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TOWN OF WAYLAND

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BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DAVID V. WATKINS

Meeting Minutes BOARD OF SELECTMEN

Monday, May 3, 2021

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 designated time.

Attendance: Lea T. Anderson, Mary M. Antes, Thomas J. Fay (arrived at 6:48 p.m.), Cherry C. Karlson, David V. Watkins. The Board participated remotely by video-teleconferencing via Zoom and WayCAM. C. Karlson participated by video-teleconference and was also present at Town Building.

Also Present: Town Administrator Louise Miller, Assistant Town Administrator John Bugbee, Management Analyst Seath Crandall, Management Analyst Jason Adams, Finance Director Brian Keveny, Public Works Director Tom Holder, and Director of Public Health Julia Junghanns

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 present and reviewed the agenda. C. Karlson announced that the meeting would be broadcast and recorded by WayCAM in compliance with revised Open Meeting Law requirements and announced by full name each Board member who was present. C. Karlson announced that no in person attendance by members of the public would be permitted, stated a phone number for the public to call to offer comments, and reviewed the procedure to participate via Zoom.

A2. Announcements and Public Comment M. Antes reminded residents that a virtual event, the Annual Town Meeting Issues Forum hosted by the League of Women Voters, will be held on May 6. C. Karlson requested that public comment not related to the PFAS discussion or the warrant hearing be taken now. There was no public comment.

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 accepting with thanks two (2) donations in the amount of \$300.00 to the Wayland COVID-19 Relief Fund.
4. Vote the question of approving and signing agreement with Kleinfelder Northeast Inc. for Engineering Services related to MWRA Water Supply Analysis
5. Vote the question of approving and signing invoice #130648 from KP Law in the amount of \$5,339.00 for Professional Services through March 31, 2021.
6. Vote the question of approving and signing invoice #1309916 from KP Law in the amount of \$116.00 for Professional Services through March 31, 2021.
7. Vote the question of approving and signing Housing Certification Letter to MA Department of Housing and Community Development for Housing Development Plan of River's Edge Project located at 490 Boston Post Road.
8. Vote the question of approving Town Clerk's Election Worker List for 2021 Annual Election.
9. Vote to approve the state-mandated term of three years for Cultural Council appointees Sophie Simmons and Katy Allen, whose terms will now be ending June 30, 2024.

C. Karlson noted items #8 and #9 were submitted in the supplemental packet. M. Antes moved, seconded by L. Anderson, to approve the Consent Calendar. Roll Call Vote: YEA: L. Anderson, M. Antes, C. Karlson, D. Watkins. NAY: none. ABSENT: T. Fay. ABSTAIN: none. Adopted 4-0.

A3. Town Administrator update a. River's Edge b. State Budget c. Restaurants: Outdoor Service License Application for Dudley Chateau; potential vote

A3.a. River's Edge L. Miller reported that the project had several deadlines for April 30 that were not met by both parties. Both parties continue working to finalizing the Operations and Maintenance (O&M) agreement, the wastewater design, and recorded affordable housing regulatory agreements. The Town's and the Alta River's Edge legal counsel have been in communication and will furnish an amendment to the Land Development Agreement (LDA) and the Infrastructure Development Agreement to be ready by May 10. L. Miller reported that the Town was out to bid on the MassWorks funded grant with bid opening on May 6.

A3.b. State Budget L. Miller reported that the House of Representatives version of the budget was scheduled for a hearing last week; the State had no made significant changes for Wayland from the Governor's proposed budget. Local Aid is expected to be \$100,000 more than originally budgeted. Representative Gentile has placed a \$30,000 earmark for the Town of Wayland for Youth & Family Services social work and counseling services. L. Miller reviewed the potential for the American Rescue Plan Act (ARPA) Direct Aid (federal funding plan) in the packet.

A3.c. Restaurants: Outdoor Service License Application for Dudley Chateau; potential vote L. Miller reviewed the request to increase the number of outdoor seats, and reported that upon receipt of the application, Town Department Managers visited the site to review the outdoor seating plan. L. Miller reported that the Fire Department sent a reminder about the total occupancy limits, which includes the outdoor seating area. Conservation Commission would discuss a violation letter to the Dudley Chateau on May 5. The Fire Department's response included inspections of propane heaters. M. Antes suggested that the Board not act until the Conservation Commission has met.

A9. Correspondence The Board reviewed the Correspondence in the packet.

A7. Minutes – April 26, 2021 and April 29, 2021; review and vote to approve L. Anderson reported that the regular session minutes were not ready for approval yet.

