



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

LOUISE L. E. MILLER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

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

**Board of Selectmen  
Meeting Minutes  
June 3, 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 C. Karlson** 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** A display for Race Amity Day is in the lobby and there will be a movie on Sunday at the Peace Lutheran Church. On June 11 the Energy and Climate Committee will have a program on heat pumps at the Wayland Library. RiverFest 2019 will be June 22 and 23.

Tonya Cunningham, Williams Rd., read a brief statement about the Town's policy regarding Public Records requests.

Bill Sterling, thanked the Board for placing the COA/CC issue on the agenda.

**A3. Vote to approve award of \$258,909 Bond Anticipatory Note to Monson Bank at a rate of 2.14%, zero premium** L. Miller, explained that this Bond Anticipatory Note (BAN) allows for cash flow to finish out the current fiscal year.

L. Anderson moved, seconded by M. Antes that the Board of Selectmen vote to approve the award of \$258,909 Bond Anticipatory Note to Monson Bank at a rate of 2.14%, zero premium. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A4. Discussion with Recreation Commission: Loker Field** Asa Foster and Thruston (Brud) Wright, came before the Board to discuss the Loker Field project and how the Board would like the Commission to move forward. C. Karlson noted the goal is to get everyone the best information possible before they vote. T. Fay asked if Recreation has discussed the vote at ATM and where they would like to go from here. T. Wright said they have discussed it and appreciate all the pro and con comments and realize it was their job to communicate effectively. He stated that they have decided to move forward with the Loker Field project and said they think it's the best location and explained why.

Recreation Commission member Kelly Peirce came before the Board. M. Antes stated that the Recreation Commission has not responded to the environmental issues that have been brought up and it will help them in their future presentation if they address that. D. Levine stated there are two major environmental issues about this project and all information has to be publicized and made available. The first one is the site itself and the need for a peer review of the documents related to the clean-up of the Dow site. The second issue is the potential environmental impact that is within the Town's control.

L. Anderson asked if there is a way to find out what was surveyed the last time in regards to Native American history and culture. T. Wright said there is an area of concern and they made sure the field is not

in that area. C. Karlson suggested that a map be made available showing that. A. Foster stated that the project plan has not changed since that survey was conducted. The Board encouraged committees and boards to meet and discuss this. C. Karlson referred to an earlier discussion of the meaning of the word “Amity” and how it might be applicable to making progress on the field issue. Information about lighting, a vernal pool, and the budget to date was also discussed. C. Karlson asked that the Recreation Commission not bring back the same project to Town Meeting. She also encouraged that any new information and research be shared with appropriate staff.

John Sax, 203 Willow Brook Drive, expressed concern that field proponents were only listening to each other.

Gary Lilienthal, 314 Willow Brook Drive, asked the Board about the public comment process.

**A5. 2019 Special Town Meeting: Review schedule** The Board reviewed the draft schedule for the 2019 Special Town Meeting. It has been reviewed by staff and the Town Administrator’s office. M. Antes suggested that October 29, 2019 would be the best date for the League of Women Voters issues forum. The Board will review the schedule in a final state at the next meeting.

**A6. 2020 Annual Town Meeting: Discuss potential dates** C. Karlson noted a typo on the second page and listed everyone she has contacted to date. The goal is to put it out there and to make a decision when information from the Interfaith Leadership Association is available. She said the 7<sup>th</sup> and 8<sup>th</sup> nights of Passover have to be added. The Board briefly discussed the potential dates.

**A7. Annual Budget Policy: Review and vote policy** C. Karlson explained that the draft policy has been put into a more generic format, not specific to a fiscal year. She reported that the budget summit in September will include a 5-year capital plan.

T. Fay moved, seconded by D. Levine, that the red-lined version in the packet referring to the policy on the Annual Budget process be adopted by the Board. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Vote to sign agreement between Public Employee Committee (PEC) and Town of Wayland** L. Miller reported that the Public Employee Committee (PEC) has signed the agreement regarding health insurance for employees and retirees. The agreement is now public and covers a three-year period from July 1, 2019 through June 30, 2022. L. Miller reported that employees were most interested in looking for ways to reduce health insurance costs. The agreement adds a high deductible plan and increases town contributions for family plans. Seven percent of employees are moving to high deductible plans in response to this agreement.

M. Antes moved, seconded by L. Anderson, that the Board of Selectmen approve the memorandum of agreement between the Town of Wayland and the Wayland Public Employee Committee effective July 1, 2019 through June 30, 2022. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson thanked L. Miller and the negotiating team for their work.

