

# 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. Gutbezah  
Carol B. Martin  
William D. Whitney

**Meeting Minutes**  
**Select Board Meeting**  
**Monday, February 5, 2024 at 7:00 p.m.**  
**Wayland Town Building, Council on Aging Room / Hybrid**  
**41 Cochituate Road, Wayland, MA 01778**

**Present:** Thomas J. Fay, Carol B. Martin and William D. Whitney

**Present, participated remotely:** Anne Brensley, Adam G. Gutbezah

**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, 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 and that the public could also participate remotely via teleconference. W. Whitney announced that the meeting may be live-broadcast and/or recorded for re-broadcast. W. Whitney reviewed the agenda and announced each member by full name. He noted that A. Brensley would participate remotely and A. Gutbezah was expected to be late and participate remotely.

**A2. Announcements and Public Comment:** There were no announcements and no public comment.

**A3. Licensing: Vote to approve renewal of 2024 licenses listed below:**

Business Name	Address	License Type
Einstein and Noah Corp. d/b/a Einstein Brothers Bagels #2996	44 Main Street	Common Victualler's/Entertainment

**a) Vote to designate the Town Manager as the sole signatory to sign off on all 2024 approved renewals listed above.**

T. Fay moved, seconded by C. Martin, to approve the renewal of 2024 Common Victualler's/Entertainment license for Einstein and Noah Corp. d/b/a Einstein Brothers Bagels #2996 at 44 Main Street. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezah. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved, seconded by C. Martin, to approve and designate Town Manager as the sole signatory to sign off on the renewal. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezah. ABSTAIN: None. Approved. 4-0-0.

**A4. Appointments to Committees: a) Interview, discuss and potential vote to appoint:**

Committee	Appointee	Term End Date
Economic Development Committee	Karen Kelly	June 30, 2026

K. Kelly joined the meeting in person and reviewed her relevant background information and intent to serve on the Economic Development Committee. The Board thanked K. Kelly for volunteering.

T. Fay moved, seconded by C. Martin, to appoint K. Kelly to the Economic Development Committee for a term ending June 30, 2026. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezah. ABSTAIN: None. Approved. 4-0-0.

**A11. 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 accepting a Competitive Grant from the Department of Energy Resources (DOER) Green Communities Division for the purposes of funding energy conservation measures, retro-commissioning, weatherization, and administrative assistance, in municipal facilities including DPW, Town Building, and Claypit Elementary School, in the amount of \$92,813.

T. Fay moved the approval of the Consent Calendar. C. Martin indicated she had a question. T. Fay withdrew the motion. W. Whitney confirmed C. Martin's question. T. Fay moved, seconded by C. Martin, to adopt the Consent Calendar. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezah. ABSTAIN: None. Approved. 4-0-0.

**A12. Minutes: a) Review and approve the minutes of January 22, 2024:** The Board tabled the minutes.

**A7. Planning Office for Urban Affairs, Inc. (POUA) Support Letter: Review and discussion, with possible vote to sign, a letter to the Executive Office of Housing and Livable Communities (EOHLC) in support of the St. Ann's project (124 Cochituate Road):** C. Martin suggested the Chair be authorized to amend the draft letter provided by Planning Office for Urban Affairs, Inc. (POUA). The Board discussed amendments to the letter to include provisions for those with physical or intellectual disabilities.

A. Gutbezah arrived at the meeting at 7:13 p.m.

T. Fay moved, seconded by C. Martin, to authorize the Chair to revise, send and sign a letter to the Executive Office of Housing and Livable Communities (EOHLC) in support of the St. Ann's project at 124 Cochituate Road. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: A. Gutbezah. Approved. 4-0-1.

**A9. Town Manager Evaluation: further discussion on process, next steps (con't from January 22):** W. Whitney reviewed the form and procedure for evaluating the Town Manager, where each Board member would complete the questionnaire and submit it to the Human Resource Manager in hard copy and the Chair would then draft a consensus evaluation to be distributed to the Board for review at a future meeting. The Board reviewed the timetable for the evaluation and discussed the process to ensure it comported with Open Meeting Law.

