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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

Board of Selectmen

Meeting Minutes

June 26, 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, Thomas J. Fay, Douglas A. Levine
(arrived at 7:05 p.m.)

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 7:03 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 The Annual Water Quality Report is available. There was a ribbon cutting for the MWRTA's Route 20 Shuttle on Monday. There will be three runs in the morning and three in the evening. On behalf of the Board C. Karlson recognized and thanked Fire Chief D. Houghton for his service and friendship. He is retiring and has served the Town of Wayland's Fire Department for 38 years.

Duane Galbi, Stonebridge Rd., commented on the recent ZBA decision approving the cell tower. He asked if federal land or MWRA property could be considered as an alternative location.

A3. Financial Advisor Contract: Discuss and vote to approve L. Miller said the Town received three proposals and discussed the process of reviewing and selecting the proposals. L. Miller stated she thought the services provided by Hilltop Securities was the most advantageous for the Town. D. Levine asked if L. Miller knows of any other towns who work with Hilltop Securities. L. Miller said she did. She noted that one of the factors that were looked at closely is if any key Town staff have previously worked with members of Hilltop Securities. She said some have and she herself worked with them in another role. She noted there's been a change in personnel at Unibank and it lined up nicely with the end of the Town's contract with them. She also offered to have someone from Hilltop Securities come in to talk to the Board on July 15. She asked the Board to support and approve her recommendation.

M. Antes moved, seconded by D. Levine, that the Board of Selectmen authorize L. Miller to award and negotiate the Financial Advisor contract with Hilltop Securities. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. FY 2019 Fiscal Year End Line Item Transfers: Vote to approve line item transfers L. Miller explained that the Municipal Modernization Act allows fiscal year end line item transfers. She said it allows the Town to balance the budget by transferring funds. The amount requested is \$125,963. She briefly went over the line items. She stated they will be reflected in the FY19 actuals.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen approve the FY2019 Fiscal Year End Line Item Transfers in the amount of \$125,963. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Board and Committee Appointments: C. Karlson noted that there is a date change for two positions on the Municipal Affordable Housing Trust Fund Board. The term ending date should be June 30, 2021. C. Karlson went over the current status of positions available.

1. Vote to appoint the following:

| Committee | Volunteer | Term Ending Date |
|---|----------------------------|----------------------------|
| Community Preservation Committee | Susan Green | June 30, 2022 |
| Community Preservation Committee | Gretchen Schuler | June 30, 2022 |
| Constable for the Town of Wayland | William Pickett, Jr. | June 30, 2022 |
| Constable for the Town of Wayland | Louis Gaglini | June 30, 2022 |
| Council on Aging | Nancy Leifer | June 30, 2022 |
| Council on Aging | William Sterling | June 30, 2022 |
| Council on Aging | Denise Yurkofsky | June 30, 2022 |
| Cultural Council | Rachel Sideman-Kurtz | June 30, 2022 |
| Dog Control Appeals Board | Jeffrey Baron | June 30, 2022 |
| Dog Control Appeals Board | Susan Wagner | June 30, 2022 |
| Energy and Climate Committee | Anne Harris | June 30, 2022 |
| Energy and Climate Committee | William Huss | June 30, 2022 |
| Historic District Commission | Caitlin Ahem | June 30, 2022 |
| Historic District Commission | Margery Baston | June 30, 2022 |
| Historic District Commission | Seema Mysore | June 30, 2022 |
| Historic District Commission | Kathleen Steinberg | June 30, 2022 |
| Historical Commission | Katherine Gardner-Westcott | June 30, 2022 |
| Historical Commission | Ann Gordon | June 30, 2022 |
| Metropolitan Area Planning Council | Mary Antes | June 30, 2022 |
| Metro West Regional Transit Advisory Board | Joseph Nolan | June 30, 2022 |
| Municipal Affordable Housing Trust Fund Board | Mary Antes | June 30, 2022 1 |
| Municipal Affordable Housing Trust Fund Board (Housing) | Susan Weinstein | June 30, 2022 1 |
| Permanent Municipal Building Committee | Michael Gitten | June 30, 2022 |
| Personnel Board | Miranda Jones | June 30, 2024 |
| Senior Tax Relief Committee | Stephen Colella | June 30, 2022 |
| Surface Water Quality Committee | Elizabeth Newton | June 30, 2022 |
| Youth Advisory Committee | Sarah Greenaway | June 30, 2021 |
| Youth Advisory Committee (Health) | Lisa Raferty | June 30, 2021 |

