



TOWN OF WAYLAND

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BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

Board of Selectmen

Meeting Minutes

February 25, 2019

7:00 p.m.

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

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Douglas A. Levine, Louis M. Jurist

Also Present: Town Administrator Louise Miller, Assistant Town Administrator Beth Doucette

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room in the Wayland Town Building when a quorum was present, noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM, and reviewed the agenda for the public.

A2. Announcement and Public Comment The next MAPC community listening session is on Thursday in Framingham, and there is also one on March 6th in Boston.

Mark Hughes, 26 Lake Rd., a Library Trustee speaking on behalf of himself, discussed his opinions about the Town Manager Act and its authority over the Library. He suggests giving the Library the same protections as the Schools.

Bill Sterling, Morse Road, discussed the lack of progress with the community center and reminded everyone of the one-year anniversary of the design funding approval at town meeting.

Tom Sciacca, Rolling Lane, member of the River Stewardship Council and the Energy and Climate Committee, raised a red flag about the threat of mercury levels rising in rivers due to restrictions being eliminated by the current Administration. He said proposed regulations are now out for comment until March 25 and hoped the BoS and other Boards and Committee would make comments.

A3. Swearing in of Firefighters: This was postponed to a future meeting.

- John Bonalewicz- New Firefighter Paramedic
- Gregory Halfpenny – Promoted to Captain
- Dean Casali – Promoted to Lieutenant

A4. Fire Department Fees and Ambulance Rates: Discuss and vote to update Fire Chief D. Houghton and Deputy Fire Chief N. McPherson came before the Board to discuss the proposed Fire Department fees and Ambulance Rates. N. McPherson explained how the department surveyed surrounding towns including Acton, Natick, Sudbury, and Concord to compare ambulance service rates. He reported that with the proposed schedule, Wayland's rates would be slightly higher than average. Chief Houghton noted they bill every user for the full amount, but the entire bill is not what the Fire Department actually collects. N. McPherson explained the options that are available to people when they can't pay the full rates. D. Houghton discussed the proposed rate table for other Fire Department services, including some new fees and services. New information will be put on the website, and, when the fee schedule becomes effective, the administrative assistant will send the new schedule out.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen approve the ambulance billing rates and Fire Department fees as shown in the memo of February 22, 2019 from the Town Administrator to the Board of Selectmen and that these new fees and rates be effective April 1, 2019. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A3. Review/interview committee applications:

- **Interview with Housing Partnership Committee applicant, Robi Zallen; possible vote to appoint to a term to expire on June 30, 2021** Robi Zallen came before the Board and discussed her background and interest in serving on the Housing Partnership Committee. She discussed her interest in making Wayland more diverse.

M. Antes moved, seconded by D. Levine, to appoint Robi Zallen to the Housing Partnership Committee with a term to expire June 30, 2021. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Petitioners: Discuss, review Annual Town Meeting articles 7th Grade Middle School students Eliana Barenboym, Joss O'Heron, and Kyra Spooner came before the Board to discuss their resolution for a music festival, Article EE. They explained the intent is to create a temporary committee for a one-time music festival in 2020. D. Levine asked how they came up with this idea. C. Karlson asked about their brainstorming process. S. Correia is the FinCom liaison and has the draft write-up in process. C. Karlson said she would bring the draft to the next meeting for the Board to discuss and possibly vote.

John Sax, Willow Brook Drive and lead petitioner for Article HH Loker Grass Field, discussed the purpose of his article and any changes that had been made since the last Town Meeting. He confirmed that grass can grow on the area with a sprinkler system. The Board asked him several questions about infrastructure, budget, and how the article fared at the last Town Meeting.

Nora Rothschild, 150 Concord Rd., lead petitioner for Article CC, discussed her proposed article and its intention to make Wayland a welcoming community. She said it is similar to articles passed in Concord, Lexington and Sudbury. It adheres to current practices already in place in Wayland, and she stated that the Police Chief supports it. C. Karlson pointed out the article contains both article and resolution language, noting that resolution language is not binding. N. Rothschild said she would look into that with town counsel. C. Karlson said a resolution would likely be easier to pass at Town Meeting.

