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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**Board of Selectmen  
Meeting Minutes  
October 15, 2019  
7:00 p.m.  
Wayland Town Building  
Selectmen's Meeting Room  
41 Cochituate Road, Wayland**

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Thomas J. Fay, Douglas A. Levine  
**Also Present:** Town Administrator Louise Miller, Assistant Town Administrator Elizabeth Doucette

**A1. Call to Order by Chair** C. Karlson called the meeting of the Board of Selectmen to order at 7:01 p.m. in the Selectmen's Meeting Room in the Wayland Town Building when a quorum was present, noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM, and reviewed the agenda for the public.

**A2. Announcements and Public Comment** The COA is holding a meeting tomorrow night about Medical Marijuana at 7:00 p.m. in the Senior Center. The Domestic Violence Roundtable will sponsor a vigil at 7:00 p.m. on Oct. 24. A ceremony at the Heard Pond apple orchard will take place this weekend at 10:00 a.m.

D. Levine entered the meeting at 7:05 p.m.

Gretchen Schuler, 126 Old Connecticut Path, discussed her frustration with the Town's purchasing procedures as they relate to Community Preservation Committee projects.

Larry Kiernan, 17 Concord Rd. and Paul Penfield from Weston, announced that the Mass Central Rail Trail ribbon cutting event will take place at 10:30 a.m. on Saturday in Wayland and later in the day in Weston. L. Kiernan thanked the many people and groups who worked on this project.

C. Karlson stated that the Board received an email from Mike Lowery to L. Anderson asking to be discussed in announcements and public comments. She said that the email will be available in next week's correspondence.

**A3. 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, Wayland Educational Secretaries Association, Wayland Food Service Association, Custodians & Maintenance Local 116 regarding health insurance payroll deductions**

At 7:15 p.m., C. Karlson moved, seconded by M. Antes, 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, Wayland

Educational Secretaries Association, Wayland Food Service Association, Custodians & Maintenance Local 116 regarding health insurance payroll deductions. The Chair declares 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, M. Antes, C. Karlson, D. Levine, L. Anderson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator, Elizabeth Doucette, Assistant Town Administrator, Arthur Unobskey, School Superintendent, and Kathie Steinberg, School Committee member.

The Board will reconvene in approximately 20 minutes for the purpose of continuing the meeting.

The Board returned to open session at 7:36 p.m.

#### **A4. Board and Committee Appointments**

**1. Cultural Council: Interview and possible vote to appoint Sean Ahearn to the Cultural Council to a term ending June 30, 2022**

**2. Dog Control Appeals Board: Interview and possible vote to appoint Matt Brandi as an associate member for a term ending June 30, 2022**

Sean Ahearn and Matt Brandi appeared before the Board and discussed their experience and interest in serving on the Cultural Council and the Dog Control Appeals Board, respectively. The Board asked both applicants questions and thanked them for volunteering.

M. Antes moved, seconded by D. Levine, to appoint Sean Ahearn to the Cultural Council to a term ending June 30, 2022 and Matt Brandi as an associate member on the Dog Control Appeals Board to a term ending June 30, 2022. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**3. Audit Committee: Vote to appoint Chris Ryan to the Audit Committee, representing the School Committee, for a term ending June 30, 2022.**

M. Antes moved, seconded by L. Anderson, to appoint Chris Ryan to the Audit Committee representing the School Committee for a term ending June 30, 2022. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Annual Town Meeting: Discussion and potential vote to approve ATM Schedule; review and potential vote to approve revised Article submission forms; potential articles**

L. Anderson moved, seconded by D. Levine, to approve the Annual Town Meeting schedule as presented in the packet with the amendments as made tonight. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed potential articles regarding the budget, COA/CC and the Planning Board. The revised article submission forms were not ready for discussion yet.

**A6. Select Board/Town Manager Special Act: Update and next steps** L. Anderson discussed the update on the Select Board/Town Manager Special Act. She confirmed that Town Counsel would like to attend the working session on Oct. 28 at 5:30 p.m. L. Anderson also listed the main areas of concern committees have expressed about the proposed act: checks and balances; definitions of accountability, responsibility, oversight; hiring/evaluations of staff; and conflict resolution.

