



STEPHEN CRANE  
ACTING TOWN ADMINISTRATOR  
TEL. (508) 358-3620  
www.wayland.ma.us

# 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, April 4, 2022**

**6:30 p.m.**

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

**Present:** Thomas J. Fay, Adam G. Gutbezahl, Carol B. Martin, David Watkins

**Absent:** Cherry C. Karlson

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

**A1. Call to Order, Review the Agenda for Public:** At 6:31 p.m., Chair, T. Fay called to order the meeting of the Select Board when a quorum was present. T. Fay announced each member by full name and that A. Gutbezahl was expected to arrive at 7:15 p.m. T. Fay noted the meeting would be recorded for re-broadcast and the ways in which the public could view and participate. T. Fay reviewed the agenda for the public.

**A2. Announcements and Public Comment:** C. Martin announced that the Community Preservation Committee (CPC) would hold a public hearing on Wednesday, April 13, 2022 to review the CPC sponsored Warrant Articles for the 2022 Annual Town Meeting. C. Martin announced that there would be two public forums on April 12, 2022 for the proposed Council on Aging and Community Center and for the Loker Grass Field Construction.

Yau-Wu Tang, School Street, joined the meeting in person and announced that the Wayland Chinese-American Association would be sponsoring a Select Board Candidate Event on Zoom on Thursday, April 7.

Martin Dyroff, Green Way, joined the meeting in person, seeking advice regarding the need for a resolution for deteriorating conditions of the road and retention pond owned by the Greenways developer. T. Fay indicated that he would reach out to M. Dyroff.

Carole Plumb, Bald Rock Hill Road, joined the meeting via teleconference to comment on the Loker Grass Field Project's proposed irrigation system and asked if the Finance Committee was informed about an increase in operating costs to fund the water expense. C. Plumb also commented on the letter from the Economic Development Committee (EDC) in the packet, 212 Cochituate Road and recommended the Board be better at long-term planning.

George Harris, Holiday Road, joined via teleconference to comment on a recent Open Meeting Law Complaint which he submitted in regard to the Town Administrator evaluation process and asked that all Board members review a document being withheld by Town Counsel.

Alexia Obar, Dean Road, joined the meeting via teleconference to request that the Board hold a forum to explain the Town Manager Act. A. Obar asked that the Board maintain a list of current public and private developments in Town or hold a forum to inform the public.

### A3. Executive Session:

- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Office of Civil Rights Complaint #01-22-1035 Wayland Public Schools.
- II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (3), to discuss strategy with respect to New England Police Benevolent Association Local 176 Grievance #2022-0001, Step 3.

**III. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with: • International Association of Firefighters, AFL-CIO Local 178:**

At 6:49 p.m., Chair T. Fay moved, seconded by D. Watkins, that the Select Board enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Office of Civil Rights Complaint #01-22-1035 Wayland Public Schools; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (3), to discuss strategy with respect to New England Police Benevolent Association Local 176 Grievance #2022-0001, Step 3; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with International Association of Firefighters, AFL-CIO Local 178.

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, C. Martin, D. Watkins. NAY: None. ABSENT: A. Gutbezahl, C. Karlson. ABSTAIN: None. Adopted 3-0.

Chair, T. Fay invited attendance by Acting Town Manager Stephen Crane, Assistant Town Manager John Bugbee and Human Resources Manager Kate Ryan. T. Fay noted that the Board would return from the Executive Session to resume the meeting in open session after approximately twenty-five minutes. At 7:15 p.m., the Board returned to open session. A. Gutbezahl joined the meeting in open session.

**A4. Review and discuss next steps regarding American Rescue Plan Act (ARPA) funds:** S. Crane presented a slide deck regarding funds in the amount of \$4,135,376 from the American Rescue Plan Act, specifically through the Coronavirus Local Fiscal Recovery Fund (CLRF). He explained that the funds could be used for eligible expenditures incurred between March 2021 and December 2024, but the funds could not be expended on regularly recurring expenses. S. Crane explained that the funds that must be obligated by December 31, 2024 and spent by December 31, 2026. S. Crane reviewed the eligible use categories: loss of public sector revenues, public health & economic response, premium pay for essential workers and water, sewer, & broadband infrastructure. S. Crane noted the funds could be spent on COVID-19 related revenue losses and summarized the Town's revenue lost. S. Crane reviewed various departmental requests for funds.

