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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 28, 2019  
5:30 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, Town Counsel Carolyn Murray

**A1. Call to Order by Chair** C. Karlson called the meeting of the Board of Selectmen to order at 5:30 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 announced that the agenda will be reviewed for the public at 7:00 p.m. after the working session on the Select Board/Town Manager Special Act.

**A2. Select Board/Town Manager Special Act: Working session with Town Counsel, update and next steps** L. Anderson introduced the working session and discussed the process, comments, and questions collected at 15 committee/board sessions and six community sessions held over the past several months. L. Anderson reported that questions were frequently raised about checks and balances; definitions of terms such as accountability, responsibility, and oversight; roles of department heads and committees in hiring and evaluation of staff; conflict resolution if the Town Manager and Department Heads and Committees/Boards do not agree; and the requests to see an organizational chart. M. Antes reported on recurring questions about how much this was going to cost or save; contracts and procurement; the relationship between the Board, Dept. Head and Town Manager; and process. C. Karlson said her goal tonight is to have a discussion about the language of the Act and give Town Counsel enough feedback to think about how to edit the current draft given the timeline of the community forum.

The Board walked through the draft Special Act section by section. The Board discussed the need to state that the Town has a 5-member Select Board elected to three-year staggered terms. Town Counsel C. Murray discussed options for repealing town code Ch. 60 (TA) and Ch. 58 (BoS) and amending Ch. 43 (Personnel). The elements of Ch. 58 could be included in the Special Act. D. Levine explained that Ch. 60 would be replaced with the new Select Board/Town Manager Act. L. Anderson suggested maintaining the Select Board as Chief Executive Officers in response to the checks and balances concern. C. Murray discussed the many options the Board can consider to make the authority of the Town Manager and Select Board clear. C. Murray noted that the Board can always delegate authority. The BoS concurred that the Select Board should be the CEO. The Board agreed on the consistent use of the term "responsibility" in the Act.

The Board agreed that the Town Manager would be responsible for the budget process and would “draft” operating and capital budgets “for submission to the Finance Committee” in line with Ch. 19 of town code. The Board agreed not to differentiate between department heads of appointed boards and department heads of elected boards regarding hiring of department heads. The reference to “in consultation with the respective boards” will be included. D. Levine raised another concern brought up by the BoPW and other boards about hiring practices and that they may be setting up a conflict when it comes to hiring a subordinate employee. The Board agreed to use “the Town Manager shall be responsible for appointing subordinates to department heads” versus “shall appoint”. The Board agreed that more work needs to be done on the Facilities section. L. Anderson noted all of the helpful comments from residents. C. Karlson asked for a draft back from C. Murray on Friday and the Board will meet Nov. 4. The Board decided to schedule a community forum for Thursday, November 21.

**A3. Announcements and Public Comment** C. Karlson announced the passing of Peter Gossels on Oct. 25. The Board took a moment to honor and thank him for his service to the Town.

Richard Turner, Public Ceremonies Committee, announced that the Veterans Day ceremony will be Monday, November 11. He asked a member of the Board to attend and briefly speak.

Mike Lowery, 120 Lakeshore Drive, distributed copies of an article about invasive weeds and announced that the Dudley Pond Association Membership voted to continue to reimburse the Town at 25%

Carole Plumb, Bald Rock Rd., asked about the process ahead regarding the EDC memo listing possible uses of Town-owned parcels of land.

Bill Sterling, Morse Rd. and Mark Foreman, 35 Three Ponds Rd., discussed the proposed COA/CC and encouraged the Board to continue to move forward.

**A4. Public Officials' Conflict of interest Discussion with Town Counsel potential vote to approve policy statement and letter to all Wayland boards, commissions, and committee members** C. Karlson stated the goal of the discussion and asked for guidance from C. Murray. C. Murray said KPLaw offers training sessions free of charge to the Town about Open Meeting Law, Public Records and Conflicts of Interest. She discussed some of the highlights that the trainings focus on. Two conflict of interest areas that are most recognizable are financial interest and immediate family. She went through each definition and presented certain scenarios. She also discussed disclosures and went into the detail of the required process. She recommended more in depth training.