Executive Session minutes – vote to release with redactions the executive session minutes related to discussing strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination

Feb 26, 2018	July 15, 2019	Nov 23, 2020
Mar 6, 2018	July 31, 2019	Dec 7, 2020
May 7, 2018	Oct 15, 2019	Dec 14, 2020
June 3, 2019	June 25, 2020	Jan 4, 2021
June 26, 2019	Oct 19, 2020	Jan 11, 2021

L Anderson moved, seconded by M. Antes, that the Board of Selectmen release with redactions the minutes as listed on the agenda. Roll Call Vote: YEA: L. Anderson, M. Antes, C. Karlson, D. Watkins. NAY: none. ABSENT: T. Fay. ABSTAIN: none. Adopted 4-0.

A10. Selectmen's Reports and Concerns M. Antes reported that she would miss the second round of interviews for the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC). There was a discussion about the interview process.

A4. Per- and Polyfluoroalkyl substances (PFAS) – joint meeting with Board of Health, Board of Public Works and Finance Committee to discuss short and long term options, financing approaches, and next steps to remedy PFAS in the Town's drinking water supply. Potential votes as needed.

Board of Public Works members joined the meeting by teleconference: Michael Wegerbauer, Clifford Lewis, Jonathan Mishara, Bob Goldsmith, and Michael Lowery. At 5:29 p.m., Chairman Wegerbauer called the BoPW meeting to order. Director of Public Works Tom Holder also joined by video-teleconference.

Finance Committee members joined the meeting by teleconference: Steve Correia, Kelly Lappin, Christine Roberts (arrived at 5:41 p.m.), Carol Martin, Pamela Roman and William Steinberg. Absent: Adam Gutbezahl. Finance

Director Brian Keveny also joined by video-teleconference. At 5:34 p.m. Chairmen Correia called the Finance Committee meeting to order.

Board of Health members joined the meeting by teleconference: Robert DeFrancesco, John Schuler, Arnold Soslow, and Susan Green. Absent: Brian McNamara. Public Health Director Julia Junghanns also joined by video-teleconference. The Board of Health was already in session.

C. Karlson reviewed the purpose of the joint meeting to discuss short and long term options, financing sources, and the next steps needed to address PFAS6 in the Town's drinking water supply. The discussion focused on documents shared in the packet and the decisions that would be needed in the short-term.

L. Miller reviewed the memorandum in the handout packet outlining the Town's short and long term options to remediate the water issue and an earmark needed to accomplish the short-term solution. L. Miller reported that the Town could continue to fund the provision of water bottles and eventually water rebates, as voted by the Board of Public Works. L. Miller reported that the FY2021 Water Enterprise Fund budget would also fund the work from consulting and engineering services. L. Miller reported that there was currently no funding source for the Tata & Howard PFAS Compliance Action Plan dated April 30. L. Miller recommended that the boards come to a funding decision ahead of Annual Town Meeting where the FY2022 budget was expected to be approved; alternatively, a Special Town Meeting would be needed and could cost the Town an additional \$50,000.

DPW Director Tom Holder reviewed the response options to the Notice of Non-Compliance from Massachusetts Department of Environmental Protection (MassDEP). T. Holder noted that the Town needs to develop a near-term action plan to get the water back into compliance in an efficient, timely and practical way. T. Holder reviewed the near-term action plan that would involve the installation of semi-permanent treatment at the Happy Hollow well field for the purpose of getting the PFAS6 below the 20 parts per trillion (ppt) threshold and the option to connect to the Massachusetts Water Resources Authority (MWRA) supply. T. Holder noted that the semi-permanent option, a trailer mounted ion exchange system, could be winterized to extend the timeline. M. Wegerbauer noted that the trailer winterization would cost upwards of \$150,000.

C. Karlson opened public comment on PFAS6.

Janot Mendler de Suarez, Orchard Lane, joined the meeting by teleconference to offer public comment to ask for more information about the semi-permanent option.

Molly Upton, Bayfield Road, joined the meeting by teleconference to offer public comment. M. Upton could not find the handout packet on the website and recommended that the Board also review sodium levels in the water supply. M. Lowery provided her with the packet link.

There being no other comments, C. Karlson ended the public comment portion of this agenda item.

Board of Health member A. Soslow recommended that the Town should work toward providing water with zero ppt PFAS in Wayland's water. J. Schuler recommended an emergency connection to the MWRA water system. S. Green recommended that the Town do more analysis to determine the benefits of setting the Town's goal to 0 ppt compared to the MassDEP threshold of 20 ppt. A. Soslow disagreed. J. Junghanns reported that the EPA advises a level of 70 ppt and the MassDEP recently set the state regulation to 20 ppt. L. Miller noted that the MWRA is regulated by the EPA standard of 70 ppt.

