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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Meeting Minutes
BOARD OF SELECTMEN
Monday, July 13, 2020
5:00 p.m.

Wayland Town Building
Council on Aging Room
41 Cochituate Road, Wayland, MA

BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DOUGLAS A. LEVINE

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 livestreamed 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, Douglas A. Levine (M. Antes, T. Fay and D. Levine participated remotely by tele-videoconferencing; C. Karlson and L. Anderson participated by tele-videoconferencing and were also present at Town Building.)

Also Present: Town Administrator Louise Miller; Management Analyst Seath Crandall; DPW Director Tom Holder; Town Planner Sarkis Sarkisian

Remote participation by tele-videoconferencing: Selectman Elect/Finance Committee Member David Watkins

A1. Call to Order by Chair, Review the Agenda for the Public C. Karlson called the meeting of the Board of Selectmen to order at 5:00 p.m. when a quorum was available and noted that the meeting would be broadcast live and recorded for later broadcast by WayCAM. The meeting was open for the public to view and participate on Zoom. C. Karlson announced a phone number (508-358-6812) for the public to call to offer comments and reviewed for the public how to participate via Zoom. C. Karlson reviewed the agenda for the public.

A2. Swearing in of Police Officer DaLonn Pearson – Held outside in the Town Building Courtyard C. Karlson, L. Anderson and the live broadcast moved to the Town Building Courtyard to attend the swearing-in ceremony of new Officer DaLonn Pearson. C. Karlson, L. Miller and Lt. Sean Gibbons all gave remarks welcoming L. Pearson. Town Clerk, Anna Ludwig administered the Oath of Office to L. Pearson. Following administration of the oath and pinning his badge, the Board congratulated Officer Pearson. C. Karlson and L. Anderson returned to the Council on Aging Room.

A3. Announcements and Public Comment M. Antes announced that the Council on Aging would host a concert on July 16 and reservations were required. C. Karlson announced that Public Comment was open.

A13. Consent: Review and vote to approve (see separate sheet)

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 the inclusion of the proposed language to the Health Insurance Incentive Waiver Program.

M. Antes moved, seconded by L. Anderson, that the Board vote to approve the Consent Calendar. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A3. Announcements and Public Comment (continued)

Steve Correia, Glezen Lane, commented on the Board's statement on racism that he felt discussion was important, but wanted to see action.

A4. Joint Meeting with School Committee to interview candidate(s) and vote to appoint to fill vacancy a.

Christopher M. Ryan At 5:20 p.m., Chair, Jeanne Downs called the School Committee (SC) meeting to order. School Committee members Kim Reichelt and Ellen Grieco were also present. J. Downs introduced C. Ryan, School Committee member elect. E. Grieco noted that C. Ryan was elected by voters at the June 9, 2020 election.

C. Karlson announced that the intent of the Board was to meet jointly with the School Committee to fill a recently vacated seat on the SC as prescribed in Chapter 41 Section 11. The seat could be filled following a resignation, a vote of the SC to request the Board jointly fill the seat, the Board's announcement of intent to fill the seat on the SC, and the public posting of the vacancy for seven days. The Board received one application, C. Ryan.

L. Anderson moved, seconded by D. Levine, that the Board of Selectmen and School Committee appoint Christopher M. Ryan to fill the remainder of the term of office for the seat vacated by Nate Buffum, unless Christopher M. Ryan can sooner assume the term of office to which he was elected at the 2020 Town Election. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine, J. Downs, E. Grieco, K. Reichelt NAY: none. ABSENT: Kathie Steinberg. ABSTAIN: none. Adopted 8-0. The School Committee voted to adjourn the meeting of the SC at 5:25 p.m.

A14. Correspondence Review The Board reviewed the correspondence in the Board Packet.

A8. Town Administrators Update: a. COVID-19: Update; b. Board of Health COVID-19 Update; c. Cascade 40B Project; d. Oxbow Field Project; e. School Bus Parking; f. Wayland Community Rowing: Sculling Shed at Town Beach; g. Update on Governor's Bill & Declaratory Judgment for seating of Elected Officials

A8.a. COVID-19: Update L. Miller noted that the incidence of new COVID-19 cases was slowing down, and that residents should continue to be vigilant and follow the mask order. There was still concern of spread because the number of new cases nationally was surging.

A8.b. Board of Health COVID-19 Update L. Miller reported that the Board of Health and Health Department are working with the School Committee and School Department on the school re-opening plans.

