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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  
October 2, 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  
**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 7:01 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. Swearing in of Police Officer Colin Whitney** Police Chief P. Swanick introduced Colin Whitney. Town Clerk Anna Ludwig swore him in. The Board congratulated new Wayland Police Officer Colin Whitney.

D. Levine arrived at 7:05 p.m.

**A3. Announcements and Public Comment** M. Antes announced that the Wayland Citizens Academy starts tomorrow night and reviewed the schedule. On Sunday, Oct. 27, there will be a talk at the Library on the Mansion Inn, in celebration of Archaeology Month. There was no public comment.

**A4. Board and Committee Appointments:** Rebecca Ahmed, Jacqueline Espiritusanto-Vega, and Daria Tucker appeared before the Board and answered questions. R. Ahmed introduced herself and discussed her background and desire to serve on the Cultural Council. D. Tucker discussed her background and why she would like to join and participate in the Wayland Housing Partnership as a representative of the Planning Board. J. Espiritusanto-Vega discussed her interest and background in affordable housing and why she would like to join the Municipal Affordable Housing Trust.

- 1. Municipal Affordable Housing Trust: Interview and possible vote to appoint Jacqueline Espiritusanto-Vega to the Municipal Affordable Housing Trust, representing the Wayland Housing Partnership, to a two-year term ending June 30, 2021.** M. Antes moved, seconded by D. Levine, that the Board of Selectmen appoint Jacqueline Espiritusanto-Vega to a 2-year term on the Municipal Affordable Housing Trust, representing the Wayland Housing Partnership, 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.
- 2. Cultural Council: Interview and possible vote to appoint Rebecca Ahmed to the Cultural Council to a three-year term ending June 30, 2022** L. Anderson moved, seconded by M. Antes, that the Board of Selectmen appoint Rebecca Ahmed to the Cultural Council to a three-

year 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.

3. **Housing Partnership: Interview and possibly vote to appoint Daria Tucker to the Wayland Housing Partnership, representing the Planning Board, to a three-year term ending June 30, 2022** M. Antes moved, seconded by D. Levine, that the Board of Selectmen appoint Daria Tucker as a representative of the Planning Board on the Wayland Housing Partnership for a three-year 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.

**A5. Public Safety Capital Improvement Plan (CIP): Update from Town Administrator and Fire Chief, Police Chief and Police Lieutenant** Fire Chief N. McPherson, Police Chief P. Swanick, and Lieutenant S. Gibbons appeared before the Board. L. Miller introduced this request, which is a follow up to the lightening strike on an antenna for the public safety radio system in July and noted that this is tied to the CIP presentation that will be discussed later tonight. Fire Chief McPherson discussed the changes that were made due to the lightening strike. He discussed the radio CIP requests and emphasized the critical importance that radio communications play in their daily tasks. D. Levine asked if there are any grant opportunities. Fire Chief N. McPherson and Police Chief P. Swanick went over what was available to them and what they could use. All of the communities that are able to communicate with Wayland were discussed. T. Fay asked if there is any other equipment that exists in other towns that Wayland can collaborate with. Cell phone coverage was also discussed.

C. Karlson noted that the Board would need to vote on year 1 of the Capital Improvement Plan tonight, and it would include these requests. The Board thanked everyone for their work.

**A7. Annual Town Meeting: Discussion and potential vote to approve ATM Schedule; review and potential vote to approve revised Article submission forms.** The Board reviewed a draft schedule for ATM. C. Karlson said there would be feedback to come as several department heads and L. Miller's office is reviewing it. C. Karlson is working with FinCom member K. Lappin on the Article submission forms.

**A6. Capital Improvement Plan: Discussion of five-year Draft Capital Improvement Plan (CIP) with Town Administrator and Finance Director; vote on individual CIP requests for Board of Selectmen.** The Finance Committee and Finance Director B. Keveny appeared before the Board. L. Miller discussed the goals which include smoothing out the demands on different financing sources for the capital plan and smoothing out the project values funded based upon the financing goals into the future. She discussed the process and financial analysis that took place in order to create a draft CIP. L. Miller discussed the Town's triple-A bond rating call with Moody's and the commitments the Town made to Moody's, including using recurring revenue for recurring expenses and returning to a stable debt burden. She further discussed recurring expenses and non-recurring expenses. She also discussed free cash, conservative budgeting, end of year expenditure controls, and cash capital. She proposed that debt within the levy be leveled. L. Miller discussed the Town's history of deferred maintenance of capital projects and how the Town can maintain their assets properly and affordably in the future.