**A5. Request for fence viewing between 24 and 28 Glezen Lane: Discuss and potential vote to appoint designee to view the fence** C. Karlson said she has been in touch with the three residents involved, and they are willing to meet with the designee. D. Levine and T. Fay volunteered to view the fence.

#### **A6. Board and Committee Appointments**

1. **Audit Committee: Vote to appoint Klaus Shigley to the Audit Committee, representing the Finance Committee, for a term ending June 30, 2020.** M. Antes moved, seconded by L. Anderson, to appoint K. Shigley to the Audit Committee representing the Finance Committee with a term ending June 30, 2020. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A7. Meet with members of the Economic Development Committee to Discuss Memorandum titled "Recommendation for Consideration for Use of Parcels of Land"** B. Steinberg and B. Stanizzi, members of the Economic Development Committee, appeared before the Board and discussed the seven purposes of their mission statement and how it is relevant to the memo. They started with looking at the work of the WRAP committee, which identified Town land parcels, many of which continue to be woodland. B. Stanizzi explained that economic development can be both public

and private. They discussed efforts to make the Sudbury River more accessible, use of the old landfill site, housing, and working with the Recreation Department. C. Karlson noted the importance of keeping staff involved. Other topics discussed include the Town building, Cochituate fields, Route 20 Corridor, Town Center, and the financial impact on the Town for having open space.

#### **A8. Town Administrator's Report**

1. **Bond Anticipatory Note Issuance** L. Miller reported that the amount of the BAN will be \$6.5 million, and the Board will receive the paperwork at its next meeting
2. **Agreement with Middlesex Sheriff's Office Regional Safekeep Holding Facility** L. Miller discussed the agreement for the Town to allow the Middlesex Sheriff's Office to hold prisoners overnight, on holidays, and weekends.
3. **Five-Year Draft Capital Improvement Plan (CIP): Update** The FinCom has requested follow up information around the capital stabilization fund and excluded debt service. The remainder of information relates to the School Department capital submission, which will be reviewed at FinCom's next meeting. L. Miller said she will be meeting with Facilities Director B. Keefe to discuss his workload relative to the FY21 capital plan.
4. **FY2021 Operating Budget: Update** Drafts are being reviewed now and will be presented to the Board first and then given to FinCom.
5. **Oxbow Field Update** Last Friday a meeting was held at the field with the contractor and town representatives, and conditions were found to be unacceptable. An action plan was necessary and has been developed. L. Miller reported that the RFP for this work was inadequate and resulted in the current situation. There were also too many people involved communicating with the contractor. The Recreation Director has been identified as the primary contact going forward.
6. **Public Records Request Appeal** L. Miller reported that the Town has received a legal appeal of a public records request regarding the gardens. The two issues include sufficiency of the records and if certain records were destroyed. L. Miller explained that the records were damaged during the flood in the Conservation office caused by broken pipes in the Town Building. The Board gave permission for Town Counsel to respond. (C. Karlson noted that this is a topic not reasonably anticipated.)
7. **Regulations: Health, Stormwater and Water** The BOH is discussing three new regulations, one regarding prepackaged foods which is ready for review. Conservation has drafted storm water regulations and that document is being reviewed by the Town's engineering firm. The Board of Public Works has drafted water regulations.
8. **Hazard Mitigation Plan Update** An updated Plan should be finalized and ready for review by the end of November or early December.
9. **Human Resources** L. Miller updated the Board on the latest retirements, transfers, promotions, hires, and open positions. She noted that each retirement begins a lengthy HR process of posting the position, hiring and then often needing to repeat the process if there is an internal hire.

