



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
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
DAVID V. WATKINS

**Meeting Minutes
BOARD OF SELECTMEN
Monday, November 30, 2020
6:30 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 Governor's Order Suspending Certain Provisions of the Open Meeting Law M.G.L. Chapter 30A, Section 20, this meeting of the Board of Selectmen was live streamed on local broadcast on the WayCAM Government Channel and open to the public to view and participate via Zoom. No in-person attendance of members of the public was permitted. Public Comment was available by both telephone and Zoom during the time designated for Public Comment.

Attendance: Lea T. Anderson, Mary M. Antes, Thomas J. Fay, Cherry C. Karlson, David V. Watkins
The Board participated remotely by tele-videoconferencing via Zoom and WayCAM. T. Fay and C. Karlson participated by tele-videoconferencing and were also present at Town Building.

Also Present: Town Administrator Louise Miller, Assistant Town Administrator John Bugbee, Management Analyst Seath Crandall, Finance Director Brian Keveny, Town Clerk Anna Ludwig, Lieutenant Sean Gibbons

A1. Call to Order by Chair, Review the Agenda for the Public At 6:32 p.m., C. Karlson called the meeting of the Board of Selectmen to order when a quorum was available by teleconference. C. Karlson announced by full name each Board member who was participating remotely and noted that in compliance with revised Open Meeting Law requirements the meeting would be broadcast and recorded for later broadcast by WayCAM and Zoom. C. Karlson announced no in person attendance of members of the public was permitted and gave a phone number for the public to call to offer comments and reviewed how to participate via a virtual 'hand-raise' in Zoom. C. Karlson reviewed the agenda for the public.

A2. Announcements and Public Comment There were no announcements from the Board. There were no public comments.

A8. Consent: review and vote to approve

1. Vote the question of designating and approving signing authority to Louise Miller, Town Administrator on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving expenditure of \$18,771.20 from the Wayland COVID-19 Relief Fund.
4. Vote the question of establishing the Testing for COVID-19 in the Wayland Schools Fund.

M. Antes moved, seconded by L. Anderson, the approval of items 1, 2 and 3 on the Consent Calendar. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A3. Swearing in of Interim Police Chief Sean Gibbons C. Karlson and T. Fay relocated to the Large Hearing Room for the swearing in of Lt. Sean Gibbons to serve as the Interim Police Chief. Town Clerk, Anna Ludwig administered the Oath of Office to S. Gibbons. Following administration of the oath and pinning of a new badge, the Board congratulated and thanked S. Gibbons. C. Karlson and T. Fay returned to the Council on Aging Room.

A4. Public Hearing on Tax Rate & Tax Classification a. Meet with the Board of Assessors, Finance Director, Treasurer and Town Clerk to Review the Tax Recapitulation Sheet for FY2021 b. Vote to adopt FY2021 tax rate policy At 7:00 pm, C. Karlson called to order the public hearing on tax rate & tax classification pursuant to Town Code [Chapter 19 Section 9]. C. Karlson announced a phone number and how to participate via a

virtual 'hand-raise' in Zoom for the public to be heard or ask questions concerning the tax rate. C. Karlson noted that she received some public comment from residents who were concerned that the tax increase was too high. C. Karlson reminded residents that the tax hearing does not determine spending amounts and that those appropriations were determined at the September Annual Town Meeting (ATM).

A4.a. Meet with the Board of Assessors, Finance Director, Treasurer and Town Clerk to Review the Tax Recapitulation Sheet for FY2021 Finance Director Brian Keveny and Town Clerk Anna Ludwig joined by teleconference to review the Tax Recapitulation Sheet for FY 2021. Board of Assessors Chair Zachariah Ventress, Vice Chair John Todd, and Acting-Assessor Ellen Brideau also joined the meeting by teleconference.

B. Keveny presented the four page summary of the Tax Recapitulation Sheet for FY 2021 and offered comparisons to the previous year. B. Keveny noted that the Tax Recapitulation sheet is a product of ATM approval of the FY 2021 budget, which was held in September.

