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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

THOMAS J. FAY  
ADAM G. GUTBEZAH  
CHERRY C. KARLSON  
CAROL B. MARTIN  
DAVID V. WATKINS

## Meeting Minutes BOARD OF SELECTMEN

**Monday, July 26, 2021**

**7:00 p.m.**

**Wayland Town Building  
Council on Aging Room**

**41 Cochituate Road, Wayland, MA**

**Attendance:** Thomas J. Fay, Adam G. Gutbezahl, Cherry C. Karlson, Carol B. Martin

**Remote Participation:** David V. Watkins.

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

**A1. Call to Order by Chair, Review the Agenda for Public:** At 7:00 p.m., T. Fay called the meeting of the Board of Selectmen to order when a quorum was present. T. Fay announced that the meeting was being held in-person, live-streamed and recorded for later broadcast on the local WayCAM Government Channel. T. Fay announced each member by full name and that D. Watkins would participate remotely. T. Fay announced that members of the public were invited to attend and participate in-person or remotely through video-teleconference via a Zoom "hand raise." T. Fay reminded the public of the state's mask advisory and reviewed the agenda.

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

Clifford Lewis, Claypit Hill Road, Chair of the Board of Public Works joined in person and requested that the Board take no action on the proposed Governance Guidelines because other elected boards, committees and commissions had not had a chance to review and comment on the document.

Dovie King, Bow Road, member of the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC) joined by teleconference and read a statement on behalf of the HRDEIC indicating that some members were concerned that the composition of the HRDEIC included both voting and non-voting members. D. King, on behalf of the committee, requested the Board to review this concern.

Carole Plumb, Bald Rock Road, joined by teleconference and asked the Board how the public could obtain a copy of the ZBA decision if it were not filed with the Town Clerk by the deadline.

**A3. 2022 Annual Town Meeting: discuss potential dates; potential vote to set date:** The Board reviewed three sets of proposed dates for the 2022 Annual Town Meeting (ATM) and election. The Board agreed on an indoor Town Meeting and expressed a preference to avoid religious observances and school events scheduling conflicts. The Board agreed to continue the discussion at the next meeting.

**A4. Governance Guidelines: continuation of discussion and potential vote:** T. Fay reminded the Board that the topic was tabled at the last meeting after a request was made for the Board to allow more time for the chairs of elected boards, committees and commissions to review the guidelines. T. Fay acknowledged that the Board of Public Works (BoPW) requested time for further discussion, noting the revised section 2.0 of the Governance Guidelines recognizes the independent authority of elected boards, committees and commissions to adopt separate Governance Guidelines consistent with the law. D. Watkins questioned the Board's jurisdiction to issue the guidelines and recommended the guidelines be divided into two parts, one to govern the relationship with personnel and another for Boards and Committees. T. Fay expressed that the guidelines were not imposing any new mandates and would provide consistency and a code of conduct. C. Karlson provided some history of the development of the guidelines. D. Watkins suggested L. Miller issue the guidelines versus the board. L. Miller noted that the guidelines generally inform boards, committees and commissions of the legal and mandatory regulations unrelated to staff. T. Fay stated that the topic needed more time for further discussion and Board members agreed to submit comments to L. Miller.

**A5. Committee Appointments: Interview, discuss and potential vote to appoint:**

Committee	Potential Appointee	Term End
Council on Aging Board	Barbara Michaelson	June 30, 2022
Council on Aging Board	Frank Kennedy	June 30, 2022
River Stewardship Council	Tom Sciacca	June 30, 2024
River Stewardship Council	Eric Simms	June 30, 2024
Senior Tax Relief Committee	Joel Rosenhaus	June 30, 2023

The Board interviewed B. Michaelson remotely and F. Kennedy who was present, and reviewed the candidates' experience and interest in serving on the Council on Aging Board. The Board interviewed T. Sciacca and E. Simms, both participating via video-teleconference, and reviewed their respective experience and interest in serving on the River Stewardship Council. E. Simms expressed interest in serving in an alternate role.

