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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, February 7, 2022 7:00 p.m.

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

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

Attendance by Remote Participation: Adam G. Gutbezahl

Also Present: Acting Town Administrator Stephen Crane, Assistant Town Administrator John Bugbee, C. Costello, Management Analyst

A1. Call to Order, 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 and reviewed the agenda for the public as well as ways in which the public could view and participate. T. Fay announced each member by full name and that A. Gutbezahl would participate remotely.

A2. Announcements and Public Comment: There were no announcements from the Board.

Paul Dale, Grace Road, associate member of the Energy & Climate Committee, joined the meeting in person, but commented on his own behalf. He informed the Board that there was a petition with 189 signatures to support a new Sustainability Manager role and he emphasized its urgency. He quoted a statement from State Senator Barrett regarding the need for local action.

George Harris, Holiday Road, joined by teleconference to share his concerns regarding transparency related to the Public Records Law and Open Meeting Law. G. Harris reported that he and other residents have requested records but the requests were denied. G. Harris recommended that Board ensure that the acting Town Administrator is fully conversant with the public records law.

Bill Sterling, Morse Road, joined by teleconference to thank the Board for its work to finalize negotiations with Twenty Wayland LLC which would allow design work to begin for a Council on Aging/Community Center.

A3. Committee Appointments: Interview, discuss and potential vote to appoint:

Committee	Appointee	Term End Date
Municipal Affordable Housing Trust Fund Committee	Laura Kaplan	June 30, 2022

L. Kaplan, School Street, joined the meeting via video-teleconference and expressed her intent to join the Municipal Affordable Housing Trust Fund Committee and reviewed her related background. The Board interviewed L. Kaplan.

C. Karlson moved, seconded by C. Martin, that the Board vote to appoint L. Kaplan to the Municipal Affordable Housing Trust Fund Committee for a term ending June 30, 2022. In discussion, C. Karlson noted that the term was an abbreviated one, to fill a vacancy. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A4. Liquor License Hearing for The Villa Inc., for a transfer of the existing All Alcoholic Beverage License Held by The Villa Inc. to Villa Restaurant Opco, LLC to remain at the existing premises 124 East Plain Street, Wayland, MA 01778

At 7:20 p.m., T. Fay declared open the hearing for the purpose of considering the application submitted by The Villa Inc. for transfer of the existing annual liquor license to serve and sell All Alcoholic beverages on the

premises at 124 East Plain Street, Wayland, MA, 01778 to Villa Restaurant Opco, LLC. T. Fay read the legal notice published in the Town Crier on January 27, 2022. T. Fay described the hearing process to include a statement from the applicant, questions from the Board, public comment and the close of the hearing. T. Fay invited the applicant to describe the application.

Trish Farnsworth, counsel representing the applicant, Alex Tamargo both joined the meeting in person, and reviewed the request for a liquor license transfer. A. Tamargo described the intent of the application and that the transfer of ownership was contingent on the transfer of the liquor license. The Board discussed the applicable laws the regulations as well as the required certifications and employee training. C. Karlson provided some guidance regarding expectations with compliance checks. C. Costello, Management Analyst joined the meeting to confirm receipt of a written recommendation from Police Chief Gibbons on the matter. There was no public comment. At 7:31 p.m., T. Fay closed the hearing.

C. Karlson moved, seconded by C. Martin, that the Board vote to transfer the existing All Alcoholic beverages Held by The Villa Inc. to Villa Restaurant Opco, LLC to remain at the existing premises 124 East Plain Street, Wayland, MA 01778. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A5. Town Administrator update a. PFAS6 b. Alta at River's Edge c. COA/CC d. FY23 Budget update e. Selectmen/TA office Phone Auto Attendant

A5.a. Per- and Polyfluoroalkyl Substances (PFAS6): S. Crane reported that there was another delay in the shipment of the resin for the short-term remediation which extended the completion date to late-February. S. Crane also described the project as complex and that there were some leaks in the pipes that needed to be addressed.

