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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, August 9, 2021  
7:00 p.m.  
Wayland Town Building  
Council on Aging Room  
41 Cochituate Road, Wayland, MA**

**Attendance:** Thomas J. Fay, Cherry C. Karlson, Carol B. Martin, David V. Watkins

**Absent:** Adam G. Gutbezahl

**Also Present:** Town Administrator Louise Miller; Management Analyst Seath Crandall; Management Analyst Jordan Remy; Intern Brendan Kiernan

**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 pursuant to Chapter 20 of the Acts of 2021, the meeting would be conducted in person with remote access, live-streamed and recorded for later broadcast on the local WayCAM Government Channel. T. Fay announced that members of the public were invited to attend and participate in-person or remotely. T. Fay described how to participate in the meeting, reminded the public of the state's mask advisory, and reviewed the agenda for the public.

**A2. Announcements and Public Comment:** C. Karlson announced Wayland's Public Ceremonies Committee would host a dedication ceremony to introduce the C. Peter R. Gossels Good Government Award, that the Town Administrator Working Group planned to host the third event of its "Community Conversations" series on Sunday, September 19, 2021 from 4:30 p.m. to 6:00 p.m. in celebration of Hispanic Heritage Month, and that the River Stewardship Council had expressed interest in grant opportunities. C. Martin recommended the Board include announcements of opportunities for residents to participate in surveys. D. Watkins shared that the Route 20 Corridor survey was now open to residents.

Carole Plumb, Bald Rock Road, joined by teleconference and requested an update on the school bus parking issue and clarification on the decision-making process.

**A3. 2022 Annual Town Meeting: discuss potential dates; potential vote to set date:** The Board reviewed two sets of proposed dates for the 2022 Annual Town Meeting (ATM) and Town Election. The Board planned for an indoor Town Meeting and expressed a preference to schedule both events around religious observances and certain school events.

D. Watkins moved, seconded by C. Martin, that the Board conduct the 2022 Annual Town Meeting on Saturday, May 15, 16, and 17 and the Town Election on May 10, 2022. D. Watkins amended the motion, seconded by C. Martin, to conduct the 2022 Annual Town Meeting on Sunday, May 15, May 16 and May 17, 2022. In discussion, C. Karlson expressed preference to begin on Saturday, May 14, 2022. T. Fay agreed. D. Watkins amended the previously amended motion, seconded by C. Martin, to begin the 2022 Town Meeting on Saturday, May 14, continuing May 15 and May 16, 2022. Roll Call Vote: YEA: T. Fay, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

**A4. Propane License Application: Hearing for application filed by Jeffrey Mushnick on behalf of Michael and Tracy Roberge of 29 High Rock Road:** T. Fay announced that this topic would be heard on August 30, 2021 at 7:15 p.m.

**A5. Marijuana Dispensary Presentation by Earth Well Farms, LLC:** T. Fay reported that D. Watkins had recused himself and left the meeting room. Planning Board Members: Chair, Ira Montague, member, Daniel Hill, and Associate member Anette Lewis joined the meeting via video-teleconference. L. Miller presented a slide deck regarding the application process for licensing a medical marijuana treatment facility in Wayland in response to a

license application from Earth Well Farms, LLC., which sought to enter into a Host Community Agreement. The meeting was paused when C. Martin left the meeting and resumed two minutes later when she returned. L. Miller reviewed the required components of the application and license the Board would review.

Counsel representing Earth Well Farms, LLC., Phil Silverman, Esq., Adam Fine, Esq., as well as founder Tammy Carson and master grower Jonathan Watkins joined the meeting to review the application. P. Silverman presented a slide deck regarding the proposed medical marijuana treatment center to be located at 536 Boston Post Road. P. Silverman made the distinction between medical and recreational marijuana sales. The Board and Planning Board members reviewed the application and next steps. L. Miller requested feedback from Board members (individually) on the draft Host Community Agreement and will continue discussions.

**A6. Committee Appointments: Interview, discuss and potential vote to appoint:**

Committee	Potential Appointee	Term End
Board of Registrars	Kristopher Aleksov	April 1, 2022

C. Karlson moved, seconded by C. Martin, that the Board appoint Kristopher Aleksov to the Board of Registrars for a term ending, April 1, 2022. In discussion, D. Watkins requested to review a presumed conflict of interest with K. Aleksov who serves as legal counsel for an open lawsuit versus the Town. The Board agreed to invite K. Aleksov for a discussion before taking a vote. C. Karlson withdrew the motion.

**A7. Annual Report: Discuss Board of Selectmen submission to the 2021 Annual Report:** No discussion. The topic was postponed to the next meeting.

