



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

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

November 4, 2019

6:15 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 6:15 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 noted that the agenda would be reviewed at 7:00 p.m.

A2. Town Manager Special Act: working session to review and discuss latest draft with town counsel (via phone), develop FAQs, identify next steps The Board called Town Counsel Carolyn Murray to participate remotely. The Board started to review the revised version of the draft.

D. Levine entered the meeting at 6:18 p.m.

C. Karlson suggested that the Board would be ready to update the draft date to Nov. 4, 2019 after tonight's session. T. Fay suggested that the updated version be posted on the website. The Board went through each section and discussed revisions with C. Murray.

In Section 1 the Board agreed that the Select Board would remain the Chief Executive Officer in response to feedback on the need for checks and balances. Language in Chapter 58 will be incorporated into this section with consolidation of language related to vehicles. C. Karlson clarified that sections of current code that are changed, only for renaming of Select Board or Town Manager, will be noted parenthetically "in current code". Only more substantive changes will be designated as "modified from current code".

Section 2 was accepted with no further changes. In Section 3 the Board removed Chief Executive Officer from the Town Manager's role. The Board agreed that the TM drafts operating and capital budgets, oversees the process, and submits the drafts to the Finance Committee in line with Chapter 19 of Town Code. The Board discussed the language related to collective bargaining, hiring, and appointing authority and agreed that the TM would consult with boards/committees/commissions in hiring Department Heads. The Board discussed language regarding Department Heads hiring subordinates with consent of the TM. T. Fay recommended that the Board look at examples in other towns and come back with another draft. The Board agreed that the TM would consult with the Department Head regarding discipline or firing of employees. The Board agreed to look more closely at Facilities relative to jurisdiction regarding property (roads, pipes, trucks, fields, etc.) managed by the DPW. The Board discussed when to repeal Sections 58 and 60 of the Town Code. . C. Murray hung up at 7:09 p.m.

The Board agreed that they would send out a notice if they decide to hold another meeting this week and agreed to hold the community forum presentation on Nov. 21.

A3. Review agenda for the public; Announcements and Public Comment C. Karlson reviewed the agenda for the public. There was one announcement. The Wayland Little Theatre Concert Series continues on Friday, Nov. 15 at 8 p.m. There was no public comment.

A4. Bond Anticipation Note (BAN): Review, approve and vote on BAN for \$6,300,000 bond anticipation note for costs associated with the Town's High School Athletic Complex renovation project. E. Doucette discussed the bond anticipation note for \$6,300,000 and stated the Town received 7 bids. The low bid was TD Securities with an interest rate 1.32%. On Nov. 8 the Town will receive the funds for a 100-day note and a premium of \$18,900 at closing. It will be paid off February 18.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen vote on the BAN for \$6,300,000 bond anticipation note for costs associated with the Town's High School Athletics Complex project. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Metropolitan Planning Organization (MPO) Elections: Vote Mary Antes as designee; select candidate M. Antes discussed the two candidates and advised that the Town should make a decision on who would best represent Wayland's needs: a town (Ashland) or city (Framingham).

L. Anderson moved, seconded by T. Fay, to appoint M. Antes as the designee and select Ashland as our candidate for the Metropolitan Planning Organization election. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Minutes: Vote to approve Board of Selectmen minutes of October 15, 2019 and October 28, 2019

M. Antes moved, seconded by D. Levine, that the Board of Selectmen approves the regular session minutes of October 15, 2019, as amended. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. State of the Town: Identify potential discussion topics C. Karlson and L. Miller are participating in WayCAM's State of the Town program. C. Karlson said the format is wide open and asked for suggestions for the discussion. Some of the topics suggested include the capital plan, a community center, and procurement.

A8. Joint meeting with the Board of Public Works to interview and vote to appoint to fill an open seat on the Board of Public Works, with a term ending upon the completion of Annual Town Meeting, April 2020. Candidates: Joseph Berkowitz, Robert Goldsmith, Patrick Murphy, Joseph Polizzotti Members of the Board of Public Works and DPW Director T. Holder appeared before the Board. C. Karlson reviewed the process for appointment to fill an open seat on the Board of Public Works. She reported that Joseph Polizzotti withdrew his name from consideration. Joseph Berkowitz, Patrick Murphy, and Robert Goldsmith introduced themselves and briefly discussed their background and interest in serving on the Board of Public Works. Questions the BoPW asked included responsibilities of the BoPW and DPW, related experience, schedule conflicts, and possible improvements the Town can make. Questions from the BoS include topics such as the Town Manager Act and willingness to run for another full term. The BoS also asked questions to the BoPW to get a better idea of what they are looking for. Both boards agreed that all three candidates would be great in the role.