B. Keveny explained significant values in the document, the property tax levy of \$74.0 million dollars and \$5.1 million in local receipts. B. Keveny noted that Free Cash and the motor excise vehicle revenues value were greater than expected due to timing. Licenses and Permits were greater than last year mostly attributed to the River's Edge project. B. Keveny summarized the appropriations voted at ATM, which were approximately \$1 million more than last year. B. Keveny noted that State assessments remained consistent; State Aid revenue is level-funded from the previous year; Enterprise Funds and Community Preservation Act Funds were both decreased compared to the previous year.

B. Keveny noted that the projected tax rate was 4.4% greater than FY 2020, due mostly to the assessed property valuations which increased by just .001% when it was projected to grow between 3 to 5 %. The tax recap rate of \$18.52 (*note: rate was verbally misstated as \$18.54*) per thousand dollars of assessed value is driven by the fact that the assessments did not achieve a 3% increase as projected. Z. Ventress noted the pandemic was not anticipated.

Z. Ventress presented a slide deck to review the Town's Tax Policy. Z. Ventress summarized the property assessment review process, new growth, how the tax rate was calculated, and both residential and commercial exemptions. Z. Ventress and E. Brideau reviewed property assessments and noted Class 9 (Exempt properties) was increasing.

Z. Ventress also reviewed the actions the Board would need to take to maintain a single tax rate or change to a split tax rate and actions to adopt any exemptions. A split tax rate would shift a portion of the tax levy from the residential class to the commercial/industrial and personal property classes. Z. Ventress noted that since 95% of Wayland tax revenue comes from Residential, a slight reduction for the residential properties would put a large increase on the small number of Commercial, Industrial and Personal Properties (CIP).

Z. Ventress reviewed the Residential Exemption impact in Wayland and indicated that Wayland has a low number of non-owner occupied properties. Only 16 communities in the Commonwealth have a Residential Exemption. Z. Ventress also noted that the Small Commercial Exemption mainly benefits the property owners, typically not small business tenants.

C. Karlson read a public comment submitted through the Zoom chat from Igor Kulkin, Rice Spring Lane, asking if the appropriations could be changed if the tax rate was too high for residents. C. Karlson also read and confirmed a question from Sarkar regarding the increase from the FY 2020 tax rate of \$17.76 per thousand of assessed value to \$18.52 in FY 2021 and questioned whether the 4.28% increase was typical. D. Watkins shared a comment from an unknown resident asking if there could be different residential rates. E. Brideau answered that the Board could establish residential exemptions, but the State Department of Revenue (DOR) would only recognize one residential rate. D. Watkins also asked on behalf of a resident if certain types of properties would be impacted more. Z. Ventress and E. Brideau indicated there was effort made to ensure equity across all types.

There was a discussion on the value of residences in Wayland. E. Brideau noted that the assessed valuations were flat from last year. B. Keveny noted that the debt service was a significant driver of the \$74 million property tax levy. C. Karlson noted that going into ATM the estimated tax rate was anticipated to be \$18.09 but the Town did not achieve the assessed valuation as projected. The difference is made up with an increased rate rather than increased assessed valuations. C. Karlson reminded residents the hearing was not about the expenditures or appropriations, which were already appropriated at ATM.

C. Karlson read a public comment submitted via Zoom chat from Rachel Rice, Heard Road, that the tax rate should not be raised. R. Rice also asked why the rates in Wayland were much higher compared to neighboring

towns, and gave examples of Weston at \$12.83 per thousand dollars of assessed value, Lincoln at \$15.52, Hudson at \$16.61 and Framingham at \$15.83. C. Karlson recommended that the Finance Committee conduct a peer analysis, as is done periodically, to compare Wayland to other communities that are similar to Wayland. C. Karlson also noted that peer towns may have different rates, but also have different valuations, so an individual tax bill may be a greater amount even with a lower rate.

