



# 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  
April 8, 2019  
7:00 p.m.  
Wayland Town Building  
Selectmen's Meeting Room  
41 Cochituate Road, Wayland**

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson

**Absent:** Douglas A. Levine

**Also Present:** Town Administrator Louise Miller, Assistant Town Administrator Elizabeth Doucette

**A1. Call to Order by Chair** L. Anderson called the meeting of the Board of Selectmen to order at 7:01 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** Candidate's night is this Wednesday April 10 at 7:30pm. The Library is also starting a survey, which is a requirement for its 5-year plan. The survey is available online.

Bill Sterling, Morse Road, and Mark Foreman, Three Ponds Road, came before the Board to offer their assistance with writing a draft LSP letter in support of the CoA/CC efforts. They encouraged the Board to move forward with a CoA/Community Center at Town Center and acquire the land and asked about continued appointments to the Permanent Municipal Building Committee (PMBC).

Carole Plumb, Bald Rock Rd., asked the Board for clarification on who is the decision maker for the Loker fields – who represents the Town versus the Recreation Commission – on filings with ConCom. She had questions about the NOI related to the Loker field project, requirements about tree replacement and questions about how to resolve issues between boards in conflict because of their objectives.

**A3. Selectmen vote and sign warrants for posting** C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen sign the 2019 Annual Town Meeting Warrant. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0. The Board signed copies of the Warrant and provided them to the Town Clerk.

## **A4. 2019 Annual Town Meeting:**

- **With Dennis Berry, Town Moderator, and Representatives of ELVIS Committee**
  - **Review Town Meeting logistics** Town Moderator Dennis Berry and ELVIS Chair David Bernstein went over some of the handset issues from the last Town Meeting and how they will be addressed this year. Handsets will be active when handed out to eliminate any delay in attendees' ability to vote. One change is if there are more than 800 voters but less than 1200, the voting time will expand from 30 to 45 seconds. If there are more than 1200 voters the window of time will expand to a full minute. Voter education was also discussed.
  - **Discuss Temporary Town Clerk election process** D. Berry asked who was going to serve as Town Clerk for Annual Meeting and said he would like to have Town Counsel clarify the process for appointment. The Board discussed different scenarios. L. Anderson said the Town will seek more details from Town Counsel on how to proceed.

E. Doucette came before the Board and discussed the budget for the meeting. An updated cost estimate was provided; however, the budget is still short of the appropriated amount. There is a balance of less than \$50,000 remaining. E. Doucette said she would look into potential savings by reducing the number of handsets from the present estimate of 2200.

L. Anderson discussed article assignments for making motions at Town Meeting and assigned Board members their respective articles. The Board also discussed the potential to request moving articles forward to Monday night if the budget discussion goes quickly.

**A5. Debt Exclusion letter review** The Board went over the Debt Exclusion explanatory letter for publication in the Town Crier and other news outlets. Board members suggested edits, and the Board agreed to submit the letter as amended.

**A6. Town Manager Special Act Update** L. Anderson stated a dedicated meeting about the Town Manager Special Act (TMSA) will be held on Tuesday, April 16, 2019. She listed all the relevant information that will be included in the Board's packet including an updated version of the TMSA based on the existing Town Administrator bylaw, Chapter 60 being prepared by town counsel.

**A7. State of the Town Update** L. Anderson and L. Miller have been asked to appear on the program The Buzz on May 15, 2019 in a session with representatives of the Finance Committee and Planning Board called The State of the Town. L. Anderson asked for feedback. C. Karlson and L. Anderson discussed their hesitations – including an anticipated leadership change on the Board of Selectmen after Town Meeting and a more traditional State of the Town meeting involving reports from all boards and committees. L. Anderson said she will discuss this with The Buzz.

