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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 15, 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 7:00 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 for the public.

A2. Executive Session:

- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and consider for potentially release the following executive session minutes related to discussing strategy with respect to litigation Duane Galbi v. Town of Wayland et al: September 21, 2020; February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021.
- II. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, Open Meeting Law, G.L. c. 30A, §§ 23, pursuant to G.L. c. 30A, §21(a)(7) - Open Meeting Law complaint, George Harris, dated July 28, 2022; review of complaint and discussion.

At 7:05 p.m., Chair C. Karlson moved, seconded by A. Gutbezahl, that the Select Board enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and consider for potential release the following executive session minutes related to discussing strategy with respect to litigation Duane Galbi v. Town of Wayland et al: September 21, 2020; February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021; and to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, Open Meeting Law, G.L. c. 30A, §23, pursuant to G.L. c. 30A, §21(a)(7) - Open Meeting Law complaint, George Harris, dated July 28, 2022; review of the complaint and discussion.

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. Gutbezahl, 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 and Town Counsel B. Riley. C. Karlson announced that the Board would return to open session in twenty minutes.

A3. Announcements and Public Comment: The Board resumed in open session at 7:24 p.m. 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 at 7:15 p.m. S. Crane reported that there would be water main work on Route 30.

David Bernstein, Glezen Lane, joined by teleconference and suggested some recruitment strategies related to the upcoming Town Manager search.

A4. Verizon Grant of Location Hearing: 295 Concord Road Existing - existing utility pole #15 located near 295 Concord Road: Petitioners request permission to attach, maintain and operate small cell communications equipment on a utility pole located in the public right-of-way (the "Petition"). The proposed small cell equipment installation included with this petition is to be located on existing utility pole #15 located near 295 Concord Road:

At 7:25 p.m., C. Karlson opened the public hearing, and read the legal notice for the hearing as shown in the packet. Verizon petitioners Alejandro Restrepo, Farhan Chaudery, Derek Maheux, Sean Conway and Paula Foley joined the meeting via teleconference to describe the request that was before the Board. P. Foley noted that using a small cell approach would be the most effective approach to improve coverage. The Board reviewed the request. C. Karlson opened the hearing for Public Comment:

Peggy Patton, Plain Road, joined via teleconference and expressed concern that the Verizon request violated local bylaws Section 198.1503; a 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. P. Foley noted that the local bylaw was not applicable for this application because the pole was located outside the Wireless Overlay District and in the Town's right-of-way.

Corey MacGregor, Concord Road, joined by teleconference to express opposition to Verizons' petition and requested the Board deny the request and take time to ensure there was not a better location. C. MacGregor also requested the Board seek a legal opinion related to state and local bylaws. P. Foley cited M.G.L. Chapter 166 Section 22 and F. Chaudery and D. Maheux described the site selection process and screen-shared an aerial view of the poles in the area that were considered.

Gregory Barchard, Marshall Terrace, joined by teleconference and expressed opposition to the petition.

David Bernstein, Glezen Lane, joined by teleconference and advised that the wireless dead zones presented a greater risk to residents than the small cell equipment, which had no known human health risks.

Richard Turner, Nob Hill Road, joined by teleconference and asked if the Verizon had considered a South Wayland location.

Edward Collins, Plain Road, joined by teleconference and suggested that the application did not comply with Federal Communications Commission (FCC) regulations. P. Foley noted that the application request complied with the FCC regulations.

Stan Robinson, Wheelock Road, joined via teleconference and described the application as disingenuous and cited M.G.L. Chapter 166 Section 22 to oppose the request.

Gregory Barchard, Marshall Terrace, joined by teleconference and expressed opposition to the petition as it was at odds with the will of the voters who approved the 1998 STM warrant article which established the Wireless Overlay District.

D. Watkins requested more information before the Board took action. A. Gutbezahel recommended the Board have a plan to review any data that was being requested. C. Karlson closed the hearing.

