

Meeting Minutes
BOARD OF SELECTMEN
Monday, March 9, 2020
6:45 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland, MA

Attendance: Lea T. Anderson, Thomas J. Fay, Cherry C. Karlson, Douglas A. Levine

Absent: Mary M. Antes

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 6:49 p.m. in the Wayland Town Building Selectmen's Meeting Room when a quorum was present, and noted that the meeting would be broadcast and recorded for later broadcast by WayCAM.

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 accepting Spencer Circle as a public way; 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 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) (2) (3) and (6) to review and approve the executive session minutes of February 24, 2020; APPROVE AND HOLD: Executive Session minutes of February 24, 2020.

At 6:49 p.m. Chair 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) (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) (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 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) (2) (3) and (6) to review and approve the executive session minutes of February 24, 2020 with the intent of approving and holding said minutes.

C. Karlson declared 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, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

C. Karlson invited attendance by Louise Miller, Town Administrator and Elizabeth Doucette, Assistant Town Administrator.

At 7:12 p.m., the Board returned to open session. C. Karlson moved, seconded by T. Fay, to reenter Executive Session as previously moved and to invite attendance by Ellen Grieco, member of the School Committee; Louise Miller, Town Administrator; and Elizabeth Doucette, Assistant Town Administrator. Roll

call vote: YEA: L. Anderson, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

At 7:32 p.m., the Board returned to open session.

A1. Review the Agenda for Public C. Karlson noted again that the meeting will be broadcast and recorded for later broadcast by WayCAM and reviewed the agenda for the public.

A3. Announcements L. Anderson announced that the Cultural Council would be hosting an award recipient reception at 6:00 p.m. on Monday, March 16, 2020 in the Council on Aging Room.

A8.5. Town Administrator's Report and Updates; Coronavirus Information L. Miller updated the Board on the developing situation, communication plan, and emergency response plans for coronavirus. She reported there were upcoming meetings with Public Safety, Health Department and IT, as well as each department head. The Town inventoried all health supplies, ordered more supplies, and moved the health trailer to the Fire Department. L. Miller reported the need for protocol for public meetings and gatherings, and made recommendations for possible Annual Town Meeting accommodations. C. Karlson noted that the School Department cancelled two concerts because there was opportunity to reschedule, and the Health Director and Public Health Nurse reported that there are no confirmed COVID-19 cases in Wayland, but that some self-quarantining is occurring. D. Levine asked about how state law affects Town Meeting. L. Miller reported that the Town would need to vote a budget before the fiscal year begins. T. Fay asked about options for employees to work remotely. L. Miller reported that remote access could happen in a limited way, on an as-needed basis.

A3.b Public Comment A. Lewis, Claypit Hill Road, expressed concern with social distancing during the Town election. R. Turner, Nob Hill Road, expressed the same concern for Annual Town Meeting.

A5. Stormwater Regulations: discussion with Conservation Commission and lead petitioner for ATM Article 27 (Repeal Chapter 193); determine next steps and approach to ATM Article C. Karlson invited S. Fair, Chair of the Conservation Commission, and A. Lewis, lead petitioner for Article 27, to discuss the topic, and expressed her goal of compromise. S. Fair handed out a timeline relative to the Chapter 193 draft regulations. L. Miller reported that KP Law has not reviewed the draft regulations; the draft was not brought to department managers until Dec. 10, which was after the hearing. L. Miller asked for more time for department heads on Dec. 10. KP Law would review the draft after all department managers have submitted comment. A. Lewis noted that there was no opportunity for public comment. Both parties agreed to put a timeline around the process, and set a time frame for public comment. A. Lewis would communicate the opportunity for public comment to the other petitioners. A. Lewis asked for department managers to keep minutes from the Land Use and At-Risk meetings. L. Miller responded that she would take the request under advisement, but it may not be appropriate for department managers to provide minutes when confidential information was discussed.

A6. Cow Common land management plan: discussion with Conservation Commission and potential vote to release funds for expenditure of \$23,000 from the Conservation Gift Account (on Consent Calendar) S. Fair reported that A. Carr and Mass Audubon completed a report that showed the area is home to bobolinks, birds that prefer open space for nesting. The \$23,000 would be for the removal of 65 trees in a 1.2 acre area at Cow Common, and for some restoration of the perimeter areas.

A. Lewis noted discrepancies between the plans the Conservation Commission reviewed and the plan before the Board in terms of cost, scope, and plan details. C. Karlson noted the funds were intended for Cow Common, and recommended that the Conservation Commission review the topic again to clear up the discrepancy.