**A9. Town Administrator Evaluation: Review draft form; discuss timeline** C. Karlson reported that Town Counsel had significant changes to the process of the evaluation. C. Karlson referred to the procedure that the Board went through last year. She reviewed the schedule ahead for the evaluation and will incorporate the dates discussed and send out the schedule.

**A10. Minutes: Vote to approve Board of Selectmen minutes of September 23, 2019 and October 8, 2019.** M. Antes moved, seconded by L. Anderson, that the Board of Selectmen approve the minutes of September 23, 2019 as amended, and October 8, 2019. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A12. Correspondence Review** C. Karlson said she responded to the person who was concerned with an increase in expenses relative to health insurance (item#1). T. Fay asked how the Town would deal with the inquiry about Wayland's Veterans Memorial (item #12). L. Miller said that would fall under Facilities Director B. Keefe. M. Antes asked about the correspondence regarding cable expirations (item #7). Wayland's Economic Development Committee letter regarding use of parcels of land (item#14) and the snow plowing appeal (item#8) were also discussed.

**A7. Council on Aging /Community Center Project: Discussion and potential vote to issue Request for Proposals (RFP)** L. Miller reported that there was a meeting about the COA/CC RFP process. The structure of the RFP was discussed, and L. Miller reviewed the Town's options and timeline. T. Fay talked about Wayland's need for more space for their seniors to receive services. He also noted the opportunity for generational interaction.

M. Antes moved, seconded by D. Levine, that the Board of Selectmen authorize the Town Administrator to release an RFP for the Council on Aging/Community Center. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

#### **A8. Town Administrator's Report**

1. **Bond Anticipatory Note Issuance** L. Miller reported that the Town will need to issue a bond anticipatory note for the High School field project and Fire Station #2 for about \$7 million. Hilltop, the Town's financial advisor, put together a timeline for issuance and Nov. 4 will be the date to approve the bid results for the note and sign the paperwork. It would be a 3-month anticipatory note.
2. **Signage Wayfinding Grant: Update** L. Miller reported that the work is progressing very well and currently is in the ideation stage. On December 5, 2019 concepts will be presented. The Dept. of Housing and Community Development will be issuing technical grants, which may be up to \$200,000 per community.
3. **Facilities: Update** L. Miller reported that some projects needed to be rebid and she went over the status of projects including walk-in refrigeration at the Middle School and Happy Hollow School, Wayland Depot repairs, Loker kitchen, Town Building HVAC and Land Use Space Redesign, Fire Station #2, Town Building windows and doors, High School field project, and street lights.
4. **Loker School Roof Project:** L. Miller reported that there was an initial planning meeting and B. Keefe will be working with the architect. The MSBA invited the Town to the October board meeting to review the project and timeline. Staff is hoping to have the project cost estimate for review for the Jan. 2 meeting.
5. **Open Meeting Law Mediation: Update** L. Miller reported that she is currently working on dates and that the Board will need to sign a mediation agreement. Terms have not been finalized yet.
6. **Five-Year Draft Capital Improvement Plan (CIP): Update** This was distributed last week to the Finance Committee. There was a correction on page 6. The next steps are to review the recommendations with department managers and meet with various boards as necessary.
7. **FY2021 Operating Budget: Update** L. Miller reported that all departments have submitted their operating budget requests. A schedule will be provided to each Finance Committee and BoS liaisons for meetings with department heads. L. Miller reported that a letter from the FinCom chair regarding FY2021 spending levels was received. L. Miller has some concerns and will respond. C. Karlson noted that FinCom's Chair said they are open to discussion.
8. **Regulations: Health, Stormwater and Water** L. Miller reported that the Board of Health, Conservation Commission, and Board of Public Works are currently working on these regulations. Drafts are being reviewed by relevant staff.
9. **West Suburban Health Group: Update** The WSHG is on budget so far this year. L. Miller discussed a potential conflict of interest for an employee and the Board's options if the employee can't be a part of WSHG discussions.