M. Antes moved, seconded by T. Fay, the Board of Selectmen reappoint the following people listed in the packet, as amended. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

2. Interview and potential vote to appoint Adam Gutbezahl to a three-year term on the Finance Committee Adam Gutbezahl appeared before the Board and discussed how his professional experience and background would be helpful as a member of the Finance Committee. D. Levine asked him if he was able to dedicate substantial time to FinCom and if so how would he do it. A. Gutbezahl said he's aware of the time commitment and he's not concerned. L. Anderson asked him to elaborate on his finance experience. C. Karlson said Town Counsel had looked into a Finance Committee member serving on other boards and in this case there is not an obvious conflict. T. Fay asked A. Gutbezahl how his litigation background would help him in this role.

D. Levine moved, seconded by L. Anderson, that the Board of Selectmen vote to appoint Adam Gutbezahl to a three-year term on the Town's Finance Committee expiring on June 30, 2022. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Select Board/Town Manager Act Update on draft; discuss communications plan including setting dates for community forums; review discussion presentation (to be distributed at meeting)

The updated draft is online and information will be sent out to the local press. L. Anderson suggested using the liaison assignment list as a starting point to start reaching out to individual Boards and Committees to see who would be interested in having a visit to discuss the draft in detail. L. Anderson also suggested having listening sessions for residents. A discussion ensued about when the best time is to hold the sessions. The Board reviewed the presentation slides. Several Board members made suggestions. C. Karlson said the Finance Committee and the Recreation Commission have asked her to come talk about the Select Board/Town Manager Act. C. Karlson asked Board members to send any changes to T. Hegarty.

A7. Town Administrator's Report

1. **Verizon Cell Tower Update** L. Miller reported that following the ZBA's decision, the next step for Verizon is to appear before the Planning Board for a site plan review. L. Miller said she has received a few phone calls asking the Town to push to get the cell tower on state MWRA property. She said the Town should be receiving a letter from Wayland Rod & Gun Club soon. T. Fay stated that the Town has no legal authority to tell Verizon where to put the cell tower. L. Miller said she would contact Verizon and ask if they would consider MWRA land for the cell tower.
2. **Committee Appointments Update** See above vote.
3. **Fire FLSA Update** L. Miller reported that all contracts regarding Fair Labor Standards Act overtime are settled. It has been a nine-month effort.
4. **Public Records Requests Update** L. Miller reported that T. Hegarty put together all the public record requests that are not from residents. They are from folks who are using the documents for commercial or other purposes. She said if the requests are being used for commercial purposes the Town does not have to provide them and it will go through an appeal process. She discussed the process the Town would take. L. Anderson suggested sending the list with a cover letter to Wayland's legislators. C. Karlson commented that the Board's budget request of the Finance Committee for more personnel help in the Town Administrator's office to deal with FOIA gained no traction. Perhaps this information should be used to make the argument.
5. **Waiver of Permit Fees for Council on Aging Program to Replace Smoke Detectors** L. Miller explained that if smoke detectors are not hard wired there is no fee required. This is a request to waive the fee for seniors for replacing hard-wired smoke detectors.
6. **Use of Compostable Bags by Wayland Business Update** L. Miller confirmed that the bags distributed a few meetings ago are degradable. C. Karlson reported that she consulted with Paul Dale, petitioner of the plastic bag ban article. L. Miller said that two business owners have brought up wanting to use the compostable bags. She said if there's a change to the bylaw the Board of Selectmen would be the sponsoring body.
Paul Dale appeared before the Board and discussed some of his observations. He addressed his hesitation of precedent setting and discussed that there is a bill at the state level for a plastic bag ban.
7. **River's Edge Project at 484-490 Boston Post Road Update** L. Miller reported that Wood Partners has filed an application with the ZBA. They are on the schedule for July 23, 2019. The project is moving forward.
8. **The Valor Act** L. Miller reported that this item came to her attention today. She discussed the Valor Act (tax credit program for veterans) and stated the BOA believes this is a program that they should be administering. She explained that the Town wasn't going to change the program; they were updating it and correcting information. The HR Manager will be the coordinator between BOA, Treasurer, and Finance Department. She briefly discussed how the program is different from the senior tax work off program. L. Miller said the Town has had interest from four veterans.