#### **A8. Town Administrator's Report**

1. **Moody's Bond Rating Update** L. Miller reported that Moody's removed the negative outlook and went over the factors noted in the report (maintain fund balance, maintain structurally balanced budgets and use debt exclusions for sizeable debt issuance), but explained they are notes of caution. M. Antes suggested communicating the importance of this information before ATM.
2. **River's Edge Update** The due diligence process is moving along, and dirt is being moved. The due diligence period will end in three weeks. Tonight is the hearing for the Board of Health to discuss variances to waive Wayland requirements to comply with DEP state regulations.
3. **Update legal matters –Cascade 40B Development –Bernstein litigation** For Cascade, HAC has ordered mediation and it will take place on April 22, 2019. There are two hearing dates scheduled for July 10 and July 17 for the Bernstein litigation. A decision is expected soon after that.
4. **Update on potential town locations for a cell tower** The BoPW has decided to continue exploring other options. A meeting with neighbors has been set for April 9 to get feedback on an alternate location off Stonebridge Road..
5. **Transfer Station Revolving Fund Fees Update** The FinCom asked for two documents (memo and cost analysis), and L. Miller included those for the Board in the packet. The BoPW voted to change the fees for next year, and the Town is confident the station will be solvent through FY20. A future decision will be made on the best financial manner to handle this operation (revolving fund, enterprise fund, etc.). Operations are unchanged. The new Treasurer will review the flow of funds for the sale of trash bags.
6. **Update on Bids Received for Loker and High School Fields Projects** The Town received many construction bids for the Loker project, and they came in under so staff feel comfortable with the Loker budget. The High School project field portion of the project came in slightly over budget, and the construction of the modular portion of the project (bathrooms and concession) came in over budget. The Town has asked the OPM to investigate if there is language in the Town's bid document that is driving the price up (perhaps timing). Staff is also investigating other cost savings measures to be able to work within the proposed HS budget.
7. **PEC Update – Number of Meetings, Discussion Topics, Mitigation Funds, FY 20 Budget, Overall impact on salaries, GIC Options, Percentage contribution** There have been five meetings to date to discuss the addition of a high deductible plan, the extension of the PEC agreement, and the payments of the mitigation fund set by the existing contract. L. Miller explained limitations of the FY2020 budget having already been prepared for Town Meeting consideration. There has been a request for a substantial change to the contribution percentage made by the Town for health insurance. As a result, L. Miller asked the benefits manager to research a move to the

GIC. She suggests the Board start an open session discussion for the Town moving into the GIC. She reported on Sudbury and Weston's moves to the GIC. Strategy will be discussed in Executive Session later tonight. L. Miller introduced Ken Lombardi who is the Town's consultant on health insurance items.

8. **Open Meeting Law/ Public Records – Clerical Staff Need** Every week the TA's office is getting public records requests or OML violation complaints. In the last week the Town received eight records requests. In the most recent OML finding against the ZBA, the Massachusetts Attorney General has stated it's the Board's responsibility to produce minutes despite the lack of clerical support. The TA's office is tracking the volume of requests. L. Miller noted the lack of clerical support staff to handle this work within the required timeframes. The Board discussed how to hire additional staff.
9. **Letter to EPA re: new regulations regarding river water quality** The letter in the packet echoed the River Stewardship Council recommendations regarding the river water quality. The Board appreciated the letter.
10. **Municipal Vulnerability Preparedness Program Update** Last week's workshop was very well attended, and there will be a listening session on April 16, 2019 before the Town submits its application for the grant. A listening session must be held prior to submitting the grant on April 19. Staff is working on the grant application.

