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TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

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

**Meeting Minutes
BOARD OF SELECTMEN
Monday, October 19, 2020
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 time designated for Public Comment.

Attendance: Lea T. Anderson, Mary M. Antes, Thomas J. Fay, Cherry C. Karlson, David V. Watkins participated remotely by tele-videoconferencing via Zoom and WayCAM. C. Karlson participated by tele-videoconferencing and was also present at Town Building.

Also Present: Town Administrator Louise Miller, Management Analyst Seath Crandall, and by teleconference Police Chief Patrick Swanick, Police Lieutenant Sean Gibbons, Environmental Planning Director Martin Pillsbury, Metropolitan Area Planning Council (MAPC); Town Engineer Paul Brinkman, Wastewater Management District Commission (WWMDC) Chair Rick Greene and member Michael Gitten and Account Specialist Jane Capasso

A1. Call to Order by Chair, Review the Agenda for the Public At 5:00 p.m., C. Karlson called the meeting of the Board of Selectmen to order when a quorum was available by teleconference. C. Karlson announced by full name each Board member who was participating remotely. C. Karlson noted that in compliance with revised Open Meeting Law requirements the meeting would be broadcast live and recorded for later broadcast by WayCAM. C. Karlson announced no in-person attendance of members of the public was permitted and a phone number for the public to call to offer comments. C. Karlson reviewed for the public how to participate via a virtual 'hand-raise' in Zoom. C. Karlson reviewed the agenda for the public.

A2. Announcements and Public Comment T. Fay announced that the Wayland Public Library re-opened to the public by appointment only and will continue curbside services.

Clifford Lewis, Claypit Hill Road, Vice Chair of the Board of Public Works (BoPW) joined by teleconference to comment on the charge drafted for the Route 20 South Landfill Visioning Committee. C. Lewis stated that he was not speaking on behalf of the BoPW. C. Lewis commented that the parcel is a shared property and therefore the committee should be established jointly; he also requested that a custody study be conducted.

Jeff Kurtz, Plain Road, and Mary Ann Borkowski, Lake Shore Drive, joined the meeting by teleconference and M. Borkowski read a statement on behalf of a group of citizens concerned about the national dialogue around community policing, policing reform, and police interactions with the community, especially for black, indigenous and people of color. The statement offered the group's support to the Board in advancing a community discussion around community policing, against racism and toward social equity. The statement included suggested interview questions for the Board to consider for use to hire the next Chief of Police.

A3. Bond Issuance: a. Moody's Rating Update b. Vehicle Life Cycle Vote: Vote 10 year life for H15

Dump Truck L. Miller reported that bonds for the Town would be put out to bid on Oct. 20, and she expected to receive the rate on the bond that same day. L. Miller reported that Moody's issued a Aaa rating with a stable outlook. Moody's cautioned the Town on long-term liabilities, such as OPEB and pension plans.

A3.b. Vehicle Life Cycle Vote: Vote 10 year life for H15 Dump Truck L. Miller reported that the Town planned to borrow for the ten-year life cycle of the H15 Dump Truck valued at \$250,000, for which the life cycle should be at least ten years.

T. Fay moved, seconded by L. Anderson that the Board vote to approve the maximum useful life of the H15 Dump Truck to be financed with the proceeds of the \$250,000 borrowing authorized by a vote of the Town passed September 12, 2020 (Article 9) pursuant to G.L. c.44, §7(1) to a period of 10 years. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Hazard Mitigation Plan: review 2020 update report (draft January 31, 2020) with Martin Pillsbury, MAPC, Police Chief Swanick, Police Lieutenant Gibbons; vote to approve and accept Police Chief Patrick Swanick, Police Lieutenant Sean Gibbons, and Environmental Planning Director Martin Pillsbury, from the Metropolitan Area Planning Council (MAPC), joined the meeting by teleconference to present the Hazard Mitigation Plan. Chief Swanick reviewed a summary of the work completed to date with the end goal to reduce the impact of damage caused by natural disasters. The plan is funded by the Federal Emergency Management Agency (FEMA) and if approved and adopted would make the Town eligible for future FEMA funding for five years. M. Pillsbury presented a slideshow to summarize the Hazard Mitigation Plan. L. Miller added that the Hazard Mitigation Plan, under the direction of the Police Chief is complemented by the previously accepted Municipal Vulnerability Plan, which falls under the direction of the Fire Chief, and together provide a comprehensive joint Emergency Management Plan. The Board discussed the plan and agreed to send feedback and comments to L. Miller before taking action.