B. Keveny reviewed the Town's history of capital financing. He explained that in the past, the Town often voted to use free cash toward the operating budget, but not on capital. In the future the plan is to use free cash to fund capital at about \$1.5 million per year for the next 5 years. He discussed cash capital, debt budget, and free cash, and the projects that were funded in total by debt in the levy. L. Miller discussed the Stabilization Fund and other funds and their required purposes. She said the result would be a predictable capital projects budget.

B. Keveny went over the departments' FY2021-FY2025 Capital requests. He said there is a lot of planning and work ahead with departments. The major four projects: the high school athletic complex, Loker field project, a possible COA, and the municipal parcel are all candidates for excluded debt.

Debt service numbers from Hilltop Securities were discussed, and L. Miller said that based on the work done so far, they are projecting right on target. The creation of a Capital Stabilization Fund and next steps were discussed. T. Fay commended L. Miller and B. Keveny for their hard work and stated the taxpayers appreciate knowing what's coming in the future. L. Miller noted that they used FY2020 as the starting point, so this plan does not require increased tax rates to fund the CIP.

C. Martin, FinCom Chair, asked about surplus bond funds from prior capital projects. B. Keveny said there's not a lot left, but it could be reviewed with department heads. C. Martin also requested the Facilities project status update report that B. Keefe presented at the last meeting. FinCom Vice Chair S. Correia asked if some of the smaller items have been moved to the Operating Budget. L. Miller said yes, they have done that. FinCom member K. Lappin asked if the 5-years of requests is a complete list. L. Miller said she doesn't think so and discussed her plan going forward. K. Lappin also stated she would like the debt service amounts evaluated in the future. FinCom member A. Gutbezahl asked about the use of CPA and revolving funds and the proposed narrative. G. Uveges asked if the difference on the chart on slides 22 and 23 is because they are moving within the levy to outside the levy. L. Miller said yes.

The Finance Committee left the meeting at 8:34 p.m.

The Board reviewed the current individual CIP requests including the town building window replacements, motor pool new vehicle, exterior washing of the public safety building, the library telephones, and permitting software. L. Miller said all of the fleet vehicles will come through Facilities. C. Karlson noted that the Board would be considering a vote on 9 FY21 items total.

L. Anderson moved, seconded by D. Levine, that the Board of Selectmen vote to insert 9 items into the FY2021 budget listed in the CIP: Under the JCC, radio equipment and supporting systems; under Engineering, high school wastewater plant; under Conservation, Snake Brook Dam rehabilitation; under Facilities, exterior painting of Public Safety Building, vehicles motor pool, and Library ADA accessibility; under IT, permitting software, network and wireless replacement at the Town Building and Public Safety Building, and Library phones. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

T. Fay proposed that the Board review the School's capital plan and contact L. Miller if they have any questions.

**A8. Select Board/Town Manager Special Act: Update and next steps, including setting a date for Board of Selectmen working session** L. Anderson discussed the upcoming Board meetings and her recommendation of the next steps in moving the Act forward. She proposed a working session for the Board. The Board scheduled a working session on Oct. 28.

#### **A9. Town Administrator's Report**

- 1. Bond Anticipatory Note Issuance** L. Miller explained that the Town needs to do a BAN this fall. She said she is hoping to issue one at the end of this month to pay for the High School project and then go out and bond in February or March for all debt needs.
- 2. Town Counsel: Spencer Circle; Library restrictions, Town Building Restrictions** The Town needs several easement documents on Spencer Circle. They anticipate hearing back from counsel next week. Town Counsel is also looking at the Library and Town Building potential use restrictions.
- 3. River's Edge: Update** There have been some design changes, and the present request for zoning relief is going to be withdrawn. A new request will be issued based on the redesign.
- 4. Signage Wayfinding Grant: Update** L. Miller said she met with the contractor last week and discussed the plan. It is slated to start this Thursday with the first meeting of the working group.
- 5. Citizen's Academy** The Academy starts this Thursday.