**A8. Governance Guidelines: continuation of discussion and potential vote:** D. Watkins reported that he had submitted proposed revisions to L. Miller. L. Miller noted that the draft guidelines had been renamed, now titled Town of Wayland Principles and Policy. Discussion was postponed to a future meeting.

**A9. Town Administrator Update: a. COVID-19 b. River's Edge c. Capital Projects – School, CPA funded d. Per- and Polyfluoroalkyl substances (PFAS) e. School Bus Parking f. Reprecincting g. Departmental Reports: Library h. Private Road Snow Plow Policy i. CIP Process j. Regionalization Opportunities k. Housing Production Plan l. Documents provided for information: – Regional Housing Services Office FY2021 4th Quarter Report – Memo to Board of Public Works re: Spencer Circle – Cascade Wayland Revised 40B Decision as issued by the Housing Appeals Committee:**

**A9.a. COVID-19:** L. Miller provided two documents from the Health Department, one regarding COVID-19 vaccinations and one regarding new COVID-19 cases in the last week. L. Miller reported that the Public Health Nurses were conducting contact tracing on the new cases. L. Miller reported that new guidance was issued to employees because Middlesex County was considered a “substantial risk” county.

**A9.b. River's Edge:** L. Miller explained that the Town was still awaiting a response from the attorneys representing Alta River's Edge after the final draft of the Operation and Maintenance Agreement and amendment had been sent. L. Miller reminded the Board that there would be a public comment period regarding the draft permit from the Massachusetts Department of Environmental Protections (MassDEP). L. Miller reported the escrow agent requested a site visit.

**A9.c. Capital Projects – School, CPA funded:** T. Fay noted he initiated a discussion with the School Committee chair and vice chair on the ongoing capital projects and related communications. C. Martin noted that there were 100 total capital projects appropriated and ongoing. The Board discussed the appropriate number of projects and the workload. There was a discussion about hiring a Construction Project Manager to expedite the progress of the pending projects. The Board supported the concept.

**A9.d. Per- and Polyfluoroalkyl substances (PFAS):** L. Miller stated that the Town was waiting for a permit from the MassDEP in order to issue the contract.

**A9.f. Reprecincting:** At an upcoming meeting, L. Miller will provide the Board with new maps to reflect proposed changes in some precincts since the last census.

**A9.e. School Bus Parking:** L. Miller reported that the school bus parking plan at the Town Building lot was reviewed by an engineer. L. Miller reported the current proposal from the engineer was for a one-year term and there was a need for a long-term solution. D. Watkins requested the Board deliberate further on the topic due to conservation concerns and proximity to the Children's Way preschool. T. Fay reminded the Board of the multiple

times it has received information on potential solutions. The Board discussed the request and its role versus that of the Conservation Commission and Planning Board.

**A9.g. Departmental Reports: Library:** The Board had no questions on this report.

**A9.h. Private Road Snow Plow Policy:** L. Miller reported that the Town's Residential Private Road Snow & Ice Policy had not changed from the previous years' version, and that the Private Road Snow Plow Appeal Process for was now open for residents to complete. At a future meeting, the Board will review the appropriateness of expanding this policy to commercial properties.

**A9.i. CIP Process:** There was a discussion regarding the Capital Improvement Plan (CIP), interaction with departments and the Finance Committee, and the need for a new form to provide improved information and to populate the warrant. L. Miller will share the slide deck with department heads and the Finance Committee. Board members should submit feedback to L. Miller.

**A9.j. Regionalization Opportunities:** L. Miller informed the Board that there may be an opportunity to regionalize some Energy and Climate services, Public Safety dispatch positions and Health services.

**A9.k. Housing Production Plan:** L. Miller is assembling a working group comprised of staff, a member of the Board, the Municipal Affordable Housing Trust, the Housing Authority and Planning Board.

**A9.l. Documents provided for information:** No discussion.

**A10. Police Chief Search Process:** L. Miller reviewed the process for hiring the next Police Chief which includes opportunity for public input. L. Miller reported that a Police Chief Profile Survey had been issued and results are being reviewed.

**A11. Minutes – July 12, 2021 and July 26, 2021; review and vote to approve:** The Board discussed revisions to the draft minutes of July 12 and agreed to send them to C. Martin. No draft minutes of July 26 were provided.