A7. River's Edge: a. Update on project, timing of building permit and closing, b. Discussion with WWMD and Paul Brinkman, Town Engineer re: connection to town wastewater facility, c. Update on easement Town Engineer Paul Brinkman, Wastewater Management District Commission (WWMD) Chair Rick Greene, WWMD member Michael Gitten, and Account Specialist Jane Capasso joined the meeting by teleconference. Chair, R. Greene called the meeting of the Wastewater Management District Commission to order and announced by full name the members participating remotely.

A7.a. River's Edge: Update on project, timing of building permit and closing L. Miller reported that the project developer Wood Partners, Inc. had filed a building permit application and planned to pull the permit immediately following the closing of the sale of the property, which was expected in four to six weeks. L. Miller described two open items: the wastewater connection and the easement. L. Miller reminded the group that the Town submitted a \$2.2 million grant application to MassWorks and the Town had not yet received a response. L. Miller noted that the Town had consulted with Town Counsel to determine alternative ways to connect River's Edge to the Town's wastewater treatment facilities.

A7.b. Discussion with WWMD and Paul Brinkman, Town Engineer re: connection to town wastewater facility P. Brinkman reported that the project's Land Disposition Agreement (LDA) allowed for the developer to establish its own wastewater plant and discharge the wastewater onsite. P. Brinkman had reviewed the plans for that proposed wastewater facility and also reviewed the existing Town wastewater facility capacity. P. Brinkman recommended that the River's Edge project connect to the Town's existing wastewater facility for treatment and run pipe back to the property for disposal. There was a discussion of the operational cost implications and the responsibility of maintenance and inspections of a leach field. L. Miller highlighted the environmental benefits of connection to the existing wastewater facility. C. Karlson asked that P. Brinkman and L. Miller develop a schedule for the next four to six weeks. R. Greene moved, seconded by M. Gitten, to adjourn the meeting of the WWMD.

A5. Statement of Re-affirmation of State of Emergency: review and potential vote to issue L. Anderson reviewed a draft statement written to explain the need to reaffirm the local state of emergency, as well as the effects on town services. T. Fay and C. Karlson suggested that the statement be disseminated to the public.

M. Antes moved, seconded by L. Anderson, that the Board submit the statement of re-affirmation of state of emergency to the appropriate media outlets. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. COVID-19 Update: Town Administrator's report on Wayland data L. Miller reported that the number of COVID-19 cases continue to increase across the state and Wayland's Daily Incidence Rate had returned to the

grey level, the lowest level, after one week at the color code green level. L. Miller reported that there had been a positive case in the Police Department, but involved parties had followed all safety protocols and the staff person is now back to work. There was a restaurant employee who tested positive in Wayland, but the individual followed protocols and there had been no known spread.

A10. Committee Appointments: Interview and potential vote to appoint:

Committee	Potential Appointee	Term End Date
<i>1 resident for 1 vacancy</i>		
Surface Water Quality Committee	Thomas Klem	June 30, 2023
<i>1 resident for multiple vacancies</i>		
Cultural Council	Andrea Blesso	June 30, 2023
<i>1 resident for 1 vacancy</i>		
Wastewater Management District Commission	Douglas Levine	June 30, 2023

Three potential appointees, Thomas Klem, Andrea Blesso, and Douglas Levine joined the meeting and discussed their relevant backgrounds and interest in joining the respective committees. The Board thanked the applicants and interviewed the potential appointees.