6. **Stormwater Management Plan Update** L. Miller is working to put together a task force that consists of staff and committee members. This committee will require two meetings in this fiscal year, then once a year after that. The first meeting is Oct. 8. C. Karlson said she might be able to attend. M. Antes said she will attend the second one. A separate Citizen's Academy on Stormwater will be planned for the spring.
7. **Open Meeting Law Mediation: Update** L. Miller reported that the Town is working with the Attorney General's office to coordinate the confidential mediation. C. Karlson or T. Fay will attend as the Board's representative. L. Miller and Town Counsel will attend.
8. **Legislative Update Relative to Collective Bargaining Dues** L. Miller brought up two items of concern regarding collective bargaining: 1. Nonmembers of union can file grievances through the union and then pay a portion of the dues based upon the union representing them for grievances. 2. The Town is now obligated to contact unions within 10 calendar days of a prospective employee acceptance of an offer of employment and the Town has to maintain a spreadsheet with union employees' contact information and allow the email system to be shared.

**A10. Town Administrator Evaluation: Review draft form; discuss timeline** C. Karlson discussed a proposed evaluation form and procedure that was in the Board's packet. The proposed evaluation form has been sent to Town Counsel for review. C. Karlson explained the process noting that it is slightly different from last year. M. Antes suggested adding communication with residents to the form. C. Karlson said if anyone has any thoughts please forward them to her so that she can continue to move the process forward.

**A11. Minutes: Vote to approve Board of Selectmen minutes of September 23, 2019.** Tabled to a future meeting.

**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 (2) sandwich boards at the following locations: Old Connecticut Path and Cochituate Road (Five Paths) and Route 20/Old Connecticut Path by the Coach Grill, for the time period of November 10, 2019 – November 17, 2019 to promote the Friends of the Wayland Public Library Fall Book & Bake Sale.
3. Vote the question of approving three (3) sandwich boards at the following locations: Fire Station Two in Cochituate; Old Connecticut Path and Cochituate Road (Five Paths); and Town Center (corner of Routes 20
4. and 27) for the time period of October 19, 2019 – October 26, 2019 to promote the Wayland Children and Parents Association's Monster Mash/Trunk or Treat event on October 26, 2019.
5. Vote the question of approving one (1) sandwich board at the following location: Town Center (corner of Routes 20 and 27) for the time period of October 21, 2019 – October 28, 2019 to promote Red Barn Pre-school enrollment.
6. Vote the question of approving the Dudley Woods Gift of \$300.00 from Alan Palevsky and Flavia Zornioti for proposed gifts of a bench, maple tree, and dog waste station and disposal costs. Vote to ratify the signature of Louise L. E. Miller, Town Administrator, for Technical and Advisory Representation, 20-1035, with BETA in the amount of \$3,500.00 for School Street 40B Development.
7. Vote to sign the Commonwealth of Massachusetts-Town of Wayland Drinking Water Bond dated October 24, 2019, previously approved by the Board of Selectmen

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 asked if there is a larger town-wide plan for item #3 regarding use of the former landfill. C. Karlson summarized an update given by DPW Director Tom Holder at last night's BoPW meeting. She noted that work can continue on the site including digging

test pits to study the disturbance of the landfill cap and a report will go back to DEP. The BoPW is interested in convening interested parties in the spring to look at possible future uses. The BoPW suggested the BoS, Schools and BoPW. C. Karlson pointed out that there are many more interested parties such as the Planning Board, Board of Health, Conservation Commission, Historical Commission, and Economic Development Committee. L. Miller pointed out that there are many environmental issues that state and federal agencies have an interest in. Issues have to be looked at over the next year; previously budgeted funds should be sufficient for this work. The effort will start with staff on how to best organize the process. L. Anderson noted item #6 regarding the Proposal for Labor and Employment Legal Services and said she was very impressed with the package.

**A14. Selectmen's reports and concerns** D. Levine reported that the BoPW issued a letter to the BoS as official notification that Tom Abdella has resigned from the BoPW. The BoS and BoPW will work together to fill the opening. M. Antes attended The MetroWest Regional Collaborative meeting. The issue of gas leaks was discussed. She also noted that Energize would be holding a meeting on Oct. 24 in Weston. She reported that the MPO (Metropolitan Planning Organization) elections are coming up on Oct. 30 and the Town of Ashland would like Wayland's support for the open representative seat. The Board received an invitation from the Islamic Center of Boston to attend their 40<sup>th</sup> Anniversary event on Nov. 3. T. Fay discussed the Board's interest in exploring the gaps in the cell coverage in Town and asked for it to be an agenda item. C. Karlson reported that she was contacted by WayCAM's program The Buzz, and they would like to do a State of the Town conversation in December.

