



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DOUGLAS A. LEVINE

**Board of Selectmen
Meeting Minutes
May 6, 2019
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Thomas J. Fay, Cherry C. Karlson, 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 7:00 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. Announcements and Public Comment L. Anderson welcomed new Selectmen Tom Fay to the Board.

Ellen Scult, Council On Aging Board, expressed her concern about the inadequacy of the space used by the COA and the need to have appropriate space for programs and meetings. She encouraged the BoS to take control of the property at Town Center for the COA/CC project.

Bill Sterling, COA Board, reported that many people are asking about the COA/CC project status. He requested that the BoS devise a firm schedule of action items with milestone deadlines, put the COA/CC on every BoS agenda, and gather monthly with volunteers who are waiting to help by publishing articles or being a sounding board for strategy.

A3. Organization of the Board: Vote to elect officers L. Anderson reviewed the Board's policy on officers and meetings and noted that the reorganization occurs at the first meeting after Annual Town Meeting. She said that she has been the chair for two years and has enjoyed the experience, but is ready to let someone else take over. C. Karlson said if the Board is interested she would be Chair or Vice Chair. M. Antes moved, seconded by T. Fay, to nominate C. Karlson as Chair of the Board of Selectmen. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

D. Levine stated he is interested in serving as Vice Chair.

M. Antes moved, seconded by T. Fay, to nominate D. Levine as Vice Chair of the Board of Selectmen. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson became chair of the meeting.

- **Board Liaison Assignments: Review, discuss and assign** The Board reviewed the current list of Board liaisons assignments. C. Karlson said the FinCom and the Personnel Board typically goes to the Chair. The Board will consider moving the School Committee over to the Chair. T. Fay will take the Board of Library Trustees, Youth Advisory, and Recreation. L. Anderson said she will take C. Karlson's assignments when she was Vice Chair. C. Karlson said she would like to keep River's Edge Advisory Committee and the Energy and Climate Committee. L. Anderson said she will take

Permanent Municipal Building Committee. T. Fay said he would be happy to take the Council on Aging Committee. L. Anderson said she will take the Board of Health. C. Karlson said she will come up with a draft of Board Liaison Assignments to review at the next meeting.

- **Governance Guidelines: Review and revise, if needed** The Board discussed updates to the guidelines. The Board agreed to review a revised version and bring it back for approval.

A4. Annual Town Meeting Follow Up C. Karlson stated that this follow up is for the Board to talk about the process of putting the warrant and motions together and to consider BoS action items for specific articles. There will be another follow up with the Town Moderator at a later date. D. Levine asked if advancing articles is still up for discussion in the future. The timing of articles was also discussed. T. Fay said the Board needs to be aware of the schedules of residents. The Board stated the abbreviated procedure worked well. C. Karlson stated the form that Petitioners fill out should be the same one everyone fills out to streamline the process. Article motion language was also discussed. L. Miller suggested the warrant be from the Board of Selectmen and that the articles that recur each year be initiated from the Town Administrator's office. Using a consent calendar again was also discussed.

C. Plumb, Bald Rock Rd., gave a resident's perspective on moving articles forward. The Board went through the articles from Town Meeting that need to have a follow up discussion with L. Miller including OPEB, Revolving Funds, Music Festival, Wayland Welcomes, AMR (Automated Meter Reading) procurement, WHS Athletic Complex procurement, Community Preservation Committee (CPC) working with staff to prioritize projects, Spencer Circle, and Snake Brook Dam.

The Board agreed to talk about Recreation's requests regarding the Loker turf field at a future meeting. C. Karlson suggested the Board talk about fields in general and how the Town approaches that as a community.

A5. Review and vote to approve Board of Selectmen regular session minutes of April 16, 2019; April 22, 2019; April 29, 2019; and April 30, 2019. C. Karlson said the minutes of April 22, 2019 will be in the packet for the next meeting.

M. Antes moved, seconded by D. Levine that the Board of Selectmen approve the regular session minutes of April 16, 2019, April 29, 2019, and April 30, 2019, as amended. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: T. Fay. Adopted 4-0-1.

A6. Update on boat storage request by Cliff Lewis C. Lewis, 33 Claypit Hill Rd., came before the Board to discuss a proposed boat storage project. He passed out his presentation to the Board. He proposed that a program be created to create proper boat (scull) storage for four boats at the Wayland Town Beach. He discussed the details of the presentation and stated this would be offering something to residents that other surrounding towns don't have. C. Lewis proposed that the cost would be covered through a gift to the Town. Several Board members asked questions and shared their thoughts and concerns. The Board expressed overall interest in the project. C. Karlson summarized questions that need to be answered by the Town Administrator's office, including the legality of this public/private partnership (privately constructed building gifted to the Town), maintenance, program administration, property and liability insurance, and prioritization with the many other projects on the TA's plate. The Board thanked C. Lewis for his presentation.

A7. 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 and signing invoice from Betty Waxman, Esq., Arbitrator for Case AAA No. 01-18-0001-1636, Wayland Police Officers Union, NEBA, Local 176 and Town of Wayland, in the amount of \$7,000.** (*this number was revised from \$14,000 at the meeting*)

M. Antes moved, seconded by L. Anderson, to approve the Consent Calendar, as amended. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson,, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Correspondence Review C. Karlson (item number 3) said stop sign requests are usually given to the Police Department for a recommendation. She noted that the statement from the Department of Housing and Community Development (item number 4) was nice.

A9. State of the Town: Discuss and determine date of possible event L. Miller said there was a date of May 15 originally proposed. L. Anderson asked if there's interest in putting together a State of the Town by the Board that included more than just the BoS, Finance Committee, and Planning Board, as proposed by The Buzz. C. Karlson said she will touch base with Ken Isaacson.