T. Fay moved, seconded by L. Anderson, that the Board of Selectmen nominate Patrick Murphy to fill the open slot on the Board of Public Works for a term ending in April 2020. Roll call vote: YEA: T.

Fay, M. Antes, D. Levine, L. Anderson, C. Karlson, M. Wegerbauer, J. Mishara, M. Lowery. NAY: C. Lewis. ABSENT: none. ABSTAIN: none. Adopted 8-1.

A13. 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 authorizing Louise Miller, Town Administrator, to sign documents to enable the transfer of Wayland's Local Cultural Council Allocation of \$5,500 and all other documents required for administration of the funds.
3. Vote the question of approving and signing a certificate of commendation from the Town to Erik Swanke, the most recent Eagle Scout from Troop 1 Cochituate Boy Scouts. Erik and his team built two wooden collection boxes for retired American flags, one of which currently graces the entry hall at the Town Building.
4. Vote the question of approving and signing invoice #122962 from KP Law, dated October 28, 2019, for professional services rendered through September 30, 2019, in the amount of \$7,626.52.
5. Vote to sign agreement **20-1047** with **Conway Technology Group** in the amount **\$50,832** annually of for lease of copiers/printers
6. Vote to approve the determination that Town Administrator, Louise Miller's financial interest, in service as a board member of West Suburban Health Group and a member of the West Suburban Health Group's steering committee is not so substantial as to be likely to affect the integrity of the services which the Town of Wayland may expect from her.

The Board discussed item #6 regarding the conflict of interest financial disclosure from Town Administrator L. Miller communicating that a direct family member is taking health insurance from West Suburban Health Group.

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.

A14. Correspondence Review C. Karlson explained that the Energy and Climate Committee will attend the Board's meeting on 11/25 (items #8 & #9). The Board discussed the correspondence regarding the KENO sign (item #5). The Board discussed item #3 and concurred that the simple solution is for SWQC members who live on a body of water to submit a conflict of interest form and be done. Then the BoS can consider it as they did with the vote on the TA's potential conflict on the Consent Calendar tonight.

A15. Selectmen's reports and concerns T. Fay followed up on the discussion about staff policy regarding Town Building entrance doors. D. Levine and T. Fay will report their fence viewing information on a future agenda. M. Antes said she has heard from the chair of the Historical Commission; they are requesting \$1,000 for their archeology lab and money for historic signs. C. Karlson will follow up with the chair of the CPC based on a previous public comment regarding procurement. She also reported that she went to a meeting of chairs with the various housing groups in Town. Forms to request CPC funding for housing efforts will be coming up soon. Chair of the Board of Assessors J. Brodie said the tax rate recap process is in the hands of the DLS. He estimated it should be 10 days before they get full approval, which would allow the BoA to have their approval meeting on November 18 and the tax rate recap hearing with the BoS on November 25.

A11. Joint meeting with the Board of Assessors to interview and vote to appoint to fill an open seat on the Board of Assessors, with a term ending upon the completion of Annual Town Meeting, April 2020. Candidate: Philip Park. Members of the BOA, BoS and Assessing department all introduced themselves. Philip Park appeared before the Board. He introduced himself and discussed

his interest in serving on the Board of Assessors. The BOA thanked him for attending the meeting and asked questions regarding his interest in the position, skill set, and traveling schedule.

T. Fay moved, seconded by M. Antes, that the Board of Selectmen and Board of Assessors appoint Philip Park to the open position on the Board of Assessors, with a term ending April 2020 after Annual Town Meeting. Roll call vote: YEA: M. Upton, J. Todd, J. Brodie, T. Fay, M. Antes, C. Karlson, D. Levine, L. Anderson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 8-0.

A9. Annual Town Meeting (ATM) 2020: Review revised article submission forms (draft) and instructions C. Karlson reported that there are four forms in the packet that revamp the explanation and form for submitting a Town Meeting article. C. Karlson reported that she and L. Miller met with Finance Committee Chair C. Martin and FinCom member K. Lappin to improve the process this year. L. Miller discussed the changes including asking for an article description, but not article language, which will be provided by Town Counsel. The Finance Committee will write article pros and cons. M. Antes gave C. Karlson her edits.