M. Antes moved, seconded by T. Fay, that the Board appoint Thomas Klem to the Surface Water Quality Committee to a term ending June 30, 2023, appoint Andrea Blesso to the Cultural Council for a term ending June 30, 2023, and appoint Douglas Levine to the Wastewater Management District Commission to a term ending June 30, 2023. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Route 20 South Landfill Visioning Committee – finalize vote and charge T. Fay reviewed the background for establishing a visioning committee to study the land across from the current Route 20 Landfill, on the south side. T. Fay acknowledged that the BoPW had expressed interest in establishing a committee to consider the use of the parcel and discussed the topic at a recent meeting. The BoPW voiced the need for a lay down area. T. Fay expressed that the committee charge was broad enough to allow the visioning committee to explore any regulatory hurdles and all potential uses of the land. T. Fay described that the committee would have eight members, chaired by a member of the Board, and include a member of the BoPW, Conservation Commission, Economic Development Committee, Recreation Commission, Planning Board, School Committee and an interested resident. M. Antes requested that Housing be added to a potential use of the land. D. Watkins suggested moving forward with the charge. L. Miller recommended that an ex-officio staff member, appointed by the Town Administrator, be assigned as liaison to the committee. She also recommended that the Board make a distinction between staff tasks and committee tasks. The Board made the suggested edits to the charge.

D. Watkins moved, seconded by L. Anderson, that the Board vote to form a committee to be known as the Route 20 South Landfill Visioning Committee (“RSLVC”) with the charge to assist the Board with studying the disposition and use of Town-owned land (“South Landfill parcels”) located on Route 20, also known as Boston Post Road, across the street from the current Wayland Transfer Station. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Response to Emails about opening schools – review and potential vote D. Watkins reviewed a draft letter he had written on behalf of the Board that responded to the parents and students who had previously submitted letters to the Board with concerns in relation to the re-opening of schools. C. Karlson noted that all letter submitters had received notification from the chair in acknowledgement of receipt of the letters. D. Watkins explained his desire to express empathy and to engage students to participate in town government. T. Fay suggested that the draft be shared with the School Committee for feedback. M. Antes expressed concern with the tone of the letter and noted that the recipients may not feel heard, as it does not address the specific issues that they outlined. C. Karlson noted that the response might be too late with school being in session now. D. Watkins agreed to revise the letter.

A11. FY 2022 Budget: a. Review and vote draft Guideline to submit to Finance Committee b. Review updated budget schedule L. Miller reviewed the guidance and updated budget schedule in the packet. L. Miller noted that departments and boards and committees are expected to submit operating budget requests and capital budget requests that will be used to support the development of a five-year capital plan. There was a discussion around code requirements for the budget schedule and setting budget policy.

A12. Town Administrator update: a. List of grants received in 2020 b. Potter Bridge Road (status of survey request) c. Public Comment re: info requests from Building and Planning (C. Plumb), d. CARES & FEMA filing update e. Election f. Plowing private roads g. Racial Advisory Committee update h. Annual Report – status i. Staffing update –ATA, Assessor, Police Chief, clerical support staff j. Finance Functions – discuss consolidated functional reporting k. HR functions – discuss combining with schools for efficiencies l. COA/CC project update m. School Bus Parking n. West Suburban Health Update o. Response to DOER Green Communities Grant RFI

A12.a. List of grants received in 2020 L. Miller reviewed a summary of the grants the Town had received in FY 2020, totaling over \$500,000 dollars and combined with the Massachusetts School Building Authority (MSBA) grant for the Loker school roof and the Staffing For Adequate Fire And Emergency Response (SAFER) Grant would total over \$2 million dollars. L. Miller noted that some Federal Emergency Management Agency (FEMA) and Coronavirus Aid, Relief, and Economic Security (CARES) Act expenditure reimbursements for FY 2020 will be received in FY 2021.

A12.b. Potter Bridge Road (status of survey request) L. Miller reported that TEC, Inc. submitted a proposal to conduct a survey at the Town border, and she expected the work to be completed over the next few weeks. This topic would come before the Board for approval at a future meeting.

A12.c. Public Comment re: info requests from Building and Planning (C. Plumb) C. Karlson recognized that there was a delay in response from the Town due to the current state of emergency, and that the problem validates the need for reaffirmation of the state of emergency. C. Karlson reported that Town officials followed up with C. Plumb to determine if the requests to the Planning Department and Building Department were formal public records requests or simply unanswered emails.

A12.d. CARES & FEMA filing update L. Miller reported that the Town filed for \$60,000 in reimbursements from FEMA for expenditures related to the COVID-19 response. This reimbursement is more limited and specific to Public Safety and Public Health expenditures. L. Miller reported that the Town filed a \$230,000 reimbursement request from the CARES Act and another \$142,000 in unemployment expenses through June 30, 2020. L. Miller noted that a second phase of reimbursement requests would be filed, mostly for building ventilation expenses related to reopening the schools; that request is due on October 30.

