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TOWN OF WAYLAND

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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

September 9, 2019

6:30 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

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 6:30 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. 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, Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers 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 collective bargaining with the Wayland Teachers Association, Wayland Educational Secretaries Association, Wayland Food Service Association, Custodians & Maintenance Local 116 regarding health insurance payroll deduction, 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 accepting Spencer Circle as a public way, Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to review and approve the executive session minutes of August 12, 2019
APPROVE AND HOLD: Executive Session minutes of August 12, 2019

At 6:32 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) (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 consider the purchase, exchange. taking. lease or value of real estate in regard to the Rivers 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 collective bargaining with the Wayland Teachers Association, Wayland Educational Secretaries Association, Wayland Food Service Association, Custodians & Maintenance Local 116 regarding health insurance payroll deductions, 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 accepting Spencer Circle as a public way, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to review and approve the executive session minutes of August 12, 2019 anticipating that we will APPROVE AND HOLD: Executive Session minutes of August 12, 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: T. Fay, M. Antes, C. Karlson, D. Levine, L. Anderson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator, Elizabeth Doucette, Assistant Town Administrator, and Paul Brinkman, Town Engineer. The Board will reconvene in approximately 30 minutes for the purpose of completing the agenda.

The Board returned to open session at 7:05p.m.

A3. Announcements and Public Comment C. Karlson asked if there was any public comment. There was none. L. Miller discussed the recent updates regarding the Town's EEE risk. On Friday the State Dept. of Health raised Wayland's risk level to "high". L. Miller reported that she met with the Health Director and they decided with the Recreation Director and School Athletic Director that there would be no outdoor activities from 6pm to 8am until further notice. They also drafted a press release. The Town made a reverse 911 call over the weekend to inform residents of precautions regarding EEE. Information was posted on the Town's website. Today L. Miller met with the Health Director and Superintendent of Schools to plan for ground spraying of fields, playgrounds, school property, and public roads by truck-mounted devices and individuals carrying backpack-mounted sprayers. The School Committee will be taking a vote tonight for allowing spraying in the areas near the schools. L. Miller asked the BoS to approve a waiver of spraying in the fields in town and one playground. All information will be put on the website along with signage at all fields. The Board decided to take a vote on this later in the meeting.

A5. Financial Summit (Large Hearing Room) The Board moved to the large hearing room to attend the Financial Summit at 7:15 p.m. Town Administrator Louise Miller introduced the Fiscal 2021 Financial Summit. Presenters included L. Miller, Finance Director Brian Keveny and School Business Manager Susan Bottan. L. Miller reviewed the purpose of the summit. Topics covered were: Overview of Town Financial Indicators (bond rating, tax rate and total valuation, fund balance); Anticipated FY 2021 Available Revenue, Economic Development, FY 2021 Estimated Expenditures (budget drivers, committed/level service estimates, Town/School/Unclassified); Five-year Forecast; Assumptions and Recommendations. After the presentation, L. Miller opened up the summit for questions. C. Plumb asked what the total debt of the Town was. S. Bottan corrected a number on slide 39. C. Karlson announced that the presentation slides would be available on the Town website tomorrow.

The Board returned to the Selectmen's Meeting Room at 8:09 p.m.

A3. Continued Announcements C. Karlson announced that the School Committee voted in favor of temporarily suspending their policy about use of pesticides and the waiver to allow spraying on school property.

A15. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
D. Levine moved, seconded by L. Anderson, that the Board of Selectmen determine an immediate human health emergency exists that warrants the use of pesticides sooner than the two day notification period required under the Children and Families Protection Act, that the Board apply for a single use waiver from the Board of Health Director who is the Wayland Board of Health Agent, that the Board of Selectmen request the Town Administrator post warning signs as required near and along the perimeter of the sites being treated with pesticides, that the Town Administrator and School Superintendent provide standard written notification to employees, pupils, and parents immediately prior to or immediately following treatment, and that the Town Administrator maintain and make available public records as required for five years. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

T. Fay moved, seconded by M. Antes, that the Board of Selectmen express support for the School Committee and the actions they took tonight to allow spraying on school properties. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A3. Continued Announcements In the foyer in the Library there is an exhibit about the history of Rails to Trails. There will also be a guide at the depot to learn more about the history. Wednesday night at 7:30 pm there will be a public meeting on the hazard mitigation plan for the Town. The Wayland Little Theater Concerts begin the season on Friday, Sept. 20 at 8 pm at Wayland High School. On Tuesday, Sept. 17, at 4 pm there will be a ribbon cutting for the Wayland Resiliency Project at the Wayland Middle School.