A8. Minutes: Vote to approve Board of Selectmen minutes of June 3, 2019; June 10, 2019 and June 21, 2019

L. Anderson moved, seconded by D. Levine, that the Board of Selectmen approve the regular session minutes of June 3, 2019; June 10, 2019 and June 21, 2019, as amended. YEA: L. Anderson, M. Antes, C. Karlson, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. 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 a waiver of permit fees for the Council on Aging Program to Replace Smoke Detectors

3. Vote the question of approving and signing the Affordable Housing amendment to the Inter-municipal Agreement with Regional Housing Services Office
4. Vote the question of approving and signing invoice #16 from Valerio, Dominello & Hillman, LLC, dated June 7, 2019, for legal services rendered through May 31, 2019, in the amount of \$66.00
5. Vote the question of approving and signing invoice# 121272 from KP Law, dated June 14, 2019 for professional service through May 31, 2019 in the amount of \$240.50
6. Vote the question of approving and signing invoice # 121352 from KP Law, dated June 14, 2019 for professional service through May 31, 2019 in the amount of \$930.78
7. Vote to approve expenditure of \$15,000 from the Dudley Pond Grant Account to engage Solitude Lake Management for the provision of herbicide treatment of Eurasian watermilfoil, as recommended by the Surface Water Quality Committee.

The Board discussed item #7. It was decided that in addition to putting information on the website, L. Miller would reach out to the Surface Water Quality Committee to raise concerns about informing the public about the herbicide treatment on Dudley Pond and ask for their communication plan. She would also suggest a reverse 911 call.

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.

A10. Correspondence Review The Board discussed the correspondence regarding the interest of purchasing land at 412 Commonwealth Road (item #2) and the cost examination for Wayland Meadows (#3). The Town's response to the Open Meeting Law complaint from resident George Harris was also noted (item #4) as well as the resignation of Jonathan Sachs, as chair and member of the Zoning Board of Appeals (item #7). The Board noted the comments from Ann Gordon (item #16) regarding the breakfast event held for Fire Chief D. Houghton's retirement.

A11. Selectmen's reports and concerns L. Miller discussed the Town staff barbeque that was held and said it was a fun event with music and trivia. M. Antes asked if the two resignations from the Finance Committee were a part of a bigger problem or was it just a lifestyle change. The Board thanked J. Gorke and K. Shigley for their service. C. Karlson said she is working on the Town Meeting article submission forms and the budget process document. She also said she is working on releasing executive session minutes. M. Antes noted that Wayland's Public Health Nurse Ruth Mori was recognized in the paper. She also noted that the MAPC and others are discussing how towns should prepare for the census. She said that some towns have set up census committees. M. Antes discussed possible dates for The Citizen's Academy in the fall.