A12.e. Election L. Miller reported that some Town staff are being reassigned to the Town Clerk's Office and that volunteers are in place to support the November 3 Election and to support ongoing early voting. L. Miller reported that there had been a snafu where some residents received the wrong ballot for their precinct. It is believed that this error impacts a small number of residents. The Town issued a statement to the impacted residents, who can contact the Town Clerk's Office to receive a replacement ballot, if they believe the first ballot was for the wrong precinct.

A12.f. Plowing private roads L. Miller noted that the Town has received one appeal for plowing a private road. The matter would be on the next meeting agenda after the DPW Director has had an opportunity to provide comment.

A12.g. Racial Advisory Committee update L. Miller noted that the Racial Advisory Committee members would be receiving a letter and begin their work soon.

A12.h. Annual Report – status C. Karlson reported that the Audit Committee and Cable Advisory Committee had not yet submitted an FY 2020 Annual Report; liaison D. Watkins will follow up.

A12.i. Staffing update – ATA, Assessor, Police Chief, clerical support staff L. Miller reported that the Town had offered the position of Assistant Town Administrator to an individual who will begin on November 16, 2020. L. Miller reported that the Director of Assessing position had one candidate and noted other towns are also having trouble filling this position. The Town had not started the process to fill the Police Chief vacancy. The Town has 60 days from receipt of the SAFER grant to fill two firefighter vacancies.

A12.j. Facilities Functions – discuss consolidated functional reporting. L. Miller reported that Town has a Public Building Director who is a Town employee, and manages a Facilities Department that is staffed and funded by both the Schools and Town. There are areas that could be improved by consolidation.

A12.k. HR functions – discuss combining with schools for efficiencies L. Miller reported that at a previous Town Meeting voters had adopted a state statute that allows for consolidation of School Department and Town

functions. L. Miller suggested that School Department and Town Human Resources functions could be combined to improve quality control and efficiencies, and gave the example of employee benefit management and payroll functions. D. Watkins suggested that the consolidation of School Department and Town Finance functions might also be considered.

A12.l. COA/CC project update There was no update on the Council on Aging / Community Center project.

A12.m. School Bus Parking L. Miller reported that the school buses are now parked behind the Town Building. L. Miller noted that the Planning Board would review the site plan in response to a question that was raised; the question begs the need for a formal site plan approval by the Zoning Board of Appeals.

A12.n. West Suburban Health Update L. Miller reported that she met with the West Suburban Health Group, and expected that there would be some savings; the increase in insurance rates may not be as high as expected.

A12.o. Response to DOER Green Communities Grant RFI L. Miller reported that the Green Communities Division of the Massachusetts Department of Energy Resources (DOER) has requested information and the Energy & Climate Committee had drafted a response to the request. L. Anderson noted she reviewed the response that is due on Wednesday. L. Miller suggested two changes; L. Anderson offered to send edits to the E&CC.

A13. Minutes: Review and vote to approve minutes of October 2, 2020 and October 5, 2020 L. Anderson moved, seconded by M. Antes, that the Board of Selectmen approve the meeting minutes of October 2, 2020, as amended and October 5, 2020, as amended. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A14. 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 Regulatory Agreement and Declaration of Restrictive Covenants with KM Dover LLC for the construction of a housing development known as The Subdivision at Michael Road located on Michael Road.
4. Vote the question of approving and ratifying Town of Wayland COVID-19 Guideline for Use of Parking Lots and Non-Recreation Outdoor Spaces to be Effective October 5, 2020.
5. Vote the question of approving and signing Task Order No. 12 – Amendment #1 to Contract No. 18-2003 with TEC, Inc. – The Engineering Corp for Old Sudbury Road Bridge Rehabilitation Engineering Services for a cost increase of \$8,200.00 from original task order.
6. Vote the question of approving and signing License Agreement with Sonya T. Starmer, Trustee of 334-338 Boston Post Road Nominee Trust to enter a license agreement for the purpose of repurposing two (2) off-street parking spaces in front of Wayland Pizza House and Wayland Mini Market for outdoor dining and constructing a new multi-use path.
7. Vote the question of approving and signing agreement with WasteZero, Inc. for Trash Metering services for a term of three (3) years.
8. Vote the question of approving and signing the Disclosure by Non-Elected Municipal Employee of Financial Interest Form of Ellen M Brideau in order to provide contractual services to the Town and the Board of Assessors.