C. Karlson moved, seconded by C. Martin that the Board appoint T. Sciacca as a voting member of the River Stewardship Council and E. Simms as an alternate member to the River Stewardship Council for three year terms ending, June 30, 2024. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board interviewed J. Rosenhaus for the Senior Tax Relief Committee. C. Karlson moved, seconded by C. Martin, to appoint J. Rosenhaus to the Senior Tax Relief Committee for a two year term ending June 30, 2023. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Martin moved, seconded by D. Watkins that the Board appoint F. Kennedy to the Council on Aging Board for a one-year term ending June 30, 2022. In discussion, C. Martin and T. Fay provided support for the motion. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Finance Policies – Reserve Fund Transfer Policy: review and discuss:** The Board reviewed the draft Reserve Fund Transfer Policy. A discussion ensued that included relevancy, the origin of the statutory definitions and edits. T. Fay requested D. Watkins make suggested edits for review at a future meeting.

**A7. 212 Cochituate Road: discuss Town's ownership of property located at 212 Cochituate road and, potential options as to disposition or use:** A. Gutbezahl recused himself from the topic and left the meeting at 8:40pm. The Board reviewed and discussed an aerial map of 212 Cochituate Road with T. Fay noting a discrepancy on the Google Maps version of the property. L. Miller reviewed the history of the property ownership and the resulting tax foreclosure. L. Miller reported Town Counsel has advised the two options for the Board to consider are to auction the property or transfer the property to the Board for general municipal purposes through a vote of ATM. C. Martin confirmed the parcel has 3.8 acres of land. The Board discussed the need for more time to evaluate the options, determine the fair market value and agreed to consult with other boards, committees and commissions. A. Gutbezahl returned to the meeting at 9:05 p.m.

**A8. Town Administrator Update: a. River's Edge b. Capital Projects – Conservation & Recreation c. Potential Technology Upgrades in Town Departments d. Land Use Staffing e. Per- and Polyfluoroalkyl substances (PFAS) – grant application f. Departmental Reports: Human Resources, Conservation g. Spencer Circle h. Solar at Loker i. Solar at Transfer Station Landfill j. Eversource Vegetation Maintenance Activity Notice:**

**A8.a. River's Edge:** L. Miller reported that the final draft of the Operation and Maintenance Agreement had been reviewed by the Wastewater District Commission and sent to the attorneys representing Alta River's Edge. L. Miller noted the Town was waiting a response from Alta River's Edge. L. Miller provided a status update on the Land Disposition Agreement, the weekly wastewater infrastructure meetings, the construction of the wastewater main, and soil removals. L. Miller reported that Eversource had proposed a new pole and the matter would be reviewed by the Town Planner and the engineers.

**A8.b. Capital Projects – TA Office and DPW:** L. Miller provided a status update on the ongoing capital projects under the purview of the Department of Public Works (DPW) and the Town Administrator's Office. There was a discussion about the Oxbow and Loker field projects. D. Watkins suggested that the Board hold a public forum to lead and facilitate a discussion regarding athletic fields. L. Miller reported that information was being prepared for presentation during the capital planning process. There was discussion about the Rail Trail parking lot project. C.

Martin noted that there were 92 current/ongoing capital projects and the total did not include some CPA projects nor any projects being undertaken through operating budgets.

**A8.c. Per- and Polyfluoroalkyl substances (PFAS) – grant application:** L. Miller reported that the BoPW had voted on a preferred treatment option at its meeting on June 30. L. Miller reported that the Assistant Town Administrator was working on the contract and the DPW Director and Water Superintendent were working on the logistics of the short-term solution which is expected to be in place by mid-fall. L. Miller reported that the Town was continuing to sample and test the drinking water wells. L. Miller reported that there were 626 households participating in the rebate program at an estimated cost of \$20,000 per month. L. Miller reported that there had been recent federal legislation that could provide funding for remediation and would provide a federal standard of PFAS levels, the legislation passed the US House of Representatives and was pending in the US Senate.

**A8.d. Ask the TA:** L. Miller reported she had introduced an “Ask the TA” portal on the town website and presented questions and answers that had resulted to date. The initiative was favorably reviewed by the Board.

