



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, December 7, 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, Finance Director Brian Keveny and Management Analyst Teri Hegarty were present at Town Building and connected by video-teleconference.

A1. Call to Order by Chair, Review the Agenda for the Public At 5:03 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 announced that the meeting would be broadcast and recorded for later broadcast by WayCAM in compliance with revised Open Meeting Law requirements. C. Karlson announced that no in-person attendance of members of the public would be permitted. She announced 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 and noted that the first agenda item would be a joint meeting with the Finance Committee to discuss the FY 2022 budget and the draft capital plan.

At 5:07 p.m., Chair Steve Correia called to order a meeting of the Finance Committee when a quorum was available by teleconference. Finance Committee members in attendance were: Chair Steve Correia, Vice-chair Kelly Lappin, Adam Gutbezahl, Pamela Roman, Carol Martin, Bill Steinberg, and Christine Roberts (joined at 6:19 p.m.) all participated remotely by tele-videoconference.

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

Bill Sterling, Morse Road, connected by teleconference to emphasize the importance of prioritizing a design strategy for the proposed Community Center project.

Richard Turner, Nob Hill Road, connected by teleconference to report to the Board that he had recently submitted an application for the Wreaths Across America program for the North Cemetery. He expected wreaths to arrive by December 16.

A6. Fiscal Year 2022 Budget Review: Receive draft proposed FY2022-2026 Capital Improvement Plan; Potential vote to approve and transmit to Finance Committee L. Miller and B. Keveny presented a slide deck to review the Draft Capital Plan for FY 2022 - FY 2026. L. Miller also reviewed a memorandum that described each departmental request, financial indicators, and historical Capital Improvement Plan (CIP) budgets. B. Keveny reviewed the process that was used to develop a plan that was sound and financially stable and adhered to the revenue budget. B. Keveny reviewed the historical fluctuations of cash capital, debt within the levy and free cash. L. Miller presented a five-year capital improvement recommendation which included: a cash capital budget of \$600,000 to increase up to \$800,000 by 2026, a debt service budget within the levy at approximately \$3.05 million, the planned use of free cash at \$1.5 to \$2.0 million, as well as the use of Community Preservation Act (CPA) funds,

revolving funds, enterprise funds, stabilization funds and grants. L. Miller reviewed the variations between the departmental requests and what was being recommended, and noted that typically about one-third of departmental requests are not ultimately recommended.

B. Keveny reviewed the CIP budget financing goals and an illustration of level funding the levy debt at \$3.05 million. He described the process of transferring any surplus funds into a stabilization fund, if it were established. B. Keveny noted that there are two options to fund the proposed Stabilization Fund: use the excess of appropriated debt service within the levy and/or raise \$200,000 by taxation with two year increases. L. Miller noted that in FY 2019 the Finance Committee requested that the Board establish a Capital Improvement Stabilization Fund through a warrant article for approval at Town Meeting and that all expenditures from a stabilization fund require 2/3 vote of Town Meeting. L. Miller advised the Board that the fund would serve as a useful tool to both supplement the CIP and steady the capital program. The Finance Committee and Board offered comments on the CIP to L. Miller and B. Keveny. At 6:33 p.m., the Finance Committee adjourned.

The Board discussed the prioritization of capital projects. C. Karlson requested that the memo be amended to include a statement indicating that the requests have been prioritized; she also requested to add a status designation to each project.

T. Fay moved, seconded by L. Anderson, that the Board vote to approve and transmit to the Finance Committee the draft FY2022-2026 Capital Improvement Plan dated December 6, 2020 prepared by L. Miller and B. Keveny, as amended by C. Karlson. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A3. 2021 Annual Town Meeting: a. Vote to Open Town Meeting Warrant from Wednesday, December 15, 2020 through Friday January 15, 2021 at 4:30 p.m. and to set the Annual Town Election date b. Review and approve schedule c. Review and approve board and petitioner article submissions forms d. Review 2019 letters for update and issuance

a. Vote to Open Town Meeting Warrant from Wednesday, December 15, 2020 through Friday January 15, 2021 at 4:30 p.m. and to set the Annual Town Election date

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen open the Warrant for the Annual Town Meeting to begin on Saturday, May 15, 2021 at time and place to be determined, and the Annual Election to be held on Tuesday, May 11, 2021 at designated polling places. The warrant for said Annual Town Meeting will be open from Tuesday, December 15, 2020, at 8:30 a.m., through Friday, January 15, 2021, at 4:30 p.m. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

b. Review and approve schedule C. Karlson noted that some dates pertaining to the 2021 election were tentative due to pending state legislation that may allow for early-voting. M. Antes noted two League of Women Voters Candidate forums were still being coordinated with WayCAM to be scheduled in the last week of April, and the Warrant Article Forum would be held the first week in May. L. Miller recommended that the candidate nights be tentative due to the potential of early-voting. L. Anderson noted that some dates need to be updated.

c. Review and approve board and petitioner article submissions forms d. Review 2019 letters for update and issuance The Board reviewed the forms and the letters.