L. Anderson moved, seconded by T. Fay, that the Board approve the Consent Calendar. In discussion, D. Watkins commented on item #6 and suggested to strike the exclusivity agreement in item #7. L. Miller noted that the contract had been reviewed by Town Counsel. Roll Call Vote: YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A15. Correspondence Review The Board reviewed the correspondence in the Board Packet.

A16. Selectmen's reports and concerns T. Fay commended the DPW on the work done to clean up after the recent storm that caused power outages.

A17. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any There were no topics not reasonably anticipated by the Chair.

A18. Executive Session I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Stephen Cass v. Robert Irving; II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination; 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; and IV. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of September 8, 2020 and September 21, 2020. Approve and Hold: Executive Session minutes of September 8, 2020 and September 21, 2020 At 8:55 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 litigation Stephen Cass v. Robert Irving , Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination, and 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; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of September 8, 2020 and September 21, 2020 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.

A.19. Adjourn. C. Karlson announced that the Board would adjourn from executive session and no other public business would be held in open session. The Board adjourned from executive session at 9:39 p.m.

Items Distributed for Information and Use by Board of Selectmen at the Meeting of October 19, 2020

1. Wayland Hazard Mitigation Plan 2020 Update, slideshow presentation, dated October 19, 2020

Items included in the Agenda Packet for discussion during the Board of Selectmen Meeting of October 19, 2020

1. Moody's Press Release: AAA rating to Wayland, MA
2. Moody's Updated Credit Analysis and Opinion for Wayland, MA October 6, 2020
3. BoS vote on the maximum useful life of the H15 Dump Truck to be 10 years
4. Town of Wayland Hazard Mitigation Plan 2020 Update
5. Reaffirmation of State of Emergency to Respond to COVID-19 in Wayland – Draft
6. Route 20 South Landfill Vision Group Charge – Draft 10-12-2020
7. Correspondence from Student to Board of Selectmen re: Change to Wayland School Model
8. Letter to Students from Board of Selectmen and School Committee re: response to Change to Wayland School Model – Draft
9. Board and Committee Vacancies as of 10-15-2020
10. Letter of Interest and Resume of Thomas Klem
11. Letter of Recommendation of Thomas Klem from Mike Lowery
12. Letter of Interest and Resume of Andrea Blesso
13. Letter of Interest and Resume of Doug Levine
14. Fiscal Year 2022 Budget Guideline Draft 10-19-2020
15. Budget Schedule and Process 2021 updated October 2020
16. Draft of Board of Selectmen Meeting Minutes held on 10-02-2020
17. Draft of Board of Selectmen Meeting Minutes held on 10-05-2020

Supplemental Packet

18. Draft FY22 Budget Guideline 10.19.2020 clean version
19. Budget Schedule and Process 2021 updated clean version
20. Memo on School Ventilation 7.15.2020
21. Memo on School Ventilation update 7.28.2020

22. Memo on School Ventilation update 8.15.2020
23. Memo on School Ventilation update 9.23.2020
24. Memo on School Ventilation update 10.18.2020
25. Ventilation follow-up questions
26. Letter on Classroom Ventilation at Wayland Public Schools from Engineer October 16, 2020
27. Letter on Offices at Wayland Public Schools from Engineer October 17, 2020
28. Wayland Energy & Climate Committee Draft Comments on DOER Green Communities Competitive Grant Program Request for Information 10.20.2020
29. Municipal Employee Disclosure Form for Ellen Brideau

CORRESPONDENCE

1. Correspondence from Greg Franks, Xfinity Comcast to Board of Selectmen dated September 28, 2020 re: Regional Sports Networks.
2. Correspondence from MBTA and Keolis Commuter Services to regional municipalities dated October 9, 2020 re: Fall Commuter Rail Schedule Changes Provide New Transit Options for Riders
3. Correspondence from Mary Ann Borkowski et al to Board of Selectmen dated October 19, 2020 re: Recommended hiring criteria and questions regarding social justice to ask for the search of a new Chief of Police