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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

SELECT BOARD

THOMAS J. FAY
ADAM G. GUTBEZAH
CHERRY C. KARLSON
CAROL B. MARTIN
DAVID V. WATKINS

Meeting Minutes Select Board Monday, July 18, 2022 7:00 p.m. Remote Meeting/Council on Aging Room 41 Cochituate Road, Wayland, MA

Present, participating remotely: Thomas J. Fay, Adam G. Gutbezahl, Cherry C. Karlson, Carol B. Martin, David V. Watkins

Also Present, participating remotely: Acting Town Manager Stephen Crane, Assistant Town Manager John Bugbee

A1. Call to Order, Review the Agenda for Public: At 7:00 p.m., Chair, C. Karlson called the meeting of the Select Board to order when a quorum was present and announced that the meeting would be held remotely and recorded for re-broadcast. C. Karlson announced each member by full name and that all members would participate remotely. C. Karlson reviewed the agenda.

A2. Executive Session: At 7:03 p.m., Chair C. Karlson moved, seconded by D. Watkins, that the Board of Selectmen enter into Executive Session, but due to technological difficulties the Executive Session was not held until 10:50 p.m.. The Board returned to open session.

A3. Announcements and Public Comment: C. Martin acknowledged the recent passing of Mr. Patterson, a long-time volunteer in Wayland. C. Karlson suggested the Board and Town Counsel hold a community forum on the recent Glezen Lane Traffic Mitigation Settlement Agreement resulting from the Bernstein, et al. v. Wayland Planning Board, et al lawsuit.

Daniel Dresner, Saddle Lane, joined via teleconference to comment on the Glezen Lane Traffic Mitigation Settlement Agreement and requested that the traffic data be released to the public.

Shelby Morss, Glezen Lane, joined via teleconference to comment on the Glezen Lane Traffic Mitigation Settlement Agreement, and concurred with the previous request for traffic data. S. Morss suggested that the Board host a community forum.

Lauren Zajac, Glezen Lane, joined via teleconference and concurred with the previous request for the traffic data and asked if the newly posted signage complied with local zoning bylaws.

Gregory Barchard, Marshall Terrace, joined by teleconference and compared the traffic patterns near the Carroll School as comparable to the Glezen Lane traffic pattern.

Chris Nicholas, Glezen Lane, joined by teleconference and commented on the Glezen Lane Traffic Mitigation Settlement Agreement. C. Nicholas suggested the traffic data was statistically inaccurate, requested more data and noted that over 100 Glezen residents have bought or sold homes since the case was initially filed. C. Nicholas noted that D. Bernstein had been unwilling to meet with neighbors.

Jackie Adleson, Saddle Lane, joined by teleconference and commented on the Glezen Lane Traffic Mitigation Settlement Agreement and its impact to school bus routes.

Jennifer Ray, Saddle Lane, joined by teleconference to comment on the Glezen Lane Traffic Mitigation Settlement Agreement and expressed concern with how the neighbors were not notified and its impact on property values.

Larina Mehta, Saddle Lane, joined by teleconference and requested more information on the traffic study conducted for the Bernstein, et al. v. Wayland Planning Board, et al appeal.

A12. Consent Calendar: review and vote to approve: C. Martin asked a question regarding Item #4 and suggested a revision. C. Karlson noted that item #4 was omitted from the revised posted agenda. S. Crane requested authorization to move forward with the related contract because it was time sensitive, it was the sense of the Board to acquiesce and ratify the authorization at its next meeting.

1. Vote the question of approving the 2022 election worker list provided by the Interim Town Clerk.
2. Vote the question of approving the grant awarded to the Wayland Police Department from the MetroWest Health Foundation in the amount of \$1,872.95.
3. Vote the question of approving sign board requests by the Dudley Pond Association to promote the "Fun Run" event during the dates of 09/03/2022-09/10/2022 and 09/10/2022-09/17/2022 at Old Connecticut Path and Cochituate Road (Five Paths) and Fire Station Two in Cochituate.
- ~~4. Vote the question of approving a contract in the amount of \$106,323.01 to purchase public safety software called IMC for the Wayland Police Department through SHI International Corp.~~