**A9. Minutes: Review and vote to approve Board of Selectmen regular session minutes of March 25, 2019.** M. Antes moved, seconded by C. Karlson, that the Board of Selectmen approve the regular session minutes of March 25, 2019, as amended. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A10. 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 from KP Law, Invoice No. 120230, dated March 27, 2019, in the amount of \$14,114.27, for professional service through February 28, 2019
3. Vote the question of approving the placement of two (2) temporary sandwich signs from April 29, 2019 through May 5, 2019 at Old Connecticut Path and Cochituate Road (Five Paths); and Route 20/Old Connecticut Path by the Coach Grill to promote the Wayland Public Library's Friends Spring Book & Bake Sale.
4. Vote the question of retroactively approving the placement of two (2) temporary sandwich signs from March 24, 2019 thru March 31, 2019 at Old Connecticut Path and Cochituate Road (Five Paths); and Route 20/Old Connecticut Path by the Coach Grill to promote the Wayland High School Scholarship.
5. Vote the question of approving the 7<sup>th</sup> Annual Pam's Run to take place on October 20, 2019 at Claypit Hill School.
6. Vote the question of re-appointing Judith H. Ide to the Board of Registrars for a three-year term effective April 1, 2019 through April 1, 2022.
7. Vote the question of appointing Selectmen Doug Levine as a member of the Cable Advisory Committee for a term that continues until the Committee's work is complete. (Term commences upon swearing in.)
8. Vote the question of appointing Selectmen Cherry Karlson as an alternate for Doug Levine as a member of the Cable Advisory Committee for a term that continues until the Committee's work is complete. (Term commences upon swearing in.)
9. Vote the question of appointing Jim Mullane, Executive Director of WayCam, as an ex officio member of the Cable Advisory Committee for a term that continues until the Committee's work is complete. (Term commences upon swearing in.)

M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar with the change of the wording for number nine to add "non-voting" after ex officio. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**A11. Correspondence Review** The Board noted the letter from the DPW to residents about the Route 20 water main construction and the disclosure letter to bond counsel (item number 3).

**A12. Selectmen's reports and concerns** M. Antes complimented the Municipal Vulnerability meeting held last week.

**A13. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:**  
None.

**A14. Executive Session: Enter into Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement and, II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation—Stephen Cass v. Town of Wayland III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of January 7, 2019, February 4, 2019 and March 25, 2019. APPROVE AND HOLD: Executive Session minutes of January 7, 2019, February 4, 2019 and March 25, 2019.** At 8:40p.m., L. Anderson moved, seconded by C. Karlson, that the Board of Selectmen enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement and, pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation—Stephen Cass v. Town of Wayland, and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of January 7, 2019, February 4, 2019 and March 25, 2019. APPROVE AND HOLD: Executive Session minutes of January 7, 2019, February 4, 2019 and March 25, 2019.

The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0. The Chair invites attendance by Louise Miller, Town Administrator and Elizabeth Doucette, Assistant Town Administrator, and Ken Lombardi, PEC negotiations consultant with NFP Services. The Board will reconvene in approximately 15 minutes for the purpose of adjourning.

The Board returned to open session at 9:31pm.

**A15. Adjourn** L. Jurist moved, seconded by C. Karlson, to adjourn the meeting at 9:31p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. 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 April 8, 2019.**

1. 2019 ATM Warrant
2. Revised memo from Elizabeth Doucette, Town Administrator, to Lea Anderson, Board of Selectmen, date April 8, 2019, re: Update on Town Meeting Expenses and Account Balance
3. Correspondence from Louise Miller, Town Administrator, to Board of Public Works, Dated April 1, 2019, re: Recommendations for FY 2021 Transfer Station Fees
4. The Beacon, a publication of the Massachusetts Municipal Association, (distributed to: Lea Anderson, Cherry Karlson, Doug Levine and Louis Jurist)
5. Dudley Pond Association Spring 2019 newsletter (distributed to: Lea Anderson, Cherry Karlson, and Doug Levine)

#### **Items Included as Part of Agenda Packet for Discussion During the April 8, 2019 Board of Selectmen's Meeting**

1. Correspondence from Beth Doucette, Assistant Town Administrator, to Lea Anderson, Chair, Board of Selectmen, dated April 8, 2019, re: Update on Town Meeting expenses and account balance
2. Service proposal from Option Technologies for the OptionPower Electronic Voting system for Annual Town Meeting
3. Correspondence from Jay Arthur, Event Production Manager, Thistle Communications, to Ben Keefe, Facilities Director, dated March 9, 2019, re: production services for Annual Town Meeting
4. Draft article on debt exclusions for Wayland Town Crier
5. Moody's credit opinion on the Town of Wayland
6. Draft of March 25, 2019 Board of Selectmen Meeting minutes