Gordon Schultz, Spencer Circle, briefly discussed Article DD to accept Spencer Circle. M. Lowery, member of the BoPW, said at this point the BoPW wouldn't take over the article due to timing and the process, but said they might support it if all the legal aspects are in place before town meeting. He noted that he could not speak for his Board. L. Miller explained that an easement is required, and town counsel is involved. It is not clear if all items will be completed to the Town's satisfaction prior to town meeting.

A6. FY20 Budget Update

- **Operating: Vote to approve** L. Miller reviewed the February 22 budget memo in the packet and reported that there was a net decrease of \$182,305 primarily from health insurance savings and \$56,000 anticipated debt service reduction for FY2020, and a small movement from increase in mitigation amount from employees not using funds from flexible spending amount. She said she has resubmitted the prioritized list of budget requests to the Finance Committee and is hopeful something can be funded out of that list.
- **Capital: Review capital and funding sources; vote to approve** L. Miller discussed the capital budget, prioritized items and cuts that had been made based on FinCom's request. The future impacts from not using any borrowing in this budget were discussed. C. Karlson said she is very disappointed in the process this year; the goal was to avoid last minute work on the budget, and the FinCom did not meet the agreed upon budget deadlines. L. Miller said the statement of interest for the Loker School roof was submitted and a question arose due to the uncertainty of MSBA funding whether the School Committee needs to fund the project now or instead can wait for the Special Town Meeting. L. Miller said B. Keveny has suggested waiting for a fall Special Town Meeting.

A7. Ballot Questions Ahead of Town Meeting Discussion

- **Proposition 2 ½ Debt Exclusions** Three debt exclusion questions were submitted for the Board's review. Based on debt funding recommendations from the Finance Director, financial advisor, and Town Administrator, the Board agreed not to proceed with a request for a \$1.5 million question. The Board decided to have two separate questions for the remaining requests, the High School

Athletic Complex and the Loker Field. L. Miller will revise the language and format as needed for vote at an upcoming meeting.

- **Marijuana Prohibition** The Board reviewed the language, made some suggestions and decided to vote on the language at an upcoming meeting.

L. Jurist left the meeting at 8:48 p.m.

A9: 2019 Annual Town Meeting:

- **Discuss all articles and possible votes to insert/support all articles** Using the chart of articles, the Board reviewed the following articles and took action on those that were ready.
 - **Article A:** L. Miller said she has the updated list of volunteers and staff that she can place in the article.
 - **Article B:** C. Karlson moved, seconded by D. Levine, that the Board of Selectmen insert and support Article B *Pay Previous Fiscal Year Unpaid Bills*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.
 - **Article C:** No Current Year Transfer write-up available yet.
 - **Article D:** C. Karlson said there are three parts to this article on OPEB and only two are done. We are waiting for town counsel's opinion on the parity payment shown in part a.
 - **Article E:** D. Levine said he still has to follow up with D. Watkins about the write-up.
 - **Article F:** C. Karlson distributed a draft write-up and discussed the article and proposed changes to the language originally submitted. C. Karlson moved, seconded by D. Levine, that the Board of Selectmen revise the language in Article F *Compensation for Town Clerk* to set the FY20 Town Clerk with 5 or more years of service salary at \$81,845 and a newly elected Town Clerk salary of \$70,602. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.
C. Karlson moved, seconded by M. Antes, that the Board of Selectmen insert and support Article F *Compensation for Town Clerk*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine.
 - **Article G:** C. Karlson moved, seconded by D. Levine, that the Board of Selectmen insert and support Article G *Fiscal Year 2020 Revolving Fund Expenditures*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.
 - **Article H:** C. Karlson said she is still contacting volunteers to prepare the proposed list of town officers.
 - **Article I:** C. Karlson moved, seconded by M. Antes, that the Board of Selectmen insert and support Article I *Hear Reports*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.
 - **Article J:** L. Miller confirmed that there are no items for town meeting action this year. C. Karlson moved, seconded by M. Antes, that the Board of Selectmen insert and support Article J *Sell or Trade Vehicles and Equipment*. YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, D. Levine. ABSENT: L. Jurist. ABSTAIN: none. Not Adopted 0-4.
 - **Article K:** L. Miller confirmed that no action is needed to rescind debt at this town meeting. C. Karlson moved, seconded by D. Levine that the Board of Selectmen insert Article K *Rescind Authorized But Unissued Debt*. YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, D. Levine. ABSENT: L. Jurist. ABSTAIN: none. Not Adopted 0-4.
 - **Article M:** L. Miller said the Personnel Board met and made some changes, and she will have the final table for the next meeting.
 - **Article N and Article O:** With the understanding that the Overtime Settlements for Police and Fire will be handled within the Current Year Transfers article, C. Karlson moved, seconded by D. Levine, that the Board of Selectmen insert Article N *Overtime Settlement - Police* and Article O *Overtime Settlement - Fire*. YEA: none. NAY: L. Anderson, M. Antes, C. Karlson, D. Levine. ABSENT: L. Jurist. ABSTAIN: none. Not Adopted 0-4.
 - **Article S:** M. Antes said the write-up for this Article which creates a revolving fund for Conservation compliance measures requires revision. L. Miller will review.
 - **Article U:** D. Levine said he would have a final version for the BoS to consider next week.
 - **Article V:** D. Levine said he would follow up with FinCom assignee K. Lappin.
 - **Article W:** M. Antes moved, seconded by C. Karlson, that the Board of Selectmen submit and support Article W *Community Preservation Fund General Budget - Set Asides and Transfers*. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