Mike Lowery, Lake Shore Drive, commented on slide titled “New Growth Value” and the valuation that was projected at ATM was too optimistic, given the pandemic. M. Lowery indicated he understood that the ATM appropriations cannot be reversed, but recommended the Board and Finance Committee set a much lower limit ahead of the upcoming budget and suggested 2%. M. Lowery commented that there was a 25% increase in the tax rate over the past five years, which he felt was too much.

R. Rice later connected by teleconference and recommended that the Board balance the budget at 2% to prevent significant annual increases and to manage the budget and expenditures better. R. Rice reiterated her written comment and added that there were many vacant commercial properties that could be generating taxes to support the budget.

At 7:58 p.m., C. Karlson closed the tax hearing.

A4.b. Vote to adopt FY2021 tax rate policy

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen vote to establish the residential tax factor of one. In speaking to the motion, L. Anderson expressed the importance of maintaining a single tax rate for all classes given the small percentage of commercial properties, and added that a uniform tax rate could encourage new businesses to come to Town. T. Fay concurred, and added that the tax rate is a reflection of the votes taken at ATM over many decades often committed to open space and conservation preservation. 4.6% of revenue comes from CIP (commercial, industrial, and personal property) classes, so the tax burden does rest with the residents. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen vote not to adopt a residential exemption. In discussion, L. Anderson noted that the Board of Assessors had presented the details on the residential exemption to the Finance Committee last year and determined that overall it was not appropriate in Wayland. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen vote not to adopt a small commercial exemption. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Town Administrator Review: a. Receive Town Administrator’s self-assessment b. Distribute review form to Board C. Karlson reported that L. Miller would provide a self-evaluation tomorrow. The Board members will each receive a Word version of the evaluation form and will submit a hard copy of the completed evaluation to the Human Resources Manager by Dec. 14. The Board will discuss the evaluation at a future meeting.

A6. Town Administrator update: a. COVID-19 Update L. Miller reported four new COVID-19 cases as of the latest weekly report on Nov. 27. L. Miller updated the Board on her work to determine the feasibility of a surveillance COVID-19 testing program in the schools and the establishment of a gift fund, as discussed at last week’s meeting. L. Miller summarized her consultation with Town Counsel, who advised that the Town could have a fee based program and a grant account for the COVID-19 testing. L. Miller reported that Town Counsel confirmed that the fund needed to be a grant account, established by the Board of Selectmen and not the School Department.

L. Miler reported that at the time the account is established, the specific purpose of the account has to be determined, as well as a set of objective criteria to determine the disbursement of funds for students who would not be paying a fee. It cannot be disbursed to students by self-selection. L. Miller recommended that the criteria be determined before any action be taken by the Board to establish the fund.

Town Counsel raised a question about insurance coverage. In the event an asymptomatic pool comes back with a positive case, the follow up testing may be reimbursable through a health insurance carrier, and potentially would not need to be paid by the student or the Town.

L. Miller noted that the Request for Proposal (RFP) was being drafted. Town Counsel advised that the RFP needs to include considerations for security of data and confidentiality with respect to health information and income/needs based information, which could otherwise be subject to public records requests. Town Counsel also advised the Town to consult with Massachusetts Interlocal Insurance Association (MIIA) in terms of any existing infectious disease exclusion policies.

L. Miller noted that this topic will be discussed at a joint meeting between the School Committee and Board of Health on Dec. 2. T. Fay asked if other communities have accomplished this with private funds. L. Miller reported that she and Town Counsel were only aware of one other municipality, Wellesley, MA, that has accomplished this type of testing and funding. This program is funded with a grant fund, but not managed by the schools and town. L. Miller reported that most of the work is being done by a third-party and in association with Massachusetts Institute of Technology (MIT).

T. Fay asked if the required staff resources had been quantified and were available to undertake this initiative. L. Miller noted personnel would be needed for an initial review to determine if students meet the criteria to receive aid based on financial need. L. Miller reported that the School Department estimated about 30% of students would be expected to request aid. L. Miller noted the need for personnel to physically drop off and collect the tests. C. Karlson noted that the School Committee discussed recruiting PTO volunteers.