A4. Licensing: a. Vote to approve renewal of 2021 licenses to include: (Complete list of applicants available in the online packet) • Liquor licenses • Common Victuallers • Entertainment licenses • Used Car Dealership Class I • Used Car Dealership Class II • Sale of Second-hand Articles

M. Antes moved, seconded by L. Anderson, to approve the 2021 renewal of the liquor licenses, common victuallers' licenses, entertainment licenses, auto dealer licenses, and sale of second-hand articles license as presented in the December 7, 2020 memorandum to the Board of Selectmen pending receipt of updated insurance information (where applicable) and fee payments (where applicable). T. Hegarty, Management Analyst, joined the meeting to describe the application process for the licenses. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by L. Anderson, to vote the question of designating Louise Miller, Town Administrator, as the sole signatory to sign off on all 2021 approved renewals listed in the December 7, 2020

memorandum. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by L. Anderson, to vote the question of designating Cherry Karlson, Chair of the Board of Selectmen, as the sole signatory to sign off on all 2021 ABCC (Alcoholic Beverages Control Commission) and liquor license renewal reports. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Eversource Grant of Location Hearing: Rice Road – Westerly side approximately 1770± feet North of Turkey Hill Road; Install one (1) new stub pole #28/22S CONTINUATION to January 11, 2021 at 7:00 pm

a) Petitioners requests permission to erect or construct a new pole to be owned and used in common by them upon, along, and across the stated location and lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

CONTINUATION to Date and Time Certain

- 1. Open Hearing and Read Announcement**
- 2. Presentation and Recommendation**
- 3. Public Comment**
- 4. Board Discussion and Vote**
- 5. Close Hearing**

At 7:15 p.m., C. Karlson opened the hearing, and read the legal notice for the public posting for the hearing as shown in the packet. C. Karlson reported that the hearing was open, and that Town staff continued to work on the matter, and needed more time to complete its work and asked for a motion to continue the hearing.

L. Anderson moved, seconded by M. Antes, to continue the hearing: Rice Road – Westerly side approximately 1770± feet North of Turkey Hill Road to Monday, January 11, 2021 at 7:00 p.m. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. FY2021 School budget: discussion with members of the School Committee re: potential FY21 additional appropriation request Superintendent of Schools Arthur Unobskey, Chair of the School Committee Jeanne Downs, and Vice Chair of the School Committee Ellen Grieco joined the meeting remotely by teleconference. J. Downs reviewed the schedule schools have kept to date. A. Unobskey shared his screen to present slides on School Department COVID-19 Expenses. A. Unobskey reported that \$596,925 in COVID-19 related expenditures would be funded by a COVID-19 Relief grant from September 2020 to December 31, 2020. A. Unobskey predicted \$877,000 of costs continuing into 2021 based on a two-phase plan for students to return to school funded by the school budget. There would be the need for \$541,519 funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and a potential deficit of \$42,000 that could be covered by the Town's application for reimbursement. A. Unobskey noted that the proposal was contingent on short-term and long-term issues that need to be resolved, which include approvals by the Board of Health, staffing issues, and occupancy and ventilation issues. L. Miller noted an additional \$500,000 to \$1 million in COVID-19 related expenses that were being expended by the Facilities Department and Health Department related to the operation of schools. L. Miller noted that the deficit would be funded by not filling vacancies and restricting expenditures. J. Downs, E. Grieco and A. Unobskey left the meeting at 8:09 p.m.

A5. COVID-19: a. Update b. Discussion of School Committee's COVID-19 testing and funding; potential vote to establish gift account L. Miller reported a significant increase of 28 new confirmed COVID-19 cases in Wayland last week. The Health Department and nurses were conducting contact tracing. L. Miller also reported an increase in COVID-19 related cases among Town employees due to symptomatic, asymptomatic and/or quarantined individuals impacting the Fire, Police and DPW Departments.

C. Karlson reminded the Board of the previous discussion on the School Committee's intent to conduct a voluntary COVID-19 surveillance testing program for students and staff. Town Counsel has advised that a gift account would be necessary to receive fees to support that program. D. Watkins expressed support for the program, and suggested that if Town resources would be used to administer the program, then the program should be open to all taxpayers. L. Anderson felt that opening up the testing to the general public may over-complicate things with a pooling model. T. Fay expressed support for establishing the gift account. C. Karlson

suggested amending the language of the establishment of the fund to allow funds to be expended to support administrative efforts and contact tracing.

T. Fay moved, seconded by M. Antes, that the Board vote to establish a gift account for COVID-19 testing in the Wayland Schools consistent with the motion presented in the packet and as amended by C. Karlson (to allow funds to be expended to support administrative efforts and contact tracing). Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. River's Edge: review and discuss draft Access Easement; potential vote to approve as to form L. Miller reported that the draft Access Easement language has gone through three iterations, after a joint review by both parties and further comment by Town Counsel. L. Miller noted that the changes were related to the maintenance of Town land. The Board discussed some revisions and tabled approval until a final review is completed.