**A9. Minutes: Vote to approve Board of Selectmen minutes of October 2, 2019.** M. Antes moved, seconded by D. Levine, that the Board of Selectmen approve the minutes of October 2, 2019, as amended. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

#### **A10. 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 One-day Liquor License for the sale or service of Beer & Wine to be consumed on the premises for an event (Ladies' Night Out) at Russell's Garden Center, 397 Boston Post Road, Wayland, MA, 01778 on Thursday, November 7, 2019 from 4:00 pm to 8:00 pm.
3. Vote to sign contract **20-2017** with **The Engineering Corp. (TEC)**, in the amount of **\$94,500** for Bridge F-08-039 Potter Road (Stonebridge Road) over Sudbury River final design and bidding services. This project is funded jointly with the City of Framingham

- through an Inter-Municipal Agreement each municipality providing half of the project funds. The **\$47,250** obligation to the Town of Wayland represents half of the contract amount.
4. Vote to sign contract **20-2022** with **Aggregate Industries** for Bituminous Concrete Supply, estimated at **\$60,000**.
  5. Vote to sign contract **20-1038** with **Clean Harbors Environmental Services, Inc.** for the November 9, 2019 Hazardous Waste Collection Day.
  6. Vote to sign agreement **20-1046** with the **City of Newton** for the execution of the Westmetro HOME Consortium HOME Investment Partnerships Program. This agreement sets forth the terms and conditions under which each Member Community becomes the subrecipient of HOME funds, as well as outline the General Provisions and processes by which funds may be sub-awarded.
  7. Vote the question of approving four (4) sandwich boards to promote the upcoming fundraiser for the Creative Arts Parent Association at the high school at the following locations: Fire Station Two in Cochrane; Old Connecticut Path and Cochrane Road (Five Paths); Route 20/Old Connecticut Path by the Coach Grill; and Town Center (corner of Routes 20 and 27) from October 29, 2019 – November 2, 2019.
  8. Vote the question of approving the Dudley Woods Gift of \$100.00 from Thomas J. Klem for waste disposal
  9. Vote the question of approving the Dudley Woods Gift of \$500.00 from Jacqueline Ducharme and Stan Ducharme
  10. Vote the question of approving three (3) sandwich boards to promote the Wayland Children and Parents Association's Stacey Peasley Concert for Kids and Adults at the following locations: Fire Station Two in Cochrane; Old Connecticut Path and Cochrane Road (Five Paths); and Town Center (corner of Routes 20 and 27) from November 4, 2019 - November 11, 2019.

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.

**A11. Correspondence Review** The Board noted the letters from residents sharing the article in the Boston Globe about turf fields and discussed Wayland Variety & Deli's liquor violation that occurred during its probation period.

**A12. Selectmen's reports and concerns** T. Fay volunteered to attend and briefly speak at the Veterans Day event. M. Antes attended an MAPC meeting on Nov. 6, reminded the Board that it needs vote for an MPO representative and discussed the timeline. It was decided the Board will vote on this next Monday, Nov. 4. M. Antes also attended the MetroWest Collaborative presentation on the census on Thursday. She announced that MMA's Annual Meeting will be in January 2020 and the Citizen's Academy has ended. L. Anderson said the Energy and Climate Committee chair would like to come before the Board to discuss Community Aggregation. T. Fay spoke about the extraordinary life and service of Peter Gossels and noted the progress with the CC/COA center. C. Karlson reported that the BoPW will meet with the BoS next week to interview candidates to fill the empty seat.

**A13. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:**  
None.

**A14. 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 litigation Duane Galbi v. Town of Wayland et al., and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of August 26, 2019, September 9, 2019, September 23, 2019 and October 2, 2019 and APPROVE AND HOLD: Executive Session minutes of August 26, 2019, September 9, 2019, September 23, 2019**

and October 2, 2019. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and release/release with redactions the executive session minutes of July 16, 2018, August 27, 2018, September 5, 2018, September 17, 2018, September 24, 2018, October 1, 2018, and October 9, 2018. **APPROVE AND RELEASE/RELEASE WITH REDACTIONS:** Executive Session minutes of July 16, 2018, August 27, 2018, September 5, 2018, September 17, 2018, September 24, 2018, October 1, 2018, and October 9, 2018.