**A9. Plastic Checkout Bag Reduction Bylaw: Review and discuss compostable bag question** L. Miller reported that a business in town has requested consideration for using compostable bags. L. Miller distributed samples of compostable bags and explained the bylaw. T. Fay said he was interested to see what other towns have done about the issue of banning bags. C. Karlson said she would reach out to Paul Dale, the lead petitioner for the 2017 Annual Town Meeting article, about possibly updating the bylaw.

**A10. Civility Policy: Review and discuss Personnel Policy and Board of Selectmen guidelines; possibly vote to revise and/or approve policy** L. Miller reported that she went through several trainings with employees and noted that the civility training in particular was really well received by staff. She said staff has brought to her attention several instances where they have been subjected to unacceptable behavior that crosses the bounds of civility by boards and residents. T. Fay asked if these have been isolated incidents. L. Miller said no; it’s been a pattern among certain individuals. M. Antes suggested creating a code of conduct for Town Meeting. D. Levine offered his assistance in any form and stated that this behavior is intolerable. L. Anderson suggested the recording of all meetings might deter bad behavior. L. Miller stressed that all discussions should remain factual and not personal.

L. Miller said she would like the Board to adopt a similar Civility Policy as the one Wayland employees adhere to. She said the current one needs to be updated. The goal is for the Board to distribute a policy to other boards and committees and elected and appointed officials. D. Levine offered to work with L. Miller on drafting a policy. M. Antes also offered to help.

**A11. Town Manager Special Act: Review most recent draft; discuss presentation; schedule outreach**

L. Anderson led the Board through an updated version of the draft Town Manager Special Act (TMSA) based on input from the meeting two weeks ago and from Town Counsel. The Board discussed the suggested changes. T. Fay confirmed that the changes still leave policy decision making for the Library in the hands of the Board of Library Trustees. Hiring authority was discussed and how it relates to union contracts. L. Anderson and C. Karlson said they will reach out to the current Town Clerk about the draft related to matters affecting the Clerk's office. L. Miller asked why the Finance Director has the authority and responsibilities of the Town Accountant. C. Karlson said it is either in the code or job description. T. Fay confirmed that the Board of Library Trustees would appoint an interim Library Director if needed. T. Fay said a resident suggested making a chart to show the changes from current code to make it clear for residents. M. Antes stressed the need to explain what being responsible means versus doing the work as far as job descriptions.

L. Anderson suggested setting up a webpage on the TMSA. She handed out a draft presentation and asked the Board for feedback. The Board discussed the need for simple visuals, organization charts, and department-specific slides. C. Karlson asked for feedback so that the Board could review it again next week, as well as discuss a schedule for information sessions.

**A12. Town Administrator's Report**

1. **School Bus Parking** The Town has received a permit from the Town of Sudbury's Conservation Commission and is awaiting a license from MassDOT for the Town to review. The next step is to prepare the site for school bus parking.
2. **Permitting Software Update** The Town received \$38,000 in a Community Compact grant from the state and so far has spent \$30,000 of the funds. L. Miller said she sent in a request for more time to spend the rest of the grant. She said she is hoping for a 6-month extension with the project starting in November. Representative Carmine Gentile included \$50,000 for the Town's permitting software in the House budget. It's anticipated the rest of the funds totaling \$8,000 will be requested at Fall Town Meeting.
3. **Verizon Cell Tower Update** There will be a balloon test on June 6 at the High School from 2pm-6pm. Feedback from the Permanent Municipal Building Committee suggested having the cell tower on a different structure than the lights.
4. **Committee Appointments: Status** Letters went out to all appointed committee members whose terms expire at the end of the fiscal year. L. Miller said she would keep the Board updated.
5. **PEC (Public Employee Contract) Agreement Update** See above agenda item and vote.
6. **Wayland Meadows, LLC's cost examination under Chapter 40B** A letter was sent to the MassHousing Finance Agency asking for clarification on a few items. L. Miller said she would ask Town Planner S. Sarkisian to follow up with the agency.

**A13. Review and vote to approve Board of Selectmen regular session minutes of May 13, 2019; May 20, 2019 and May 29, 2019.**

L. Anderson moved, seconded by M. Antes that the Board of Selectmen approve the regular session minutes of May 13, 2019 and May 29, 2019, as amended. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The minutes of May 20, 2019 will be considered at a future meeting.

