



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 16, 2020**  
**5:00 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 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. C. Karlson participated by tele-videoconferencing and was also present at Town Building.

**Also Present:** Town Administrator Louise Miller, Assistant Town Administrator John Bugbee, Management Analyst Seath Crandall

**A1. Call to Order by Chair, Review the Agenda for the Public** At 5:02 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. C. Karlson announced that 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** T. Fay reported that the Wayland Interfaith Leaders Association (WILA) would be holding the Annual Thanksgiving Service on Sunday, November 23 at 3:00 p.m.

Richard Turner, Nob Hill Road, Chair of the Public Ceremonies Committee, connected by teleconference and reported that the Veteran's Day ceremony was a success. He thanked Town officials for supporting the event.

**A3. Introduction of Assistant Town Administrator** L. Miller introduced John Bugbee, Assistant Town Administrator. The Board welcomed J. Bugbee to Wayland.

**A4. Open Meeting Law: Review OML Determinations 2020-143 and 2020-146 and vote to release executive session minutes of December 17, 2018** C. Karlson referred to recent determinations by the Attorney General's Office (AGO) on Open Meeting Law complaints in the packet. C. Karlson also referenced an email, which will be included in next week's packet, received from resident George Harris that contained suggested edits to the letter the Board approved last week. C. Karlson noted the intent of the letter was to inform other boards, committees and commissions of the determinations in order to help avoid future infractions. L. Anderson responded to specific points in G. Harris's letter and suggested that the Board's letter was comprehensive and did not need further edits. L. Anderson supported sharing the recent AGO determinations between all Town boards, committees and commissions to avoid future infractions.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen approve and release the executive session meeting minutes of December 17, 2018, with no redactions. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. FY2022 Budget: Review operating and capital expense requests with Town Administrator for boards/committees appointed by the Board of Selectmen to comply with Town Code, section 19-4**

Pursuant to Town Code Section 19-4, L. Miller provided an FY 2022 estimate of the capital and operating budget requests from the boards, committees and commissions that are appointed by the Board. L. Miller listed the departments that would be level funded or request no change in appropriation from the FY 2021 budget. They are Selectmen, Personnel, Legal and miscellaneous committees: Historic Commission, Surface Water Quality Committee (SWQC), Historic District Commission, and Public Ceremonies Committee. L. Miller provided a list of the departments that were expected to have level service budget requests, which may be adjusted for contractual obligations or cost-of-living adjustments (COLA): Town Offices, Youth & Family Services and Council on Aging. L. Miller noted that the Conservation Department would be level funded with possible adjustment for Land Management expenses. L. Miller summarized that she expected all departments to have a level funded budget with the exception of any adjustments made as a result of collective bargaining or non-union contractual obligations or COLA between now and Annual Town Meeting (ATM). There were no capital requests from these budgets. L. Anderson asked, on behalf of the chair of SWQC, regarding the sale of equipment that is no longer needed. L. Miller recommended that the member return the equipment to the Town to be repurposed or declared surplus.

**A7. Liaison Roles: Board discussion of purpose of liaison assignments** C. Karlson noted the intent of the liaison role between a Board member and the assigned boards, committees and commissions was to support communication. C. Karlson reviewed D. Watkins' proposed approach to the liaison role and asked the Board to discuss it, because she thinks all Board members should treat the role the same way.

D. Watkins discussed a new proposal to change the relationship between the Board member/liasion and the liaison's assigned board, committee and commission. D. Watkins suggested a new policy for a communication standard for committees to report goals to the liaisons and ultimately to the Board. The intent is to create an environment to set expectations to be able to report on progress and assign resources and create transparency. D. Watkins noted that one of the goals of the Board is to improve communication with committees. D. Watkins reported that in his proposed policy, the Board liaisons would request the goals from the chairs of the committees, which is not something that has been done by the Board before. D. Watkins sought approval of the Board for this approach.

T. Fay commended the effort to increase communication between the committees and the Board and the effort to support committees. T. Fay added that he wanted to ensure the liaisons respect the independence of committees, listen to the committees, and respect the time commitments of volunteers.

L. Anderson noted that liaisons currently discuss goals, which may be more short term than what Dave's approach is looking for. She expressed interest in considering the liaison role further. M. Antes reported that she is quite familiar with the committees to which she is liaison; her relationship is different in that she sits on many of these committees.

L. Miller noted that meeting with committee chairs is an appropriate role of the board liaison, but expressed the need to differentiate the responsibilities of staff from those of the committee members. T. Fay noted that some committee goals are specified by statute, by-law or in the specific charge of the committee. C. Karlson noted that some committees have regulatory or policy roles, very few have operational roles, and concurred with L. Miller on the importance to not blur the committee roles with staff roles.

C. Karlson questioned if the same outcome could be reached if the board liaison requested that each committee document its goals, instead of the liaison requesting and documenting the goals on its behalf. T. Fay asked D. Watkins if meeting minutes were sufficient to inform the public of the committees' goals transparently. D. Watkins felt that the minutes were informative and transparent, but not forward-thinking enough.