A10. FY2021 Operating Budget: Update L. Miller reported that she is working on putting together the budget spreadsheet and cover letter memo, as well as a budget book with department narratives and goals for the Finance Committee. She discussed moving certain budget line items from one department to another where it makes sense. For example, the Town Meeting budget that is currently in the Unclassified budget will move to the Selectmen's or Town Office budget. Additional elections coming up will increase the Town Clerk's budget. L. Miller is recommending taking the Surface Water Quality budget out of the Miscellaneous Committees budget and she is working with B. Keveny on where it should be placed. Emergency Management will move to the Police Department budget. L. Miller stated there will be other changes. How these changes will be communicated at ATM was discussed as well as additional personnel proposals. L. Miller said that requests for additional clerical personnel and two fire fighters approved a year ago by the Personnel Board, but not approved by the Finance Committee, will be requested again. In addition there is a need for a business manager in the Facilities Dept. and a substance abuse coordinator whose grant funding is ending. There is also a request for an additional elementary school nurse in the Health Department.

A12. Town Administrator's Report

- 1. Transmit Town Administrator goal achievement report** L. Miller distributed the Town Administrator Goal Achievement Report to the Board. C. Karlson reviewed the TA evaluation process and asked that each member bring a completed evaluation in hard copy to the meeting on Nov. 25.
- 2. Liquor License Updates: Wayland Variety & Deli; 110 Grill and Primebar Grill** The Town will be seeking Primebar's liquor license. The ABCC found Wayland Variety & Deli sold liquor to a minor. The Police Chief does not recommend any action from the Town. Police Chief Swanick is requesting the Board schedule a hearing with 110 Grill concerning two separate issues.
- 3. Loker Field Peer Review** It is anticipated there will be a draft peer review at the next BoS meeting. The Board agreed that the Recreation Commission will see it before the BoS.
- 4. Regulations: Health, Stormwater and Water** The Board of Public Works is working on the water regulations with Town Counsel and they are being discussed at their meeting tonight. The Health department is working on three regulations. Stormwater regulations are still with Town Counsel. There will be public hearings on these regulations.
- 5. Appointment of Tree Warden** L. Miller reported that she received a request from the DPW Director to appoint a tree warden and discussed the Town's two options under state law. She said it's unclear who the appointing authority is. The Board expressed interest in revisiting adopting the bylaw for Town Meeting.

6. **Flood Plain: Manager Designation** L. Miller reported that the Conservation Agent has expressed interest in serving as the Flood Plain Manager. L. Miller proposed her designation and the Board agreed.
7. **Affordable Housing: Housing Production Plan price quote, Community Preservation Committee (CPC) applications** C. Karlson reported that this was discussed during Selectmen's Reports and Concerns and said the Board hopes to have CPC applications at the next meeting.

A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A17. Enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation - Stephen Cass v. Town of Wayland; and Pursuant to Massachusetts General Laws to G.L. c. 30A, Section 21(a) (1), (7) and (9): to discuss complaints brought against public officers. Specifically, the Board will discuss and determine whether further action should be taken with respect to five Open Meeting Law complaints filed by George Harris against the Board of Selectmen on 11/13/18, 1/4/19, 2/1/19, 3/4/19, and 5/29/19, as a result of mediation regarding said complaints: to comply with or act under the authority of any general law. Specifically, the Board will convene in executive session to comply with G.L. c. 233, Section 23C with regard to the confidentiality of the Open Meeting Law complaint mediation referenced above. To meet or confer with a mediator, as defined in section 23C of chapter 233. Specifically, the Board will discuss and consider possible action to be taken as a result of the confidential mediation with George Harris of the above-referenced Open Meeting Law complaints; and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of October 15, 2019 and October 28, 2019 APPROVE AND HOLD: Executive Session minutes of October 15, 2019 and October 28, 2019

At 9:42 p.m., C. Karlson moved, seconded by L. Anderson, that the Board of Selectmen enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation - Stephen Cass v. Town of Wayland; and Pursuant to Massachusetts General Laws to G.L. c. 30A, Section 21(a) (1), (7) and (9): to discuss complaints brought against public officers. Specifically, the Board will discuss and determine whether further action should be taken with respect to five Open Meeting Law complaints filed by George Harris against the Board of Selectmen on 11/13/18, 1/4/19, 2/1 /19, 3/4/19, and 5/29/19, as a result of mediation regarding said complaints: to comply with or act under the authority of any general law. Specifically, the Board will convene in executive session to comply with G.L. c. 233, Section 23C with regard to the confidentiality of the Open Meeting Law complaint mediation referenced above. To meet or confer with a mediator, as defined in section 23C of chapter 233. Specifically, the Board will discuss and consider possible action to be taken as a result of the confidential mediation with George Harris of the above-referenced Open Meeting Law complaints; and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of October 15, 2019 and October 28, 2019 APPROVE AND HOLD: Executive Session minutes of October 15, 2019 and October 28, 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, and Elizabeth Doucette, Assistant Town Administrator, and Andrew Weiner, Esq., MIIA Senior Counsel. The Board will reconvene in approximately 40 minutes solely for the purpose of adjourning.

