



Town of Wayland Massachusetts

Finance Committee

Jonathan Barnett
Steve Correia
Michael Hoyle
Kelly Lappin (Vice Chair)
April Methot
Brian O'Herlihy
Pamela Roman (Chair)

FINANCE COMMITTEE

April 1, 2024

In-Person and Remote

Town Building – Select Board Meeting Room

41 Cochituate Road, Wayland, MA

7:00 P.M. Minutes

Attendance: J. Barnett (via Zoom), M. Hoyle, K. Lappin, A. Methot, B. O'Herlihy, and P. Roman. Absent: S. Correia. Also in Attendance: Brian Keveny (Finance Director)

Call to Order: The meeting was called to order by Co-Chair P. Roman at 7:00 PM. She noted that she, M. Hoyle, K. Lappin, A. Methot and B. O'Herlihy were all participating in person and J. Barnett was participating via Zoom and then read the following:

One may watch or may participate remotely with the meeting link that can be found at <https://www.wayland.ma.us/public-body-meeting-information-virtual-in-person-and-hybrid>. Pursuant to Chapter 2 of the Acts of 2023, this meeting will be conducted in person and via remote means, in accordance with applicable law. This meeting may be recorded and will be made available to the public on WayCAM as soon after the meeting as is practicable. When required by law or allowed by the Co-Chairs, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance, or

by accessing the meeting remotely, as noted above. We request public comment be limited to two minutes per person.

P. Roman reviewed the revised agenda for the public.

Materials Discussed/Distributed:

See Exhibit A.

Announcements:

P. Roman noted that Town Counsel had opined that the Schools could redirect approximately \$65,000 of the retroactive FY21 indirect cost reimbursement from FY24 to FY25 to cover the agreed upon reduction in The Childrens Way (TCW) revolving fund's anticipated FY25 contribution. As a result, no further votes were needed on the FY25 Operating Budget or *Article F (FY25 Omnibus Budget)*. She also noted that the Finance Committee (FinCom) had received numerous emails regarding 2024 Annual Town Committee (ATM) *Article KK (Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business District B Zone Subdistrict B-1)*.

Public Comment and Members' Response:

Anette Lewis, 33 Claypit Hill Road and Chair of the Planning Board (PB), noted that the PB had not set a hearing date for the revised version of *Article KK*, but that the PB members have indicated that they are unlikely to change their prior vote to disapprove this article. She noted that there is a risk that, should this proposed zoning subdistrict be approved, other Business B zoning districts in Town may have to allow similar uses and, further, that passage could lead to expensive legal challenges. She felt this type of project should be placed in existing zoning districts that permit such use, e.g., on the Wayland/Sudbury town line along Route 20. As to the FinCom write-up, she pointed out (i) this is a zoning proposal and not about a specific project, (ii) the PB report, issued following the public hearing on the original version of *Article KK*, was not mentioned, and (iii) the source of the projected tax revenue noted in the write-up is not disclosed. Finally, she noted that the reference to the "Donelan's market shopping area to the *east* and residentially zoned real estate to the *west*" was backwards.

Sheila Carel, 18 Joyce Road, expressed her opposition to *Article KK*, citing the cumbersome procedural process, risks to pedestrians and misrepresentation of Arts Wayland as the likely user of the proposed community space. She asked the FinCom to defer its vote on the revised article until after the PB holds its public hearing and issues its report.

Joseph Strazzulla, owner of Cochituate Village Center, expressed his opposition to *Article KK*. His property would abut the proposed self-storage project. He felt the current allowed uses in the Business B zoning district were more appropriate given the retail nature of the surrounding properties and considered the proposed subdistrict to be “self-interest” or spot zoning. He questioned whether the requisite signatures needed to revise the original article language were from the original petitioners

Mike Lowery, 120 Lakeshore Road, expressed his opposition to *Article KK*. He cited the size of a potential project, lack of parking, environmental issues, e.g., flood zones, wetlands, etc., and potential legal challenges, and he provided the FinCom with artist renderings appearing on an advocacy website and a parcel map showing the location of wetlands to support his points on size and environmental issues. He questioned the lead petitioner’s use of the Town’s website to promote this article, noting that he thought it could represent a State ethics violation.