A8.c. Cascade 40B Project L. Miller reported that the Town had been contacted by the Department of Environmental Protection (DEP) because the developer for the Cascade 40B project had filed an application for intent to change the scope of work of the project. The change included a proposed on-site wastewater treatment plant to serve the facility. L. Miller noted that a comment letter sent to DEP was in the Board packet and had been reviewed by Town Counsel. L. Miller reminded the Board that the state-ordered mediation remains confidential and has not concluded. L. Miller reported that the developer had not changed the scope of work with the Housing Commission in Boston. L. Miller reminded the Board that the Zoning Board of Appeals (ZBA) decision was appealed and an on-site wastewater treatment plant was suggested by the ZBA. M. Antes voiced concern over the age of the wastewater treatment regulations from 1988 and suggested an update.

C. Karlson closed the Public Comment period.

A5. Joint Meeting with Board of Public Works to interview candidate(s) and vote to appoint to fill vacancy a. Robert L. Goldsmith

At 5:37 p.m. C. Karlson called a joint meeting of the Board of Selectmen and the Board of Public Works (BoPW) to order. C. Karlson announced the intent of the Board was to meet jointly with the BoPW to fill a recently vacated seat on the BoPW as prescribed in Chapter 41 Section 11. The seat could be filled following a resignation that was confirmed by the Town Clerk, a vote of the BoPW to request the Board meet jointly to fill the seat, the Board's announcement of intent to fill the seat, and the public posting of the vacancy for seven days. The Board received one application, R. Goldsmith. Chair, Mike Lowery, and BoPW members Clifford Lewis, and Jonathan Mishara were also present. M. Lowery also introduced R. Goldsmith, BoPW member elect. M. Lowery noted that R. Goldsmith was elected by voters at the June 9, 2020 election.

L. Anderson moved, seconded by M. Lowery, that the Board of Selectmen and BoPW appoint Robert L. Goldsmith to fill the remainder of the term of office for the seat vacated by Patrick Murphy, unless Robert L.

Goldsmith can sooner assume the term of office to which he was elected at the 2020 Town Election. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine, M. Lowery, C. Lewis, J. Mishara. NAY: none. ABSENT: M. Wegerbauer. ABSTAIN: none. Adopted 8-0. The Board congratulated R. Goldsmith.

A6. Special Town Meeting: Discussion of potential article for easements for the River's Edge development with Board of Public Works Potential vote to insert article(s), confirm schedule, etc. L.

Miller reported that the River's Edge developer, Wood Partners, submitted a proposal to DOT; DOT required the developer to change the proposed entrance and egress from the property and to use the access road to the Transfer Station adjacent to the River's Edge project. DOT requested that the Town consent to grant the developer access rights from Route 20. To consent, the Town has to act to transfer the interest in real estate to Wood Partners and that transfer would need to be voted at Town Meeting; and second, the property is under multiple jurisdictions including the Board of Selectmen and the Board of Public Works. Jurisdiction needs to be resolved.

T. Holder reviewed the two easements that would be necessary and noted they are consistent with proper roadway design and the conditions proposed. There was a discussion about the specifications and conditions of the access routes. T. Holder stated two conditions: relocation of a gate and allowing Transfer Station traffic to use the easement to turn around if access to the Transfer Station is closed. BoPW members recommended a traffic study. S. Sarkisian reported several traffic studies have been conducted and posted. D. Watkins suggested considering licensing instead of an easement to avoid needing to call a Special Town Meeting for this issue. BoPW members requested to see the language of the easement before approval. Other issues raised included the need to correct GIS maps, and a desire to include multiple groups to propose best uses of Town land. C. Karlson summarized the unresolved aspects that need clarification before approval: issues regarding the Conservation Commission and drainage, the Planning Board and traffic, and the ownership of the land. The BoPW left the meeting at 6:20 p.m.

A7. Shared Streets Grant: discussion and next steps with Town Planner Town Planner Sarkis Sarkisian joined the discussion and presented the Massachusetts Department of Transportation's Shared Streets and Spaces grant program. The Shared Streets and Spaces grant program is aimed to provide grants as small as \$5,000 and as large as \$300,000 for cities and towns to quickly implement or expand improvements to sidewalks, curbs, streets, on-street parking spaces and off-street parking lots in support of public health, safe mobility, and outdoor connectivity with sidewalks and bikeways. S. Sarkisian reviewed three proposals. First is Cochituate area improvements at the 114 Main Street property, a 1.5 mile bikeway from 27/30 to the Cochituate Rail Trail with pavement markings and barricades, and upgrades to the Hannah Williams Playground gazebo. S. Sarkisian described a second project connecting 236 Boston Post Road to the Rail Trail. Both projects would require a license or easement. S. Sarkisian reviewed a third proposal at Elissa Avenue, involving the closure of the road to traffic to create a plaza with outdoor seating. The Board discussed the timeline.