At 9:16 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 litigation Duane Galbi v. Town of Wayland et al., and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of August 26, 2019, September 9, 2019, September 23, 2019 and October 2, 2019 anticipating to approve and hold those same minutes.

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. The Board will reconvene in approximately 20 minutes solely for the purpose of adjourning.

The Board returned to open session at 9:29 p.m.

**A15. Adjourn** L. Anderson moved, seconded by T. Fay, to adjourn the meeting at 9:29 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 28, 2019.**

1. Select Board/Town Manager Act: Questions/comments raised at presentations (updated 10/27/19)
2. Correspondence from Cherry Karlson, Chair, Board of Selectmen, to the Board of Selectmen, dated October 26, 2019, re: EDC Committee Purpose and Appointments
3. Correspondence from Richard Turner, Chair, Public Ceremonies Committee, to the Board of Selectmen, received October 28, 2019, re: Invitation to Selectmen for Veterans day
4. "Massachusetts Lakes and Ponds Are Under Siege by Invasive Aquatic Plants," article from 89.7 WGBH, Boston's Local NPR, (distributed during Public Comment by Michael Lowery)

#### **Items Included as Part of Agenda Packet for Discussion During the October 28, 2019 Board of Selectmen's Meeting**

1. Draft of Select Board/Town Manager Act (dated June 21, 2019)
2. Select Board/Town manager Act: Questions/comments raised at presentation
3. (Form) Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority as Required by G. L. c. 268A § 19
4. State Ethics Committee Advisory -- Advisory 05-02: Voting on Matters Affecting Abutting or Nearby Property
5. Massachusetts General Laws, Chapter 49: Fences, Fence Viewers, Pounds and Field Drivers
6. Economic Development Committee establishment information (from [www.wayland.ma.us](http://www.wayland.ma.us) web site)
7. Correspondence from Wayland Economic Development Committee, to the Board of Selectmen, re: Recommendation for Consideration for Use of Parcels of Land
8. Correspondence from resident Marissa Kivett, to Board of Selectmen, dated September 23, 2019, re: fence viewing
9. Draft of Board of Selectmen meeting minutes of October 2, 2019

## **CORRESPONDENCE**

1. Alcoholic Beverages Control Commission Advisory, issued October 16, 2019, re: 7-Store Limit Increases Effective January 1, 2020
2. Correspondence from Greg Franks, Sr. Manager, Government Affairs, to Board of Selectmen, dated October 14, 2019, re: Changes to Starz/Encore and Epix Programming
3. Memorandum from Steven LaRosa, PFAS Technical Leader and Marie Rudiman, Senior Risk Assessor/Toxicologist, to Artificial Turf Field Interested Parties; dated October 14, 2019, re: Potential PFAS Presence in Artificial Turf
4. Copy of Boston Globe article "Toxic Chemicals are Found in Blades of Artificial Turf," by David Abel, Globe staff, October 9, 2019, dropped off by resident Richard Turner
5. Correspondence from a town grandmother (anonymous), to Wayland Selectmen, dated October 11, 2019, re: use of artificial turf on athletic fields (includes copy of Boston Globe article "Toxic Chemicals are Found in Blades of Artificial Turf," by David Abel, Globe staff, October 10, 2019.)
6. Correspondence from Representative Carmine Gentile, 13<sup>th</sup> Middlesex District and Representative Alice Hanlon Peisch, 14<sup>th</sup> Norfolk District, to Cherry Karlson, Chair, Board of Selectmen, dated October 9, 2019, re: Congratulations on Town of Wayland receiving a \$4,900 grant from the Massachusetts Department of Environmental Protection through its Recycling Dividends Program
7. Correspondence from the Alcoholic Beverages Control Commission, to Wayland Variety & Deli Corp. d/b/a Vintage Wine, received October 17, 2019, re: Hearing Decision