Sandra Dasonni, 23 French Avenue, expressed her opposition to *Article KK*, citing numerous issues including spot zoning, size and impact on Cochituate Village, reuse issues should the self-storage facility fail, lack of parking, and impact on environmentally sensitive areas in the immediate vicinity. She also noted the misrepresentation regarding the likelihood of Arts Wayland’s use of the community space

Anthony Cavallo, 28 French Avenue, expressed his opposition to *Article KK*, noting that he agreed with the comments made by others. He would prefer the site be used for other uses permitted in the existing zoning district.

Quentin Nowland, 4 Windy Hill, expressed his opposition to *Article KK*, citing the Town’s Master Plan, size of a permitted project, lack of parking for the community space, potential cost of legal challenges, and the Petitioners’ misleading statements about Arts Wayland. He also questioned the proposed increase in tax revenue noting that uses otherwise allowed in the Business B zoning district also could generate significant tax revenue as compared to a vacant lot.

Discuss and Possible Vote on Articles, including, but not limited, to Articles O, S, and KK:

P. Roman decided to take the FinCom’s review and discussion of *Article KK* out of order given the number of people who offered public comment and who were still present at the meeting.

Article KK (Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business District B Zone Subdistrict B-1)

M. Hoyle reviewed the FinCom write-up which had been edited by S. Correia to reflect the decision to include the revised article language in the 2024 ATM warrant. M. Hoyle thought some further editing was needed to reflect input received on Arts Wayland, the source and/or amount of potential tax revenue generated by a potential self-storage project, and various other comments made during public comment.

B. O’Herlihy had P. Roman circulate a redlined copy of the revised FinCom write-up reflecting edits he thought should be made, including a statement that should the PB not hold its public hearing and/or issue its report, verbally or in writing, prior to consideration of the revised *Article KK* at the 2024 ATM, then no vote can be taken on the article. He also provided suggested language for addressing the Arts Wayland issue and noted various other edits needed for accuracy.

P. Roman noted that since the PB would be holding another public hearing and issuing a recommendation, she questioned whether it might make sense to defer voting on the revised article until then. Other Members seemed to agree. B. O’Herlihy noted that at a prior meeting, he had suggested deferring a vote on the original article and noted that various Members indicated they were ready to vote. He thought the revised article simply responded to the PB’s input at the original public hearing and noted that the Chair of the PB noted earlier in the evening that it was unlikely the PB would change its prior recommendation to disapprove this article. B. O’Herlihy thought it would be a disservice to Town residents for the FinCom to defer its vote, particularly since he assumed those who opposed the original article would remain opposed to the revised article. Other Members disagreed.

M. Hoyle moved that the FinCom defer its recommendation on the revised article, if any, to the 2024 ATM. K. Lappin seconded. Motion passed by roll call vote of 5-1-0: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O’Herlihy (no), and P. Roman (yes).

The FinCom continued its review of three remaining warrant articles, i.e., *Articles O, S and NN*.

Article NN: Solar Compact Development for Wayland

J. Barnett had P. Roman circulate a copy of his final draft of the write-up for this article. He noted that the Select Board (SB) liaison advised him that the Petitioners’ revised article language would appear in the 2024 ATM warrant. B. O’Herlihy suggested that wording be added to provide the history of this article as well as the consequences of the PB not holding its public hearing and/or issuing its report, in

writing or verbally, prior to consideration of this article at the 2024 ATM (like that used in *Article KK*).

B. O’Herlihy moved that the FinCom defer its recommendation on the revised article, if any, to the 2024 ATM. M. Hoyle seconded. Motion passed by roll call vote of 6-0-0: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O’Herlihy (yes), and P. Roman (yes)¹.

Article O: Sell or Trade Vehicles and Equipment

M. Hoyle noted that the final article includes various Town-owned vehicles to be sold.

K. Lappin moved that the FinCom recommend approval of this article. J. Barnett seconded. Motion passed by roll call vote of 6-0-0: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O’Herlihy (yes), and P. Roman (yes).