M. Wegerbauer described that there was only one near-term option that would involve either ion exchange or carbon filtering. R. Goldsmith described the advantages of and his preference for the ion exchange system, which would lower the levels to 0 ppt in the well being treated. T. Holder reported that treatment of the Happy Hollow Wells would lower the overall PFAS6 level below the 20 ppt threshold, but not likely to zero.

T. Holder explained that the emergency connection to MWRA would not have a redundancy at the Hultman aqueduct on Route 27, and that the long term MWRA permanent solution for Wayland is to connect to the MWRA at shaft L in Framingham. M. Lowery noted that this was potentially four years away.

At approximately, 6:50pm, the Board of Health left the video call to return to its meeting.

M. Wegerbauer recommended that the Board of Public Works work with the Finance Committee to develop a proposed budget request for the near-term solution for FY2022, to be approved at ATM on May 15. R. Goldsmith

recommended that \$150,000 be budgeted to replace the Baldwin plant membranes, if necessary. L. Miller described the Town Meeting authorization that would be needed if the funds were borrowed and suggested another \$150,000 for consultant work. The Boards enumerated the possible FY2022 budget items: \$975,000 for potential emergency connection to MWRA, \$150,000 for engineering a long-term plan, \$150,000 each for winterization of two wells, and \$150,000 for the Baldwin plant membranes.

Finance Director Brian Keveny joined the meeting by teleconference to report that the FY2022 operating budget for Water Enterprise Fund could absorb up to \$320,000 for a short-term solution. B. Keveny recommended that the FY2022 Capital Budget include \$1.6 million in borrowing for this PFAS remediation. The Board of Public Works approved by a roll call vote of 4-1 to request \$1.6 million for FY2022 for PFAS remediation. The Finance Committee voted 6-0 by roll call to reopen the FY2022 Capital Budget and increase the FY2022 Capital Budget by \$1.6 million for PFAS remediation. The Board of Public Works adjourned from the meeting at approximately 7:45 p.m. with a unanimous roll call vote.

A6. 2021 Annual Town Meeting Warrant Hearing At 7:47 p.m. C. Karlson opened the 2021 Annual Town Meeting (ATM) Warrant Hearing. C. Karlson noted that the 2021 ATM Warrant would be reviewed page by page and the motions for the warrant articles would also be reviewed. M. Antes noted there was a typographical error in reference to CPA Article 20 on Page 4.

Anette Lewis, Claypit Hill Road joined by teleconference with questions, comments and recommendations for the 2021 Warrant. A. Lewis asked a question for Article 4. OPEB Funding and Article 5. Rescind Transfer Station Revolving Fund and Create and Budget a Transfer Station Enterprise Fund and asked if the Town was obligated to provide the service. A. Lewis asked a question for the motion and appendices related to Article 8. Update FY2022 Personnel By-Laws and Wage and Classification Plan and Fund FY2021 Union and Non-Union Personnel Agreements. A. Lewis requested clarification on the motions. C. Karlson explained the motions. A. Lewis asked several questions on the motion and Article 10. Fiscal Year 2022 Omnibus Budget. A. Lewis asked to distinguish between Wastewater Revenue and Wastewater Enterprise. B. Keveny explained the difference. A. Lewis asked for clarification on the number of Full Time Equivalents (FTEs). Jeanne Downs, Chair of School Committee, joined to indicate that Appendix B accounts for the reconciliation, and there were a number of temporary COVID-19 hires funded through grants. A. Lewis recommended against abbreviated procedure for Article 11. Capital Stabilization Fund.

M. Antes corrected a typographical error, to edit the year 2017 to 2016 in Article 12. CPA – Set Asides and Transfers.

A. Lewis suggested a correction to Article 14. Accept Spencer Circle, reference to Massachusetts General Laws, Chapter 31, Section 81Y. A. Lewis asked for clarification on Article 16. Remote Participation at Town Meeting. A. Lewis asked for explanation on Article 22. Select Board/Town Manager Act. A. Lewis asked about the Town Planner reporting structure between the proposed Town Manager and the Planning Board.

A. Lewis requested clarification on and recommended omitting some language from the motion related to Article 24. Acquisition of Land for Council on Aging / Community Center. T. Fay offered clarification regarding the ongoing negotiation of the parcel boundaries.

A. Webb, Park Lane, joined by teleconference to comment on Article 25. Loker Turf Field Construction and asked the Board if the Board of Health was aware of the Northeastern University study on PFAS. A. Webb also asked if it was possible to slow down the approval process. C. Karlson noted that the article would be heard at ATM.

