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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

SELECT BOARD

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

Meeting Minutes Select Board Monday, August 8, 2022 7:00 p.m. Remote Meeting / Town Building 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 7:01 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. Announcements and Public Comment: C. Karlson announced that the Board and Town Counsel would 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 on September 12, 2022.

George Harris, Holiday Road, joined via teleconference and questioned why the Select Board had not yet hired a Town Manager, and asked who was responsible for hiring a Town Manager.

Carole Plumb, Bald Rock Road, joined by teleconference and questioned who was managing the State Primary Election and the bus parking issue.

C. Karlson reported that all applicants for the Town Manager screening committee were contacted regarding the status of the search.

A3. Consent Calendar: review and vote to approve:

1. Vote the question of approving Change Order NO. 5 for the Loker Elementary School Roof Replacement Project in the amount of \$215,709.81 with Contractor Tower Construction Corp. and engineer Tighe Bond. This Change Order will include "required scope for the electrical and HVAC improvements noted in RFP #2 and Change Order #4." The appropriation number is 41407948, the line item is 55480, and the project number is 3879.
2. Vote to ratify the contract with SHI International Corp. in the amount of \$106,323.01 to purchase public safety software called IMC for the Wayland Police Department.

A. Gutbezahl moved, seconded by C. Martin, to approve the Consent Calendar. In discussion, S. Crane provided more detail on Item #1 and that the funding was in place. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A4. National Grid Grant of Location Hearing: 40-60 Sherman's Bridge Road a. Petitioners request permission to install approximately 1,840 feet of 4 inch plastic from 40 to 66 Sherman's Bridge Road Wayland. Tie-in to existing 4-inch-plastic from the intersection of Sherman's Bridge Road and Oxbow Roads to approximately 66 Sherman's Bridge Road near the Wayland/Sudbury town-line. Relay services off Sherman's Bridge Road with plastic services (5 anticipated: 40, 45, 47, 51, 66):

At 7:15 p.m., C. Karlson opened the public hearing, and read the legal notice for the hearing as shown in the packet and posted. National Grid petitioner Mary Mulroney joined the meeting video-teleconference to describe the application before the Board. C. Karlson opened the hearing for Public Comment:

Susan Koffman, Sherman's Bridge Road, joined via video-teleconference and noted discrepancies in the application that would result in tearing up about thirty feet of her driveway and described the communication with neighbors as inadequate. She was complimentary of the onsite National Grid representative who resolved the issues. At 7:31 p.m., C. Karlson closed the hearing.

C. Martin moved, seconded by T. Fay, to approve the application to install approximately 1,840 feet of 4 inch plastic from 40 to 66 Sherman's Bridge Road Wayland. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A5. Community Choice Aggregation of Electricity: presentation by Energy & Climate Committee (ECC) and consultant Peregrine Energy; Board discussion and decisions on program name, categories for energy supply and name, operational adder:

At, 7:35 p.m., E. Tohn called a meeting of the Energy & Climate Committee (ECC) to order and announced ECC members who were present and participating remotely by full name: herself, Anne Harris, Tom Sciacca, and associate member John Harper. E. Tohn welcomed Paul Gromer and Marlana Patton from consultant Peregrine Energy Group who were also participating remotely. E. Tohn screen-shared a slide deck and P. Gromer presented on the Community Choice Aggregation (CCA) of Electricity and reviewed the decisions points for the Board. The Board discussed the energy programs and the operational adder. S. Crane recommended the adder on all three options.

A. Gutbezahl moved, seconded by T. Fay, to endorse and adopt the ECC recommendations as set forth in slide 10 of the presentation and page 26 of the packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0. At 8:11 p.m., the ECC adjourned its meeting by unanimous vote.

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

Committee	Potential Appointee	Term End Date
Youth Advisory Committee	Brenda Ross	06/30/2025

C. Martin moved, seconded by D. Watkins, that the Board re-appoint B. Ross to the Youth Advisory 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: None. Adopted 5-0.

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

Committee	Role	Potential Appointee	Term End
Zoning Board of Appeals (3 vacancies)	1 Associate Member	James Grumbach	June 30, 2024
	1 Associate Member	Thomas White	June 30, 2025
	1 Full Member	Duane Galbi	June 30, 2025
		Doug Levine	

The Board interviewed four potential appointees to the Zoning Board of Appeals (ZBA) for three open seats: J. Grumbach, T. White, D. Galbi and D. Levine all joined via teleconference. Each reviewed his/her/their intent to join the Zoning Board of Appeals and related qualifications. The Board interviewed the candidates. There was a discussion about the current challenges of the ZBA and the number of members of the ZBA.

C. Martin moved, seconded by T. Fay, that the Board re-appoint J. Grumbach as an associate member to the Zoning Board of Appeals for a term ending June 30, 2024, and T. White as a full member to the Zoning Board of Appeal with 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: None. Adopted 5-0.