T. Fay moved, seconded by A. Gutbezahel, to approve the application to attach, maintain and operate small cell communications equipment on a utility pole located in the public right-of-way located on existing utility pole #15 located near 295 Concord Road as set forth in its petition. In discussion, the Board discussed the comments and the petition. A. Gutbezahel confirmed that Wayland zoning bylaw Chapter 198-1503.2.13 applied 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. D. Watkins noted that there was a need for better data. Roll Call Vote: YEA: T. Fay, A. Gutbezahel, C. Karlson, C. Martin. NAY: D. Watkins. ABSENT: None. ABSTAIN: None. Adopted 4-1-0.

A5. Appointments to Committee: Vote to confirm appointment of the following volunteer(s):

Committee	Appointing Board	Potential Appointee	Term End Date
Community Preservation Committee	Historical Commission	Katherine Gardner-Westcott	06/30/2025

C. Martin moved, seconded by T. Fay, that the Board confirm the appointment of K. Gardner-Westcott to the Community Preservation Committee 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.

A11. Minutes: a. Review and vote to approve the regular session minutes of August 8, 2022 b. Executive Session Minutes: vote to release with redactions the executive session minutes related to discussing strategy with respect to litigation Duane Galbi v. Town of Wayland et al: September 21, 2020; February 1, 2021; July 26, 2021; October 4, 2021; and December 13, 2021: C. Karlson noted the regular session minutes of August 8, 2022 would be reviewed at the next meeting.

C. Martin moved, seconded by D. Watkins, that the Board approve and release with redactions the executive session minutes: December 13, 2021. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A6. Town Manager Search Process: meet with search consultant GovHR to discuss expectations, timeframe for search, and next steps; set date for community forum: Joellen Cademartori of GovHR USA joined the meeting via video-teleconference and reviewed the process for the Town Manager search, and that Michael Jailliet would be the primary contact. J. Cademartori screen shared the search timeline and reviewed the materials related to the Town Manager search. The Board discussed the recruitment process with J. Cademartori and also the role of a screening committee and Personnel Board in the search process. The Board agreed to hold a community forum in September and to the process presented.

A7. Update on Water Topics: meet with the DPW Director and Chair of the Board of Public Works to discuss PFAS and potential water sources; discuss timeline for decisions and implementation: Tom Holder, Director of the Department of Public Works (DPW) and Cliff Lewis, Chair of the Board of Public Works (BoPW) joined the meeting via video-teleconference to update the Board on the PFAS remediation efforts in Wayland's drinking water. C. Lewis and T. Holder presented a slide deck regarding the current state and the future of the public water supply in Wayland. T. Holder reported that an emergency connection with the Hultman aqueduct could be engineered, and described how MWRA water could be an option if a new pumping unit and pipeline were to be added from Framingham. The Board discussed the option to connect to the Massachusetts Water Resources Authority (MWRA) water supply, and the need to consult with Framingham and Natick. S. Crane suggested to begin with an Inter-Municipal Agreement (IMA) for water infrastructure.

A8. 2023 Annual Town Meeting (ATM): review and select date for election and start of ATM: The Board tabled this topic while it waited for feedback from the School Department.

A9. Launcher Way: authorize the Acting Town Manager to sign the Certificate of Municipality Bidder on behalf of the Select Board:

C. Martin moved, seconded by A. Gutbezah, that the Board authorize the Acting Town Manager to sign the Certificate of Municipality Bidder and on behalf of the Select Board and other documents related to the bid. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A10. Acting Town Manager Report: a. Capital Project Update including but not limited to Loker Roof, Loker Field, Council on Aging/Community Center, PFAS treatment b. Alta Oxbow update c. Route 20 Beta consulting agreement d. RHSO quarterly report

A10.a. Capital Project Update including but not limited to Loker Roof, Loker Field, Council on Aging/Community Center, PFAS treatment: S. Crane updated the Board on the recent PFAS treatment

system failure and the work to resolve the issue. S. Crane reported that there was some clearing of the property around the Council on Aging/Community Center building to allow some of the survey work to begin. S. Crane reported that Weston & Sampson was preparing on a soil management plan for the Loker Field project to be filed with MassDEP, due to PFAS in the soil. The Town awaits response from MassDEP. S. Crane reported that the Loker Roof project was nearing completion and teachers would soon have access to the building.