**A14. 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 to ratify the contract between Constellation NewEnergy, Inc. and the Town of Wayland (electricity agreement)
3. Vote to ratify the contract between Direct Energy Business Marketing, LLC and Town of Wayland (natural gas agreement)
4. Vote to sign the Race Amity Day Proclamation

5. Vote the question of approving and signing invoice #120563, from KP Law, dated April 23, 2019, for professional services rendered through March 31, 2019, in the amount of \$12,366.36.
6. Vote the question of approving and signing invoice #120565 from KP Law, dated April 23, 2019, for professional services rendered through March 31, 2019, in the amount of \$482.15
7. Vote the question of approving and signing invoice #128947/5415-001 from Anderson Kreiger, dated April 8, 2019, for River's Edge Special Counsel services in the amount of \$7,770.00.
8. Vote the question of approving and signing invoice #129411/5415-001 from Anderson Kreiger, dated May 16, 2019, for River's Edge Special Counsel services in the amount of \$455.00.
9. Review and vote on Request for Exemption as required by MGL 268A Section 20(b) for the following employee to work in the Recreation Department in the capacity of Site/Camp Director – Wayland Escapes: Shawn Powers
10. Vote to authorize the Chair to sign certificates awarding the Veterans Memorial Freedom Prize and Freedom Prize Finalists
11. Vote to authorize Cherry Karlson, Chair, or Louise Miller, Town Administrator, to sign Local Initiative Program Regulatory Agreement for 11 Hammond Road
12. Vote the question of approving and signing Improvements to Wayland High School Athletic Facilities. The Contract is for the construction project with a value of \$5,797,000 and will be performed by Heimlich Landscaping and Construction Corporation

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

**A15. Correspondence Review** C. Karlson explained that the report from Doug Harris (Item #3) didn't make the correspondence list in time. T. Fay asked about the affordable housing update (Item #2) and what the Town's current percentage is with the addition of River's Edge.

**A16. Selectmen's reports and concerns** L. Anderson stated the Energy and Climate Committee is planning to bring forward a Special Town Meeting article on Green Community Choice Aggregation. L. Miller said she would like to put together a list of questions with B. Keefe and then talk to the Committee. M. Antes asked about the letter regarding the field at Oxbow and asked if someone was following up with that. C. Karlson asked L. Miller to bring the Board up to speed about the project at the next meeting since some of the comments made in public comment weren't accurate. The Board noted that the Memorial Day Parade and Ceremony went very well. C. Karlson stated that the Town has received an Open Meeting Law complaint and she will work with L. Miller to produce a draft response for the next meeting. She noted the issue from the complainant is the same as his previous complaints and the Board is still awaiting a decision from the Attorney General's Office.

C. Karlson said she attended the BoPW's meeting on May 21 with L. Miller. She heard updates on stormwater and water finances; L. Miller was able to explain the changes to the procurement process. She said the BoPW has continued to express their need for additional laydown areas, specifically the old landfill site on Route 20. She asked L. Miller to keep that in mind for the Capital Plan.

**A17. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:**  
None.

**A18. Enter into Executive Session: Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road and, Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6), to discuss the purchase, exchange, lease or value of real estate with respect to the River's Edge Project at 484-490 Boston Post Road and, Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination and, Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with Wayland Firefighters Local 1978, International Association of Firefighters, AFL-CIO, and, Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to review and approve the executive session minutes of May 20, 2019. APPROVE AND HOLD: Executive Session minutes of May 20, 2019. At 9:43p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road and, Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6), to discuss the purchase, exchange, lease or**

value of real estate with respect to the River's Edge Project at 484-490 Boston Post Road and, Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination and, Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with Wayland Firefighters Local 1978, International Association of Firefighters, AFL-CIO, and, Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to review and approve the executive session minutes of May 20, 2019. APPROVE AND HOLD: Executive Session minutes of May 20, 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, D. Levine, T. Fay. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator and Elizabeth Doucette, Assistant Town Administrator. The Board will reconvene in approximately 30 minutes for the purpose of adjourning.