A4. Town Meeting Preparations C. Karlson reported that the Board would be working on preliminary motions. L. Miller reported that the information for the Town Manager Act would be distributed as handouts or be posted to the website. Some errata has been identified.

A7. Annual Town Meeting (ATM) Article 9: FY2021 Omnibus Budget - discussion and vote position

L. Anderson moved, seconded by D. Levine, that the Board of Selectmen vote to recommend approval of Article 9: FY2021 Omnibus Budget. In discussion, T. Fay commended L. Miller for her hard work and

compromise to get the budget prepared. YEA: L. Anderson, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

A8. Town Administrator's Report and Updates:

1. Oxbow Field Project L. Miller reported that the Town last assessed the field in the fall and intended further evaluation of field conditions in the spring. The Town received an invoice from the contractor requesting payment and declaring substantial completion. L. Miller reported that there would be a site visit this month to assess the status of the field and if more work needs to be done.

2. Spencer Circle Street Acceptance C. Karlson announced that the Board voted to take this topic out of executive session earlier, and summarized the progress made on the language of Article 28. L. Miller noted that the Town would need to obtain five easements.

3. Rte. 27 Bridge L. Miller reported that discussion for long-term solutions with MassDOT will occur on March 16.

4. Council on Aging/Community Center RFP Update and establishment of Review Committee L. Miller reported that she would provide an update at the meeting on March 16.

5. Coronavirus Information This matter was handled earlier in the meeting.

6. Board of Selectmen Goals C. Karlson announced potential grant opportunities to fund studies for economic development goals for both Cochrane and the Route 20 corridor. C. Karlson noted a need for future meetings in May on this topic.

7. Middlesex Bank Donation Expenditure L. Miller reported that the Town received two grants, and a list of donation expenditures is required.

8. PFAS Update L. Miller reported that MassDEP is accepting public comment in response to proposed amendments to 310 CMR 22.00, Massachusetts Drinking Water Regulations as it pertains to establishing a Total Per- and Polyfluoroalkyl Substances (PFAS) Maximum Contaminant Level (MCL) of 20 parts per trillion. The Energy and Environmental Policy Committee of the Massachusetts Municipal Association (MMA) submitted a public comment letter to MassDEP. L. Miller summarized the letter in which MMA expressed concern over cleanup costs municipalities faced if the maximum is lowered, and asked MassDEP to fund any implementation of a new regulatory standard. L. Miller will update the Board when there is an update from the state.

9. Annual Town Report L. Miller reported that the Annual Report should be published soon. She noticed that there is no Town Administrator section and no Public Facilities Section. These two sections will be added.

10. PMBC Report on Loker Field & Roof L. Miller reported that the PMBC discussed and issued a one-page report on each project, confirming that both projects are within the budget and schedule as proposed.

11. Playground Bid Update L. Miller reported on new developments in the funding for the playground projects to supplement the CPA Funds. Additional funds will be provided by the BASE program, Wayland Public School Foundation, and school PTOs. L. Miller reported that the supplemental funding does not change the need for compliant surfacing.

A9. Open Meeting Law complaints; review and discuss complaints from George Harris filed on March 3, 2020 and March 4, 2020 pertaining to the Wayland Board of Selectmen meeting held on February 3, 2020. C. Karlson reported to the Board that she would provide draft responses for the Board for review at the next meeting.

A10. Minutes: Review and vote to approve minutes of February 10, 2020, and February 24, 2020 L. Anderson moved, seconded by T. Fay, that the Board of Selectmen vote to approve the meeting minutes of February 10, 2020 and February 24, 2020 as amended. YEA: L. Anderson, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

A11. Consent: Review and vote to approve (see separate sheet)

1. Vote the question of approving and signing the weekly payroll and expense warrants.
2. Vote to accept gift in the amount of \$1,350 from John Darack for the purpose of installing a memorial bench located at the Cochituate ball field.
3. Vote to approve expenditure of \$23,000 from the Conservation Gift Account for implementation of the habitat management recommendations prepared by Mass Audubon in the Cow Common Land Management Plan, dated June 2018.
4. Vote to approve list of expenditures from Fire Department on use of \$10,000 gift from Middlesex Charitable Foundation to the Wayland Fire Department.
5. Vote to approve the execution of the HUD Annual Contributions Amendment for 2020 Capital Fund Program (CFP) Funding in the amount of \$360,167.
6. Vote the question of approving and signing Contract Agreement no. 20-1061 with Clinical 1 for Emergency Medical Supplies in the amount of \$27,055.29.
7. Vote the question of approving and signing Contract Agreement no. 20-1065 with Thistle Communications for audio visual services at the Annual Town Meeting at a cost of \$29,990.
8. Vote the question of approving and signing Contract Agreement no. 20-2023 with Nocella Landscaping & Paving for a one year contract with two 1-year options to renew at a three-year cost estimate of \$1,260,900 for Roadway Reconstruction.
9. Vote the question of approving and signing Contract Agreement no. 20-2028 with Prowler Water Conservation Systems, LLC for a Leak Detection Survey at a cost of \$9,894.
10. Vote the question of approving and signing Task Order no. 13 on Contract Agreement no. 18-2003 with TEC, Inc. – The Engineering Corp for the provision of Stonesbridge Army Corps Permitting Assistance Services at a cost not to exceed \$8,000.