T. Fay moved, seconded by A. Gutbezah, to approve the Consent Calendar, as revised. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A4. Verizon Grant of Location Hearing: 141 Boston Post Road Existing utility pole located near 141 Boston Post Road and 234 Concord Road existing utility pole #42 located near 234 Concord Road a) petitioners request permission to attach, maintain and operate small cell communications equipment on utility poles located in the public right-of-way:

At 7:42 p.m., C. Karlson opened the public hearing, and read the legal notice for the hearing as shown in the packet. Verizon petitioners Derek Mahew, Michael Patteson, Sean Conway, Stan Usovich, and Paula Foley joined the meeting video-teleconference to describe the two applications before the Board. P. Foley noted that using a small cell approach would be the most effective approach to improve coverage. C. Karlson opened the hearing for Public Comment:

Matthew Mills, Concord Road, joined by teleconference and asked if there would be any increased costs for Verizon customers. P. Foley answered there would be no additional cost.

Richard Turner, Nob Hill Road, joined by teleconference and asked if the cell signal would be improved. P. Foley noted there would be improved signal in a small area near the pole.

Gregory Barchard, Marshall Terrace, joined by teleconference and asked about the power output. P. Foley noted that the outputs were well within the Federal Communications Commission (FCC) regulations.

Steve Correia, Glezen Lane, joined by teleconference asked if the matter should be reviewed by the Cable Advisory Committee. S. Usovich answered that cable service was separate from the proposed wireless service that would be provided.

Diana Warren, Sudbury resident, and former long-time Wayland resident, joined by teleconference and commented on the wireless bylaw intended to protect the community, she noted the Town bylaws required a 900 foot setback in the wireless district and Town Counsel should review the matter.

Stan Robinson, Wheelock Road, joined via a call to D. Watkins telephone, and read Wayland zoning bylaw Chapter 198-1503.2.13 and described the application as disingenuous.

A. Gutbezah confirmed that Wayland zoning bylaw Chapter 198-1503.2.13 applies to wireless communications within the overlay district, and that the bylaw does not apply to the poles in question because they are not within the overlay district. C. Karlson confirmed the poles are in the Town's right-of-way and the zoning bylaws do not apply. P. Foley also confirmed that the poles were not located within the overlay district. C. Martin asked how many pole requests could be expected. P. Foley noted that coverage evaluations happen continuously and it would be hard to predict future requests, she was aware of one other possible request. The Board discussed the comments and the petition. At 8:24 p.m., C. Karlson closed the hearing.

A. Gutbezahl moved, seconded by T. Fay, to approve the applications to attach, maintain and operate small cell communications equipment on utility poles located in a public right-of-way near 141 Boston Post Road and 234 Concord Road. In discussion, D. Watkins expressed concern with restrictions pertaining to overlay districts. A. Gutbezahl screen shared a map of Wayland overlay districts and reiterated that the poles in question are not in the overlay district. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A5. Local Initiative Program (LIP): discussion with Town Counsel to understand the Select Board role in a housing LIP: Amy Kwesell, K-P Law, P.C., joined via video-conference to inform the Board of its role in a housing Local Initiative Program (LIP) and the benefits of the program. A. Kwesell described a LIP as similar to Chapter 40B, a state program that encourages the creation of affordable housing. A. Kwesell described the process to reach an agreement for affordable housing projects, and that a LIP regulatory agreement would be agreed to by the Town, developer, and Department of Housing and Community Development (DHCD). C. Karlson asked about the permitting process for a LIP project, A. Kwesell described the operational process involving Department heads. The Board discussed the LIP.

A6. Appointments to Committee: Vote to confirm appointment of the following volunteers:

Appointments to Committee: Interview, Discuss and potential vote to appoint:

Committee	Potential Appointee	Term End Date
Personnel Board (1 vacancy)	Jeff Kurtz	06/30/2025
Personnel Board (1 vacancy)	Jill Zukerman	06/30/2025
Surface Water Quality Committee	Carole Plumb	06/30/2025

The Board interviewed two potential appointees to the Personnel Board: J. Kurtz and J. Zukerman who both joined via video-conference. Each reviewed his/her/their intent to join the Personnel Board and related qualifications. The Board interviewed the candidates.