D. Watkins asked if the Board or School Committee could engage in non-profit fundraising for this program. L. Miller noted that there is no reason why the Town could not accept funds or donations for the program, and all conflict of interest and ethical rules would still apply, but there is no prohibition specific to those entities.

D. Watkins questioned if the money was not collected would the Town be obligated to pay the vendor through the executed contract. L. Miller noted that the Town cannot enter into a contract without funds appropriated. The contract can only be executed for the amount raised, with potential clauses to extend subject to future fund availability. L. Miller advised the Board that the specific language of the establishment of the fund and its disbursement criteria would be paramount.

D. Watkins felt the Board needed to better understand the process and administration of the testing program, and expressed concern with the administration and the timeline. C. Karlson concurred, she felt the unresolved issues may not be resolved by the Dec. 2 meeting. T. Fay noted that the goal is to get students back in the classroom safely and that he was not confident that this approach would expedite the process. T. Fay suggested that a private fund may be a faster option. C. Karlson tabled the discussion to a future agenda.

A7. Minutes - November 16, 2020 and November 23, 2020; review and vote to approve C. Karlson tabled the approval of the November 16, 2020 minutes and the November 23, 2020 minutes to a future meeting.

A9. Correspondence The Board discussed the correspondence in the Board Packet. In regard to item #1 and #2, C. Karlson noted that resident George Harris was satisfied with the Board's response to the OML violations. C. Karlson recommended that the Board continue the hearing associated with item #3, regarding Eversource request for a Grant of Location on Rice Road. The Board concurred. In regard to item #4, L. Miller recommended the Board also perambulate the Wayland boundaries. C. Karlson noted item #5, and the intent to convene a joint meeting with the Housing Authority to fill its vacancy.

A10. Selectmen's reports and concerns M. Antes reminded the Board that the Massachusetts Municipal Association (MMA) Annual Meeting would be held virtually on Jan. 21 and Jan 22. C. Karlson reported that she attended a retirement gathering for former Police Chief Swanick and wished him well in his retirement. C. Karlson reported that the Town Clerk indicated that there was pending state legislation that could establish early-voting and vote-by-mail for local elections.

A11. Topics Not Reasonably Anticipated by the Chair 48 Hours in advance of the Meeting, if any There were no topics not reasonably anticipated by the Chair.

A12. Adjourn. At 8:40 p.m., L. Anderson moved, seconded by M. Antes, that the Board of Selectmen adjourn the meeting. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by Board of Selectmen at the Meeting of November 30, 2020

1. There were none.

Items included in the Agenda Packet for discussion during the Board of Selectmen Meeting of November 30, 2020

1. Tax Rate/Classification Hearing Notice
2. Slide deck regarding Tax Classification Hearing from Board of Assessors
3. Tax Rate Recapitulation For Fiscal 2020
4. Town Administrator Evaluation form updated September 2020
5. Town Administrator Employment Contract
6. Town Administrator Contract Memorandum of Understanding
7. Town Administrator Position Description
8. Town of Wayland Code Chapter 60: Town Administrator

CORRESPONDENCE

1. Correspondence from George Harris to Board of Selectmen dated November 23, 2020 re: Open Meeting Law complaint filed September 3, 2020
2. Correspondence from Massachusetts Office of the Attorney General to Board of Selectmen dated November 24, 2020 re: Open Meeting Law filed September 3, 2020
3. Correspondence from Tom Holder, DPW Director to Town Administrator dated November 23, 2020 re: Eversource request for a Grant of Location on Rice Road
4. Correspondence from Sudbury Town Manager to Board of Selectmen dated November 20, 2020 re: Town of Sudbury perambulating its boundaries starting on November 23, 2020
5. Correspondence from Susan Weinstein, Housing Authority Board Chair to Board of Selectmen dated November 24, 2020 re: Intention to fill Housing Authority Board Vacancy.
6. Correspondence from Executive Office of Housing & Economic Development to Town Administrator dated November 19, 2020 re: Awarding of \$2,203,000 MassWorks grant to Support the Alta at River's Edge Project.