- **Article X:** C. Karlson asked if the language in the CPC articles match the applications. C. Karlson asked questions about the public access to the boat launch and asked for the article to be more specific about the parking. M. Lowery, BoPW, noted that this article was primarily for Public Safety access and that boat usage is limited by bylaw.
- **Article Z:** C. Karlson said this is an article where the CPC submitted language doesn't match the application. She suggested that the BoS go back to CPC and explain that the language as written precludes using the existing consultant, RHSO. Assistant Town Administrator E. Doucette and L. Miller discussed how they use the Housing Consultant. They both stressed that a housing consultant is needed.
- **Article AA:** L. Miller said the article language is not correct. Funding should be for trailhead improvement, not walking trails.
- **Article BB:** M. Antes reported that FinCom assignee K. Shigley is bringing this article before the FinCom tonight, and this article could be ready to vote on next week.
- **Article FF:** C. Karlson said the language in the article is not ready, and she hasn't been able to connect with the Petitioner.
- **Article GG:** There's a draft write-up in the packet for action at a future meeting. The petitioner was invited to attend tonight's meeting. C. Karlson will invite him to the next meeting.
- **Discuss article order** The Board discussed the proposed draft article order provided in the packet and made suggestions to improve the flow of the meeting.

A10. Town Manager Special Act: Update and next steps/schedule L. Anderson described the documents that she sent to counsel for review. She said the next step is to have a meeting with Town Counsel to go over the changes and then have a dedicated meeting with Town Counsel and the BoS just for the Special Act.

A11. Transfer Station Revolving Fund: Discuss financial status The Transfer Station has reached the revolving fund expense cap. L. Miller's proposal is the DPW request a reserve fund set aside by the FinCom of \$100,000 for expenses including payroll. Monies will only be spent as required and approved. Any additional Snow and Ice expense can be added to next year's tax recap for the FY2020 taxation instead of being funded with a Reserve Fund Transfer. She discussed analyzing the revolving fund to see how to prevent this from happening again.

A12. River's Edge: Update and vote to sign Land Disposition Agreement (LDA) extension and amendment The 6th amendment expires Feb. 28, 2019. C. Karlson gave an overview of the key elements addressed in this amendment: updating Due Diligence and Closing dates now that the asbestos work has been completed, recognizing that the water main work will not be a developer's expense and adjusting the purchase price by the same amount, and addressing technical requirements for permitting a wastewater treatment plant. The outside date to complete the wastewater waiver request is still under discussion but will not be later than June 15.