**A13. Review Correspondence:** The Board reviewed the correspondence.

**A5. Presentation and updates on Wayland Electricity Choice/ Community Aggregation by Peregrine Group and Energy and Climate Committee (ECC), invite attendance by Paul Gromer, Peregrine Group and Ellen Tohn, Chair of the Energy and Climate Committee:** Ellen Tohn, Chair of the Energy and Climate Committee joined the meeting via teleconference with Paul Gromer of the Peregrine Energy Group, in person. P. Gromer used a slide deck to describe the group-buying program and timeline needed to provide Wayland Electricity Choice/ Community Aggregation. P. Gromer reviewed the three options available to Wayland customers including the default option for renewable electricity. The Board discussed the presentation with P. Gromer and E. Tohn.

**A6. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to: a) Review, insert and determine a position on articles, including but not limited to: b) Invite attendance by Brian Keveny, Finance Director:** Brian Keveny, Finance Director joined the meeting in person to review the articles before the Board.

1. **Draft Article D: Other Post-Employment Benefits (OPEB) Funding:** B. Keveny described the costs associated with the OPEB article and acknowledged that Wayland handles this liability more aggressively than other towns. B. Keveny reported it was prudent to fund OPEB with taxation as proposed.

T. Fay moved, seconded by A. Gutbezah, to approve to fund OPEB with \$500,000 tax and \$31,030 by Transfers from Other Funds. T. Fay amended the motion to include that the Board also recommended approval of Article D: Other Post-Employment Benefits (OPEB) for a total of \$531,030. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezah, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

**2. Draft Article G: FY25 Revolving Fund Expenditure Limits:** B. Keveny described the Revolving Fund Expenditure Limits proposed for the six revolving funds: Council on Aging: \$ 34,000, School Department / Professional Development: \$ 900, School Department / Curriculum: \$ 0, Recreation: \$ 1,250,000, Recreation Athletic Fields: \$ 190,000, Conservation Community Gardens: \$ 3,000. B. Keveny noted that these expenditures are balanced with user fees and revenues separate from the General Fund.

T. Fay moved, seconded by A. Gutbezahl, to support Article G: FY25 Revolving Fund Expenditure Limits. 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.

**3. Draft Article L: Capital Stabilization Fund Appropriation:** B. Keveny described the plan to fund the Capital Stabilization Fund. C. Martin suggested additional ways to fund the Capital Stabilization Fund other than taxation. The Board took no action on the warrant article pending further input from the Finance Committee.

**4. Draft Article Q: Special Education Reserve Fund:** The Board took no action on the warrant article.

**5. Draft Article R: Rescind Unissued Debt:**

T. Fay moved, seconded by A. Gutbezahl, to recommend approval of R: Rescind Unissued Debt. 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.

**A8. Dudley Pond Association: Discussion and possible vote to accept gift/donation of a conveyor, invite attendance by Tim Dreher, President of the Dudley Pond Association:** Tim Dreher, President of the Dudley Pond Association joined the meeting via teleconference and described the need for equipment to convey the vegetation being pulled by the weed harvester. He stated that the DPA would purchase the equipment and then gift it to the Town. T. Dreher and the Board discussed the proposal and how the equipment would be used.

T. Fay moved, seconded by C. Martin, to accept the gift/donation of a conveyor from the Dudley Pond Association to the Town with thanks. 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.

**A10. Town Manager's Report a) Mass Municipal Association (MMA) Annual Conference update b) Facilities Update c) Recap since last meeting:** M. McCall reported on his experience at the recent Massachusetts Municipal Association (MMA) Annual Conference and described expected impacts to state aid and local receipts as well as the use of Artificial intelligence (AI) in government. M. McCall reported that the lights in the parking lot needed repair and noted recent signage updates in the Town Building. M. McCall announced there would be a household hazardous waste event to be held on March 23.

**A14. Select Board Members' reports and concerns:** T. Fay reported that he communicated with M. Antes regarding newspapers being re-developed in communities and supported the notion of an Information Officer in Town. C. Martin acknowledged a recent article in the Boston Globe regarding the opioid-settlement. A. Brensley reported that she attended a Wayland Community Action Network (WaylandCAN) event.