Article S: Revise Town Code Chapter 43: Personnel

P. Roman noted that the SB and Personnel Board were still working on this article and no definitive article language or write up was available for review at this time. Given the lack of information, the Members agreed to defer action on this article and to not include a normal set of FinCom comments in the warrant.

K. Lappin moved that (i) the FinCom defer its recommendation on this article, if any, to the 2024 ATM and (ii) the write-up for this article note that due to insufficient information there are no FinCom comments or “pro” and “con” arguments. A. Methot seconded. Motion passed by roll call vote of 6-0-0: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O’Herlihy (yes), and P. Roman (yes).

Vote to approve Minutes of 3/25/24:

Members reviewed the draft Minutes of 3/25/24. P. Roman proposed a couple of edits. A. Methot moved to approve the Minutes of 3/25/24, as revised. K. Lappin

¹ Following the vote, B. O’Herlihy noted that while *Article NN* was not in the list of articles shown in the revised agenda, the agenda item included language that let the public know that votes on other articles were possible, i.e., see “... including, but not limited to, ...” language. P. Roman noted that she received the final write-up for *Article NN* earlier in the day and indicated that it wasn’t feasible to revise the agenda to include *Article NN* in the list shown in the previously revised agenda. B. O’Herlihy noted there was an Open Meeting Law determination issued on a similar set of facts involving another Wayland board or committee and, based on the findings in that matter, he felt comfortable with the action taken by the FinCom. K. Lappin also noted that the vote of the FinCom, i.e., to defer action on the revised article to the 2024 ATM, was the same vote previously taken on the original version of *Article NN*.

seconded. Motion passed by roll call vote of 6-0-0: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O’Herlihy (yes) and P. Roman (yes).

Update from Finance Director, Brian Keveny

B. Keveny had nothing new to report on the FY25 budget process. He confirmed his understanding of the reason for TCW’s declining revolving fund balance and, therefore, its ability to reimburse the Town for certain indirect benefit costs (reimbursement declining from \$200,000 to \$78,000 over the past few years). He noted the reduction agreed to for FY25 would be effective for FY25 to FY27 and possibly beyond. Members had various questions about the current operations of TCW and the anticipated impact on the FY26 Operating Budget for the Schools and agreed that further analysis was needed.

Discussion and Vote on Finance Committee Report for 2024 Annual Town Meeting

P. Roman walked through her final draft of the *Report of the Finance Committee* and noted that she had received edits from J. Barnett and B. O’Herlihy. The Members discussed various issues with the Schools FTE roll forward that will appear in the 2024 ATM warrant, with particular focus on the additional FTEs associated with the transition to tuition-free full day kindergarten (FDK). P. Roman agreed to follow up with Susan Botton, Schools Director of Finance & Operations, to discuss inclusion of these positions in the FY26 versus FY25 analysis since the FY25 transition costs for tuition-free FDK were being funded outside the budget (with American Rescue Plan Funds). Members proposed a few additional edits.

K. Lappin moved to (i) approve the Report of the Finance Committee for inclusion in the 2024 ATM warrant and (ii) authorize P. Roman to make any final edits required prior to submission. M. Hoyle seconded. Motion passed by roll call vote of 6-0-0: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O’Herlihy (yes) and P. Roman (yes).

Discussion and Possible Votes on Transition of Committee Leadership and other Responsibilities

P. Roman noted that, given K. Lappin’s current plan not to seek reappointment at the end of her current term, Members need to determine who will assume responsibility for maintaining her Excel spreadsheets for Capital Projects going forward. K. Lappin agreed to work with whomever volunteers to ensure a seamless transition. J. Barnett indicated he might be willing to assume this responsibility and agreed to discuss with K. Lappin prior to formally committing.

The Members discussed S. Correia's prior recommendation that P. Roman be named sole Chair of the FinCom. P. Roman noted that she didn't think a change needed to be made to the current Co-Chair governance, but B. O'Herlihy noted that he believed S. Correia, were he in attendance, would want to follow through with his suggestion, i.e., that P. Roman be recognized for her efforts by making her the sole Chair of the FinCom for the balance of her tenure.