The Board interviewed C. Plumb who joined via video-conference, for the Surface Water Quality Committee. C. Plumb reviewed her intent to join the SWQC and her related qualifications.

C. Martin moved, seconded by A. Gutbezahl, that the Board appoint C. Plumb to the Surface Water Quality Committee for a term ending June 30, 2025. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

Appointing Entity	Committee	Potential Appointee	Term End
Police Chief	Youth Advisory Committee	Tyler Castagno	06/30/2025
Wayland Interfaith Leaders Association	Youth Advisory Committee	Louis Polisson	06/30/2025

C. Martin moved, seconded by A. Gutbezahl, that the Board vote to confirm the appointments of T. Castagno and L. Polisson to the Youth Advisory Committee for terms ending June 30, 2025. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

The Board discussed the potential appointees for the Personnel Board. C. Martin moved, seconded by T. Fay, that the Board appoint J. Zukerman to the Personnel Board for a term ending June 30, 2025. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

A7. Select Board Goals: Review and accept goal document for 2022-2023: The Board reviewed and accepted the goal document for 2022-2023. C. Karlson noted it would be posted to the website.

A8. Acting Town Manager Report: a. Route 20 Revitalization - status of BETA Group contracts b. St Ann's Church - potential affordable housing proposal c. Update on remote participation for meetings d. Glezen Lane signage e. Status of Earth Well Medical Marijuana Dispensary agreement:

A8.a. Route 20 Revitalization - status of BETA Group contracts: S. Crane reported that there had been two contracts with BETA Group, Inc., one contract was referred to as the “curb-cut” and another that was a master planning effort. S. Crane reported that there had been a recent departmental discussion about combining the contracts because there was some overlap and some duplication of efforts.

A8.b. Saint Ann’s Church - potential affordable housing proposal: S. Crane reported that there was a discussion about a potential housing development at Saint Ann’s Church, though there were currently no pending applications.

A8.c. Update on remote participation for meetings: S. Crane reported that the Lieutenant Governor recently signed an extension to allow certain exemptions for remote public meetings until March 2023.

A8.d. Glezen Lane signage: S. Crane expressed support for a public forum with the Glezen neighborhood.

A8.e. Status of Earth Well Medical Marijuana Dispensary agreement: S. Crane reported that he had been in contact with Earth Well Farms Inc.’s Attorney P. Silverman and reviewed the next steps.

S. Crane added that the Town had been in receipt of some funds related to the Statewide Opioid Settlement agreement, and the funds would be used toward substance education.

A9. Remote Participation at Town Meeting: review of ATM 2021 article, discussion of language submitted to state, and discussion of and potential for Board confirming vote: D. Watkins reviewed a history of revisions to House Bill 4985 filed by Representative C. Gentile and A. Peisch and recommended that the Board confirm the language with a vote. The Board discussed Bill 4985. A. Gutbezahl questioned if the Board’s review and approval was needed if the Bill had already been filed by the representatives. The Board discussed options to move forward, one option to request that Bill 4985 be withdrawn and refiled with revised language or to create a separate bill and file that bill as well. A. Gutbezahl recommended the Board take action on the Bill 4985 as written before them, and review the language at a future meeting in order to provide revisions and refile in January. C. Karlson noted that the approval of the 2021 ATM warrant article authorized the Board of Selectmen, now Select Board, to file a petition with the General Court for a special act.

D. Watkins moved, seconded by T. Fay, to approve House Bill 4985 an Act authorizing remote participation at town meetings in the Town of Wayland as filed on June 27, 2022. After discussion, D. Watkins withdrew the motion. D. Watkins moved, seconded by T. Fay, to approve the language of House Bill 4985, on page 57 of the packet, filed as an Act authorizing remote participation at town meetings in the Town of Wayland and ratify the filing on June 27, 2022, of said Bill. C. Karlson expressed support for remote participation, but not of the Bill as written. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: C. Karlson. ABSENT: None. ABSTAIN: Adopted 4-1.

