch Code. E. Tohn noted that thirty communities have already adopted the specialized code. The ECC members would also meet with pertinent stakeholders like the Permanent Municipal Building Committee, Building and Planning Board. E. Tohn described the second and third recommendation for approval was to extend the Power Purchase Agreement (PPA) duration for the Loker Elementary School solar project, and to authorize the Town to negotiate a PPA for the Council on Aging/Community Center Building for solar. The Board reviewed the recommendations.

M. McCall noted that the ECC had voted to request that the Select Board authorize the Town Manager to work with the ECC to draft a statement encouraging the removal of the Talbot Mills Dam in Billerica, explain the benefits to Wayland of doing so, and transmit such statement to any state, Federal, or local authorities as may be appropriate. He added that there was need to make the authorization soon. The Board agreed to add the authorization on its next agenda.

A9. 2024 Annual Town Meeting (ATM): a) Discussion of dates to open Town Meeting Warrant and to discuss setting the Annual Town Election date b) Review of Annual Town Meeting calendar: C. Martin reported that the Board already acted to establish that the Annual Town Election would be held on Tuesday, May 7, 2024 and the Annual Town Meeting would be held on Monday, May 13, 2024, Tuesday, May 14, 2024 and Wednesday, May 15, 2024. C. Martin suggested that the Board open the Town Meeting Warrant from Monday, December 18, 2023 through Tuesday, January 16, 2024 at 4:30 p.m. and publish the calendar. The Board agreed.

A10. Cultural Council Request - Utility Box Art Project: discussion on proposal submitted by Cultural Council and potential vote:

W. Whitney moved, seconded by A. Gutbezahl, to approve the Utility Box Art Project. 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.

A11. Flag Policy – discussion of proposed policy and potential vote to ratify the policy: M. McCall reviewed the rationale behind the draft flag policy included in the packet. The Board discussed the policy.

A. Gutbezahl moved, seconded by T. Fay, to ratify the Flag Policy as presented on page 38 in the packet, as amended with technical and grammatical revisions. 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.

A12. Town Manager Report:

a) Events:

- **Special Town Meeting: Website for Additional Information:** M. McCall announced that there was more information about the Special Town Meeting now posted on the website.
- **Flu Vaccine Clinic coming up 12/06 morning:** <https://www.wayland.ma.us/vaccine> McCall announced the upcoming flu vaccine clinics and noted that the information was on the Health Department website.

b) Budget Update: M. McCall shared that the Finance Committee and Finance Director were meeting with regard to the budget and a draft budget would be provided at the next meeting.

c) Launcher Way Update: M. McCall reported that the matter would be heard by the Zoning Board of Appeals (ZBA) on December 12.

d) Human Rights, Diversity, Equity and Inclusion (HRDEI) S.P.I.R.I.T Funding: HREDIC Vice Chair Karen Blumenfeld, Oxbow Road provided a more detailed budget for the Town-SPIRIT program (Site Problem Identification and Resolution of Issues Together) totaling \$2,000 and presented in the packet. M. McCall reported there were sufficient funds in the budget to support the initiative.

e) Governor Healey's State of Emergency: M. McCall reported he would provide an update on December 18.

f) Recap since last Meeting:

- **Town Manager Office Hours:** M. McCall reported that he held open office hours for residents to talk about topics of interest or concerns in the areas of Lakeshore Drive and Dudley Pond.
- **Letter and Request from Dudley Pond Association (DPA), dated November 20:** M. McCall reported that he received a letter and request from the DPA with a donation of \$40,000 to be used toward the purchase of a conveyer with an estimated cost of \$53,500. M. McCall noted that the purchase would be subject to public procurement process. M. McCall reported that more research was needed.
- **Policies and Procedures:** M. McCall reported that there was a need to review and update policies and procedures in the Town, including financial policies.

A13. Minutes: a) Review and approve the minutes of November 29, 2023: No action was taken on the minutes as the draft was not in the packet.

A14. Review Correspondence: The Board did not comment on the correspondence.

A15. Select Board Members' reports and concerns: W. Whitney reported that the Finance Committee Appointing Board had acted to re-appoint Steve Correia and appoint April Methot to the Finance Committee. W. Whitney reported that some residents are confused about the Town's position on the potential development of 193 Commonwealth Road, and suggested a public forum. A. Brensley and A. Gutbezahl concurred. A. Brensley announced that the Affordable Housing Trust Fund continued to seek a financial associate with a CPA background and for the Board to share possible candidates for the role. A. Brensley renewed her request to improve communication about Town events and also for an update on the Equity Audit. T. Fay reported that the Route 20 South Landfill Visioning Committee would retain a consultant to assist with the investigation of the possible uses of the property, the committee would meet again on December 19. T. Fay acknowledged G. Dresens questions in public comment and noted that the Board had not discussed any warrant articles or received any petitioner's articles related to the 193 Commonwealth Road property. T. Fay added that it was routine for public officials and residents to explore the merits of any potential development that would be put forward for future ATM approval ahead of any such discussion. M. McCall reported that the Town Manager's Office also enters into discussions with parties to determine if a proposal is right for the Town. A. Gutbezahl announced that the Trust Fund Commission would meet on December 6 and discuss its request to fill a vacancy on that board. A. Gutbezahl noted that there was a petitioners request for a Special Town Meeting in Brookline which was denied by the Select Board. A. Gutbezahl reported that he would not likely seek re-election in the next election due to family commitments. C. Martin reported that she attended the Finance Committee meetings and it was reviewing financial policies. C. Martin stated she was in favor the DPA request.