T. Fay expressed that there were two open lawsuits involving D. Galbi and the ZBA, which may pose a problem and expressed the support the appointment of D. Levine. A. Gutbezahl also expressed support for the appointment of D. Levine.

T. Fay moved, seconded by A. Gutbezah, that the Board appoint D. Levine as an associate member to the Zoning Board of Appeals for a term ending June 30, 2025. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A7. 2022 Massachusetts State Primary & General Election Polling places: discussion and potential designation of the Town Building (Precincts 1 & 4) and the Middle School (Precincts 2 & 3) as the two polling locations:

C. Martin moved, seconded by T. Fay, that the Board designate the Town Building as the polling location for Precincts 1 & 4 and the Wayland Middle School as the polling location for Precincts 2 & 3, as presented in the packet. In discussion, the Board discussed the need to review the locations for future elections with the School Department. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A8. VOTES (Voting Opportunities, Trust, Equity, and Security) Act: Discussion and decision to assign police detail at polling locations, per new law:

C. Martin moved, seconded by D. Watkins, that the Board authorize the Acting Town Manager and Acting Police Chief to assign a police detail to the Town Building polling location for Precincts 1 & 4 and the Wayland Middle School polling location for Precincts 2 & 3. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A9. Preservation Act Grant for 89 Oxbow: discussion and potential approval of agreement: The Board noted that funds were approved at 2022 Annual Town Meeting, and the Board would need to authorize the agreement with the Residences at 89 Oxbow Condominium Trust.

C. Martin moved, seconded by D. Watkins, that the Board approve the Preservation Act Grant agreement for 89 Oxbow. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A10. Fence Viewing Report: discussion and next steps: This topic was tabled until September 19, 2022.

C. Martin left the meeting for two minutes at 8:59 p.m.

A11. Annual Town Meeting 2023: process to select dates, discussion of weekend vs. weeknight scheduling:

At 9:01 p.m., C. Martin returned to the meeting. The Board discussed the process for selecting a date for the next Annual Town Meeting. T. Fay and A. Gutbezah recommended that a weeknight meeting may allow more voters to participate. C. Martin suggested a Sunday afternoon and/or a weeknight. The sense of the Board was to recommend a weeknight meeting for discussion at the next meeting.

A12. Select Board Policies: discussion of plan to update, creation of financial policies: The Board discussed the process of reviewing its policies and agreed that the Board should review the policies to align with the Town Manager Act and then develop a process to review the policies regularly as well as the creation of financial policies. S. Crane recommended review of the Town's personnel policies.

A13. Acting Town Manager Report: a. 195 Main Street-update on PMBC report b. Bus parking-update on Planning Board meeting, next step c. Hiring Update d. Personnel policies and employee handbook e. Private road snow plow appeal f. Work of Public Relations firm:

A13.a. 195 Main Street-update on PMBC report: B. Keefe, Public Buildings Director, joined the meeting via teleconference and provided an update on the feasibility study of 195 Main Street. B. Keefe reviewed the results of Phase I Environmental Site Assessment, which provided a recommendation to conduct a subsurface Phase II Assessment, for which the test results were expected within eight weeks.

A13.b. Bus parking-update on Planning Board meeting, next step: S. Crane reported that the special permit was being reviewed by the Planning Board, the Town and Planning Board discussed the concerns of the ZBA and ultimately decided to recommend approval with a time limit. S. Crane reviewed the process for considering electric buses.

A13.c. Hiring Update: S. Crane reported that Town Clerk role remained vacant, the Town Planner was near being filled; and Treasurer position remained filled by a firm. Human Resources Manager, Kate Ryan joined the meeting via teleconference and noted that there were currently 19 vacant positions, five of which were soon to be filled. K. Ryan reported that almost one-hundred seasonal staff had been on-boarded since May. S. Crane noted that the number of applicants for the posted vacant roles remained low.

A13.d. Personnel policies and employee handbook: S. Crane reported that there was a need to have a professional review the handbook, regularly and suggested inclusion in the FY24 budget.

A13.e. Private road snow plow appeal: S. Crane reported that annual private road appeal process had begun, notices were mailed and information posted to the Town website.

A13.f. Work of Public Relations firm: S. Crane reported that the new Public Relations firm had been preparing press releases and would support updates to the website.

A14. Creation of Select Board Sub-Committees:

A14.a. Finance Committee Appointment Study Group Sub-Committee: review and approve charge; appoint two Select Board members: T. Fay and A. Gutbezahl expressed willingness to serve.