**A8.e. Departmental Reports: Conservation:** L. Miller reported that there was a vacancy in the Conservation Department and expressed concern with workload resulting from the 68 outstanding applications. The Board discussed the priorities for the management of 1,200 acres of Conservation land. L. Miller reported that all boards, committees and commissions were responsible for drafting its own Annual Report, agendas and minutes.

**A8.f. Spencer Circle:** L. Miller reported that the documents related to the Order of Taking were being prepared for the BoPW and would be scheduled at an August meeting. L. Miller noted that the process was expected to be completed before the authorizing vote would expire, 120 days from the May 16 ATM approval.

**A8.g. TA’s Racial Justice Advisory Committee:** L. Miller updated the Board on the efforts of a small subgroup that continues to meet, adding the group is planning a Hispanic Heritage event in September, and a celebration of Indigenous People in October. L. Miller reported that the HRDEIC has expressed interest in collaborating on these Community Conversations.

**A8.h. Fiscal Year 2021 Legal Breakdown:** L. Miller noted that the fiscal year legal report included a larger than normal legal settlement and the closing of the River’s Edge project, otherwise legal fees were lower than budgeted.

**A8.i. Police Chief Search:** L. Miller reviewed two surveys, one for the Police Chief Profile Survey which had been issued and a separate survey on policing that would be forthcoming. L. Miller reviewed the results of the first survey that had 207 respondents. The Board discussed how the information would be used, the need for a reminder for residents to complete the survey and to set an end date. There was a discussion regarding the review and development of the second survey before it would be issued.

**A9. Land Use Staffing Proposal: Discuss** L. Miller reported that there were several vacancies in the Land Use departments as well as an increase in permitting activity and ongoing implementation of the new e-permitting software. L. Miller reported that this has created an opportunity to review staffing in order to enhance the way services are provided. L. Miller proposed the creation of a new Land Use Administrative Coordinator position in the Building Department reporting to the Building Commissioner, which would replace the Building Department Assistant position. L. Miller expressed the goal is to improve cross functionality of Department Assistants. The Board endorsed the proposal.

**A10. Route 20 Corridor Survey: discuss and potential vote regarding proposed town survey on topics that include the Route 20 Corridor:** D. Watkins reviewed a draft survey he prepared which is intended to assist the Board with identifying a scope of work for the improvements of the Route 20 Corridor and proposed residents be surveyed separately from boards, committees and commissions. A discussion ensued regarding survey contents and how the information would be used. The Board agreed to issue the resident survey with discussed revisions. The second survey will be reviewed at the next meeting.

D. Watkins moved, seconded by C. Martin, that the Board send out the Route 20 Corridor resident survey after the Police survey to residents sometime in August. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Minutes – July 12, 2021; review and vote to approve:** Tabled to next meeting.

**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 approving and signing Task Order No. 5 Contract Agreement number 19- 1062 with BETA Group, Inc. for Professional Engineering Services related to Construction Supervision of the Wastewater Sewer Project.
4. Vote the question to approve and amend the Local Emergency Planning Committee charge to:
  - Include a term length of 3 years for the 3 community members with staggering end dates of 2022, 2023, and 2024.
  - Change membership to include two members of the Board of Selectmen or designee for a total of 9 voting members.
  - Removal of Information Coordinator as a voting member
5. Vote the question of approving and signing Task Order No. 14 Amendment 1 to Contract Agreement number 18-2005 with Tata & Howard for River's Edge Sewer Connection Engineering Services.
6. Vote the question of approving and signing Contract Agreement with Northeast Document Service Center (NEDCC) for document conservation and preservation services of Town owned historic documents.
7. Vote the question of approving and signing Contract Agreement with Barrett Planning Group LLC for assistance related to the creation of the Wayland Housing Production Plan.
8. Vote the question of approving and signing Contract Agreement with ECT2 d/b/a Montrose Environmental Group, Inc. for the delivery, rental and set-up of PFAS mitigation equipment at the Happy Hollow Wellfield.
9. Vote the question of approving and signing Contract Agreement with Kneeland Construction Corporation for services related to the Happy Hollow Elementary School Chairlift Replacement Project.
10. Vote the question of approving and ratifying the Town Administrator's signature on agreement with DGT Associates for Peer Review Services for Conservation Department.
11. Vote the question of approving and signing Community Grant Memorandum of Understanding with Sudbury, Assabet and Concord Wild & Scenic River Stewardship Council for Heard Farm Conservation Area Interpretive Signs.
12. Vote the question of approving and signing Contract Agreement with RJV Construction for construction services to include the construction of a new submersible pump station and wastewater and effluent force main installations related to the River's Edge Wastewater Sewer Project
13. Vote the question to authorize the Town Administrator to negotiate resiliency either as a separate contract or as part of the Power Purchase Agreement for the Loker School Solar Roof Project.
14. Vote the question of approving and signing Contract Agreement with Green Acres Landscape & Construction Company, Inc. for construction services related to the Revised Installation of Playground Equipment