A10. Town Manager Search Process: update on contract; discussion of next steps; potential vote to sign contract: C. Karlson reported that the firm, Community Paradigm Associates, to which the Board awarded the contract for a Town Manager Search had withdrawn its proposal after its representatives reviewed the recent Board meeting recording, and the firm also included written notice that it does not practice poaching of candidates. J. Bugbee reviewed the procurement options to secure a firm: to either negotiate with the one remaining firm that had submitted a RFP response or to repost the RFP to solicit more responses. T. Fay expressed disappointment with the process and was uncomfortable with a firm that had limited experience in the Commonwealth of Massachusetts.

D. Watkins moved, seconded by C. Martin, to move forward with negotiations with the remaining firm. In discussion, C. Karlson noted the Board needed to provide guidance regarding said negotiations. J. Bugbee noted only price could be negotiated, not the scope of services. D. Watkins withdrew the motion. D. Watkins moved, seconded by C. Martin, that Assistant Town Manager J. Bugbee negotiate the contract, complete the contract and authorize the Chair to sign said contract with HRGov. The Board expressed the need to act as one body. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

A11. Annual Report: discuss and assign responsibility for creating a draft Annual Report for the September 6 meeting: D. Watkins agreed to prepare a draft Annual Report for the Board's review at the September 6, 2022 meeting.

A14. Review Correspondence: The Board reviewed the correspondence in the packet.

A15. Select Board's Reports and Concerns: D. Watkins reported on the progress related to the evaluation of the 195-207 Main Street site for a potential grass field, and recommended the Board initiate the evaluation of a potential third site. C. Martin expressed support for a community forum on the recent Glezen Lane Traffic Mitigation Settlement Agreement.

A13. Minutes: a. Review and vote to approve the regular session minutes of June 27, 2022 b.

Executive Session Minutes: vote to release with redactions the executive session minutes related to discussing strategy with respect to the Public Employee Committee (PEC) agreement: April 26, 2021, June 14, 2021, September 2, 2021, October 4, 2021, October 18, 2021, December 13, 2021, December 20, 2021, January 3, 2022, January 10, 2022, January 18, 2022 and March 14, 2022: The Board took no action on the listed Executive Session minutes.

D. Watkins moved, seconded by C. Martin, that the Board approve the regular session minutes of June 27, 2022, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: Adopted 5-0.

A16. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A2. Executive Session: (revisited)

I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and approve the executive session minutes of June 27, 2022. Approve and hold: Executive Session Minutes of June 27, 2022.

II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and consider for potential release the following executive session minutes related to discussing strategy with respect to the Public Employee Committee (PEC) agreement: April 26, 2021, June 14, 2021, September 2, 2021, October 4, 2021, October 18, 2021, December 13, 2021, ~~December 20, 2021~~, January 3, 2022, January 10, 2022, January 18, 2022 and March 14, 2022.

At 10:50 p.m., Chair C. Karlson moved, seconded by C. Martin, 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 June 27, 2022 with the intent to approve and hold said minutes; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6) to review and consider for potential release the following executive session minutes related to discussing strategy with respect to the Public Employee Committee (PEC) agreement: April 26, 2021, June 14, 2021, September 2, 2021, October 4, 2021, October 18, 2021, December 13, 2021, January 3, 2022, January 10, 2022, January 18, 2022 and March 14, 2022.

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: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0-0.

Chair, C. Karlson invited attendance by Acting Town Manager S. Crane and Assistant Town Manager, J. Bugbee. C. Karlson announced that the Board would adjourn from the executive session and not return to open session.

A17. Adjourn: At 10:52 p.m., the Board entered Executive session.