**A15. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:** None.

**A16. Enter into Executive Session 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 New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176, and Pursuant to Massachusetts General Laws, Chapter 30, section 21 (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 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**

At 9:47 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 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 New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176, and Pursuant to Massachusetts General Laws, Chapter 30, 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 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.

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, and Elizabeth Doucette, Assistant

Town Administrator, and School Committee Chair Jeanne Downs. The Board will reconvene in approximately 20 minutes solely for the purpose of adjourning.

*Note: Agenda item A16 included two typos regarding the MGL reference for the third executive session item. Chair C. Karlson stated the correct reference (in bold type) for Massachusetts General Laws Chapter 30 section **21 (a) (3)** when making the motion. The motion should also have referred to Massachusetts General Laws **Chapter 30A**, not Chapter 30.*

The Board returned to open session at 10:40 p.m.

**A17. Adjourn** D. Levine moved, seconded by T. Fay, to adjourn the meeting at 10:40 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 October 2, 2019.**

1. Capital Appropriation Requests FY21-FY25 (Five Years)
2. Town of Wayland Detailed FY 2021 – FY 2025 Department Requests
3. Draft of Annual Town Election/Annual Town Meeting Schedule 2020 Version 1
4. CV of Daria Tucker
5. Promotional letter for Fuel Card Services Agreement between WEX and the Commonwealth of Massachusetts (distributed to Lea Anderson, Mary Antes and Cherry Karlson)
6. SB/TM Special Act – Steps to article submission – Draft as of Oct. 2, 2019

### **Items Included as Part of Agenda Packet for Discussion During the October 2, 2019 Board of Selectmen's Meeting**

1. Draft of Town Administrator Evaluation Form
2. Board/Committee Appointment Status as of September 24, 2019
3. CV of Jacqueline Espiritusanto-Vega
4. CV of Rebecca Ahmed
5. Correspondence from Neil McPherson, Fire Chief; Patrick Swanick, Police Chief; Sean Gibbons. Police Lieutenant, to Louise Miller, Town Administrator, dated September 30, 2019, re: Public Safety Communication System Capital Improvement Request
6. Correspondence from KP Law, to Louise Miller, dated September 27, 2019, re: KP Law, P.C. eUpdate- Massachusetts Legislature Passes Chapter 73 of the Acts of 2019, "An Act relative to Collective Bargaining Dues"

### **CORRESPONDENCE**

1. Correspondence from KP Law, to Louise Miller, Town Administrator, dated September 25, 2019, re: KP Law, P.C. eUpdate – Department of Public Health Issues Emergency Order Banning Sale and Display of Vaping Products
2. Year 1 Annual Report Massachusetts Small MS4 General Permit Reporting Period: May 1, 2018-June 30, 2019
3. Correspondence from Mike Lowery, Board of Public Works, to Tom Holder, Director, Public Works; Louise Miller, Town Administrator; Arthur Unobskey, School Superintendent, dated September 27, 2019, re: Timeline for including school bus parking on former landfill south of Route 20
4. Press release from Julia Junghanns, Director of Public Health, dated September 26, 2019, re: Cyanobacteria advisory for blue green algae in Lake Cochituate
5. Correspondence from Mike Lowery, to Cherry Karlson, Chair, Board of Selectmen, dated September 24, 2019, re: 2019-09-23 BoS Meeting – Pam's run signs
6. Correspondence from Lauren Goldberg, KP Law, to Cherry Karlson, Chair, Board of Selectmen and members of the Board of Selectmen, dated September

18, 2019, re: Proposal for Labor and Employment Legal Services

7. Correspondence from Walter White, Chairperson, Architectural Access Board, Commonwealth of Massachusetts, Division of Professional Licensure, Office of Public Safety and Inspections, Architectural Access Board, to Main Street Property, Inc., c/o Barken Management, dated September 26, 2019 re: 110 Grill, Decision of the Board: Complaint Resolution