

**Meeting Minutes**  
**BOARD OF SELECTMEN**  
**Monday, March 16, 2020**  
**6:00 p.m.**  
**Wayland Town Building**  
**Council on Aging Room**  
**41 Cochituate Road, Wayland, MA**

**Note:** In compliance with the March 12, 2020 Massachusetts Office of the Governors' Order Suspending Certain Provisions of the Open Meeting Law M.G.L. Chapter 30A, Section 20, the March 16, 2020 Board of Selectmen meeting was livestreamed on local broadcast on WayCAM. Public Comment was received by telephone during the time designated for Public Comment.

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

**Also Present:** Town Administrator, Louise Miller; Assistant Town Administrator, Elizabeth Doucette; Town Moderator, Dennis J. Berry; Town Clerk, Anna Ludwig

**A1. Call to Order by Chair, Review the Agenda for the Public** C. Karlson called the meeting of the Board of Selectmen to order at 6:11 p.m. in the Wayland Town Building Council on Aging Room when a quorum was present, and noted that the meeting would be broadcast live and recorded for later broadcast by WayCAM. C. Karlson announced a phone number for residents to call to offer public comment during the Public Comment agenda item. C. Karlson reviewed the agenda and the revised agenda for the public.

**A2. Announcements and Public Comment (included in item 3)** C. Karlson announced that she would recuse herself from the discussion of agenda item A3 on the Town Election due to her candidacy for Board of Selectmen in the same election and that D. Levine would chair that portion of the meeting in her absence. D. Levine read a statement dated March 16, 2020 to express the Board's appreciation for staff, committee/board volunteers, Wayland citizens, businesses, organizations, faith communities, and the entire Wayland community for their response to the COVID-19 emergency.

**A3. Coronavirus: Town Administrator Update and Review of Response Plan** L. Miller updated the Board on developments at the state level. Massachusetts Governor Charlie Baker made several orders on March 15, suspending certain provisions of Open Meeting Law (OML), prohibiting gatherings of 25 people or more, and prohibiting on-site consumption in restaurants, and food and beverage establishments. L. Miller reported that the Town Building was closed to the public except by appointment for essential business. Also, the Town closed the public library, fields, playgrounds, and recreation areas due to increased congregation in those spaces after the closure of schools. L. Miller reminded the public that large gatherings are discouraged. The Town reduced personnel to only essential personnel. Meals will continue to be provided to students and seniors. L. Miller announced the Wayland Health Department Coronavirus Hotline (508-358-6805) for medical questions, and a general help line (508-358-7701) for residents who may need assistance obtaining basic and important life necessities, such as food or medications. COVID-19 updates are posted to [www.wayland.ma.us](http://www.wayland.ma.us), and residents are encouraged to subscribe to alerts. [Bottom right of [wayland.ma.us](http://wayland.ma.us)]

**1. Discussion on the following topics**

**Local State Of Emergency**

L. Miller noted the Town is operating under a federal and statewide order for state of emergency. There are some advantages to declaration of local state of emergency and that doing so would allow the Town more authority: for example the authority to close public spaces like the playgrounds. D. Levine and T. Fay noted that Wayland bylaw Chapter 58 Section 3 terminates a declaration of local emergency five days from the day it takes effect, and would require the Board to convene every five days to re-declare.

At 6:45 p.m. C. Karlson recused herself from the discussion on Town Elections and left the room, D. Levine chaired the next portion of the meeting.

## **Postponing Town Election**

L. Miller expressed doubt that the Town Election scheduled for March 31 would be possible given the public health emergency. The Secretary of State does not give authority to the Town to postpone Town Elections. L. Miller discussed two ways to postpone the Town Election. The Town could file an emergency motion and court order to postpone to a date certain, or request the Governor to file a bill with the legislature to an outside date. L. Anderson reported that Wellesley and Lincoln had postponed the Town Election through the courts. D. Levine suggested pursuing both options to postpone the election by whichever authority the Town could, as it would not be possible to hold the election on Mar. 31. L. Anderson stated support for declaring a local state of emergency to allow the Town to pursue postponement of the election.

L. Anderson suggested a draft motion, that the Board of Selectmen vote to authorize the Town Administrator to pursue multiple avenues to postpone the Town Election, including a court order, legislative act or Governor's Bill to decouple the Town Election and Annual Town Meeting; and to authorize the Town Administrator to pursue the postponement of the Town Election to a date no later than Oct. 13, 2020; and to authorize the Town Administrator and Town Clerk to work on logistical details of the postponement. In discussion, L. Anderson stated that the intent of the Board was to adhere to the Town Code Chapter 36 Section 1 requiring the election take place within seven days, but no fewer than two days, before the Annual Town Meeting, if possible. T. Fay and D. Levine concurred and expressed the need for flexibility. The Board heard Public Comment.