C. Karlson moved, seconded by C. Martin, to approve the Consent Calendar with the exception of item #3. During discussion, additional information was reviewed on items #4, 9, 10, 13 and 14. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A13. Correspondence:** The Board reviewed the correspondence included in the packet. There was a discussion regarding timeline of correspondence items #9 and #10, both of which had been sent from the Board but had not undergone Board review. While recognizing the need for expediency, D. Watkins and C. Martin requested Board correspondence be reviewed by entire Board prior to issuance. A. Gutbezahl requested to be informed prior to issuance.

**A14. Selectmen's Reports and Concerns:** C. Martin reported she noticed the link to Board members' email addresses had been disabled and a staff contact for each committee has been added to the website. L. Miller clarified that the staff liaisons will be included when emails are sent to the entirety of the Board. L. Miller reported that the IT Department had changed the format for sharing email address publically on the website because the original format was leading to security concerns. L. Miller noted that a visitor to the page can still contact any individual through the contact portal. A. Gutbezahl discussed the fact that there are HRDEIC members who are non-voting members, which was described as discriminatory during public comment and asked if the Board could act to reconstitute the HRDEIC with only voting members. T. Fay noted that the topic could be revisited, and

expressed it was not a unanimous view that all members should be voting members. D. Watkins asked for a status update on employee evaluations. L. Miller reported that Department Managers perform evaluations on the anniversary of an employee's hire date.

**A15. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any:** There were none.

**A16. Executive Session: I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with: Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1), Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2) II. Pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (3) to conduct strategy with respect to pending litigation following a Department of Labor Relations Complaint filed by the Wayland Library Staff Association MFT, AFT, AFL-CIO III. 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) (3) to discuss strategy with respect to litigation Duane Galbi v. Town of Wayland et al. V. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of July 12, 2021 Approve and Hold: Executive Session minutes of July 12, 2021**

At 11:03 p.m., Chair T. Fay moved, seconded by C. Karlson, 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 Local 690 Wayland-1 American Federation of State, County and Municipal Employees (AFSCME 690 Wayland -1), Local 690 Wayland – 2 American Federation of State, County, and Municipal Employees (AFSCME 690 – 2); pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (3) to conduct strategy with respect to pending litigation following a Department of Labor Relations Complaint filed by the Wayland Library Staff Association MFT, AFT, AFL-CIO; 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) (3) to discuss strategy with respect to litigation Duane Galbi v. Town of Wayland et al.; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of July 12, 2021 with the intent to approve and hold said executive session minutes.

T. Fay 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: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

T. Fay invited attendance by Town Administrator L. Miller, Assistant Town Administrator J. Bugbee, and Management Analyst S. Crandall. T. Fay announced that the Board would not reconvene in open session.

T. Fay announced that the Board would adjourn from the executive session with no other public business to be held in open session.