A10. Town Administrator update: a. COVID-19 Update L. Miller had no update beyond the discussion in A5.

A11. Minutes - November 16, 2020, November 23, 2020 and November 30, 2020; review and vote to approve

L. Anderson moved, seconded by M. Antes, that the Board approve the meeting minutes of November 16, 2020, November 23, 2020 and November 30, 2020, all 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.

A12. 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 designating Louise Miller, Town Administrator, as the sole signatory to sign off on all 2021 license renewals listed.
4. Vote the question of approving and signing Amendment no. 2 to contract No. 19-1057 with Heimlich Landscaping and Construction for Improvements to Wayland High School Facilities.
5. Vote the question of approving and signing invoice #128834 from KP Law, dated November 24, 2020, for professional services rendered through October 31, 2020 in the amount of \$6,993.34
6. Vote the question of approving expenditure of \$933.50 from the Wayland COVID-19 Relief Fund.
7. Vote the question of accepting with thanks two (2) donations in the amount of \$600.00 to the Wayland COVID-19 Relief Fund.

M. Antes moved, seconded by L. Anderson, the approval of 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.

A13. Correspondence The Board reviewed the correspondence in the packet. T. Fay acknowledged B. Sterling's public comment and correspondence letter.

A14. Selectmen's reports and concerns T. Fay praised the DPW on its response to the recent snow storm and emphasized the importance of clearing sidewalks during the pandemic. T. Fay commended L. Miller and B. Keveny for their work on the capital plan.

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in advance of the Meeting, if any Assistant Town Administrator, J. Bugbee reported that he received a recent email from a local rabbi requesting a menorah be placed on Town property, and indicated it was done so in the 1980's. J. Bugbee noted that the request to display seasonal, holiday or religious symbols raises significant constitutional questions regarding government endorsement of religion and freedom of expression. J. Bugbee referenced and read federal judicial opinion that advised for municipalities to not promote specific religions by the First Amendment's establishment clause, which requires government neutrality towards religion. C. Karlson recommended the topic be added to a future agenda.

A16. Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Stephen Cass v. Augusto Saviatto II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination; III. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the twelfth amendment to the Land Disposition Agreement pertaining to the Rivers Edge Project at 484-490 Boston Post Road; IV. 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 the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; and V. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of November 23, 2020 Approve and Hold: Executive Session minutes of November 23, 2020

At 9:15 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) (3) to discuss strategy with respect to litigation Stephen Cass v. Augusto Saviatto, pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination, pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the twelfth amendment to the Land Disposition Agreement pertaining to the Rivers Edge Project at 484-490 Boston Post Road, 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 the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road, and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of November 23, 2020 with the intent to approve and hold said executive session 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, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson invited attendance by Town Administrator Louise Miller, Assistant Town Administrator John Bugbee and Management Analyst Seath Crandall. C. Karlson announced that the Board would adjourn from executive session and no other public business would be discussed in open session.

A17. Adjourn. At 9:45 p.m. the Board adjourned from Executive Session and did not reconvene in open session.

Items Distributed for Information and Use by Board of Selectmen at the Meeting of December 7, 2020

1. Slide deck: Draft Capital Improvement Plan Fiscal 2022 – Fiscal 2026, December 7, 2020
2. Handout Summary of Recommended FY 2022 CIP and Funding Recommendations for Five-Year CIP Departmental Requests, dated December 6, 2020
3. School Committee Presentation to the BoS re: COVID-19 School Expenditures, December 7, 2020

Items included in the Agenda Packet during the Board of Selectmen Meeting of December 7, 2020

1. Memorandum from Board of Selectmen re: 2021 Annual Town Meeting and Annual Town Election
2. Draft of 2021 Annual Town Meeting Schedule
3. Draft Petitioners Article Submission Form 2021 Annual Town Meeting
4. Draft Proposing Board Article Submission Form 2021 Annual Town Meeting
5. Draft Petitioner's Articles Submission Process 2021 Annual Town Meeting
6. Draft Warrant Opening Notice & Instructions 2021 Annual Town Meeting
7. List of 2021 License Renewals
8. Draft River's Edge Easement Agreement, dated November 30, 2020
9. Draft Minutes of Board of Selectmen Meeting of November 16, 2020
10. Draft Minutes of Board of Selectmen Meeting of November 23, 2020
11. Draft Minutes of Board of Selectmen Meeting of November 30, 2020

CORRESPONDENCE

1. Correspondence from Town Clerk to Board of Selectmen dated December 4, 2020 re: Judy Ide's resignation from Board of Registrars of Voters.
2. Correspondence from Niall Connors, Verizon Consumer Group to Town Administrator dated November 30, 2020 re: Verizon FiOS TV Channel Removals Tele El Salvador & Dominican View
3. Correspondence from Board of Selectmen to Jim Mullane, WayCAM Executive Director dated November 29, 2020 re: Wayland Board of Selectmen Support for WayCAM.
4. Correspondence from Bill Sterling to Board of Selectmen dated November 23, 2020 re: Wayland Community Center related articles for ATM 2021