



LOUISE L. E. MILLER  
TOWN ADMINISTRATOR  
TEL. (508) 358-3620  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## **Meeting Minutes BOARD OF SELECTMEN Tuesday, September 8, 2020 5:00 p.m.**

**Wayland Town Building  
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. The Board participated remotely by tele-videoconferencing via Zoom and WayCAM. C. Karlson participated by tele-videoconferencing and was also present at Town Building.

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

**Also Present:** Town Administrator Louise Miller, Management Analyst Seath Crandall, Management Analyst Jason Adams, Finance Director Brian Keveny, Town Moderator Dennis J. Berry, Town Counsel Carolyn Murray

**A1. Call to Order by Chair, Review the Agenda for the Public** At 5:03 p.m., C. Karlson called the regular session of the meeting of the Board of Selectmen to order when a quorum was available by teleconference. C. Karlson announced each Board member who was participating remotely by full name. C. Karlson noted that in compliance with the revised Open Meeting Law requirements the meeting would be broadcast live and recorded for later broadcast by WayCAM. The meeting was also open for the public to view and participate via 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. Announcements and Public Comment** M. Antes announced that the League of Women Voters would be sponsoring a State Representative Candidate Forum, which would be videotaped in Sudbury without an audience. Residents could submit questions by email by September 18.

There was no Public Comment.

**A3. 2020 ATM & STM Warrant Hearing** Finance Committee Chair Carol Martin joined the meeting. C. Martin called to order the meeting of the Finance Committee when a quorum was available and announced Finance Committee members Steve Correia, Pamela Roman, and Dave Watkins were participating remotely by teleconference. C. Martin reviewed the agenda item to attend the Board of Selectmen's Warrant Hearing.

C. Karlson announced that Town Administrator L. Miller, Finance Director Brian Keveny, Town Moderator Dennis J. Berry, Town Counsel, Carolyn Murray, and Jeanne Downs, Chair of the School Committee, would also join the Warrant Hearing.

At 5:10 p.m. C. Karlson opened the 2020 Annual Town Meeting (ATM) Warrant Hearing and 2020 Special Town Meeting (STM) Warrant Hearing. C. Karlson noted that the 2020 ATM and 2020 STM Warrants would be reviewed page by page and the motions for the warrant articles would also be reviewed.

Resident, Anette Lewis, Claypit Hill Road, connected to the hearing and indicated that several page numbers in the ATM Warrant table of contents were incorrect. She posed questions regarding the meeting logistics pertaining to COVID-19 protocols and accessibility. A. Lewis referred to page 17 of the 2020 ATM Warrant and indicated that the page was confusing.

C. Karlson described the procedural motion to pass over twelve articles. C. Karlson reviewed the amendments to the motion for Article 4 OPEB Funding. A. Lewis asked for clarification on future expenses of the related OPEB funds such as the BASE Program and Full-Day Kindergarten. J. Downs offered clarification.

C. Martin noted the revised budget had not yet been voted by the Finance Committee. L. Miller described the revisions and the motions for Article 9: FY 2021 Omnibus Budget and Capital Budget.

Gretchen Schuler, Old Connecticut Path, connected to the hearing and asked a question regarding the increase in the Purchase of Services line in the Town Administrator's budget. C. Martin explained that the increase represented funds being re-appropriated from unclassified and included funds for Annual Town Meeting.

Molly Upton, Bayfield Road, connected to the hearing and asked if the Town was subsidizing the operating budget with free cash. C. Martin explained that the Town's strategy to compensate for the shortfall created by new COVID-19 expenses was to use free cash on the capital budget, and capital funds on the operating budget to avoid any increase in taxation. C. Martin indicated that this strategy was one supported by Moody's.

A. Lewis asked about the addition of new personnel in the Fire Department and School Department. L. Miller noted that the addition of two fire positions is funded by a grant for three years. J. Downs indicated that additional school personnel would be reviewed by the Finance Committee.

A. Lewis questioned why the Purchase of Services for the Recreation Department on page 35 line 52 was increased by \$85,000 over the previous year. C. Martin explained that the funds were previously appropriated in the DPW budget and were being moved to the Recreation budget, and that the funds were to be used for Recreation expenditures that do not have associated revenue, like playgrounds. C. Karlson noted that there was a corresponding \$85,000 decrease in the DPW budget line.

C. Karlson continued to lead the hearing from page 39 through page 133 of the 2020 ATM Warrant without questions or discussion. C. Karlson continued through the 2020 Special Town Meeting Warrant book.