C. Martin moved, seconded by D. Watkins, to approve the charge and appoint T. Fay and A. Gutbezahl to a Finance Committee Appointment Study Group Sub-Committee. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A14.b. Capital Asset Planning Sub-Committee: review and approve charge; appoint members: There was a discussion about the difference between policy and strategy in the charge; and also a discussion regarding the role of the Town Manager to prepare the Capital Plan. A. Gutbezahl suggested the Board strike the word “strategy” from the charge and suggested that the subcommittee be charged to research the long-term capital planning process in Massachusetts municipalities and present a proposed draft policy consistent with the Town Manager Act for eventual review and approval by the Select Board. D. Watkins and C. Karlson expressed willingness to serve on the Capital Asset Planning Sub-Committee.

D. Watkins moved, seconded by A. Gutbezahl, to accept the charge to create a Capital Asset Planning Sub-Committee, as revised. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

C. Martin moved, seconded by A. Gutbezahl, to appoint D. Watkins and C. Karlson to a Capital Asset Planning Sub-Committee to a term ending February 28, 2023. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A15. Open Meeting Law: George Harris request for un-redacted executive session minutes related to Duane Galbi v. Town of Wayland: C. Karlson reported that no action was required at the meeting in regard to the Open Meeting Law complaint, and Town Counsel would review the matter before the next meeting.

A16. 51 Knollwood Lane: discussion and authorize the Acting Town Manager to sign license agreement; discussion of potential ATM article to relinquish or abandon: S. Crane reviewed the agreement for 51 Knollwood Lane and screen-shared a schematic of the property. The Board reviewed the agreement and discussed the request and potential for an ATM warrant article.

C. Martin moved, seconded by D. Watkins, that the Board approve the license agreement pertaining to 51 Knollwood Lane. In discussion, T. Fay expressed opposition to the motion because municipal access to Dudley Pond could be advantageous in the future. There was a discussion about the subsequent necessary Town Meeting action that would protect municipal access. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A17. Scenic Road Application; 202 Glezen Road: discussion and provide comments on application, if any: C. Karlson asked for comments on the matter to share with the Planning Board, there were none.

A18. Minutes: a. Review and vote to approve the regular session minutes of July 18, 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:

A. Gutbezahl moved, seconded by D. Watkins, that the Board approve and release with redactions the executive session minutes related to Public Employee Committee (PEC) agreement as listed on the agenda: 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. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

The Board made suggested revisions to the regular session minutes of July 18, 2022. A. Gutbezahl moved, seconded by C. Martin, that the Board approve the minutes of July 18, 2022, as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A19. Review Correspondence: The Board reviewed the correspondence in the packet. C. Martin noted that the Board of Public Works would discuss the water source vulnerabilities at the Board's next meeting. A. Gutbezahl thanked E. Huber for his service to the Town.

A20. Select Board's Reports and Concerns: C. Karlson reported that J. Bugbee had finalized the contract with GovHR USA for a Town Manager search, which she would sign as authorized by the Board. C. Karlson noted that there was a recent study that reported PFAS found in rain water above the federal maximum contaminant levels. D. Watkins provided an update from state representatives regarding the bill to allow remote participation at Town Meetings. D. Watkins reported that the Recreation Commission expressed intent to have a townwide fall event at Town Center. T. Fay acknowledged, in response to a public comment, that the Town Manager search process would be lengthy and asked for patience as the current vendors' process could take up to 18 months to secure a Town Manager. T. Fay reminded the Board that under M.G.L. Chapter 272 §99C, Board members should not record any meeting without the express consent of all Board members, as happened in a previous executive session. C. Martin suggested a correction related to semantics on the agenda. A. Gutbezahl thanked C. Karlson for including the subcommittees on the agenda, and acknowledged that a large number of residents have expressed interest in serving on the Town Manager search committee and suggested the Board discuss the process for appointing such a committee. A. Gutbezahl recommended that the residents who volunteered to serve on the search committee be contacted. C. Karlson read the email regarding the Town Manager search process sent from J. Bugbee to the volunteers, sent on July 28, 2022.

A21. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any: There were none.

A22. Adjourn: At 11:00 p.m., T. Fay moved, seconded by C. Martin, that the Board adjourn the meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

Items included in the packet and updated during the Board of Selectmen Meeting of August 8, 2022:

1. Public Hearing Notice: National Grid Grant of Location, 40-66 Sherman's Bridge Road
2. Petition: National Grid for Gas Main Locations with attachments and maps
3. Slide deck: Community Choice Aggregation presented by ECC, August 8, 2022
4. Town of Wayland Board/Committee Appointments, Status as of July 29, 2022
5. Zoning Board of Appeals Application: James Grumbach
6. Zoning Board of Appeals Application: Duane Galbi
7. Zoning Board of Appeals Application: Doug Levine
8. Memorandum: To: Select Board From: Interim Town Clerk: Re: Polling Locations dated: July 27, 2022, with State Primary Warrant and specimen ballots attached