D. Watkins suggested the Board develop a process to accept and discuss proposals for the funds. T. Fay noted that there may be a benefit to have a forum or allow a comment period to accept ideas for the funds. There was further discussion regarding ideas for the possible use of the funds.

**A5. 2022 Annual Town Meeting (ATM) a. Discuss and Potential Vote to Insert and take a Position on Warrant Articles; refer to the list of articles in the Board's packet b. Discussion of any other topics relevant to ATM:**

C. Martin moved, seconded by A. Gutbezahl, to approve Article H Personnel Bylaws and Wage & Classification Plan as presented in the packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

There was a discussion regarding the revised language in Article K. New Stonebridge Resolution Expenditure of Funds as presented in the packet. T. Fay announced that Article (N) 21. Appropriate Funds to Construct a New Council on Aging and Community Center was reviewed by the Permanent Municipal Building Committee (PMBC) and recommended that the cost be reduced to \$11 million dollars.

A. Gutbezahl moved, seconded by D. Watkins, to support Article (N) 21. Appropriate Funds to Construct a New Council on Aging and Community Center for \$11 million dollars, as presented in the supplemental packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

**A6. Acting Town Manager Update a. Anti-Idling recommendations by the Energy & Climate Committee b. Human Rights, Diversity, Equity and Inclusion Committee (HRDEI) portal c. Town Manager Act Transition Highlights d. Council on Aging/Community Center Project e. Update on May Music Festival:**

**A6.a. Anti-Idling recommendations by the Energy & Climate Committee (ECC):** S. Crane reviewed a memorandum from the Energy & Climate Committee (ECC), which recommended signage to create awareness and encourage drivers to be mindful of idling vehicles. The sense of the Board was to support the ECC recommendation in the memorandum in the packet.

**A6.b. Human Rights, Diversity, Equity and Inclusion Committee (HRDEI) Portal:** S. Crane reported that the Town had established a voicemail portal and that the HRDEI Committee would be drafting an intake form to allow HRDEI to collect data while maintaining confidentiality, the portal would go live when the intake form was ready.

**A6.c. Town Manager Act Transition Highlights:** S. Crane recommended the Board discuss the topic of the Town Manager Act as an agenda item. He reported that he recently appointed the Town Clerk to a term ending seven days after the close of Annual Town Meeting. S. Crane encouraged the Select Board to determine signatory authority and review the Board policies and procedures, which he noted needed to be updated to reflect the changes created by the Town Manager Act.

**A6.d. Council on Aging / Community Center (COA/CC):** S. Crane reported that the Permanent Municipal Building Committee (PMBC) and Recreation Commission both voted to endorse the COA/CC project. T. Fay noted that the COA/Community Center is designed to be multigenerational and will benefit Council on Aging services and Recreation users as well. T. Fay reported that the Board would hold a public forum on April 12, 2022.

**A6.e. Update on May Music Festival:** S. Crane and J. Bugbee updated the Board that there would be a Music Festival planned on May 21, 2022 at Town Center. There was a discussion about liability and insurance coverage for the event.

**A7. Discuss and potential vote to support final language for the Debt Exclusion ballot questions:**

A. Gutbezahl moved, seconded by C. Martin, that the Select Board adopt the proposition 2 ½ ballot question language as presented in the supplemental packet. A. Gutbezahl withdrew the previous motion and moved, seconded by D. Watkins, that the Board approve the ballot question language on Page 21 of the supplemental packet, as amended by changing Council of Aging to Council on Aging and including a Council on Aging / Community Center. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

A. Gutbezahl moved, seconded by D. Watkins, that the Board approve the ballot language for Loker Field as contained on Page 23 of the supplemental packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

**A8. Select Board Liaison Roles: discussion to clarify responsibilities of role; review policy and update as necessary:** T. Fay reviewed the existing Board liaison policy and gave an overview of his experience as a liaison. S. Crane noted the liaison role may differ for a regulatory body compared to an advisory body. D. Watkins requested the Board determine a methodology on how to empower boards and committees, and to align the objectives of the boards and committees with the Select Board objectives. D. Watkins also recommended that the communication between liaisons and boards be formalized. S. Crane recommended that the Board achieve consensus on whether a liaison to a board or committee speaks on behalf of the Board, after the Board has discussed the topic. A. Gutbezahl expressed his preference for some uniformity among liaisons and to provide guidance for new board and committee members. C. Martin indicated that liaisons serve as a resource for chairpersons and to support agenda development and open meeting law compliance.