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

A17. Executive Session: Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of November 20, 2023 with the intent to hold said minutes. b) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to MCRT Investments, LLC vs. Wayland Zoning Board of Appeals, HAC 2023-5.

At 10:25 p.m., C. Martin moved, seconded by T. Fay, 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 November 20, 2023 with the intent to hold said minutes. b) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to MCRT Investments, LLC vs. Wayland Zoning Board of Appeals, HAC 2023-5.

The Chair declared that a public discussion of these matters may have detrimental effect on the litigating, negotiating and/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.

C. Martin invited attendance by M. McCall and announced that the Board would not reconvene in open session and no other public business would be conducted at the meeting.

A18. Adjourn: At 10:26 p.m., the Board entered into Executive Session.

Items included in the packet for the Select Board Meeting of December 4, 2023:

1. Revised Agenda I posted on 12/01/2023 at 12:20 p.m. revises agenda posted 11/30/2023 at 3:49 p.m.
2. Town of Wayland Warrant, Commonwealth of Massachusetts, Special Town Meeting - December 6, 2023, signed.
3. Warrant Appendix A: The Moderator's Rules and Regulations Governing Wayland's Town Meetings
4. Warrant Article 1. Wayland Teachers and Educational Secretaries Contract Funding, Proposed by: Petitioners
5. Draft Motion: Article 1: Fund Collective Bargaining Agreements With WTA AND WESA December 6, 2023 Special Town Meeting Draft, dated 11/28/2023
6. Memorandum: To: Select Board Cc: Human Resources Manager From: Michael McCall, Town Manager Date: December 1, 2023 Re: Confirmation of the Appointment of Edward Burman as Police Chief
7. Memorandum: To: Select Board From: Kelsi Power-Spirlet, Management Analyst Date: December 1, 2022 Re: 2024 Liquor License Renewals & Remaining Non-Liquor License Renewals
8. Table: Town of Wayland Fiscal 2024 Total Budget

9. Correspondence: From: Abigail Shute, Sustainability Manager to M. McCall regarding the use of the Town Seal with respect to Eco Cohort Website from MassEnergize
10. Electrify Community Outreach (ECO) - Innovative Climate Action Campaigns
11. Draft Schedule: 2024 Annual Town Election/Annual Town Meeting
12. Correspondence from Rothschild, Nora to Select Board and Wayland Cultural Council Chair re: Utility Box Project 2024, dated November 20, 2023
13. Draft: Flag Protocol
14. Table: SPIRIT Program Expense Estimate 11/30/23
15. Memorandum: From Dudley Pond Association Executive Board to Select Board re: DPA Donation to the Town, received November 27, 2023 with letter of support from J. Richards, Town of Wayland Fleet Maintenance Supervisor, undated

Items distributed for information and use by the board during the meeting of November 29, 2023 otherwise not included in the packet (Handouts):

1. None.

Correspondence to Select Board from:

1. Douglass McNeilly Board dated November 18, 2023 re: Nov 20 Meeting - Pequot Road Stop Signs
2. Karen Zeff Rosen dated November 19, 2023 re: For consideration at the next Meeting November 20
3. Johanna Waldman dated November 19, 2023 re: Responding to Antisemitism
4. Devin Murphy dated November 19, 2023 re: Email
5. Rachel Rome dated November 19, 2023 re: Public Comments
6. Patrick J. Shearns, Sr. Manager, Comcast dated November 20, 2023 re: Important Info – Price Changes
7. Karen Stack dated November 20, 2023 re: Installation of Stop Signs on Pequot Rd
8. Danielle Tuller dated November 20, 2023 re: Against antisemitic acts and acts of hate
9. Lenna Boatwright dated November 20, 2023 re: Acts of hate/ Antisemitism in Wayland
10. Caroline Higgins dated November 20, 2023 re: Email for public comments
11. Christine Kenyon dated November 20, 2023 re: Email for public comments
12. Nicole Cissell dated November 20, 2023 re: Support for Chief; Improved HRDEI in Wayland
13. James Markey dated November 20, 2023 re: Stop signs @ Pequot and HH Rd.
14. Quentin Nowland dated November 20, 2023 re: 193 Commonwealth Rd - Re: self storage proposal
15. Anna Blazier dated November 20, 2023 re: Requested action to combat anti-Semitism
16. Kiera Slye dated November 20, 2023 re: Support for anti hate education
17. Karen Blumenfeld dated November 29, 2023 re: Email for public comments