C. Karlson summarized that the intent was to gather information from committees to help tie the Board's liaison work to the overall work of the Board and the Town, which could steer financial and resource planning. T. Fay suggested D. Watkins draft the details of a proposal as he envisions it. C. Karlson suggested the discussion be continued at the next meeting.

**A6. 2021 Annual Town Meeting: a. Review and discuss Select Board/Town Manager Act Article b. Discussion with ELVIS Committee re: remote voting article c. Update on other potential articles**

**A6.b. Discussion with ELVIS Committee re: remote voting article** D. Watkins reviewed some of the technical challenges and Massachusetts legislative action that would be needed to legalize remote voting. Chair of the Electronic Voting Implementation Subcommittee (ELVIS) Dave Bernstein, and Town Moderator Dennis Berry joined the meeting by teleconference to discuss the progress made on the potential for remote voting for Annual Town Meeting. D. Berry made the distinction between remote voting and remote participation. D. Watkins recommended that the Board determine its support for drafting a warrant article that could then be submitted to the state legislature and to identify opportunities for public discussion. The Board expressed unanimous support to authorize L. Miller to authorize Town Counsel to work with the Chair of the ELVIS Committee to draft proposed language for an article for 2021 ATM. C. Karlson tabled the discussion to Dec. 7.

**A6.a. Review and discuss Select Board/Town Manager Act article** C. Karlson reviewed the items in the Board packet which included the Select Board/Town Manager Act (SB/TMA) draft language, the executive summary, the narrative and the Frequently Asked Questions. L. Anderson noted the final version of the warrant article and the community feedback log were posted online.

D. Watkins suggested that the SB/TM Act should be discussed further because it involved amending Town Code. D. Watkins suggested that the Board provide clarification for any other changes to Town Code, describe any escalation process for how conflicts can be resolved, and review the recommendations in the Collins report. D. Watkins reported that some residents expressed that they do not feel empowered to participate in the decision making process or that there was a forum to disagree with the SB/TM Act. C. Karlson and T. Fay reviewed the way in which residents and committees can participate in the process. C. Karlson indicated that all boards and committees would still exist as they do now. T. Fay juxtaposed the proposed changes of the SB/TM Act to those made in other towns which have adopted a SB/TM Act. L. Anderson noted that she was aware that the BoPW is concerned with the SB/TM Act and the Board would welcome hearing other concerns. C. Karlson requested that the Board liaisons reach out to all assigned committees.

**A6.c. Update on other potential articles** C. Karlson reviewed the list of articles passed over at the 2020 Annual Town Meeting (ATM) for consideration as potential 2021 ATM articles. L. Miller suggested the discussion on the schedule and the forms be tabled to the next meeting.

- Article 16 CPA: Conservation: M. Antes confirmed that the article sponsor for the pollinator gardens intended to resubmit the article and the Community Preservation Committee(CPC) would determine the process for the requests at a meeting this week.
- Article 18 Change Election Date, petitioners: T. Fay reported that the lead petitioner confirmed intent to pursue an article for the 2021 ATM Warrant.
- Article 27 Repeal Chapter 193, petitioners: T. Fay connected with the lead petitioner to verify the intent to resubmit the article to 2021 ATM; the lead petitioner indicated that it was dependent on pending Conservation Commission action.
- Article 21 Finance Committee appointed by Moderator, petitioners: L. Anderson reported that the petitioners intended to resubmit this article.
- Article 24 Community Choice Aggregation: L. Anderson confirmed that the Energy & Climate Committee (E&CC) intended to submit the article for the 2021 ATM and possibly another that would be discussed at the next meeting.
- Article 28 Spencer Circle: C. Karlson tabled this update to the next meeting.
- Article 22 Finance Committee in Negotiations, petitioners: C. Karlson would follow up with the lead petitioner and provide an update at the next meeting.
- Article 26 HS Athletics - Phase 3: C. Karlson followed up with the Chair of the School Committee on the status of the article; the article was still being prioritized.
- Article 10. Capital Stabilization Fund: L. Miller recommended that the article be considered for the 2021 ATM Warrant.
- L. Miller reported that there may be another potential warrant article for the Senior Tax Work-Off Program to bring the program in compliance with state law. D. Watkins voiced support.

**A8. Town Administrator update: a. COVID-19 Update b. Report on CARES act and FEMA COVID-19 Funds filing c. Interim Police Chief d. River's Edge Update**

**A8.a. COVID-19 Update** L. Miller reported that the number of positive cases in Wayland was increasing. L. Miller discussed that the Town investigated the feasibility of surveillance testing which had some important and

useful components of identifying asymptomatic cases, but there were disadvantages. L. Miller reported that funding the costs for a testing system would be challenging, but not unsurmountable. She reported that many communities are not going forward with surveillance testing at this time. There was a discussion about how best to inform residents of COVID-19 updates.

L. Miller reported that the state is retracting the moratorium on Land Use permitting for Health, Conservation, Planning, and Zoning permits. All permits will have to have a hearing scheduled by December 22, 2020 or risk constructive approval (permit will be deemed allowed). L. Miller indicated that this would require additional staff.