**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. 4 to Contract Agreement number 19-1062 with BETA Group, Inc. for Professional Engineering Services related to the Route 20 Corridor Study.**
4. **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.**
5. **Vote the question of approving the additional documents requested by the Alcoholic Beverages Control Commission (ABCC) for the amendments to the liquor license application for Donelan's Supermarkets, Inc., ABCC License Number 00021-PK-1340, located at 177 Commonwealth Road, Wayland, MA, for a Change of Manager of Record; Change of Officers/Directors/LLC Managers, and Issuance/Transfer of Stock/New Stockholder.**
6. **Vote the question of approving and signing contract agreement number 21-1023 with J.C. Floor Covering Co., Inc. for the installation of vinyl flooring at the Wayland Middle School.**
7. **Vote the question of approving and signing contract agreement number 21-1024 with Liberty Floor Covering, LLC. for the installation of vinyl flooring at the Loker School.**
8. **Vote the question of approving and signing contract agreement number 21-1025 with Premier Abatement & Labor Services, Inc. for the asbestos abatement and related work at the Loker School.**

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

**A13. Correspondence:** The Board reviewed the correspondence included in the packet. There was a discussion regarding correspondence item #3 regarding the Town vacancy in the MBTA Advisory Board and #4, #5 and #6 regarding 12 Hammond Road, 106 Plain Road and 212 Cochituate Road, respectively.

**A14. Selectmen's Reports and Concerns:** The Board discussed the format and the goals of the playing field forum and confirmed the forum would be held August 30, 2021. C. Martin reported that the handout document list was included in the minutes but had not been posted online. C. Martin requested the Board review the charge of the HRDEI Committee as it requested and recommended a student be named to Energy & Climate Committee. D. Watkins requested support from staff to manage the status of future agenda items. D. Watkins requested to include agenda items on the topics of the Comcast agreement negotiations, the Fund Transfer Policy and the Old Stone Bridge Rd/Potter Road Bridge project on a future agenda. D. Watkins asked the Board to refrain from expressing the opinion of the Board without his permission or discussion with the Board.

**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: The Wayland Library Staff Association MFT, AFT, AFL-CIO; International Association of Firefighters, AFL-CIO Local 178; 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; III. 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 and July 26, 2021 Approve and Hold: Executive Session minutes of July 12, 2021 and July 26, 2021:**

At 10:44 p.m., Chair T. Fay moved, seconded by D. Watkins, 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 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) (2), (3), and (6) to review and approve the executive session minutes of July 12, 2021 and July 26, 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, C. Karlson, C. Martin, D. Watkins. NAY: none. ABSENT: A. Gutbezahl. ABSTAIN: none. Adopted 4-0.

T. Fay invited attendance by Town Administrator L. Miller and Management Analyst S. Crandall. T. Fay announced that the Board would not reconvene in open session and would that the Board would adjourn from executive session.

**A17. Adjourn:** The Board adjourned from executive session at 11:03 p.m.

**Items included in the packet during the Board of Selectmen Meeting of August 9, 2021:**

1. Memorandum To: Board of Selectmen From: S. Crandall, Management Analyst Cc: L. Miller, Town Administrator Re: 2022 ATM Proposed Dates and Input Received, dated August 9, 2021
2. Potential Dates for ATM 2022 Draft 7.26.2021
3. Memorandum To: L. Miller, Town Administrator From: J. Remy, Management Analyst Date: August 5, 2021, Re: Host Community Agreements with attachments
4. Draft Host Community Agreement: Town of Wayland and Earth Well Farms, LLC (For Discussion Purposes – August 9, 2021)
5. Town of Wayland Board/Committee Appointments Status as of August 3, 2021
6. Board of Registrars Application from Kristopher K. Aleksov, Esq.
7. Massachusetts General Law - Part I, Title VIII, Chapter 51, Section 15 Board Of Registrars In Certain Cities And Towns; Appointment; Term Of Office
8. Health Department Wayland COVID-19 Vaccination Update – July 27, 2021
9. Health Department Wayland COVID-19 Case Update – July 30, 2021
10. Memorandum To: School Committee From: L. Miller, Town Administrator, B. Keefe, Public Buildings Director, Re: Status Update School Capital Projects, dated July 27, 2021
11. Memorandum To: Board of Selectmen, School Committee cc: Dr. Omar Easy, School Superintendent Ellen Whittemore, School Department Director of Finance and Operations From: L. Miller, Town