A. Lewis suggested that the motion language in STM Article 1 River's Edge Development: Access and Drainage Easement was incorrect. She suggested that the easement was not for the benefit "of the owner" because an easement runs with the land, not a person. She also asked when counsel's opinion on the easement would be posted.

Moderator D. Berry asked if any handouts had been submitted to the Town. L. Miller indicated that there would be handouts. J. Adams described some of the planned logistics regarding social distancing, cellular devices, COVID-19 guidelines, and accessible accommodations.

At 6:41 p.m., C. Karlson closed the Warrant Hearing. The Finance Committee adjourned the Finance Committee Warrant Hearing. The Finance Committee members left the Selectmen's meeting.

#### **A4. Special Town Meeting: a. Article 1: River's Edge Easement – update and FAQs b. Next steps L.**

Miller reported that she had received a draft opinion from Town Counsel on the easement that would be provided to Wood Partners, LLC. C. Karlson noted that the Board had not taken a position on 2020 STM Article 2: Repeal Ch. 53 of Acts of 2010: Taking Office. C. Murray reported that the Governor's bill had been filed and there was no further update.

**A5. 2020 Annual Town Meeting update** C. Karlson noted that there was a topic not reasonably anticipated 48 hours in advance of the meeting regarding Article 4: OPEB funding. The Board reviewed the revised information provided in the supplemental packet.

#### **A14. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any.**

T. Fay moved, seconded by M. Antes, to adopt the revised 2020 ATM Article 4 OPEB Funding, as set forth in the supplemental packet. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

At 6:56 p.m. C. Murray and D. Berry left the meeting. Chair J. Downs called the School Committee meeting to order and announced that members: Jeanne Downs, Ellen Grieco, Kim Reichelt, Christopher Ryan, and Kathie Steinberg would all participate remotely by teleconferencing.

**A6. Enter into Executive Session jointly with the School Committee and Finance Committee I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with The Wayland Teachers Association.**

At 6:58 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 The Wayland Teachers Association.

C. Karlson declared that a public discussion of this matter 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 Town Administrator L. Miller, Superintendent of Schools Arthur Unobskey, Assistant Superintendent of Schools Perry Graham, School Director of Finance and Operations Susan Botton, Management Analyst Seath Crandall, Finance Director B. Keveny, School Committee Members: Chair J. Downs, E. Grieco, K. Reichelt, C. Ryan, and K. Steinberg and Finance Committee Members: Chair C. Martin, S. Correia, A. Gutbezah, P. Roman, K. Lappin and D. Watkins. C. Karlson noted that the Board would return to open session in approximately thirty minutes.

(School Committee chair J. Downs also called the School Committee into Executive Session.)

At 8:09 p.m., the Board returned to open session.

**A7. Police Memorandum of Understanding: Review and vote to sign** C. Karlson noted that the Board received an email from L. Miller today with the MOU, which included all items previously discussed. L. Miller confirmed the settlement amount for salaries and stipends at a first year cost of \$48,700. This amount will be funded as part of the FY21 budget article as a transfer from reserve for salary settlement. T. Fay asked if there was anything in the contract that relates to the current concerns expressed throughout the nation. L. Miller reported that the MOU expands the types of degrees beyond criminal justice that can be compensated. These enhance the base of knowledge and ability of police officers to respond to the types of calls received in this day and age. L. Miller also reported that she is putting together a roster to show how the Police Department is changing with new hires of younger officers, more women, and minorities. M. Antes asked about training. L. Miller reported that she is working on a document describing the training that police receive when they first come on board as new officers, as well as annual training and additional training that the Police Department requires.

T. Fay moved, seconded by M. Antes, to authorize the Chair to sign the MOU on behalf of the Board. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Town Administrators Update: a. COVID-19: Update; b. Board of Health COVID-19 Update; c. Elections Update; d. School Reopening e. MassWorks Grant Application f. Shared Streets grant applications g. Staffing Update h. FY2019 Audit Management Letter (Vote)**

**A8.h. FY2019 Audit Management Letter (Vote)** L. Miller reported that B. Keveny was waiting for a response from the Audit Committee on the final Audit Management Letter submitted by Melanson-Heath, LLC. This is the latest and final audit company's letter to the Town with management's responses. C. Karlson reminded the Board that the Audit Committee's report is based on an earlier draft that classified a significant deficiency. She suggested that the Board issue the response to this letter before much more time passes; the Board will soon have the 2020 auditor's letter to consider.