Items included in the packet and updated during the Board of Selectmen Meeting of July 18, 2022:

1. Revised Agenda: June 27, 2022; revised June 24, 2022 at 10:41 am.

2. Massachusetts General Law - Part I, Title XXII, Chapter 166, Section 2: Consent of Municipal Officers to construct or alter lines
3. Notice of Public Hearing: Verizon Grant of Location 141 Boston Post Road
4. Notice of Public Hearing: Verizon Grant of Location 234 Concord Road
5. Letter: From Verizon Re: Petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon") for Pole Attachment of Small Cell Communications Equipment: WAYLAND_SC02_MA, 141 Boston Post Road, Pole unmarked; dated April 21, 2022 with attachments
6. Letter: From Verizon Re: Petition of Cellco Partnership d/b/a Verizon Wireless ("Verizon") for Pole Attachment of Small Cell Communications Equipment: LINCOLN_SC14_MA, 234 Concord Road, Pole #42, dated April 21, 2022, with attachments
7. Link: <https://www.mass.gov/service-details/local-initiative-program> re: Local Initiative Program
8. Town of Wayland Board/Committee Appointments Status as of July 15, 2022
9. Letter: From: E. Burman Re: Youth Advisory Committee appointment: T. Castagno, dated July 15, 2022
10. Personnel Board Application: J. Kurtz
11. Personnel Board Application: J. Zukerman
12. Surface Water Quality Committee Application: Carole Plumb
13. Select Board Goals 2022-2023
14. Report to Wayland Housing Partnership about St. Ann's Church Property – July 12, 2022 Notes by Rachel G. Bratt, Member Wayland Housing Partnership
15. Warrant Article: 2021 ATM Article 16. Remote Participation at Town Meeting
16. Letter: From: D. Watkins To: S. Crane Acting Town Manager re: Remote Participation draft, dated July 15, 2022
17. House Docket, No. 5216 Filed: 6/27/2022, with House No. 4985, Revisions 1-4
18. House Docket, No. 4450 Filed: 01/31/2022 Re: Act authorizing Brookline to hold hybrid meetings
19. House Docket, No. 4802 Filed: 2/1/2022 Re: Act Authorizing Natick to hold hybrid Town Meeting.
20. Email chain: From: Simon, R. (HOU) Sent: Wednesday, July 6, 2022 3:57 PM To: Watkins, D. Cc: Gentile, C. - Rep. (HOU) Subject: RE: Remote Participation
21. Email: From: B. Lynch Paradigm Associates Sent: Sunday, July 10, 2022 5:37 PM To: Bugbee, J. Subject: Re: Town Manager Search
22. Letter: From: B. Lynch Paradigm Associates, To: Bugbee, J. Subject: Re: Town Manager Search, dated July 8, 2022:
23. Link: <https://www.wbur.org/radioboston/2022/07/07/july-7-2022-rb> re: WBUR Radio Boston July 7, 2022 'Why so many town managers are resigning' 0 to 17 minutes elapsed
24. Letter: From: Costello, C. Date: Friday, July 1, 2022 To: Board and Committee Chairs Subject: Annual Report Notice
25. Draft: Select Board Minutes for the meeting of Monday, June 27, 2022

Items Distributed For Information and Use By the Board during the Meeting of July 18, 2022 Otherwise Not Included In The Packet (Handouts):

1. Screen share: Map of Wayland Zoning Overlay districts
https://www.wayland.ma.us/sites/g/files/vyhlif4016/f/uploads/zoning_color_5.pdf

Correspondence:

1. Correspondence from Town of Wayland dated July 11, 2022 Re: Glezen Lane press release.
2. Correspondence from Tap Maniar dated July 5, 2022 re: usage of the Boston Post corridor.
3. Correspondence from Michael Delman dated June 30, 2022 re: endorsement of Climate Action Plan.
4. Correspondence from Interim Town Clerk dated June 28, 2022 re: VOTES Act (Vote by mail).
5. Correspondence from Interim Town Clerk dated June 28, 2022 re: VOTES Act (police detail).
6. Correspondence from Michele Trucksis dated June 27, 2022 re: endorsing the Climate Action Plan.
7. Correspondence from Gina and Drew Dallin dated July 11, 2022 re: Glezen Lane traffic.
8. Correspondence from David Katz dated July 12, 2022 re: Glezen Lane Turn signs.
9. Correspondence from Melanie Kosich dated July 14, 2022 re: Glezen Lane concerns.
10. Correspondence from C. Karlson to George Harris re: request for unredacted minutes, dated June 14, 2022