## **2. Open for Public Comment \*by telephone**

A. Lewis, Claypit Hill Road, commented by telephone and recommended that the Board select a date certain for the Town Election, and extend that date as necessary. A. Lewis felt Oct. 13 was too late. A. Lewis voiced her opinion that the Town Election was part of Town Meeting, and in an emergency it was not important to go to the legislature. As an election worker she would not feel comfortable working at an election.

G. Schuler, Old Connecticut Path, commented by telephone and stated disagreement with decoupling the Town Election from the Town Meeting, as it was not in line with the intent of the bylaw.

D. Berry, George Street, was present at the meeting and speaking as Town Moderator, also disclosed he was up for re-election. D. Berry stated agreement with A. Lewis and G. Schuler, and referenced M.G.L. Chapter 39 Section 9A that requires such election and vote shall be deemed parts of the annual town meeting.

C. Karlson rejoined the meeting at 7:13 p.m. D. Levine updated C. Karlson on the draft motion before the Board.

## **Postponing Town Meeting**

S. Koffman, Sherman's Bridge Road, commented by telephone that she served as a warden for the election. She expressed concern with the argument regarding disenfranchisement of voters, that there would be many people at the election polls including personnel, police, wardens, workers, in addition to voters. She noted that current elected public officials terms continue until the adjournment of Town Meeting.

G. Harris, Holiday Road, commented by telephone and stated agreement with other public comments, declaration of a local emergency, and postponement of the Town Election and Annual Town Meeting.

C. Lewis, Claypit Hill Road, commented by telephone and suggested a simple solution of postponing the meeting, and waiting for the Moderator, who had the authority, to call the meeting when possible.

L. Miller noted M.G.L. Chapter 39 Section 10A authorizes the Moderator to postpone for thirty days not to exceed June 30 in a public safety emergency, but there was a proposal state-wide to add language to include a public health emergency. D. Berry stated that he was not aware of any authority for the Moderator to call Town Meeting at any time.

## **3. Potential votes on the following topics**

## **Local State of Emergency**

C. Karlson moved, seconded by L. Anderson, that the Board of Selectmen declare a state of emergency under Chapter 58 Section 3 of the Town Code. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

## **Postponing Town Election**

L. Anderson moved, seconded by T. Fay, that the Board of Selectmen vote to authorize the Town Administrator to pursue multiple avenues to postpone the Town Election, including a court order, legislative act or Governor's Bill to decouple the Town Election and Annual Town Meeting; and to authorize the Town Administrator to pursue the postponement of the Town Election to a date no later than Oct. 13, 2020; and to authorize the Town Administrator and Town Clerk to work on logistical details of the postponement. YEA: L. Anderson, M. Antes, T. Fay, D. Levine. NAY: none. ABSENT: none. ABSTAIN: C. Karlson. Adopted 4-0-1. C. Karlson abstained due to her candidacy for Board of Selectmen in the election.

T. Fay moved, seconded by M. Antes, that the Board of Selectmen re-vote the previous motion to authorize the Town Administrator to pursue multiple avenues to postpone the Town Election, including a court order, legislative act or Governor's Bill to decouple the Town Election and Annual Town Meeting; and to authorize the Town Administrator to pursue the postponement of the Town Election to a date no later than Oct. 13, 2020; and to authorize the Town Administrator and Town Clerk to work on logistical details of the postponement. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

D. Levine transferred the responsibilities of Chair back to C. Karlson at 7:54 p.m.

## **Postponing Town Meeting**

D. Levine moved, seconded by T. Fay, that the Board of Selectmen vote to support the Town Moderator and the Board signing the document entitled "Wayland Town Moderator Notice of Intent to Declare Recess and Continuance of April 5, 2020 Annual Town Meeting"; and support the Moderator's decision to determine the date to insert in the document entitled "Wayland Town Moderator Notice of Intent to Declare Recess and Continuance of April 5, 2020 Annual Town Meeting"; and support the intent of the Town bylaw coupling the Town Election and Town Meeting within seven days. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

## **4. Next action steps** There was no additional discussion.

A4. 2020 Annual Town Meeting Warrant: To be signed by the Selectmen

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen vote to sign the Annual Town Meeting Warrant. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

## **A5. 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 ratify the three-year re-inspection, surveillance inspections and updates to Management Plans by University Environmental Consultants for Wayland Public Schools
3. Vote the question of approving two (2) sandwich boards to be displayed from April 26, 2020 to May 3, 2020 at the following locations: Old Connecticut Path and Cochituate Road (Five Paths); and Fire Station Two in Cochituate promoting Friends of the Wayland Public Library Spring Book & Bake Sale at the Wayland Town Building in the Large Hearing Room beginning May 1, 2020.
4. Vote to authorize chair to request extension regarding Open Meeting Law 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

L. Anderson moved, seconded by T. Fay, that the Board of Selectmen vote 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.