L. Anderson moved, seconded by T.Fay, that the Board of Selectmen vote to approve the Consent Calendar in the Board Packet; with item number 5, as amended; and omitting item number 3. In discussion, L. Miller noted item number 5 had a typographical error and should read \$260,167. YEA: L. Anderson, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

A12. Correspondence Review. The Board reviewed correspondence included in the Board Packet.

A13. Selectmen's reports and concerns. T. Fay reported on the boat storage unit proposed at Town Beach by C. Lewis. T. Fay also reported that the Recreation Commission is reconsidering the March 18 forum. L. Anderson distributed a press release draft that included an Executive Summary and preamble for Article 20 Town Manager Act. L. Anderson also reported that the Energy and Climate Committee needed more information from L. Miller for a grant application.

A14. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any. There were none.

A15. Adjourn D. Levine moved, seconded by L. Anderson, to adjourn the meeting at 9:26 p.m. YEA: L. Anderson, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 9, 2020

1. Coronavirus Memorandum from Louise Miller, Town Administrator
2. Conservation Commission Timeline from Sean Fair, Conservation Commission Chair
3. Press Release: Select Board/Town Manager Executive Summary

Items included as part of the Agenda Packet for discussion during the March 9, 2020 Board of Selectmen Meeting

1. Draft of Board of Selectmen Meeting Minutes held on 02-24-2020
2. Draft of Board of Selectmen Meeting Minutes held on 02-10-2020
3. Article 27: Repeal Chapter 193 of the Code of the Town of Wayland
4. Article 9: Fiscal Year 2021 Omnibus Budget
5. Open Meeting Law Complaint Form submitted by George Harris on March 3, 2020
6. Open Meeting Law Complaint Form submitted by George Harris on March 4, 2020
7. Conservation Commission's Request of expending \$23,000 from the Conservation Gift Account for the implementation the habitat management recommendations prepared by Mass Audubon in the Cow Common Land Management Plan and supplemental material
 - a. Bobolinks information guide
 - b. Cow Common Conservation Area Map
8. List of Expenditures of Wayland Fire Department for the \$10,000 gift from Middlesex Savings Bank
9. Permanent Municipal Building Committee (PMBC) March 3, 2020 report on Loker Elementary School Roof Replacement Project and Loker Recreation Area Turf Field Project
10. Letter from Geoffrey Beckwith, Executive Director & CEO of MMA re: Comments regarding the Proposed PFAS MCL in 310 CMR 22.0

CORRESPONDENCE

1. Correspondence from Rachel Bratt, Chair of the Wayland Housing Partnership, to Alana Murphy, Deputy Associate Director of Local Initiative Program at Department of Housing & Community Development on February 26, 2020 re: Development of Unit at 11 Hammond Road, Wayland, MA – Local Initiative Program (LIP) Application.
2. Correspondence from Charlie Baker, Massachusetts Governor, to Louise Miller, Town Administrator, dated Feb 28, 2020 re: Chapter 90 apportionment for Fiscal Year 2020 in the amount of \$475,606 which will automatically be incorporated into the Town's existing 10-year Chapter 90 contract.
3. Correspondence from Greg Franks, Xfinity Comcast Senior Manager to Wayland Board of Selectmen, dated February 28, 2020 re: 2019 license fee payment in the amount of \$1,016
4. Correspondence from George Harris, Citizen of Wayland, to Cherry Karlson, Chair of the Board of Selectmen, dated February 24, 2020 re: Article FF, appointing authority of Finance Committee
5. Correspondence from George Harris, Citizen of Wayland, to Cherry Karlson, Chair of the Board of Selectmen, dated February 26, 2020 re: Article FF, Selectmen voting unanimously against having the moderator appoint the Finance Committee and the reasons made.