**A9. Open Meeting Law: discussion of complaint received on March 25, 2022 from resident George Harris; review and vote on response:** T. Fay provided some background on the complaint filed on March 25, 2022 by resident George Harris. S. Crane reviewed his recent consultation with Town Counsel and noted that the Town Manager is not a member of the Select Board and therefore the update is not subject to Open Meeting Law. S. Crane expressed disagreement with the notion that the Select Board or its chair would be aware of the contents of the Town Manager's Report ahead of the meeting. S. Crane reported that other towns provide a written report in the packet, Board members read and hear the report and do not participate in

further deliberation. S. Crane noted that when further deliberation or action is required, the topic could be listed as an agenda item. S. Crane stressed the distinction between whether or not the Board is being transparent and whether or not the public is fully informed. S. Crane noted that the Board spends valuable time discussing and responding to complaints for an open meeting technicality at the expense of better local government and achieving the greatest good for the greatest number. D. Watkins noted that that it is good for the government to follow the law and provide information to the public.

D. Watkins moved, seconded by C. Martin, to authorize S. Crane in conjunction with the Chair and Town Counsel to provide a response to the Open Meeting Law complaint submitted by complainant George Harris dated March 25, 2022. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

#### **A10. Consent: Review and Vote to Approve:**

1. Vote the question of designating and approving signing authority to Stephen Crane, Acting Town Manager on items listed below.
2. Vote the question of approving and signing the weekly payroll and expense warrants.
3. Vote the question of approving sandwich board requests by the Wayland High School Scholarship Committee during the dates of Saturday, April 9-Saturday, April 16, 2022 at the Route 20/Old Connecticut Path by Coach Grill as well as the Old Connecticut Path and Cochituate Road (five paths).
4. Vote the question of approving the contract with Emerging Compound Treatment technologies, Inc. for construction services related to Happy Hollow Wellfield Treatment System for PFAS Removal OPP-2021-03-15-011153 Change Order #1. The appropriation number is 42451300 54199, and the line item is PFAS Remediation.
5. Vote the question of approving an amendment to include a Task Order for the contract with Tata & Howard, entitled "On-Call Engineering Services Contract NO. 18-2005 Task Order NO. 20 Baldwin Pond WTP Membrane Replacement Assistance" for Engineering Services associated with the Baldwin Pond WTP Membrane Replacement Assistance. The appropriation number is 61451002 52101, and the line item is Professional Services.
6. Vote the question of approving the five (5) year contract with Option Technologies International, LLC, for Electronic Voting Services for Town Meeting. The appropriation number is 10123002-52310, and the line item is Town Meeting Expense.
7. Vote the question of approving the Grant Award Acceptance-RRFR 223127 from the Department of Health for Local Support for COVID-19 Case Investigation and Contact Tracing-total \$242,875.00.
8. Vote the question of approving invoice #136085 with KP Law for legal services through February 28, 2022 in the amount of \$15,020.64.
9. Vote the question of approving invoice #136086 with KP Law for legal services through February 28, 2022 in the amount of \$120.00.
10. Vote the question of authorizing Acting Town Manager Stephen Crane to approve and extend existing outdoor dining permits for sixty days subject to a full department review and full inspection.
11. Vote the question of approving the Memorandum of Agreement between the Town of Wayland Public Employee Committee (PEC) from July 1, 2022 through June 30, 2025.
12. Vote the question of approving \$2,500.00 in funding from the Automated External Defibrillator Equipment Program offered by the Executive Office of Public Safety and Security's Office of Grants and Research (OGR).
13. Vote the question of approving the contract with Leo Vigeant Co. Inc. for the purpose of the cleaning of catch-basins.