A5.c. Council on Aging/ Community Center (COA/CC): S. Crane noted that a working group had been established and a site walk occurred with the architect. S. Crane reported there was a strong opportunity to renovate the existing building and the architect was working to move the project forward and provide a cost estimate ahead of Annual Town Meeting.

A5.d. FY23 Budget update: S. Crane reported that the initial review of the preliminary cherry sheets for local and state aid budgets were favorable, and he would consult with the Finance Director and Superintendent of Schools.

A5.e. Selectmen/TA Office Phone Auto Attendant: S. Crane reported that the Information Technology Department had established an auto-attendant for the phone lines in the Town Administrator's Office to allow residents to more efficiently reach the specific department needed.

A5.b. Alta at River's Edge: Town Planner, S. Sarkisian joined by video-teleconference and provided an update on the next steps for the Alta at River's Edge project. S. Sarkisian reported that he had delivered as-built plans for the infrastructure that the Town was responsible for constructing to Alta at River's Edge with a certified letter. S. Sarkisian reported the infrastructure for which Alta at River's Edge was responsible was not yet complete. S. Sarkisian reported on the status of MassWorks grant and the progress on the operation and maintenance plans.

A11. Consent: review and vote to approve:

1. Vote the question of designating and approving signing authority to Stephen Crane, Acting 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 FY22 Firefighter Safety Equipment Grant contract.
4. Vote the question of approving Broomstones Curling Club's request to extend their hours to sell alcoholic beverages from 12:00am-1:00am on February 11 and 12.
5. Vote the question of approving the Contract NO. 18-2003 Task Order NO. 12-Amendment #2 Old Sudbury Bridge Road Bridge Rehabilitation Engineering Services.

6. Vote the question of approving the Sedgemoor Road Water Main Replacement Project IFB# 21-2019 Change Order #1.
7. Vote the question of approving invoice #135265 with KP Law for legal services through January 26, 2022.
8. Vote the question of approving invoice #135264 with KP Law for legal services through January 26, 2022 in the amount of \$3,266.27
9. Vote the question of approving a Common Victualler license for Villa Restaurant Opco, LLC at 124 East Plain Street, Wayland, MA 01778.
10. Vote the question of approving an Entertainment License for Villa Restaurant Opco, LLC at 124 East Plain Street, Wayland, MA 01778.
11. Vote the question of approving the Master Service Training Agreement with Kristen Martin for lifeguard training services to the Town of Wayland Recreation Department.
12. Vote the question of approving the Inter-Municipal Agreement between Towns of Wayland, Bedford, Natick and Sudbury for the purpose of purchasing COVID-19 Rapid Test Kits at a reduced price per the State Contract number SP41 – Category 10

C. Karlson moved, seconded by D. Watkins, to approve the Consent Calendar. In discussion, C. Martin asked for clarification on funding for Item #5, Item #6 and Item #11. The Board's roll call vote was tabled until after the liquor license hearing in agenda item A3 related to consent items #9 and #10. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A6. 2022 Annual Town Meeting (ATM): a. Identify articles for potential Abbreviated Presentation Procedure b. Discuss Potential Debt Exclusion Ballot Questions; request the Finance Committee to make a debt exclusion presentation c. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet. d. Meet with the Planning Board on proposed articles (per ATM schedule):

A6.a. Identify articles for potential Abbreviated Presentation Procedure: C. Karlson reviewed the warrant articles which were historically considered under the Abbreviated Presentation Procedure. The Board discussed its intent move Articles A through I, U, V W, X, Y, BB, and CC with the abbreviated presentation procedure at 2022 Annual Town Meeting. [Refer to Article List in the Board packet.]