B. O'Herlihy moved to appoint P. Roman sole Chair of the FinCom. A. Methot seconded. Motion passed by roll call vote of 5-0-1: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O'Herlihy (yes) and P. Roman (abstain).

Discussion on Topics Relevant to FY25 Budget & Article Review Process and Committee Business to Address in next 3-6 months; including, but not limited to (i) Review of FY25 Budget and '24 ATM Article Preparation Process, Recommendations for Next Year, etc.; (ii) Considerations for FY26 FinCom-sponsored article(s), i.e., Capital Planning Group recommendation; (iii) Recommended FinCom projects over next 3-6 months (quarterly Schools and Capital updates, Transfer Station business plan review, other); (iv) FinCom Website – Recommended additions, edits, updates; and (v) Proposition 2 ½ Planning Ideas

P. Roman suggested deferring discussion of this agenda item to a future meeting.

B. O'Herlihy provided a brief overview of the material that P. Roman had circulated to the Members prior to the meeting relating to Capital Planning Committees (CPC) and strategic planning for Operating Overrides.

B. O'Herlihy noted that in 2008, petitioners had submitted an article seeking Town Meeting's approval of a CPC. He noted that the FinCom had opposed the article and Town Meeting did not approve it. In addition to the 2008 warrant article and Town Meeting minutes, the material included the state statute governing the organization of CPCs and some bylaw language from another community. He also noted that the material included an example of another community's strategic planning for an upcoming Operating Override, noting that operating budget forward looking projections were an important tool and suggested that the FinCom needs to continue to request similar projections be completed by the Town Manager and Finance Director.

Topics Not Reasonably Anticipated by the Co-Chairs 48 Hours Prior to Posting, if any, and Setting Next Meeting:

None.

P. Roman noted she would schedule the next regular meeting for 4/8/2024 at 7:00 PM with the primary focus on preparation for upcoming FY25 Omnibus Budget presentation to the SB.

Adjournment:

K. Lappin moved to adjourn the meeting. M. Hoyle seconded. Motion passed by roll call vote of 6-0-0: J. Barnett (yes), M. Hoyle (yes), K. Lappin (yes), A. Methot (yes), B. O’Herlihy (yes) and P. Roman (yes). Meeting adjourned at 9:15 PM.

Respectfully Submitted,

Brian O’Herlihy

Minutes Taker

1. Meeting Agenda for 4/1/2024, as revised
2. Draft Minutes for meeting held on 3/25/2024
3. Revised FY25 Capital Budget and 5-Year Capital Plan Excel spreadsheet (V8 dated 3/18/2024) prepared by B. Keveny
4. Fiscal 2025 Town Manager Operating Budget PDF file (dated 12/20/2023)
5. FinCom Excel Budget file (v7 dated 3/18/2024)
6. Draft FinCom comments on 2024 ATM warrant *Articles O, KK, and NN*
7. P. Roman's final draft of the *Report of the Finance Committee* which will appear in the 2024 ATM warrant
8. Email dated 3/27/2024 from B. Keveny to P. Roman regarding Town Counsel's input on *Article F* questions raised by the FinCom
9. Emails dated 4/1/2024 from P. Roman to FinCom members forwarding information regarding Capital Planning Committees and strategic planning for Operating Overrides
10. Email dated 4/1/2024 from B. O'Herlihy to P. Roman with proposed edits to revised FinCom comments on *Article KK*
11. Email dated 4/1/2024 from J. Barnett to P. Roman regarding status of FinCom comments on *Article NN*
12. Email dated 4/1/2024 from B. O'Herlihy to FinCom members forwarding copy of Open Meeting Law Determination OML 2019-21 (G. Harris vs, Wayland Board of Appeals)
13. Emails in opposition to *Article KK*:
 - Paul and Gretchen Dresens – 3/29/2024
 - Michael Morris – 4/1/2024
 - Quentin Nowland – 4/1/2024
 - Sheila Corel – 4/1/2024
 - Paul and Gretchen Dresens – 4/1/2024
 - Sandra Dassoni – 4/1/2024
 - Emma Jung – 4/1/2024