**A11. Consent Calendar: Review and vote to approve (see separate sheet)**

1. Vote the question of approving and signing the weekly payroll and expense warrants.
2. Vote the question of approving a One-day Liquor License for the sale or service of Beer & Wine to be consumed on the premises of St. Ann's Hall, 134 Cochituate Road, Wayland, MA, for an event (Misgivings: A "Divine" Comedy) presented by the Knights of Columbus Good Shepard Council #16156, on Saturday, November 2, 2019 from 6:00 pm to 11:00 pm.
3. Vote the question of approving and signing invoice #122453 from KP Law, dated September 27, 2019, for professional services rendered through August 31, 2019, in the amount of \$148.45.
4. Vote the question of approving and signing invoice #122576 from KP Law, dated September 28, 2019, for professional services rendered through August 31, 2019, in the amount of \$10,811.90.
5. Vote to approve the determination that Benefits Manager, Donna M. Lemoyne's, financial interest, in service as an Alternate Member of West Suburban Health Group, is not so substantial as to be likely to affect the integrity of the services which the Town of Wayland may expect from her.

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

**A13. Selectmen's reports and concerns** C. Karlson asked that a discussion about the Surface Water Quality Committee be put on the next agenda. The Town Planner is working with the owner of Town Center to designate some dedicated rail trail parking spaces. C. Karlson has received communication from the resident requesting a fence viewing and is still gathering information at this point. M. Antes attended the Fire Department's open house. She expressed concern about the recent articles about artificial turf and noted that the Board needs more information. T. Fay asked about more parking at the Library. L. Miller said they are looking at plans now. T. Fay also brought up the Town's purchasing process that was mentioned in public comment. He asked about the need for additional staffing. C. Karlson said she is still in talks with WayCAM for a future Buzz program on The State of the Town.

**A14. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:**  
None.

**A15. 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) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176, and 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 (MCAD), 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 accepting Spencer Circle as a public way, and Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and approve the executive session minutes of August 26, 2019, September 9, 2019, September 23, 2019 and October 2, 2019, and APPROVE AND HOLD: Executive Session minutes of August 26, 2019, September 9, 2019, September 23, 2019 and October 2, 2019. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) and (6) to review and release/release with redactions the executive session minutes of July 16, 2018, August 27, 2018, September 5, 2018, September 17, 2018, September 24, 2018, October 1, 2018, and October 9, 2018. APPROVE AND RELEASE/RELEASE WITH REDACTIONS: Executive Session minutes of July 16, 2018, August 27, 2018, September 5, 2018, September 17, 2018, September 24, 2018, October 1, 2018, and October 9, 2018.**

At 9:17 p.m., 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) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA)/Wayland Police Officers Union (WPOU) Local 176, and 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 (MCAD), 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 accepting Spencer Circle as a public way

The Chair declares 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, M. Antes, C. Karlson, D. Levine, L. Anderson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Chair invites attendance by Louise Miller, Town Administrator, and Elizabeth Doucette, Assistant Town Administrator. The Board will reconvene in approximately 30 minutes solely for the purpose of adjourning.

The Board returned to open session at 10:04 p.m.

(D. Levine left during Executive Session.)

**A17. Adjourn** L. Anderson moved, seconded by T. Fay, to adjourn the meeting at 10:04 p.m. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

#### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 15, 2019.**

1. Correspondence from Louise Miller, Town Administrator, to Board of Selectmen, dated October 15, 2019, re: Town Administrator Update
2. Updated page 6 of [Five-Year Draft Capital Improvement Plan FY2021-FY2025 \(October 10, 2019\)](#)
3. Comments from Gretchen Schuler re: Community Preservation Projects (presented during public comment)
4. Draft of correspondence from Louise Miller, Town Administrator; Arthur Unobskey, School Superintendent; and Brian Keveny, Finance Director, to the Finance Committee, dated October 16, 2019, re: FY2021 Operating Budget Spending Level
5. The Beacon, a publication of the Massachusetts Municipal Association, October 2019 (distributed to Cherry Karlson, Doug Levine, Lea Anderson)
6. The Dudley Pond Association Fall 2019 newsletter (distributed to Cherry Karlson; Lea Anderson; Doug Levine; and Thomas Fay)
7. National Grid “We are Committed to Safety” direct mail piece (to Cherry Karlson)