A6.b. Discuss Potential Debt Exclusion Ballot Questions; request the Finance Committee to make a debt exclusion presentation: T. Fay reviewed the Board's previous discussion to consider debt exclusion ballot questions related to the Article S: Loker Field and Article R: COA/CC. There was a discussion regarding the need for the Board to consult with the Finance Committee and Finance Director.

A6.c. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet: Gretchen Schuler, Old Connecticut Path, Chair of the Community Preservation Committee (CPC) and Chair of the Historic District Commission, joined the meeting in person and reviewed the warrant articles proposed to be funded by the Community Preservation Act (CPA) with the Board. The articles discussed included Article Y: CPA Set Asides, Article GG: Historic: Library Document Conservation, Article HH: Housing: 89 Oxbow Fire Sprinkler System, Article II: Housing: Launcher Way Acquisition, and Article JJ: Open Space: Sherman Bridge Road Acquisition. G. Schuler also reviewed Article FF: Local Historic District Bylaw Amendment, submitted by the Historic District Commission, which would amend how notices are published. C. Karlson recommended consultation with Town Counsel. G. Schuler would consult with the Community Preservation Committee regarding the Board's questions.

A6.d. Meet with the Planning Board on proposed articles (per ATM schedule):

Dan Hill, Bow Road, member of the Planning Board joined the meeting via video-conference and reviewed two warrant articles, Article L. Outdoor Seating Bylaw and Article Z. Conservation Cluster Bylaw, which he described its intent was to close a loophole and currently existed as a regulation, but not as a bylaw.

A6.c. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet: (revisited): C. Martin reviewed the proposed revisions to Town Code

related to Article T. Bylaw Chapter 19-3. The Board discussed the draft and made some revisions. The Board discussed when to transmit the articles to the Finance Committee for comment and that the Finance Committee would prepare a budget report and make a presentation on debt exclusions. The Board discussed the role of the Finance Committee with respect to preparing the warrant and warrant articles that had no fiscal implications. S. Crane suggested including a statement of intent.

C. Martin moved, seconded by D. Watkins, the Board to insert and support Article HH: Housing: 89 Oxbow Fire Sprinkler System. C. Martin withdrew the initial motion. C. Martin moved, seconded by D. Watkins, that the Board support Article HH: 89 Oxbow Condo Trust Community Housing: Fire Sprinkler System. In discussion, the Board noted that there was outstanding information from the CPC and opted to wait to vote. C. Martin withdrew the motion.

C. Martin moved, seconded by D. Watkins, the Board of Selectmen support Article GG: Historic: Library Document Conservation. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None ABSTAIN: None. Adopted 5-0.

C. Karlson moved, seconded by D. Watkins, that the Board insert U1: Wastewater Capital Budget Request. In discussion, C. Karlson noted the intent was to remove the article from the warrant. Roll Call Vote: YEA: None. NAY: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. ABSENT: None. ABSTAIN: Motion failed. 0-5.

Each Board member provided status updates on the warrant articles to which they are a liaison. C. Karlson reported that the Housing Trust requested that the Board consider a land transfer to the Board. T. Fay suggested the Board discuss the articles again at the next meeting.

A7. Twenty Wayland Settlement a. Discuss next steps, including separating parcel 16 and any other related parcels as required by the Settlement Agreement, and potential vote: At, 9:52 p.m. C. Martin left the meeting for four minutes. T. Fay reported that the Town has reached a settlement agreement with Twenty Wayland LLC, and there was no longer a need for Town Meeting to take action on parcel #15, because the Conservation Commission voted to accept that parcel in 2017. T. Fay noted that there was a need for the Board to discuss parcel #16. T. Fay reviewed recent consultation with Town Counsel and the surveyor regarding parcel #16, with a proposal for Conservation Commission to accept the land and create an easement. S. Crane noted that the work to be done was to figure out the easements and other aspects of the conveyance.