D. Levine left the meeting at 9:59 p.m. The Board returned to open session at 10:10 p.m.

**A15. Adjourn** L. Anderson moved, seconded by T. Fay, to adjourn the meeting at 10:10p.m. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay 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 June 3, 2019**

1. Tenth Amendment to Land Disposition Agreement
2. Slide Presentation: An Act Establishing the Position of Town Manager in the Town of Wayland
3. The Beacon publication for June 2019 (distributed to D. Levine; L. Anderson; and C. Karlson)

### **Items Included as Part of Agenda Packet for Discussion During the June 3, 2019 Board of Selectmen's Meeting**

1. Bond Anticipation Note Municipal Purpose Load
2. Draft of 2019 Special Town Meeting Schedule
3. Draft of 2020 ATM Potential Dates
4. Draft of Board of Selectmen's Policy on the Annual Budget Process
5. Draft of Board of Selectmen's Policy on the Annual Budget Process (red-lined version)
6. Agreement Between the Town of Wayland and the Wayland Public Employee Committee
7. Correspondence from Lea Anderson, Chair, Board of Selectmen, to Wayland Business Owner and Manager, dated August 7, 2017 re: Plastic Checkout Bag Reduction Bylaw in Wayland
8. Correspondence from Maura Healey, Attorney General, to Beth Klein, Town Clerk, dated July 21, 2017, re: Wayland Annual Town Meeting of April 2, 2017 – Case # 8302; Warrant Article #14 (Zoning); Warrant Article #5, 23 and 24 (General)
9. Copy of Article 13: Plastic Bag Reduction Bylaw from 2017 Annual Town Meeting Warrant
10. Policy #A2-1.1 – Mutual Respect in the workplace-All Employees
11. Policy #A2-2.1 – Standards of Conduct – All Employees
12. Wayland Board of Selectmen – Board Description and Guiding Principles
13. Draft 5/28/2019 Select Board/Town Manager Act
14. Draft 5/29/2019 Select Board/Town Manager Act (red-lined version)
15. Notice of Balloon Test, Wayland High School Athletic Field, Thursday, June 6, 2019 from 2:00 pm to 6:00 pm
16. Draft of Correspondence from Louise Miller, Town Administrator, to Gregory Watson, Manager, Planning and Programs, re: Cost Examination for Wayland Meadows Development
17. Correspondence from Denise Cataldo, of Denise Cataldo, CPA, PC, to Sarkis Sarkisian, Town Planner, dated May 28, 2019, re: MassHousing Review of Cost Examination Report of Wayland Commons
18. Correspondence from Gregory Watson, Manager, MassHousing, Planning and Programs, to Lea Anderson, Chair, Board of Selectmen, dated March 6, 2019, re: MassHousing's Draft Report Regarding Cost Examination for the Wayland Commons development
19. Draft of Report on MassHousing's Analysis of the Cost Examination Dated March 1, 2019 and Received by MassHousing on March 5, 2019
20. Wayland Meadows, LLC, Schedule of Chapter 40B Maximum Allowable Profit from Sales and Schedule of Total Chapter 40B Costs Together with Independent Accountant's Report
21. Draft of Minutes of Board of Selectmen minutes of May 13, 2019
22. Draft of Minutes of Board of Selectmen minutes of May 29, 2019
23. Open Meeting Law Complaint files by resident George Harris May 29, 2019

### **Correspondence**

1. Correspondence from resident John Sax to C. Karlson, Chair, Board of Selectmen; Doug Levine, Selectman; Thomas Fay, Selectman; Lea Anderson, Selectman; Mary Antes, Selectman; and Louise Miller, Town Administrator; dated May 28, 2019, re: Loker follow up memo to ZBA (includes MetroWest Daily News article “Disagreement between town boards throw another wrinkle into the controversy surrounding a proposed artificial turf field” dated May 24, 2019; and a copy of correspondence from Daniel Hill, Chair of the Wayland Planning Board, to the Wayland Zoning Board of Appeals, dated May 20, 2019, re: Loker Recreation Project – Clarification on Comments on Site Plan Review Application)
2. Correspondence from Brian Boggia, Executive Director, Wayland Housing Authority; and Katherine Provost, FSS Coordinator, to WHA Board of Commissioners; Wayland Housing Partnership; Municipal Affordable Housing Trust Fund Board; Wayland Town Administrator; Wayland Town Planner; dated May 10, 2019, re: Affordable Housing Update
3. Report from Doug Harris, Preservationist for Ceremonial Landscapes & Deputy Tribal Historic Preservation Officer, Narragansett Indian Tribal Historic Preservation Office, dated April 21, 2019, re: Why Should Loker be Respected and Protected?
4. “Save the Date” correspondence from Massachusetts Office of Disability, to Louise Miller, Town Administrator, dated May 17, 2019, re: Fifth Annual Disability Summit, September 27, 2019 from 8:30am to 12:30pm at the Boston Convention & Exhibition Center, 415 Summer Street, Boston, MA 02210
5. Wayland Free Public Library May 2019 Newsletter