**A8.b. Report on CARES act and FEMA COVID-19 Funds filing** L. Miller reported that the applications for reimbursements for COVID-19 related expenses of \$325,000 in FY 2020 were submitted as required by the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Federal Emergency Management Agency (FEMA). L. Miller reported that the total of projected reimbursements in FY 2021 through Dec. 30 was an additional \$830,000.

**A8.c. Interim Police Chief** L. Miller reminded the Board that Chief Swanick was retiring on November 30, 2020, and recommended that the Board ratify the appointment of Lt. Sean Gibbons as the Interim Police Chief at the Nov. 23 meeting. T. Fay voiced his support for Lt Gibbons to serve as the interim Chief of Police. D. Watkins asked the methodology for the selection of Lt. Gibbons. C. Karlson referenced Town Code which authorizes the Board to ratify an appointment by the Town Administrator, determined by merit and fitness alone. C. Karlson would put the ratification on a future agenda.

**A8.d. River's Edge Update** L. Miller reported that the project's open items: the wastewater connection, easement and permitting are still being discussed. There was a task order for wastewater design in the Consent Calendar pending approval. The permitting and the work could be done next spring. Department of Environmental Protection (DEP) indicated that the Town needed to hold the groundwater discharge permit; this would be required to transfer the property to Wood Partners, Inc. L. Miller reported that the Conservation Commission will review an amendment to the open permit for water mains that would expand it to also include wastewater mains. L. Miller reported that the Town was drafting the language for the twelfth amendment, and still hoped to close before year end. C. Karlson noted that some aspects of the twelfth amendment would be discussed at a later Executive Session.

**A9. Minutes - October 26, 2020 and November 9, 2020 review and vote to approve** L. Anderson moved, seconded by M. Antes, that the Board of Selectmen approve the minutes of October 26, 2020, as amended, and the meeting meetings of November 9, 2020, as amended. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

#### **A10. Consent**

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 one (1) sandwich board to be displayed November 17, 2020 to November 24, 2020 at the following location: Old Connecticut Path & Cochituate Road (Five Paths) promoting the Wayland Public School Foundation's Turkey Trot event.
4. Vote the question of approving and ratifying Contract no. 18-2005 Task Order no. 14 with Tata & Howard for Conceptual Design of Route 20 Sewer Infrastructure.
5. Vote the question of approving and ratifying Legal Engagement Agreement with the Law Offices of Jon A. Ciraulo on behalf of Mr. Robert Irving in the legal matter Stephen Cass v. Robert Irving.

M. Antes moved, seconded by T. Fay, the approval of the Consent Calendar. In discussion, L. Miller reported that the consent calendar posted online would no longer include contracts for security reasons, after a sophisticated, but fraudulent effort to request the Town wire funds. C. Karlson noted that the consent documents would be shared with the Board, but no longer posted online. The public may submit a request to review any of the documents and contracts. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Correspondence** The Board reviewed the correspondence in the Board Packet.

**A12. Selectmen's reports and concerns** T. Fay reminded residents that there is a continued temporary order requiring all dogs be leashed in public spaces. D. Watkins referenced the previous discussion on the moratorium

of Land Use permitting, and requested that Town Counsel opine on the constructive approval for some of the permit hearings, and questioned if it would also require Board approval. L. Miller reported that the Town had already received a document from Town Counsel regarding the hearings, and constructive approval does not require Board approval.

**A13. 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.

**A.14. Adjourn.** At 7:57 p.m., D. Watkins moved, seconded by T. Fay, that the Board 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 16, 2020**

1. Executive Session Minutes for December 17, 2020.

**Items included in the Agenda Packet for discussion during the Board of Selectmen Meeting of November 16, 2020**

1. Town Administrator Evaluation Document
2. Draft letter to Boards, Committees, and Commissions re Recent Open Meeting Law Determinations – Advice on Avoiding Violations
3. Open Meeting Law Determination 2020-143 Wayland Board of Selectmen
4. Open Meeting Law Determination 2020-146 Wayland Board of Selectmen
5. Board of Selectmen Executive Minutes for December 17, 2018 Redacted
6. Proposed Financing Plan for FY2022-FY2026 Capital Improvement Plan Draft 11.09.2020
7. Fiscal Year 2022 Operating and Capital Budgets Guideline
8. Text of Proposed Select Board/Town Manager Act
9. Executive Summary of Select Board/Town Manager Act Draft
10. Reorganized Detailed Narrative of Select Board/Town Manager Act Draft
11. List of Frequently Asked Questions of Select Board/Town Manager Act Draft 2.19.2020
12. Board of Selectmen Liaison Assignments for September 2020 through Annual Town Meeting 2021
13. Draft Board of Selectmen Minutes for October 26, 2020
14. Draft Board of Selectmen Minutes for November 9, 2020

**CORRESPONDENCE**

1. Correspondence from Greg Franks, Xfinity Comcast to Board of Selectmen dated November 2, 2020 re: Launch of new channels for community