- Administrator B. Keefe, Public Buildings Director Re: Status Update School Capital Projects, dated August 9, 2021
12. Memorandum To: L. Miller, Town Administrator From: S. Sarkisian, Town Planner Re: Bus Parking At Town Building, dated August 6, 2021 with attached schematics:
    - i. BETA Group, Inc. School Bus Parking: Existing Conditions
    - ii. BETA Group, Inc. School Bus Parking: Option 1
    - iii. BETA Group, Inc. School Bus Parking: Option 2
  13. Wayland Free Public Library Director's Report - July 21, 2021 with infographic
  14. Letter to Residents: Re: private road plowing: Board Of Selectmen's process to appeal a decision not to provide snow plowing service, dated July 26, 2021 with attachments
    - i. Final Version Residential Private Road Snow & Ice Policy Town of Wayland, Accepted by Board of Public Works October 10, 2017, Accepted by Board of Selectmen May 16, 2018, Policy Effective November 1, 2018
    - ii. Residential Private Road Snow & Ice Policy Appeal Application Form
  15. Memorandum To: L. Miller, Town Administrator From: J. Bugbee, Assistant Town Administrator re: Housing Production Plan Update, dated August 9th, 2021
  16. Report From: Elizabeth Rust RE: Regional Housing Services Office – FY21 Q3, Status Report
  17. Memorandum To: Board of Public Works, Board of Selectmen From: L. Miller, Town Administrator cc: S. Sarkisian, Town Planner; T. Holder, Public Works Director Re: Spencer Circle Easement and Order of Taking as a Public Road, dated August 9, 2021
  18. Link to the Cascade Wayland Revised 40B Decision as issued by the Housing Appeals Committee (<https://www.wayland.ma.us/zoning-board-appeals/pages/affordable-housing-projects>)
  19. Draft Board of Selectmen Minutes of July 12, 2021

**Items Distributed For Information and Use By Board during the Meeting of August 9, 2021 Otherwise Not Included In The Packet (Handouts):**

20. PowerPoint presentation prepared by Town Administrator dated August 9, 2021, re: Process for Licensing Medical Marijuana Treatment Facility
21. PowerPoint presentation prepared by Earth well Farms, LLC dated August 9, 2021, re: Proposed Medical Marijuana Treatment Center Located at 536 Boston Post Road, Wayland, MA
22. Earth Well Farms, LLC Business Plan for Review by the Town of Wayland Board of Selectmen
23. Memorandum from Town Clerk to Board of Selectmen re: Registrar Appointment and Vacancy, dated June 24, 2021
24. Draft Town of Wayland Principles and Policy dated 8.9.2021
25. Wayland Department of Health COVID-19 Case Update as of 8.6.2021
26. Wayland Department of Health COVID-19 Vaccine Update as of 8.3.2021
27. Memorandum from Town Administrator's Office to Town Staff dated August 9, 2021, re: New COVID-19 Safety Guidance and Protocols for Town Buildings and Staff
28. Memorandum from Town Administrator and Public Buildings Director to Board of Selectmen and School Committee dated August 9, 2021, re: Status Update of School Capital Projects
29. Memorandum from Town Administrator's Office to Board of Selectmen dated August 9, 2021, re: Community Preservation Funded Projects Update.
30. Memorandum from Town Administrator to Board of Selectmen dated August 9, 2021, re: PFAS Response Update
31. PowerPoint presentation prepared by Town Administrator dated August 9, 2021, re: A Framework for Capital Planning
32. Re-envision Route 20 Corridor Survey Final dated August 9, 2021

**Correspondence:**

1. Correspondence from Xfinity to Board of Selectmen dated July 21, 2021, re: Xfinity TV Service Changes
2. Correspondence from Massachusetts Department of Public Utilities dated July 16, 2021 and received July 26, 2021 re: Petition of NSTAR Electric Company d/b/a Eversource Energy for Approval of Deferral of Major Storm Threshold Amounts for 2020 Storms.

3. Correspondence from the MBTA Advisory Board to Tom Fay, Board of Selectmen Chair, dated July 23, 2021 and received July 26, 2021 re: Town Vacancy in the MBTA Advisory Board.
4. Correspondence from Massachusetts Department of Housing & Community Development to Board of Selectmen dated June 29, 2021, re: Approval of Project Eligibility under the Local Initiative Program (LIP), 12 Hammond Road.
5. Correspondence from Doug Stotz to Board of Selectmen dated July 28, 2021, re: Proposed 104, 106, and 110 Plain Road Conservation Restriction.
6. Correspondence from Mary Antes, Chair of Municipal Affordable Housing Trust, to Board of Selectmen dated July 23, 2021, re: The MAHT's interest in considering the parcel of land located at 212 Cochituate Road if available.
7. Correspondence from Mary Ann Borkowski to Board of Selectmen dated July 26, 2021, re: Seeking an update on Wayland Police Chief Search process.
8. Correspondence from Brian O'Herlihy to Board of Selectmen dated August 6, 2021, re: Municipal Affordable Housing Trust's interest in considering the parcel of land located at 212 Cochituate Road if available.