A. Gutbezahl moved, seconded by D. Watkins, to approve the Consent Calendar. A. Gutbezahl rescinded the motion and moved, seconded by D. Watkins, that the Board approve the Consent Calendar while modifying Items #1 one to state Acting Town Manager instead of Administrator and modifying Items# 10 to replace "for sixty days" with "until April 1, 2023." Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

**A11. Minutes: Review and vote to approve the minutes of March 14 and March 21, 2022:**

C. Martin moved, seconded by A. Gutbezahl, that the Board approve the minutes of March 14, 2022 and March 21, 2022, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

**A12. Correspondence:** The Board reviewed the correspondence in the packet. C. Martin announced correspondence from the Massachusetts Department of Public Utilities regarding two hearings that would be held on May 3 and May 5 regarding the reduction of emissions.

**A13. Selectmen's Reports and Concerns:** A. Gutbezahl reported that the Town Crier would no longer print paper newspapers and noted the need to change the Board's policy regarding where the Board posts notices. S. Crane reported that Town Counsel opined on alternative mediums for posting notices. S. Crane noted that there was a recent press release regarding the remediation of per-and Polyfluoroalkyl substances (PFAS) in the drinking water. S. Crane reported that the Town would be phasing out the rebate program and the water levels were below the state's Maximum Contaminant Level (MCL) thresholds, he expected the Town would be released from non-conformance with MassDEP. C. Martin reported on a recent Boston Globe article regarding tax lien law and asked S. Crane for the FY 2022 Quarter 1 and Quarter 2 reports. S. Crane indicated he would provide the reports soon. T. Fay reported that he had attended the Diversity Town Hall event at the First Parish Church and commended D. King and members of the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC) for organizing the event. T. Fay also acknowledged some concerns raised by Board members regarding the budget, and suggested it would be worth considering a cost savings initiative in conjunctions with the Finance Committee and the School Committee.

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

**A15. Adjourn:** At 9:50 p.m., C. Martin moved, seconded by D. Watkins, that the Board adjourn the meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Martin, D. Watkins. NAY: None. ABSENT: C. Karlson. ABSTAIN: None. Adopted 4-0.

**Items included in the packet and updated during the Board of Selectmen Meeting of April 4, 2022:**

1. Agenda: Board of Selectmen Meeting, April 4, 2022 6:30 p.m.
2. Notice: Re: Notification of Free Cash Approval - Town of Wayland; From: D.A.Wagner, Director of Accounts, Massachusetts Department of Revenue Division of Local Services (DOR-DLS) cc: Board of Assessors, Geoffrey E. Snyder, Commissioner Sean R. Cronin, Senior Deputy Commissioner of Local Services, sent: Wednesday, March 30, 2022; with attached charts
3. Table: Article List 2022 Annual Town Meeting, revised March 28, 2022
4. Draft: Article H Personnel Bylaws and Wage & Classification Plan
5. Draft: Article K. New Stonebridge Resolution Expenditure of Funds with attachments
6. Memorandum: To: Select Board From: Energy & Climate Committee (ECC); Anne Harris, Co-Chair cc: Energy and Climate Committee members Date: March 20, 2022 Subject: Recommendations for Idle Reduction Policy; via email: From: Harris, Anne, Co-Chair Energy & Climate Committee, Sent: Thursday, March 24, 2022 10:20:08 AM
7. Memorandum: Re: 212 Cochituate Road Potential Use; From: Becky Stanizzi, Chair of Economic Development Committee (EDC) To: Select Board, Municipal Affordable Housing Trust Fund (MAHT) Board, Wayland Housing Authority, Wayland Housing Partnership, Planning Board Date: March 24, 2022
8. Memorandum: Re: Proposed Redevelopment of Wayland Village (297 Boston Post Road) ; From: Becky Stanizzi, Chair of Economic Development Committee (EDC) To: Select Board, Planning Board; Wastewater Management District Commission (WWMDC) Date: March 24, 2022
9. Plans: Re: Proposed Council on Aging / Community Center Project; 1) BETA Group Plan 01; 2) DAI Proposed First Floor Plan A-200