A4. Board and Committee Appointments:

1. Cultural Council – appoint Zoe Hughes to a three-year term ending June 30, 2022

M. Antes moved, seconded by D. Levine, that the Board of Selectmen appoint Zoe Hughes to a 3-year term on the Cultural Council with a term ending June 30, 2022. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Surface Water Quality Committee: General discussion on budget, membership, potential conflicts, and donations. Vote the question of approving the receipt of a \$15,000 gift from the Dudley Pond Association for the treatment of water at Dudley Pond - use of the funds for tape weed harvesting. L.

Miller reported that she is recommending that the Surface Water Quality Committee not be part of the operating budget, but instead use a financial warrant article for funding. Two reasons are the variability year to year in the amount needed and the problem with being bound to a certain fiscal year. M. Lowery, member of the SWQC appeared before the Board to answer questions. L. Miller and C. Karlson discussed possible perception of conflict of interest for committee members who live on bodies of water. L. Miller recommended that members file a disclosure with the Town Clerk. M. Lowery informed the Board that the Dudley Pond Association votes every year to reimburse the Town for 25% of the funds expended in a year. The gift this year is \$15,000. C. Karlson suggested that a thank you note be sent to the DPA.

T. Fay moved, seconded by M. Antes, that the Board of Selectmen approve the receipt of a \$15,000 gift from the Dudley Pond Association for the treatment of water at Dudley Farms, including the use of funds for tape weed harvesting. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Annual Report: Discussion, review and potential vote to approve Board members discussed their revisions and submitted hard copy for the record. C. Karlson said she would make revisions and submit a new version for the September 23, 2019 meeting. She also asked Board members to send her their corrections as submitted for the public record.

A8. Select Board/Town Manager Act: Update and next steps L. Anderson discussed the community sessions and board and committee liaison meetings that have been held. C. Karlson reviewed the status of presentations and liaison assignments with the Board members. It was decided the Board will have assigned dates by the Sept. 23 meeting and they will pick a date for a working session as well.

A9. COA/CC Facility: Discuss space needed and options and process for lease, lease-purchase, and for purchase of property or land C. Karlson announced that the Board had voted to take the discussion of an RFP for space out of executive session and discuss it under this agenda item. The discussion tonight is not about the need for a COA/CC, as the Board is unified on that issue. L. Miller discussed the RFP process and the decisions that need to be made. L. Miller suggested the Board and COA focus on the amount of space that will be needed and if the Town will lease or purchase. A discussion ensued regarding the process and requirements about the financing and RFP. T. Fay will look into the scope of building and programming. L. Miller will research municipal finance information regarding the possibility of using a debt exclusion to build out leased property. L. Miller will also consider the timeline of other projects in the queue.

A10. Town Administrator's Report

1. **Open Meeting Law Mediation** No update.
2. **Public Documents Requests Update** The Town is continuing to have a discussion with the Secretary of State's Supervisor of Records regarding records of Town Counsel that are not in the Town's records. L. Miller discussed a current case pending before the SJC. The timeline of the decision is not yet known. The Town will abide by the decision. In the meantime, the Town will produce as much information as possible. The Town is also creating a Police Department log document that can be sent to requesters. This is being produced by the Police Department personnel.
3. **River's Edge Project at 484-490 Boston Post Road Update** L. Miller said she has a scheduled call tomorrow with Town Counsel about the memo from the Planning Board with numerous questions, but in the meantime none of the boards can take any action.
4. **Facilities Update** No updates at this time. L. Miller has started a memo summarizing the status of open projects. She also wants to discuss a request for additional personnel in the Facilities Department.
5. **Plowing Private Roads Appeals** The Town has not received any appeals at this time.
6. **School Bus Parking Update** The RFP was issued by the state, but it is unknown what will happen to the property. The Town is still working on bringing electricity to the bus parking area.
7. **Oxbow Meadow Field Update** There have been some issues with vandalism, but there was not any loss of the turf. This was a purposeful tampering with the irrigation system and spray painting. Signage has been posted reminding people they are being videotaped.
8. **Automatic Meter Reading Procurement Update** Procurement will begin shortly and the project will take a substantial amount of time.
9. **Loker Roof MSBA Project** The MSBA has assigned an owner's project manager and the architect to design the roof. The project will be starting shortly.

A11. Minutes: Vote to approve Board of Selectmen minutes of August 26, 2019.