9. Email: From: Interim Town Clerk To: Select Board Members Cc: Crane, S., Costello, C. , Pessimato, J.
Re: The VOTES Act, New Election Requirements (Police Detail)
10. Election Advisory #22-01 Changes to State Election Laws dated June 23, 2022
11. Community Preservation Act Grant Agreement: 89 Oxbow Condominium Trust, dated July 19, 2022
12. M.G.L. Part I Title VII Chapter 49: Fence Viewers, etc. Section 1: Fence Viewers; Appointment; Tenure
13. Memorandum To: Select Board From: C. Costello, Management Analyst Cc: S. Crane, Acting Town
Manager Date: August 4, 2022 Re: 2023 Annual Town Meeting Proposed Dates with attached calendars
14. Town of Wayland Board of Selectmen Policies and Procedures
15. Memorandum: From S. Crane to Wayland Residents RE: Private road plowing: Select Board's process to
appeal a decision not to provide snow plowing service;
16. Residential Private Road Snow & Ice Policy: Appeal Application
17. Residential Private Road Snow & Ice Policy: Accepted by Board of Public Works October 10, 2017
Accepted by Board of Selectmen May 16, 2018 Policy Effective November 1, 2018 Final Version Voted
5-16-2018, with guidance to the Select Board: From K.P. Law P.C., regarding Public Use of Roads
18. Draft: Charge for Finance Committee Appointment Study Group Sub-Committee
19. Draft: Capital Planning Sub-Committee Information: August 4, 2022
20. Open Meeting Law Complaint: via email: From: George Harris Date: July 28, 2022 To: Karlson, C. Cc:
Town Clerk , Select Board Members Subject: New OML Complaint with attachments and exhibits
21. Executive Session Minutes: Released with Redactions: February 1, 2021 5:30 p.m.
22. Executive Session Minutes: Released with Redactions: July 26, 2021 7:00 p.m.
23. Executive Session Minutes: Released with Redactions: October 4, 2021 7:00 p.m.
24. Executive Session Minutes: Released with Redactions: December 13, 2021 7:00 p.m.
25. Settlement Agreement and Release re: Duane Galbi v. Town of Wayland, dated November 24, 2021
26. License Agreement: Re: Access Easement at 51 Knollwood Lane with Exhibit A: Plan
27. Letter: To: C. Karlson, Select Board Chair; S. Fair, Conservation Chair; K. Gardner-Westcott, Historical
Commission Chair; T. Lashmit, Town Surveyor; Tree Warden, C. Lewis; Board of Public Works Chair
cc: Department of Public Works From: A. Lewis, Planning Board Chair; Date: July 27, 2022 RE: Scenic
Road Application – Removal of Portion of Stone Wall at 202 Glezen Lane with attached letter from
GPR Engineering, with attached photos and Public Notice, dated June 14, 2022
28. Draft: Meeting Minutes of the Board of Selectmen: July 18, 2022 7:00 p.m.

**Items Distributed For Information and Use By the Board during the Meeting of August 8, 2022
Otherwise Not Included In The Packet (Handouts):**

1. Screen share: Slide deck: Community Choice Aggregation presented by ECC, August 8, 2022

Correspondence:

1. Correspondence from Christina McKenna Lok dated July 18, 2022 re: Local Initiative Projects.
2. Correspondence from Molly Upton dated July 15, 2022 re: J. Zukerman, Personnel Board.
3. Correspondence from Michael Gitten (with attachment) to Select Board dated July 18, 2022 re:
ARPA funds to support the facility membrane replacement.
4. Correspondence from George Harris dated July 20, 2022 re: OML Complaint 03/04/2022.
5. Correspondence from Carmine Gentile (with attachment) to Select Board dated July 20, 2022 re:
testimony in support of authorizing remote participation at Town Meetings.
6. Correspondence from Dave Bernstein dated July 18, 2022 re: remote participation at Town Meetings.
7. Correspondence from Michael Staiti of Keystone Development dated July 21, 2022 re: compliments
for L. Hansen and the performance of the Conservation Department.
8. Correspondence from S. Pope dated July 21, 2022 re: Glezen Lane Settlement.
9. Correspondence from C. Murray of Burns Levinson dated July 21, 2022 re: Traditions of Wayland.
10. Correspondence from C. Racer of Department of Housing and Community Development to Select
Board dated July 21, 2022 re: Local Initiative Program LAU approval for 81 W. Plain St.
11. Correspondence from Susie & Howard Abel dated July 22, 2022 re: Glezen Lane turn restrictions.
12. Correspondence from B. McLendon dated July 28, 2022 re: Glezen Lane.

13. Correspondence from E. Huber (with attachment) dated July 27, 2022 re: resignation form ZBA.
14. Correspondence from J. Junghanns dated August 2, 2022 re: Lift of Public Health Advisory for North Pond press release.
15. Correspondence from T. Holder, dated July 25, 2022 re: failure of PFAS treatment system notice.