**A17. Adjourn:** At 11:103pm, the Board adjourned from Executive Session and did not reconvene in open session.

**Items included in the packet during the Board of Selectmen Meeting of July 26, 2021:**

1. Potential Dates for ATM 2022 Draft 7.26.2021
2. Draft Governance Guidelines -redline 2021
3. Council on Aging Board Application from B. Michaelson
4. Council on Aging Board Application from F. Kennedy
5. River Stewardship Council Application from T. Sciacca
6. River Stewardship Council Application from E. Simms
7. Senior Tax Relief Committee Application from J. Rosenhaus
8. Sudbury Assabet & Concord Wild & Scenic River Stewardship Council: River Conservation Plan Update
9. DRAFT – 7/8/21 Reserve Fund Transfer Policy

10. Letter: From: KP Law to M. O'Connor, Treasurer/Collector Re: Tax Title Auction dated July 23, 2021
11. Various Attachments from Building Department re: 212 Cochituate Road
12. Memorandum To: Board of Selectmen From: L. Miller, Town Administrator Date: July 26, 2021 Re: Update on Town Administrator Capital Projects
13. Memorandum To: Board of Selectmen Copy: Board of Public Works From: L. Miller, Town Administrator, T. Holder, DPW Director Date: July 26, 2021 RE: Status Update on DPW Capital Projects & Significant Initiatives
14. Press Release: Town of Wayland Updates Water Treatment Plan dated July 22, 2021
15. Webpage printout: "Ask the Town Administrator!" Question & Response
16. Memorandum: To: Board of Selectman From: L. Hansen, Conservation Administrator, date: July 20, 2021 Re: Conservation Department Report
17. FY2021 Legal Budget
18. Police Chief Profile Survey - Town of Wayland
19. Draft v1.6 Re-envisioning Route 20 Corridor Survey, dated July 23, 2021

**Items Distributed For Information and Use By Board during the Meeting of July 26, 2021 Otherwise Not Included In The Packet (Handouts):**

1. Screen-share: 212 Cochituate Road Aerial Map and photos of property. *Google Maps*, Satellite View, Accessed 26 July 2021

**Correspondence:**

1. Correspondence from Clifford Lewis, Board of Public Works Chair, to Board of Selectmen dated July 13, 2021 re: Thanking Board of Selectmen on passing over the signing of a letter of intent for a solar installation at the Landfill between Transfer Station and River's Edge Development.
2. Correspondence from Steve Wynne to Board of Selectmen dated July 13, 2021 re: Thank you for consideration and appointment to Human Rights, Diversity, Equity and Inclusion Committee.
3. Correspondence between Tom Fay, Board of Selectmen Chair, and Kay Gardner-Westcott re: Use of the 2005 Railroad Interpretive Site Report when making any consideration in developing the rail trail.
4. Correspondence from Comcast to Board of Selectmen dated July 16, 2021 re: Information regarding availability of the FCC's emergency Connectivity Fund.
5. Correspondence from Barbara Scolnick to Board of Selectmen Dated July 18, 2021 re: Ask for clarification on Loker Field ZBA permitting process.
6. Correspondence from Harriet Onello to Board of Selectmen dated July 18, 2021 re: Letter of endorsement for Barbara Michaelson to be appointed to Council on Aging Board.
7. Correspondence from Nancy Seward to Board of Selectmen dated July 19, 2021 re: request for explanation on ZBA's decision to permit Loker Field.
8. Correspondence from Phillip Radoff to Board of Selectmen dated July 18, 2021 re: Ask for clarification on Loker Field ZBA permitting process.
9. Correspondence from Board of Selectmen to Honorable Rebecca Rausch, Honorable Carmine Gentile, and Honorable Alice Peisch, MA State Legislators dated July 16, 2021 re: Request for Submittal of a Home Rule Petition - Creation of a Select Board/Town Manager Form of Government in the Town of Wayland.
10. Correspondence from Board of Selectmen to State Representative Carmine Gentile dated July 20, 2021 re: Need for space for Council on Aging Services and Community – based activities in Wayland.
11. Correspondence between Tom Fay, Board of Selectmen Chair, and Pauline DiCesare dated July 22, 2021 re: Concern regarding the timeframe of the on-going Police Chief Search.
12. Correspondence between Tom Fay, Board of Selectmen Chair, and Jean Milburn dated July 23, 2021 re: Interest in assisting the Town in developing a Climate Mobilization Plan for the Town.