**A6. Correspondence Review** The Board reviewed correspondence included in the Board Packet.

**A7. Selectmen's reports and concerns** There were none.

**A8. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any** There were none.

**A9. Adjourn** D. Levine moved, seconded by M. Antes, to adjourn the meeting at 8:34 p.m. YEA: L. Anderson, M. Antes, T. Fay, D. Levine, 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 March 16, 2020**

1. COVID-19 Virus Information Update dated March 16, 2020 at 3:00 p.m. on fields and playgrounds
2. COVID-19 Virus Information Update dated March 16, 2020 at 5:15 p.m. on notice of Essential Services Available at Town Building and Contact Information
3. COVID-19 Virus Information Update dated March 16, 2020 at 5:15 p.m. on notice of Town Building Closure

**Items included as part of the Agenda Packet for discussion during the March 16, 2020 Board of Selectmen Meeting**

1. Open Meeting Law Complaint Form submitted by George Harris on March 3, 2020
2. Open Meeting Law Complaint Form submitted by George Harris on March 4, 2020
3. Correspondence from Michael Babineau, Transmission Arborist, Vegetation Management, Eversource, to Louise Miller, Town Administrator, dated March 9, 2020, re: routine vegetation maintenance

**Items included as part of the Supplemental Packet for discussion during the March 16, 2020 Board of Selectmen Meeting**

1. COVID-19 updates on the Town website (5)
2. Town of Wayland, MA Ecode360
3. H 4572 An Act to Address Challenges in Town Governance Resulting from COVID-19 dated March 16, 2020
4. Correspondence from Jason Palitsch to Louise Miller, dated March 16, 2020 re: H 4572
5. Correspondence from Wade Blackman to Louise Miller, dated March 16, 2020 re: Families First Coronavirus Response Act
6. Election Date Motion DRAFT
7. Notice of Intent to Declare Recess and Continuance of April 5, 2020 Annual Town Meeting DRAFT
8. Declaration of Postponement of April 5, 2020 Annual Town Meeting DRAFT
9. Memo from Louise Miller to all Board and Committee Chairs dated March 14, 2020 re: open meeting law guidelines under COVID-19
10. Call in directions for Board of Selectmen meeting March 16, 2020
11. Correspondence from George Harris to Cherry Karlson, dated March 15, 2020 re: open meeting law complaint dated March 3, 2020
12. Correspondence from George Harris to Cherry Karlson, dated March 15, 2020 re: open meeting law complaint dated March 4, 2020

**CORRESPONDENCE**

1. Correspondence from Board of Selectmen to Mike Kuza, Vice President of Middlesex Savings Charitable Foundation, dated March 5, 2020, re: Thank you for the donation of \$10,000 to the Wayland Fire Department
2. Correspondence from Board of Selectmen to John Darack, Wayland resident, dated March 10, 2020 re: Thank you for donation of \$1,350 for the installation of a memorial bench located at Cochituate ballfield in memory of Louise Felton.
3. Correspondence from Greg Franks, Xfinity Senior Manager, Government Affairs, to Board of Selectmen, dated March 3, 2020 re: Xfinity TV services and changes in channel availability
4. Correspondence from Greg Franks, Xfinity Senior Manager, Government & Regulatory Affairs, to Board of Selectmen, dated March 10, 2020 re: Comcast's policies and procedures, sample subscriber bill, work order and rate and channel line-up information.
5. Correspondence from Mira Netsky, Massachusetts Office of the Attorney General to Board of Selectmen's Office, dated February 21, 2020, re: notice of open meeting law regional training held in Stow's Pomp Community Center on Wednesday March 25, 2020 at 5:30 p.m.
6. Correspondence from Michael Babineau, Transmission Arborist, Vegetation Management, Eversource, to Louise Miller, Town Administrator, dated March 9, 2020, re: routine vegetation maintenance.
7. Correspondence from Dennis J. Berry, Town Moderator, to Louise Miller, Town Administrator, dated March 9, 2020, re: discussions from other moderators on how other towns are responding to questions of delaying Town Meetings.