D. Levine moved, seconded by M. Antes, to approve the regular session minutes of August 26, 2019, as amended. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. 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 one (1) sandwich board at Old Connecticut Path and Cochituate Road (Five Paths) for the time period of December 2, 2019 - December 9, 2019 to promote the Troop 1 Boy Scout's Annual Christmas Tree Fundraising Sale
3. Vote the question of approving and signing contract 20-1012 in the amount of \$1,059,457 to engage Tower Construction, Corp. for construction of buildings at Wayland High School Athletic field.
4. Vote to ratify the signature of Louise L. E. Miller, Town Administrator, for contract 20-1026 in the amount of \$11,100 to engage Solitude Lake Management for mechanical harvesting of tape grass at Dudley Pond.
5. Vote the question of approving and signing contract 20-2001 to engage Ellingwood Construction, Inc. for the provision of On-Call Paving Services.
6. Vote the question of approving and signing contract 20-2008 in the amount of \$1,238,758.51 to engage R.N Construction, Corp. for Phase III Boston Post Road Water Main Improvements.
7. Vote to authorize Louise L. E. Miller, Town Administrator, to approve and sign contract 20-2013 for the provision of Tree Management Services.
8. Vote the question of approving and signing Contract Amendment No. 1 of Contract 18-1037 in the amount of \$256,000 to engage Weston & Sampson Engineers, Inc. for the provision of Design & Engineering Services for Athletic Fields and Stadium Renovations.
9. Vote to approve the gift of \$15,000 from the Dudley Pond Association to the Dudley Pond Grant Account for the expenditure of \$15,000 from the Dudley Pond Grant Account for the provision of herbicide treatment of Eurasian milfoil at Dudley Pond, by Solitude Lake Management, as recommended by the Surface Water Quality Committee. Expenditure of \$30,000 from the Dudley Pond Grant Account was previously approved for this purpose.
10. Vote the question of approving and signing invoice #122116 from KP Law, dated August 23, 2019, for professional services rendered through July 31, 2019, in the amount of \$12,033.26.

L. Miller discussed (Item #3) regarding the building at the Wayland High School Athletic Field. She said the Town contacted the lowest bidder to see if there was any misunderstanding about the bid documents. She said there are funds available in the contingency for the project to cover the balance between the budget and the contract. She also noted Item #8.

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

A13. Correspondence Review M. Antes suggested that Mr. Ingoldsby should be thanked (item #4) for his work on pruning the apple trees at Heard Farm.

A14. Selectmen's reports and concerns T. Fay discussed the Conservation Commission producing a mission statement. C. Karlson said the Conservation Administrator is working on one now. He also inquired about modifying remaining Beer and Wine Liquor Licenses. L. Miller said the Town could petition for more All Alcohol Liquor Licenses, but she will look into amending them. He also discussed Green Community Aggregation. L. Anderson reported that she met with the chair of the Board of Assessors and requested that the tax classification hearing be held on Nov. 25. C. Karlson said she met with the owner of Town Center to discuss various issues like signage and wastewater.

A16. Adjourn L. Anderson moved, seconded by D. Levine, to adjourn the meeting at 9:42 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 September 9, 2019.

1. Fiscal 2021 Financial Summit PowerPoint presentation
2. Beacon Publication (distributed to Lea Anderson, Cherry Karlson, and Doug Levine)
3. MMA 2019-2020 Directory (distributed to Lea Anderson, Cherry Karlson and Doug Levine)

Items Included as Part of Agenda Packet for Discussion During the September 9, 2019 Board of Selectmen's Meeting

1. Draft Minutes of BoS meeting of August 26, 2019

CORRESPONDENCE

1. Correspondence from Wayland resident Paul Church, to Patrick Swanick, Chief of Police, dated September 2, 2019, re: concerns around designation of Town as a "welcoming community."
2. Wayland Historic District Commission Public Hearing notice for September 19, 2019 and September 19, 2019 meeting agenda.
3. Monthly Police Department report from Patrick Swanick, Chief of Police, to the Board of Selectmen, dated August 2019.
4. Correspondence from Joseph Ingoldsby, J.E. Ingoldsby, ASLA, Natural and Cultural Landscapes, to Linda Hansen, Conservation Director and Members of the Conservation Commission, dated August 5, 2019, re: pruning of apple trees at the historic Heard Farm
5. Correspondence from Amy Kwesell, KP Law, to Clerk, Land Court, Boston, MA, dated August 23, 2019, re: Duane E. Galbi v. Jonathan Sachs, et al. (Town of Wayland Zoning Board of Appeals) Land Court No. 19 MISC 000389-DRR
6. Correspondence from Louise Miller, Town Administrator, to Rebecca Murray, Supervisor of Records, Commonwealth of Massachusetts, dated August 27, 2019, re: Update on Appeal Determination for SPR 19/1441.