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) (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) (3) to discuss strategy with respect to litigation--Ordway MCAD action, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss and 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 June 3, 2019 and June 10, 2019 VOTE TO APPROVE AND HOLD: Executive session minutes of June 3, 2019 and June 10, 2019, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) review and consider for potential release the following executive session minutes: June 25, 2018; October 1, 2018 and November 19, 2018, and VOTE TO APPROVE AND POTENTIALLY RELEASE WITH REDACTIONS: Executive sessions minutes of June 25, 2018; October 1, 2018 and November 19, 2018 At 9:18 p.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) (3) to discuss strategy with respect to litigation--Ordway MCAD action, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to

discuss and 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 June 3, 2019 and June 10, 2019 VOTE TO APPROVE AND HOLD: Executive session minutes of June 3, 2019 and June 10, 2019, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) review and consider for potential release the following executive session minutes: June 25, 2018; October 1, 2018 and November 19, 2018, and VOTE TO APPROVE AND POTENTIALLY RELEASE WITH REDACTIONS: Executive sessions minutes of June 25, 2018; October 1, 2018 and November 19, 2018.

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. The Board will reconvene in approximately 30 minutes for the purpose of releasing the minutes and adjourning.

D. Levine left the meeting at 9:19 p.m.

The Board returned to open session at 10:04 p.m.

A12. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any: C. Karlson noted that the Town Administrator needs signing authority from the Board during the holiday next week for the warrant.

M. Antes moved, seconded by T. Fay, to authorize the Town Administrator to sign the Warrant. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A14. Vote to approve and release with redactions: Executive sessions minutes of June 25, 2018; October 1, 2018 and November 19, 2018

M. Antes moved, seconded by L. Anderson, that the Board of Selectmen approve and release with redactions the Executive session minutes of June 25, 2018; October 1, 2018 and November 19, 2018. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A15. Adjourn L. Anderson moved, seconded by M. Antes, to adjourn the meeting at 10:06 p.m. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. 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 26, 2019.

1. Newspaper clipping about Ruth Mori, Wayland Board of Health Nurse (presented during announcements and public comments portion of meeting)
2. Chart of non-resident public records requests completed and/or in process from April 1, 2019 – June 25, 2019
3. Fiscal 2019 Year End Transfers
4. Correspondence to Board of Selectmen, from Louise Miller, Town Administrator, dated June 26, 2019, re: Award of Three-Year Financial Advisory Services Contract to Hilltop Securities, Inc.
5. An Act Establishing a Select Board and the Position of Town Manager in the Town of Wayland dated June 25, 2019 (Power Point Presentation for the November 2019 Special Town Meeting)
6. Amendment to the Regional Housing Services Office agreement (distributed during Consent Calendar review)

Items Included as Part of Agenda Packet for Discussion During the June 26, 2019 Board of Selectmen's Meeting

1. Board of Selectmen Appointments –Status as of June 24, 2019
2. Appointments to Town Boards and Committees (Board of Selectmen procedures)
3. Resume of Wayland resident Adam Gutbezahl
4. Correspondence from Louise Miller, Town Administrator, to Board of Selectmen, dated June 26, 2019, re: Waiver of Permit Fees for Council on Aging Program to Replace Smoke Detectors
5. Correspondence from Fire Chief Houghton, to the Board of Selectmen, dated June 11, 2019, re: Waiving Permit Fees for Smoke Detector Program
6. Correspondence from Paul Dale, to Cherry Karlson, Chair, Board of Selectmen, dated June 15, 2019, re: Compostable bags and Green CCA (Includes copy of Mass Climate Action Network ppt “Green Aggregation: What it is, why it is important, how to do it.”)

7. Correspondence from Paul Dale, to Cherry Karlson, Chair, Board of Selectmen, dated June 17, 2019, re: FYI – Guidelines on “Compostable” Claims (Includes information from section fifteen of the Federal Trade Commission’s Act 15 U.S.C. § 45
8. Draft of Board of Selectmen meeting minutes of June 3, 2019
9. Draft of Board of Selectmen meeting minutes of June 10, 2019
10. Draft of Board of Selectmen meeting minutes of June 21, 2019