M. Antes, moved, seconded by D. Levine, to encourage the Town to proceed working with internal Boards and Committees to prepare an application for the grant. In discussion, T. Fay noted that the grant was a step toward meeting the Board's goals. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A10. Board of Selectmen Statement on Racism: open forum, discussion and potential vote C. Karlson reviewed a revised draft of a statement from the Board. M. Antes indicated that she made some changes to the document as suggested by the Board members and a call for action from the public. D. Levine stressed the importance of listening, understanding, and the call to action. T. Fay voiced the need for action and a public forum.

M. Antes became disconnected from the meeting for 8 minutes from 6:47 p.m. to 6:55 p.m.

L. Anderson noted that this was an important moment in history and Board members are looked to as leaders who need to take action. D. Watkins suggested an actionable item, by implementing a zero tolerance policy for certain behaviors both as an employer and an appointing authority. M. Antes reconnected to the meeting.

C. Karlson noted that the Town has been proactive with structural changes as an employer and an appointing authority, and encouraged action as a community through a public forum. L. Anderson referred to a public comment letter and echoed the significance of collecting data. L. Miller reported that the Town does have an existing zero tolerance policy for harassment and discrimination that is implemented through employee training

and backed by the Personnel Board. L. Miller noted the importance of bringing people together as a community. L. Miller suggested establishing an Advisory Group to support diversity and accessibility. The Board discussed approaches by other neighboring towns. D. Watkins requested the topic be added to the Board's list of goals. C. Karlson noted that diversity has been listed as one of the Board's goals established in January. T. Fay recommended that the Board commit to a public forum and encourage the public discussion. C. Karlson suggested the topic be put on the next agenda.

A6. Special Town Meeting: Discussion of potential article for easements for the River's Edge development with Board of Public Works Potential vote to insert article(s), confirm schedule, etc. (continued)

L. Miller noted that the grant of easements were an important part of the process for the developers to be able to submit a building permit, and if delayed it could extend up to ten months. T. Fay noted his preference to not delay the project to allow the Town to benefit from the revenue. L. Miller voiced concern with additional traffic studies. D. Watkins reiterated the option to pursue a license as an alternative to an easement and expressed disagreement with a Special Town Meeting.

A8. Town Administrators Update (continued)

A8.d. Oxbow Field Project L. Miller reported that the Town met with the contractor and identified some problem areas and a plan to rectify them. The Town received confirmation from the designer that the plantings were implemented correctly. L. Miller noted that she would follow up with the neighbors in regard to the settlement agreement.

A8.e. School Bus Parking There was no new update.

A8.f. Wayland Community Rowing: Sculling Shed at Town Beach L. Miller reported that a proposal was submitted by Cliff Lewis last December. L. Miller noted that the Massachusetts Department of Conservation and Recreation (DCR) had not been able to provide a copy of the lease of the property, which extends through 2024. C. Karlson noted that the use of the Town Beach is currently restricted by the state's re-opening guidelines and expressed concern for introducing something new in this environment. L. Anderson voiced that this may need to be tabled for another year given the current priorities.

A8.g. Update on Governor's Bill & Declaratory Judgment for seating of Elected Officials L. Miller reported that Town Council prepared a Governor's bill that is ready for signature by the Chair of the Board of Selectmen and Congressional delegation and once signed would be submitted. Town Counsel indicated it may take a month to make its way through the legislature once the Governor decides to file the bill. D. Watkins indicated that through his personal lawyer, he would file an emergency motion seeking injunctive relief to be heard by a Superior Court immediately, different from the Town's approach. D. Watkins requested the Board support his initiative. T. Fay indicated it would be unusual for a Superior Court judge to overturn a state statute as D. Watkins requested and would not be supportive of using taxpayer money on a legal issue different from the advice of Town Counsel. T. Fay indicated that even injunctive relief can take some time. L. Anderson concurred that it may be fruitless but expressed empathy to D. Watkins and his delay to take office.

A9. Annual Town Meeting: discuss logistics, review current articles and potential vote to identify articles to pass over C. Karlson noted that the Finance Committee agreed to pass over Article 10 Capital Stabilization Fund. The Board discussed the preference to keep Article 11 Reallocate Previously Appropriated Funds for Community Center. C. Karlson noted that there are eight articles requiring full discussion and estimated discussion could take up to four hours. C. Karlson noted that the Board voted a new date, but there was a need for the Town Moderator to declare two more ATM continuances, first to a date in August and again to the agreed upon September 12, 2020 date. L. Miller would have an update on logistics at the next meeting.