L. Anderson moved, seconded by M. Antes, that the Board approve the Town's Response to the Melanson-Heath, LLC FY 2019 Audit Management Letter as presented in the packet. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

L. Miller left the meeting at 8:24 p.m.

**A9. OML Complaint: discussion of the Open Meeting Law complaint dated 9/03/2020 from resident George Harris pertaining to the Board of Selectmen's meeting held August 6, 2020 and later** C. Karlson indicated that she would draft a response letter and the Board agreed.

**A10. Minutes: Review and vote to approve minutes of August 24, 2020 and August 28, 2020** L. Anderson moved, seconded by D. Levine, that the Board of Selectmen approve the meeting minutes of August 24, 2020, as amended and August 28, 2020, as written. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. 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 and signing invoice #127202 from KP Law, dated August 27, 2020 for professional services rendered through July 31, 2020, in the amount of \$6,496.95.
4. Vote the question of approving and signing invoice #127432 from KP Law, dated August 27, 2020 for professional services rendered through July 31, 2020, in the amount of \$29.50.
5. Vote the question of approving and accepting the following Grants and Awards for the Wayland Fire Department: 1) FEMA SAFER Grant in the amount of \$588,852.00 2) AFG-S COVID 20 Grant in the amount of \$18,263.00 3) CESF Program Award in the amount of \$25,180.00
6. Vote the question of approving and signing Amendment 1 to contract no. 18-1039 with Option Technologies International for changes to the Scope of Work for an Outdoor Town Meeting at a cost of \$31,510 for one day or \$40,199 for two days.
7. Vote the question of approving and signing contract no. 21-1016 with Thistle Communications for Production Services for 2020 ATM & STM at a cost of not to exceed more than \$16,000.
8. Vote the question of approving and signing lease agreement with Pitney Bowes for the Department of Public Works in the amount of \$6,384.96 for a term of thirty-six (36) months.
9. Vote the question of approving three (3) sandwich boards to be displayed from September 12, 2020 to September 19, 2020 at the following locations: Old Connecticut Path and Cochituate Road (Five Paths); Rout 20/Old Connecticut Path by the Coach Grill; and Fire Station Two in Cochituate promoting the Wayland Dads Annual Golf Tournament at the Sandy Burr Country Club on October 1, 2020.

M. Antes moved, seconded by T. Fay, 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.

**A12. Correspondence Review** The Board reviewed the correspondence in the Board Packet.

**A13. Selectmen's reports and concerns** T. Fay thanked D. Levine for his service to the Town and the Board members concurred.

**A14. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any** (revisited) There were no additional items not reasonably anticipated by the Chair in advance of the meeting.

**A15. Adjourn** At 8:33 p.m. T. Fay moved, seconded by D. Levine, that the Board adjourn the meeting. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 28, 2020**

1. Police MOU and Salary Table

**Items included as part of the Agenda Packet for discussion during the Board of Selectmen Meeting of August 28, 2020**

1. Links to 2020 Annual Town Meeting and Special Town Meeting
2. 2020 ATM Article List
3. 2020 STM Article List
4. 2020 ATM Motions
5. 2020 STM Motions
6. 2020 Fall ATM Article Worksheet
7. Fiscal 2021 Budget Reallocation draft
8. Open Meeting Law complaint filed on September 3, 2020
9. Correspondence from Division of Open Government on updates for August 2020

10. Draft of Board of Selectmen Meeting Minutes held on 08-24-2020
11. Draft of Board of Selectmen Meeting Minutes held on 08-28-2020

**Items included in the Supplemental Packet for discussion during the Board of Selectmen Meeting of August 28, 2020**

1. Article List for ATM 2020 in order – Revised 09.08.2020
2. Annual Town Meeting Article Worksheet – Revised 09.08.2020
3. 2020 Annual Town Meeting Motions – Revised 09.08.2020
4. 2020 Special Town Meeting Motions – Revised 09.08.2020
5. TA Memo Re: Revised Budget and OPEB Recommendations
6. 2020 ATM Article 4. OPEB Funding – Revised numbers
7. Proposed Capital Budget FY 2021 and Summary revised Draft for 2020 ATM Article 9
8. 2020 ATM Article 9. Revised Motions
9. Final Written Report to Board of Selectmen from Audit Committee re: FY 19 Audit Cycle dated 4/30/20
10. Fiscal Year 2019 Audit Management Letter Draft

**CORRESPONDENCE**

1. Correspondence from George Harris to Board of Selectmen dated September 3, 2020 re: Open Meeting Law Complaint filed by resident George Harris.