The Board returned to open session at 10:28 p.m.

A17. Adjourn D. Levine moved, seconded by M. Antes, to adjourn the meeting at 10:28 p.m. YEA: L. Anderson, M. Antes, D. Levine, T. Fay, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 4, 2019.

1. November 2019 Massachusetts Municipal Association periodical "The Beacon" distributed to Cherry Karlson, Tom Fay, Doug Levine and Lea Anderson.
2. Town Administrator Goal Achievement Report dated November 4, 2019

Items Included as Part of Agenda Packet for Discussion During the November 4, 2019 Board of Selectmen's Meeting

1. Draft Select Board/Town Manager Act-with revisions (dated October 28, 2019)
2. Select Board/Town Manager Act- clean copy (dated October 28, 2019)
3. Town of Wayland Massachusetts \$6,300,000 High School Athletic Complex Renovation Bond Anticipations Notes information
4. The MPO (Metropolitan Planning Organization) overview
5. MPO Absentee Ballot
6. MPO Elections - City of Framingham Statement of Candidacy
7. MPO Elections - Town of Ashland Statement of Candidacy
8. Draft of October 15, 2019 Board of Selectmen Meeting Minutes
9. Cover letter from Joseph S. Berkowitz
10. CV of Joseph S. Berkowitz
11. CV of Robert Goldsmith
12. Cover letter from Patrick Michael Murphy
13. CV of Patrick Michael Murphy
14. CV of Joseph J. Polizzotti, Jr.
15. Correspondence from Louise Miller, Town Administrator, to Board of Selectmen, Boards and Committees, dated December XX, 2019, re: ATM Warrant Opening: Announcement for Board and Committees and Article Form
16. Sponsoring Board Article Request (form) for Town Meeting
17. Warrant Article Process: Guide for Petitioners- ATM Timeline and Process
18. Petitioner's Article (form) for Wayland Town Meeting
19. CV of Philip D. Parks, MD, MPH
20. Correspondence from Chief Patrick Swanick, to Louise Miller, Town Administrator, dated October 29, 2019, re: Liquor Compliance Check Violation (includes copy of 2019 liquor license for 110 Grill and Incident Report Number: 2019000015798 dated October 30, 2019)
21. Correspondence from Chief Patrick Swanick, to Louise Miller Town Administrator, dated October 29, 2019, re: Wayland Variety Liquor Violation- Final Disposition

CORRESPONDENCE

1. Memorandum of Agreement between the Middlesex Sheriffs Office and Wayland regarding use of the Middlesex Sheriffs Office Regional Safekeep Holding Facility
2. Correspondence from Geoffrey Larsen, Building Commissioner, to Robert Dionisi, Jr., 365 Boston Post Road, Suite 214, Sudbury, MA 01776, dated October 28, 2019, re: 4 Meadowview Road, request for zoning enforcement
3. Correspondence from Mike Lowery, to Lea Anderson, Selectman, dated October 29, 2019, re: Comments on Conflict of Interest Process discussion at the October 28, 2019 Board of Selectmen meeting
4. Correspondence from Amy Kwesell, KP Law, to Clerk, Civil, Middlesex Superior Court, dated October 24, 2019, re: David Bernstein, et al. v. Wayland Planning Board, et al.

5. Correspondence from Michael Sweeney, Executive Director, Massachusetts State Lottery Commission, to Board of Selectmen, dated October 22, 2019 re: KENO To Go game
6. Correspondence from Mike Lowery, to Lea Anderson, Selectman, and Toni Moores, Chair, Surface Water Quality Committee, dated October 15, 2019, re: Comment on Selectmen's agenda of October 15, 2019
7. Correspondence from Katherine Brenna, Recreation Director and Louise Miller, Town Administrator, to Recreation Commission and the Board of Selectmen, dated October 23, 2019, re: Oxbow Meadows Field Project
8. Community Choice Aggregation (presentation), dated November 4, 2019
9. Wayland Energy and Climate Committee: Additional Background on Consumer Choice Aggregation