A10. Town Administrator's Report

1. **Spencer Circle Update** The Town needs to draft two easements and both homeowners are aware. L. Miller said the Town is working out the limits of indemnity and the developer needs to complete some work.
2. **River's Edge Update** Soil work is continuing to proceed and a quality report will be issued soon. Wood Partners is starting the process to go before the Planning Board for a preliminary site plan review.
3. **Update on legal matters:**
 - a. **Cascade 40B Development:** L. Miller stated that the first day of mediation was held, and that there is a second day of mediation scheduled for June 5, 2019. L. Miller stated the results of the mediation are confidential until mediation is over.
 - b. **Bernstein v. Town of Wayland:** The evidentiary hearing will begin July 8, 2019. The Town will start preparing for the hearing now.
 - c. **Kenneth Nelson v. Town of Wayland:** There was a new complaint filed against the Board of Health and L. Miller said she anticipates it will be consolidated with the current pending lawsuit against both the Conservation Commission and the Board of Health.
4. **Open Meeting Law complaints: Review and discuss complaints**
 - a. **Against Board of Selectmen**
 - b. **Against Conservation Commission**
 - c. **Opinion of the Attorney General dated April 22, 2019**

The Board is being asked to revise the minutes for an executive session held on Feb. 26, 2018. L. Anderson suggested sending a summary of these decisions in documents a. and b. out to all the Boards and Committees. A discussion ensued about how the minutes for the Board are produced and how boards and committees need to examine their agendas with executive sessions. The Board agreed that committees and boards with an executive session motion should send their agenda to the Town Administrator's office before posting.

A11. Selectmen's reports and concerns On May 13, 2019 the Board will meet to continue with the Town Manager's Special Act discussion and review the revised draft. M. Antes attended a MetroWest Regional Collaborative meeting last Thursday and said the issue of climate research was discussed at the meeting. She also noted that the MMA's publication The Beacon included an article advising municipalities have a point person responsible for the Census. L. Miller said that is the Town Clerk for Wayland. C. Karlson said she will work with L. Miller and D. Levine to put a meeting schedule together.

A12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A13. 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) to review and approve the executive session minutes of April 8, 2019. APPROVE AND HOLD: Executive Session minutes of April 8, 2019. At 8:49 p.m., C. Karlson moved, seconded by D. Levine, 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) to review and approve the executive session minutes of April 8, 2019. APPROVE AND HOLD: Executive Session minutes of April 8, 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, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator, Elizabeth Doucette, Assistant Town Administrator, Ken Lombardi, Consultant for PEC negotiations with NFP Corporation, and Donna Lemoyne, Benefits Manager. The Board will reconvene in approximately 20 minutes for the purpose of adjourning.

A14. Adjourn L. Anderson moved, seconded by M. Antes, to adjourn the meeting at 9:40 p.m. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 6, 2019.

1. "The Future of Rowing" information (distributed by resident Cliff Lewis)
2. Wayland Recreation Department's 2019 Spring Programs and Summer Camps brochure (distributed by resident Cliff Lewis)

Items Included as Part of Agenda Packet for Discussion During the May 6, 2019 Board of Selectmen's Meeting

1. Draft of Board of Selectmen minutes of April 16, 2019
2. Draft of Board of Selectmen minutes of April 29, 2019
3. Draft of Board of Selectmen minutes of April 30, 2019
4. Correspondence from Kerry Anne Kilcoyne, Assistant Attorney General, Commonwealth of Massachusetts, to Carolyn Murray, KP Law, dated April 22, 2019, re: Open Meeting Law Complaints against the Wayland Board of Selectmen
5. Correspondence from Mira Netsky, Paralegal, Office of the Attorney General, Commonwealth of Massachusetts, to Wayland resident George Harris, dated April 16, 2019, re: Open Meeting Law Complaint against Wayland Conservation Commission
6. Correspondence from Mira Netsky, Paralegal, Office of the Attorney General, Commonwealth of Massachusetts, to Wayland resident George Harris, dated April 23, 2019, re: Open Meeting Law Complaint
7. Policy on Board of Selectmen Officers and Meetings
8. Policy on Board of Selectmen's Liaison Program
9. Town of Wayland Governance Guidelines for the Board of Selectmen and Appointed Boards, Committees, Commissions

Correspondence

1. Correspondence from Louise Miller, Town Administrator, to Leon Gaumond, Jr., Town Manager, Town of Weston, dated April 30, 2019, re: Weston Development Projects –Traffic Study @ Route 20/Old Connecticut Path/Plain Road
2. Correspondence from Gaelen Daly, Chief, Real Estate Division, Department of the Army, to Louise Miller, Town Administrator, dated April 4, 2019, re: Natick SSC Military Housing Site, Wayland, MA –Easement to the Town of Wayland for a Water Line
3. Correspondence from Teri Hegarty, Executive Assistant, to Louise Miller, Town Administrator, dated April 17, 2019, re: request for stop sign at Bayberry Lane/The Meadows
4. Correspondence from Louis Martin, Associate Director, Department of Housing and Community Development, dated April 17, 2019, re: Housing Production Plan—Certification Approved
5. Correspondence from Ronit Goldstein, Community Relations and Economic Development, Eversource, to Louise Miller, Town Administrator; David Houghton, Fire Chief; Patrick Swanick, Chief of Police; Elizabeth Doucette, Assistant Town Administrator; Joe Doucette, DPW Superintendent; Mike Linderman, (formerly with DPW); Neil McPherson, Deputy Fire Chief; Paul Brinkman, Town Engineer; Teri Hegarty, Executive Assistant; Thomas Holder, DPW Director, dated April 26, 2019, re: Transmission Line Upgrades in Wayland