A. Lewis asked for the duration of the preservation restriction on Article 28. CPA – Historic Preservation: Rehabilitation of 70-74 Main Street. No representatives from the CPC were available. Finance Committee member, C. Martin joined to recommend that the Historical Commission may have the answer. A. Lewis asked if there were any changes to the Moderator's Rules. Town Moderator Dennis Berry noted the time for debate had been returned to 45 minutes.

At 8:57 p.m. C. Karlson closed the Warrant Hearing.

A11. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any There were none.

A12. Enter into Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with • New England Police Benevolent Association (NEPBA)/ Wayland Police Officers Union (WPOU) Local 176 II. 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; IV. Pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with nonunion personnel (Town Administrator); V. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and consider for potentially release the following executive session minutes related to discussing strategy with respect to collective bargaining with Wayland DPW Association; Teamsters Local 170:

July 20, 2020
Aug 17, 2020
Sep 21, 2020

Oct 26, 2020
Nov 23, 2020
Dec 14, 2020

Jan 11, 2021
Mar 8, 2021
April 5, 2021
April 15, 2021

And to discussing strategy with respect to collective bargaining with Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1) and Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2);

July 20, 2020
Feb 1, 2021

Mar 8, 2021
April 5, 2021

VI. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of April 15 and April 26, 2021 Approve and Hold: Executive Session minutes of April 15 and April 26, 2021

At 9:00 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 collective bargaining with New England Police Benevolent Association (NEPBA)/ Wayland Police Officers Union (WPOU) Local 176; 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; pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with nonunion personnel, the Town Administrator; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and consider for potential release the following executive session minutes related to discussing strategy with respect to collective bargaining with Wayland DPW Association; Teamsters Local 170: July 20, 2020, August 17, 2020, September 21, 2020, October 26, 2020, November 23, 2020, December 14, 2020, January 11, 2021, March 8, 2021, April 5, 2021 and April 15, 2021 and to discussing strategy with respect to collective bargaining with Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1) and Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2); July 20, 2020, February 1, 2021, March 8, 2021 and April 5, 2021; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of April 15 and April 26, 2021 with the intent to approve and hold 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, 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, Management Analyst Seath Crandall. C. Karlson announced that the Board would adjourn from the executive session and not return in open session.

At 9:02 p.m. the Finance Committee adjourned the meeting of the Finance Committee by unanimous roll call vote.

A13. Adjourn At 10:25 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 during the Meeting of May 3, 2021
otherwise not in Packet**

1. Memorandum from Town Administrator to Board of Selectmen dated May 3, 2021 re: PFAS Response Update
2. PFAS Compliance Action Plan submitted by Tata & Howard to Town of Wayland dated April 30, 2021
3. PFAS Decisions Flowchart as prepared on May 3, 2021
4. Housing Certification Letter to MA Department of Housing and Community Development for Housing Development Plan of River's Edge Project located at 490 Boston Post Road
5. Supplemental Memorandum from Public Works Director to Town Administrator dated May 3, 2021 re: PFAS Action Plan – Questions & Answers

Items included in the Agenda Packet during the Board of Selectmen Meeting of May 3, 2021

1. Memorandum to Board of Selectmen From Teri Hegarty re: Dudley Chateau Request for an Extension of Outdoor Temporary Seating dated April 23, 2021
2. Application for Outdoor Temporary Seating with attachments, from Dudley Chateau, dated April 8, 2021
3. Chart: American Rescue Plan Act (ARPA) Direct Aid Estimate
4. Draft Article 10. Fiscal Year 2022 Omnibus Budget
5. Proposed Capital Budget - Fiscal 2022
6. DRAFT 2021 ATM Motions as of April 30, 2021
7. Link to the Town of Wayland's 2021 Annual Town Meeting Warrant

CORRESPONDENCE

1. Correspondence from Molly Upton to Board of Selectmen dated April 25, 2021 re: Concern regarding the amended application for outdoor service license for the Dudley Chateau.
2. Correspondence from Massachusetts State Representative Alice Peisch to Board of Selectmen dated April 28, 2021 re: Upcoming Special Joint Committee on Redistricting virtual hearing to be held Tuesday, May 4 at 5:00pm. <https://malegislature.gov/Events/Hearings/Detail/3682>
3. Correspondence from Elements Massage in Wayland to Board of Selectmen dated April 13, 2021 re: Appeal for financial assistance.
4. Correspondence from Comcast Cable to Board of Selectmen dated April 29, 2021 re: Massachusetts Cable Television Forms 200 and 400 for year-ending December 31, 2020
5. Correspondence from Carl Brauer to Board of Selectmen dated April 29, 2021 re: Letter of support for Dovie King to the Human Rights, Diversity, Equity and Inclusion Committee