A8. Town Manager Recruitment: a. Update on the status of the Special Act b. Discussion of timing of the RFP for a Search Firm to Assist with Town Manager Recruitment c. Discussion of process, including the use of a Screening Committee: T. Fay reported that he was informed by the Chief of Staff of Senator Rausch's Office regarding House Bill No. 4315 (the Town Manager Act) that was soon expected to be ready for signature by the Governor. The Board discussed using a search firm to assist with Town Manager recruitment upon the approval of the Special Act. The Board discussed the selection process. T. Fay and C. Karlson expressed support the establishment of a screening committee for the Town Manager position. D. Watkins did not agree, he felt that the responsibility to publically evaluate the candidates and their qualifications was that of the Board. C. Martin and A. Gutbezahl also suggested using a public forum to garner input from residents to define the qualifications of a Town Manager. C. Karlson suggested that the recruiter moderate such a forum. T. Fay noted the drafting of an RFP ahead of the anticipated legislation was the next step. J. Bugbee would revise previous search firm RFPs to include selection criteria and evaluation questions for the Board to review.

A9. Open Meeting Law Complaint: discussion of complaint received February 2, 2022 from resident George Harris: The Board discussed the recently filed Open Meeting Law complaint and the need to consult with Town Counsel ahead of the deadline to respond. The Board agreed to allow T. Fay to request more time if needed.

A10. Minutes – review and vote to approve the minutes of January 18, 2022 and January 24, 2022:

C. Karlson moved, seconded by C. Martin, to approve the minutes of January 18, 2022 and January 24, 2022, as amended. In discussion, C. Karlson noted there were two meetings on January 18, 2022. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0-0.

A12. Correspondence: The Board reviewed the correspondence in the packet.

A13. Selectmen's Reports and Concerns: A. Gutbezahl reported that the Energy & Climate Committee recently voted to recommend that the Town budget include a full-time sustainability director and would like to advise the Board on such. A. Gutbezahl updated the Board on the status of the Music Festival. A. Gutbezahl reported the Human Rights, Diversity, Equity and Inclusion Committee (HRDEI) Committee chair, D. King resigned as chair but intends to remain on the committee, and he requested the Board discuss the composition of the HRDEI Committee. T. Fay echoed A. Gutbezahl's comments regarding D. King and that the Board would meet with the HRDEIC on February 28, 2022. C. Karlson asked for the Board to discuss liaison roles at a future meeting and to communicate with the BoPW regarding the Kleinfelder's initial presentation regarding a potential MWRA connection. T. Fay reported that he had been working with Boards, Commissions and Committees regarding Governance Guidelines. D. Watkins suggested the Board review the concept of working groups. T. Fay recommended that residents and various boards, committees and commissions be patient with staff as the Town transitions to a new Town Administration.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A15. Executive Session: I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of January 18, 2022 and January 24, 2022 Approve and Hold: Executive Session minutes of January 18, 2022 and January 24, 2022

At 11:00 p.m., Chair T. Fay moved, seconded by C. Karlson, that the Board of Selectmen enter into Executive Session: Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of January 18, 2022 and January 24, 2022 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, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

Chair, T. Fay invited attendance by Acting Town Administrator Stephen Crane, Assistant Town Administrator, J. Bugbee. The Board would adjourn from the executive session with no other public business to be held in open session.

A16. Adjourn: The Board adjourned from Executive Session at 11:07 p.m.

Items included in the packet and updated during the Board of Selectmen Meeting of February 7, 2022:

1. Agenda for meeting of the Board of Selectmen, February 7, 2022 7:00 p.m. with Consent Calendar, posted 2/3/2022 3:48 p.m.
2. Application for Municipal Affordable Housing Trust Fund Committee: L. Kaplan
3. Application: Commonwealth of Massachusetts Alcoholic Beverages Control Commission, Licensing Authority Certification re: Transfer of License for Villa Restaurant Opco LLC, dated January 18, 2022.
4. Draft: Article List 2022 Annual Town Meeting, edited January 26, 2022.
5. Draft: ATM Article Request Form: Loker Recreation Field (Grass)
6. Settlement Agreement: Twenty Wayland, LLC. and Town of Wayland, dated January 20, 2022 with exhibits and executed
7. Letter: To: S. Crane, Town Administrator (via email) and Dr. Omar Easy, Superintendent of Schools (via email) cc: Brian Keveny, Finance Director Thomas Fay, Chairperson, Board of Selectmen Chris Ryan, Chairperson, School Committee From: Bill Steinberg (Finance Committee Chair), Pam Roman

- (Finance Committee Vice-Chair), Cc: Members of the Finance Committee: Abner Bruno, Steve Correia, Mike Hoyle and Kelly Lappin RE: FY2023 Proposed Operating Budget, Date: January 26, 2022
8. Letter: From: Wayland Recreation Commission, To: Board, re: Request for debt exclusion ballot question, dated January 10, 2021 with attached Warrant Article Request Form: Loker Grass Field.
 9. Letter: From Vertex, Inc. Re: Public Meeting – Public Involvement Site Meeting Availability of Draft Release Abatement Measure Completion Report for Public Comment River's Edge 484 – 490 Boston Post Road Wayland, Massachusetts 01778 MassDEP Release Tracking Numbers (RTNs) 3-34474 & 3-36013, January 27, 2022
 10. Fact Sheet: From US President Joe Biden, re: Build.gov, Building A Better America. Competitive Infrastructure Funding Opportunities for Local Governments
 11. Hancock Associates Plans re: Twenty Wayland, LLC. Parcel 16 at Wayland Town Center, dated October 4, 2021
 12. Form 1075: Notice of Activity and Use Limitation: Book 27793 Page 141-165, MassDEP AUL Opinion Form, re: 400-440 Boston Post Road and attached exhibits, legal description and opinion, and MassDEP opinion form dated October 21, 1997
 13. Form 1075: Notice of Activity and Use Limitation: Book 30045 Page 131-132: re: 400-440 Boston Post Road and attached exhibits, legal description and opinion form dated April 2, 1999
 14. Open Meeting Law Complaint and Complaint Form, submitted by G. Harris dated February 2, 2022 with exhibits.
 15. Town Administrator Performance Evaluation Composite and related emails for review period September 1, 2019 - August 30, 2020
 16. Letter: From: Mass Cultural Council's Local Cultural Council To: L. Miller, re: Standard Contract, scope of services: Contractor Authorized Signatory Listing dated: January 28, 2022
 17. Wayland Sign Policy regarding Display of Signs on Public Land dated January 23, 2022 version 1.0
 18. Draft: Proposed Code Revisions: § 19-3 Finance Committee: Recommendations and Reports
 19. Article EE. Establishment of a Capital Improvement Planning Committee
 20. Article FF. Local Historic District Bylaw Amendment
 21. Article GG. Historic: Library Document Conservation
 22. Article HH. Fire Sprinkler System at 89 Oxbow Condo Trust – Community Housing
 23. Draft: Article JJ. 27 Sherman Bridge Road – Open Space Acquisition
 24. Current Code: § 19-3 Finance Committee: Recommendations and Reports
 25. Draft: Proposed Code Revisions: § 19-3 Finance Committee: Recommendations and Reports
 26. Draft: Red Line Version: Article Y. Community Preservation Act – Set Asides
 27. Revised Agenda, revises previous agenda posted 2/3/22 3:48 p.m.

**Items Distributed For Information and Use By the Board during the Meeting of February 7, 2022
Otherwise Not Included In The Packet (Handouts):**

28. Draft: Minutes of January 18, 2022 7:00 pm
29. Draft: Minutes of January 24, 2022 7:00 pm
30. Draft motion to go into Executive Session, related to David Bernstein v. Planning Board of Wayland;

Correspondence:

1. Correspondence was not listed in the packet.