10. Letter: Legal Notice Re: Aerial Applications to Control Mosquito Larvae; From: Brian Farless Superintendent; Commonwealth of Massachusetts State Reclamation & Mosquito Control Board East Middlesex Mosquito Control Project
11. Board Policy: Policy on Proposition 2½ Ballot Questions<sup>2</sup>, Adopted on November 12, 2002; revision prepared October 1, 2010
12. Board Policy: Policy on Liaison Program, Approved on May 1, 2017.
13. Letter: Response to Complaint of George Harris dated March 4, 2022 To: C. Benedon, Esq. Director, Division of Open Government, Office of the Attorney General, Re: Town of Wayland Board of Selectmen, From: T. Fay; with attachments
14. Open Meeting Law Complaint Form: filed by complainant George Harris, dated March 25, 2022 with attached exhibits
15. Draft: Board of Selectmen Meeting Minutes March 14, 2022

#### **Supplemental Packet:**

1. Draft: Article 21. Appropriate Funds to Construct a New Council on Aging and Community Center
2. Slide deck: American Recovery Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund Final Rule Summary, dated April 4, 2022, 13 slides
3. Draft: Article Motion and Ballot Questions for Article 21. Appropriate Funds to Construct a New Council on Aging and Community Center
4. Draft: Article Motion and Ballot Questions for Article 25. Loker Grass Field Construction
5. Draft: Board of Selectmen Meeting Minutes March 21, 2022

#### **Items Distributed For Information and Use By the Board during the Meeting of April 4, 2022 Otherwise Not Included In The Packet (Handouts):**

1. There were none.

#### **Correspondence**

1. Correspondence from Anette Lewis to Select Board dated March 18, 2022 re: correspondence from February 28, 2022.
2. Correspondence from the Town Clerk to Select Board dated March 21, 2022 re: the resignation of Susan Green from the Board of Health.
3. Correspondence from Brian O'Herlily to Select Board dated March 22, 2022 re: 212 Cochituate Road.
4. Correspondence from Alice Boelter to Select Board dated March 22, 2022 re: audio during Select Board meetings as well as potentially returning to the Select Board meeting room for the meeting location.
5. Correspondence from Brian O'Herlily to Select Board dated March 23, 2022 re: 212 Cochituate Road.
6. Correspondence from Gretchen Schuler to Select Board dated March 23, 2022 re: the Community Preservation Committee's Public Hearing on April 13, 2022.
7. Correspondence from George Harris to Select Board dated March 23, 2022 re: the posting of regular meeting minutes.
8. Correspondence from Paul and Gretchen Dressens to Select Board dated March 23, 2022 re: the cleanup of the gas station on the corner of Main Street and West Plain Street.
9. Correspondence from Thomas Antonellis to Select Board dated March 23, 2022 re: the Wayland Youth Fishing Derby 2022.
10. Correspondence from Dovie King to Board of Selectmen dated March 24, 2022 re: Wayland Diversity Town Hall.
11. Correspondence from Elaine K. Donnelly to Select Board dated March 25, 2022 re: the Cable Advisory Committee's upcoming negotiation with Verizon on WayCAM behalf.
12. Correspondence from Doug Leard to Select Board dated March 28, 2022 re: a proposed "built-in generator" in the new COA Community Center.
13. Correspondence from Karen Moriarty to Select Board dated March 29, 2022 re: Notice of Filing and Public Hearing issued by the Department of Utilities. Re: "the role of gas local distribution companies as the Commonwealth achieves its target 2050 climate goals."
14. Correspondence from Michael Babineau, Arborist with Eversource Energy, to Board of Selectmen dated March 15, 2022 re: vegetation work scheduled to begin in the Winter-Spring 2022 across the Town of Wayland, west of 376 Boston Post Road.

15. Correspondence from Elizabeth Hughes from the Town of Concord to Select Board dated March 30, 2022 re: the Town of Concord's comment letter to Secretary Michael Kennealy of the Executive Office of Housing and Economic Development regarding the DHCD draft MBTA Communities Compliance Regulations.