CORRESPONDENCE

1. Correspondence from Thomas McEnaney, KP Law, to Clerk, Appellate Tax Board, dated June 7, 2019 re: Mahoney’s Garden Center v. Board of Assessors, Town of Wayland
2. Correspondence from Justin Hammerle, Development & Acquisitions, Picerne Real Estate Group, to Town of Wayland, rec’d June 10, 2019, re: interest in purchasing land at 412 Commonwealth Road, Wayland, MA 01778
3. Correspondence from Gregory Watson, Manager, Planning and Programs, to Louise Miller, Town Administrator, dated June 11, 2019, re: Cost Examination for Wayland Meadows, LLC
4. Correspondence from Cherry Karlson, Chair, Board of Selectmen, to Wayland resident George Harris, dated June 11, 2019, re: Open Meeting Law complaint filed May 29, 2019 (includes attachment of original complaint)
5. Correspondence from Wayland resident George Harris, to Carrie Benedon, Director, Division of Open Government, Office of the Attorney General, dated June 18, 2019, re: Pending Complaints Against Wayland Board of Selectmen
6. Correspondence from Kerry Anne Kilcoyne, Assistant Attorney General, Division of Open Government, to Sean Fair, Chair, Wayland Conservation Commission, dated June 20, 2019, re: Open Meeting Law Complaint, OML 2019-74
7. Correspondence from Jonathan Sachs, Chair, Wayland Zoning Board of Appeals, to Wayland Board of Selectmen, dated June 19, 2019, re: resignation as chair and member of Wayland Zoning Board of Appeals
8. Correspondence from William Pickett, Jr., to Board of Selectmen and Louise Miller, Town Administrator, dated May 31, 2019, re: reappointment as Constable for the Town of Wayland, Massachusetts
9. Correspondence from Sherre Greenbaum, to Board of Selectmen, dated June 19, 2019, re: request for reappointment to Conservation Commission and reappointment highlights
10. Correspondence from Wayland resident Molly Upton, to Board of Selectmen, Louise Miller, Town Administrator, and Teri Hegarty, Executive Assistant, dated June 23, 2019, re: ConCom reappointment of Sherre Greenbaum
11. Correspondence from Wayland resident Karl Klapper, to Board of Selectmen and Louise Miller, Town Administrator, dated June 23, 2019, re: reappointment of Sherre Greenbaum to Conservation Commission
12. Correspondence from Wayland resident Katherine Gardner-Westscott, to Louise Miller, Town Administrator, and the Board of Selectmen, dated June 23, 2019, re: Letter of Support for Sherre Greenbaum
13. Correspondence from Wayland resident Sheila Carel, to the Board of Selectmen, dated June 24, 2019, re: Support for Sherre Greenbaum’s reappointment as a member of the Wayland Conservation Commission
14. Copy of Memorandum of Agreement Between the Town of Wayland the Wayland Public Employee Committee (July 1, 2019 through June 30, 2022)
15. Survey comments from Wayland resident Any Oppenheim, received June 7, 2019, re: Economic Development Committee
16. Survey comments from Wayland resident Ann Gordon, received June 4, 2019, re: Historical Commission
17. Survey comments from Wayland resident Nancy Leifer, received June 4, 2019, re: Council on Aging Board
18. Comments from Wayland resident Susan Green, received June 6, 2019, re: Community Preservation Committee
19. Survey comments from Wayland resident Denise Yukofsky, received June 6, 2019, re: Council on Aging Board

20. Survey comments from Wayland resident Margery Baston, received June 6, 2019, re: Historic District Commission
21. Survey comments from Wayland resident Elizabeth Newton, received June 6, 2019, re: Surface Water Quality Commission
22. Survey comments from Wayland resident Katherine Gardner Westscott, received June 12, 2019, re: Historical Commission
23. Survey comments from Wayland resident Jen Gorke, received June 12, 2019, re: Finance Committee
24. Survey comments from Wayland resident Klaus Shigley, received June 17, 2019, re: Finance Committee
25. Report from Patrick Swanick, Chief of Police, to the Board of Selectmen, dated May 2019, re: Monthly Police Department Report
26. Report from Julia Junghanns, Director, Board of Health, to the Board of Selectmen, dated June 10, 2019, re: Board of Health Director's Report