A11. Planning for FY22: Budget process and 2021 Annual Town Meeting; discuss next steps L. Miller reported that she had reviewed the budget schedule and process with the Chair of the Finance Committee and would report back to the Board next week. L. Miller reported that the Finance Committee proposed to separate the capital from the operating budget processes for clarity. L. Miller discussed the summit and reviewed the timelines for the capital and school budget. C. Karlson indicated the Board and Finance Committee would review the final version at the respective meetings next week. D. Watkins reviewed the process for date selection for ATM 2021 and proposed four dates March 30, April 6, April 27, or May 4.

A12. Minutes: Review and vote to approve minutes of July 7, 2020 There were no minutes ready for approval.

A15. Selectmen's reports and concerns T. Fay congratulated Officer Pearson on his swearing in. T. Fay also commended L. Miller for her organization of the Town Beach. C. Karlson and L. Anderson echoed the remarks. D. Watkins indicated interest in working toward two of the Board's goals: the Long Range Operating and Capital Finance Planning and Communications plan.

A16. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any There were none.

A17. Enter into Executive Session I. 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 Rivers Edge Project at 484-490 Boston Post Road; and; II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of July 7, 2020. APPROVE AND HOLD: Executive Session minutes of July 7, 2020.

At 8:31 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) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers Edge Project at 484-490 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 July 7, 2020 expecting 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. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson invited attendance by Louise Miller, Town Administrator; Seath Crandall, Management Analyst.

A22. Adjourn At 8:57 p.m. the Board adjourned from Executive Session and did not reconvene in open session.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 13, 2020

1. Updated Shared Streets Grant PowerPoint Presentation provided by Town Planner
2. Correspondence from Town Counsel Carolyn Murray dated Friday July 10, 2020 re: Declaratory Judgement relative to Annual Town Election
3. Board of Selectmen Statement on Racism Draft 2 July 13, 2020
4. Draft dates and Redline Draft dates for Annual Town Meeting July 12, 2020

Items included as part of the Agenda Packet for discussion during the Board of Selectmen Meeting of July 13, 2020

1. Guidance Massachusetts General Law Chapter 41 Section 11: Appointment to Fill Vacancy in Town Office
2. Board and Committee Vacancies as of July 7, 2020
3. Screenshot of Town of Wayland webpage where vacancies are posted
4. Application and Resume of Christopher Ryan for School Committee vacancy
5. Application and Resume of Robert Goldsmith for Board of Public Works vacancy
6. Wayland Access Sign-off from Abutter Plan - River's Edge Development Easement
7. River's Edge Development Layout & Materials Plan
8. River's Edge Development Concept Plan with Easements from Department of Public Works
9. River's Edge Development Access Road Permission to MassDOT
10. Transfer Station Access Road – Easements map
11. Proposing Board Article Submission Form Special Town Meeting 2020
12. Petitioners Article Submission Form Special Town Meeting 2020
13. Shared Streets Grant PowerPoint Presentation provided by Town Planner
14. COVID-19 Board of Health update Case data July 7, 2020
15. Memorandum from Director of Public Health to Kevin Brander, Section Chief DEP/NERO re: Comments on Revised SOW for Hydrogeo 115 Boston Post Rd
16. Regulations for the Design, Operation and Maintenance of Small Wastewater Treatment Facilities from Wayland Board of Health

17. Annual Town Meeting Article Worksheet for Postponed Annual Town Meeting
18. Board of Selectmen Statement on Racism Draft 2020
19. Notice of Revised Draft to be posted Monday, July 13, 2020
20. Draft dates for Annual Town Meeting
21. Board of Selectmen Policy on Annual Budget Process
22. Fiscal Year 2021 Budget Schedule and Process
23. Correspondence from Town Counsel Carolyn Murray dated Friday July 10, 2020 re: Declaratory Judgement relative to Annual Town Election
24. Revised Board of Selectmen Statement on Racism Draft 2.7.13.2020
25. Revised Draft dates for Annual Town Meeting 7.12.2020
26. Redline Draft dates from Annual Town Meeting 7.12.2020

CORRESPONDENCE

1. Correspondence from Phil and Arlene Martino, Town Residents, to Board of Selectmen received July 7, 2020 re: Objection to the LIP application for 11 Hammond Rd.
2. Correspondence from Shonda D. Green, Secretary of Department of Telecommunications and Cable to Board of Selectmen dated July 3, 2020 re: License expiration notice between the Town and Verizon New England, Inc.
3. Correspondence from Thomas Turner, Wayland Resident, to Board of Selectmen dated July 7, 2020 re: Town Meeting ideas being used by the Town of Milford.
4. Correspondence from Teri Hegarty, Management Analyst, to Board of Selectmen dated July 9, 2020 re: Town of Maynard method of holding Annual Town Meeting.
5. Correspondence from Karen Blumenfeld, Wayland Resident, to Louise Miller, Town Administrator, dated July 7, 2020 re: reflections on the Joint statement from Town Administrator and Wayland Police on Race.