**A15. Topics not reasonably anticipated by the Chair 48 hours in advance, if any:** There were none.

**A16. Executive Session:** At 9:22 p.m. W. Whitney moved, seconded by C. Martin, that the Select Board enter into Executive Session a) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of December 18, 2023 with the intent to hold said minutes b) and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA) Local 176 and possible vote on collective bargaining agreement c) and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (3), to discuss strategy with respect to International Association of Firefighters, AFLCIO Local 1978 (Grievance), Step 3.

Chair W. Whitney 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.

Chair W. Whitney invited attendance by Town Manager M. McCall, Attorney David Jenkins of K-P Law, P.C., Fire Chief Neil McPherson and Human Resources Manager Katherine Ryan. W. Whitney announced that the Board would reconvene in open session after thirty minutes.

**A17. Return to Open Session: Announcement of possible vote taken to approve collective bargaining agreement with New England Police Benevolent Association (NEPBA) Local 176:**

At 10:00 p.m., the Board returned to open session and W. Whitney announced the members present by full name and that A. Brensley and A. Gutbezahl would participate remotely. He noted that M. McCall was also present.

T. Fay moved, seconded by C. Martin to affirm and ratify the collective bargaining agreement with New England Police Benevolent Association (NEPBA) Local 176. 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.

**A18. Adjourn:** At 10:03 p.m., C. Martin moved, seconded by T. Fay to adjourn the meeting. 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.

**Items included in the packet for the Select Board Meeting of February 5, 2024:**

1. To: Select Board From: K. Power-Spirlet, Management Analyst Date: February 2, 2024 Re: 2024 Remaining Non-Liquor License Renewals
2. Town of Wayland Board/Committee Appointments Status as of December 20, 2023
3. Economic Development Committee Application Materials: Karen Kelly, dated January 11, 2024.
4. Slide Deck: Preparing for Program Launch: Wayland Electricity Choice, dated February 5, 2024
5. List: Warrant Article list for 2024 Annual Town Meeting, dated February 2, 2024
6. Draft ATM Warrant Article D: Current Year Transfers
7. Letter: To: M. McCall, Town Manager From: B. Keveny, Finance Director, Re: ATM 2024 OPEB-Fiscal 2025 Funding, dated February 1, 2024
8. Draft ATM Warrant Article G: Fiscal Year 2025 Revolving Fund Expenditure Limits
9. Letter: To: M. McCall, Town Manager From: B. Keveny, Finance Director, Re: ATM 2024 Revolving Fund Expenditure Limits-G, dated February 1, 2024
10. Draft ATM Warrant Article L: Capital Stabilization Fund Appropriation
11. Letter: To: M. McCall, Town Manager From: B. Keveny, Finance Director, Re: ATM 2024 Capital Stabilization Fiscal 2025 Funding, dated February 1, 2024
12. Draft ATM Warrant Article Q: Special Education Stabilization Fund
13. Letter: To: M. McCall, Town Manager From: B. Keveny, Finance Director Subject: ATM-2024-Special Education Reserve Fund, dated February 1, 2024
14. Draft ATM Warrant Article R: Rescind Unissued Debt
15. Letter: To: M. McCall, Town Manager From: B. Keveny, Finance Director Subject: ATM-2024-Rescind Debt, dated February 1, 2024
16. Draft Letter: To: Edward Augustus Executive Office of Housing and Livable Communities 100 Cambridge Street, Suite 300 Boston, MA 02114 Re: Letter of Support for Saint Ann's Senior Village From: Board, undated
17. Donation Letter: To: W. Whitney From: Tim Dreher, President, Dudley Pond Association (DPA)
18. Draft: For discussion, 2024 Town Manager Evaluation Procedures
19. Town of Wayland Town Manager Performance Evaluation Form: March 2023 – February 2024 (blank)
20. Town Manager Performance Evaluation Form Acknowledgement of Receipt

**Items distributed for information and use by the Board during the meeting of February 5, 2024 otherwise not included in the packet (Handouts):**

1. None.