#### **Items Included as Part of Agenda Packet for Discussion During the October 15, 2019 Board of Selectmen’s Meeting**

1. List of open Board/Committee Appointments
2. Correspondence from Jayson Brodie, Chair, Wayland Board of Assessors, to Cherry Karlson, Chair, Board of Selectmen and the Board of Selectmen, dated October 7, 2019, re: resignation of Steven Glovsky as a member of the Wayland Board of Assessors
3. Letter of interest dated September 13, 2019 from Sean Ahearn re: Wayland Cultural Council
4. CV of Matt Brandi
5. Draft of 2020 Annual Town Election/Annual Town Meeting Schedule
6. 2020 ATM potential articles as of October 10, 2019
7. Draft of Wayland Town Administrator Evaluation
8. Draft of September 23, 2019 Board of Selectmen meeting minutes
9. Draft of October 8, 2019 Board of Selectmen meeting minutes
10. Correspondence to Louise Miller, Town Administrator; Arthur Unobskey, School Superintendent; Board of Selectmen; School Committee; and Brian Keveny, Finance Director,

from the Finance Committee, dated October 4, 2019, re: FY2021 Operating Budget Spending Level

11. Town of Wayland Five-Year Draft Capital Improvement Plan FY2021-FY2025 dated October 10, 2019

### **CORRESPONDENCE**

1. Correspondence from resident Rosamond Geller, to Cherry Karlson, Chair, Board of Selectmen (emails also sent to other Board of Selectmen), dated October 8, 2019, re: Wayland Property Taxes
2. Correspondence from Sean Lauziere, Community Relations & Economic Development Specialist, Eversource Energy, to Louise Miller, Town Administrator; Teri Hegarty, Executive Assistant; Cherry Karlson, Chair, Board of Selectmen; Doug Levine, Selectman; Thomas Fay, Selectman; Mary Antes, Selectman; Lea Anderson, Selectman; Thomas Holder, Director, DPW; Patrick Swanick, Chief of Police; Neil McPherson, Fire Chief; and Doug Leard, Local Emergency Management Coordinator; dated October 8, 2019, re: Pipeline Fact Sheet and First Responder Training
3. Report from Julia Junghanns, Director, Public Health, dated October 7, 2019, re: Board of Health Director's Report
4. Correspondence from Jeffrey Roeloffs, Clerk's Office, Middlesex Superior Court, Civil Division, dated October 3, 2019, re: Bernstein, et. al. v. Wayland Planning Board, et al., Civil Action No. 2008-0552 (Middlesex Superior Court), Joint Motion for 10-Day Extension of Deadline to File Post-Hearing Briefs.
5. Correspondence from Greg Franks, Sr. Manager, Government Affairs, Xfinity, to Chairman and Members of the Board, dated October 3, 2019, re: Xfinity TV Channel Updates
6. Notice of Filing, Public Hearing and Procedural Conference from The Commonwealth of Massachusetts, Department of Public Utilities, dated September 13, 2019, re: Petition of Boston Gas Company and Colonial Gas Company, each d/b/a National Grid, for approval of their 2016-2018 Energy Efficiency Three-Year Term Report
7. Correspondence from Shonda Green, Department Secretary, Commonwealth of Massachusetts, Department of Telecommunications and Cable, to Chairman, Board of Selectmen, dated October 3, 2019, re: License Expiration Notice
8. Residential Private Road Snow & Ice Policy Appeal Application from resident Steven Baccei rec'd October 7, 2019
9. Report from Patrick Swanick, Chief of Police, received October 3, 2019, re: Monthly Police Department Report for September 2019
10. Correspondence from Sarah Bursky, Community Planner/Rivers Manager, Wild and Scenic Rivers Program National Park Service, to Sara Bursky, Community Planner/Rivers Manager, National Park Service and Anne Slugg, Chair, Community Planner/Rivers Manager, Wild and Scenic Rivers Program, National Park Service, dated October 3, 2019, re: Wild and Scenic River Community Grant Funds available
11. Notice of Filing, Public Hearing and Procedural Conference from The Commonwealth of Massachusetts, Department of Public Utilities, dated September 13, 2019, re: Petition of NSTAR d/b/a Eversource Energy, for approval of their 2016-2018 Energy Efficiency Three-Year Term Report
12. Correspondence from resident Margaret Dergalis, to Cherry Karlson, Chair, Board of Selectmen, dated October 10, 2019, re: maintenance of Wayland Veterans Memorial
13. Correspondence from Carrie Benedon, Assistant Attorney General, Commonwealth of Massachusetts, to resident George Harris, dated October 4, 2019, re: June 27, 2019 complaint with the Wayland Board of Selectmen
14. Memorandum from the Wayland Economic Development Committee, to the Wayland Board of Selectmen, approved September 13, 2019, re: Recommendation for Consideration for Use of Parcels of Land