C. Karlson moved, seconded by D. Levine, that the Board of Selectmen authorize the Town Administrator to sign the agreement with the types of terms discussed that would represent the 7th amendment to the LDA. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A13. Town Administrator's Report

1. **Senior staff positions search update** The new HR Manager is starting March 18. L. Miller is currently doing reference checks for two potential candidates for the Treasurers position.
2. **Permitting Software Request for Proposals** The RFP will require another 3-4 weeks of work before it is ready to be issued.
3. **Cascade 40 B Appeal** The Town was informed that this will be going to mediation, but are still waiting to see the official order.
4. **School Bus Parking** Plans are progressing to use the DOT space in Sudbury. Total cost would be \$25,000 for two years.
5. **Verizon Cell Tower / ZBA Application** Two viable alternate locations were found. One was where the old DPW building was and the other is behind the High School near the Habitat for Humanity Homes. Both sites present locations issues (school, residences, water). The issue remains before the ZBA.

A14. Response to George Harris Open Meeting Law Complaint The Board agreed the response was well drafted by L. Anderson.

A15. Minutes: Review and vote to approve regular session minutes of January 7, 2019 (revised); January 22, 2019; January 28, 2019; and February 4, 2019 C. Karlson moved, seconded by M. Antes, that the Board of Selectmen approve the revised minutes of January 7, 2019. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen approve the minutes of January 22, 2019, January 28, 2019, and February 4, 2019 as amended. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A16. Consent Calendar: 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 invoice for KP Law, Invoice No. 119356, dated January 24, 2019, in the amount of \$451.42, for professional service through December 31, 2018.**

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

A17. Correspondence Review L. Anderson discussed the Massachusetts Downtown Initiative Technical Assistance Program grant that Wayland received. C. Karlson discussed the letter from the Energy and Climate Committee asking the Board to sign on to a letter to the state addressing the stretch code.

A18. Selectmen's reports and concerns None.

A19. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any: None.

A20. Adjourn D. Levine moved, seconded by M. Antes, to adjourn the meeting at 10:20p.m. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 25, 2019.

1. Correspondence from L. Miller, Town Administrator, to Board of Selectmen, dated February 22, 2019, re: Wayland Fire Department Fees and Ambulance Billing Rate Proposal
2. Draft of Article F: Compensation for Town Clerk
3. Prohibition of Recreational Marijuana Ballot Question
4. Debt Exclusion Questions Options 1, 2 and 3

Items Included as Part of Agenda Packet for Discussion During the February 25, 2019 Board of Selectmen's Meeting

1. Correspondence from resident Robi Zallen, LICSW, to Teri Hegarty, Executive Assistant, dated February 4, 2019, re: Housing Partnership Committee
2. Correspondence from Louise Miller, Town Administrator, to Board of Selectmen, dated February 22, 2019, re: FY 2020 Operating and Capital Budgets Update
3. Proposed ATM 2019 Article Order, dated February 25, 2019
4. Proposed times for Articles
5. Article Listing (Grouped by Sponsor)
6. Drafts of Articles: Article B: Pay Previous Fiscal Year Unpaid Bills; Article G: Fiscal Year 2020 Revolving Fund Expenditure Limits; Article I: Hear Reports; Article X: CPA Recreation Projects to Include Construction of Boat Ramp on Dudley Pond and Outdoor Classroom and Pollinator Garden at Cow Common; Article AA: CPA Recreation Project to Rehabilitate and Restore Walking Trails and Construct Limited Parking at Loker Conservation and Recreation Area; Article BB: Partial Funding for Construction of Part 2 of the Wayland High School Master Athletic Plan; Article GG: Limit Carrying of Weapons in the Town Buildings and to Town Events
7. Correspondence from Lea Anderson, Chair, Board of Selectmen, to the Board of Selectmen, dated February 25, 2019, re: Town Manager Special Act Update
8. Correspondence from Lea Anderson, Chair, Board of Selectmen, to resident George Harris, dated February 14, 2019, re: Response to Open Meeting Law Complaint

9. Proposed edits to January 7, 2019 minutes
10. Draft of January 22, 2019 minutes
11. Draft of January 28, 2019 minutes
12. Draft of February 4, 2019 minutes