A10.b. Alta Oxbow update: S. Crane reported that the Alta Oxbow developer received certificate of occupancy for Building 1, and added that the Licensed Site Professional (LSP) filed an Release Tracking Number (RTN) for PFAS in the groundwater around the site, which was being managed by MassDEP, he added that the work satisfied the ZBA's conditions. S. Crane reported a ribbon-cutting would be planned.

A10.c. Route 20 BETA consulting agreement: S. Crane reported that the Board had received a memorandum from the Planning Board and added that the project was being managed by the Town Managers office and the Planning Department.

A10.d. Regional Housing Services Office (RHSO) quarterly report: S. Crane reported that RHSO quarterly report was in the packet.

A12. Open Meeting Law Complaint: review and approve response to George Harris' complaint of July 28, 2022 regarding a request for un-redacted executive session minutes related to Duane Galbi v. Town of Wayland: C. Karlson reported that a response from the Board was required to the Open Meeting Law complaint.

A. Gutbezahel moved, seconded by C. Martin, that the Board approve the OML response as drafted by Town Counsel and authorize Town Counsel to submit the response. Roll Call Vote: YEA: T. Fay, A. Gutbezahel, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

A13. Warrant for 2022 State Primary Election: review and vote to sign:

C. Martin moved, seconded by A. Gutbezahel, that the Board approve the warrant for the 2022 State Primary Election, as printed in the packet. Roll Call Vote: YEA: T. Fay, A. Gutbezahel, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

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

A15. Select Board's Reports and Concerns: C. Martin requested that new Town Department managers be invited to attend a future Board meeting so the Board could be familiar with the staff. C. Martin requested that the Housing Production Plan and affordable housing options be added to a future agenda. C. Karlson acknowledged a resident request to change the contact information on the website.

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

A7. Executive Session:

- I. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of July 18, 2022. Approve and Hold: Executive Session minutes of July 18, 2022:
- II. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7), to review and consider for potential release the following executive session minutes related to discussing strategy with respect to David Bernstein v. Planning Board of Wayland et al: July 8, 2008; July 2, 2008; June 23, 2008; June 16, 2008; June 9, 2008; June 2, 2008; May 5, 2008; April 28, 2008; March 17, 2008; February 25, 2008; February 19, 2008; February 11, 2008; March 23, 2009; January 19, 2010; January 12, 2015; February 10, 2015; March 16, 2015; April 13, 2015; May 18, 2015; June 24, 2015; July 13, 2015; September 8, 2015; September 11, 2015; October 5, 2015; February 1, 2016; March 21, 2016; May 23, 2016; August 3, 2016; July 24, 2017; September 18, 2017; April 30, 2018; February 4, 2019; March 25, 2019; July 15, 2019; September 2, 2021; November 8, 2021; January 10, 2022; January 18, 2022; January 24, 2022; February 9, 2022; February 28, 2022, and May 23, 2022:

III. 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 purchase of Launcher Way:

At 10:35 p.m., Chair C. Karlson moved, seconded by D. Watkins, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of July 18, 2022 with the intent to approve and hold said minutes; and 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 purchase of Launcher Way:

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. Gutbezahl, 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.

A18. Adjourn: At 10:36 p.m., the Board entered Executive session. At 10:45 p.m., the Board adjourned from Executive Session.

Items included in the packet and updated during the Board of Selectmen Meeting of August 15, 2022:

1. Public Hearing Notice: Verizon Grant of Location, –Existing utility pole #15 near 295 Concord Road
2. Petition: Cellco Partnership d/b/a Verizon Wireless (“Verizon”) for Pole Attachment of Small Cell Communications Equipment: LINCOLN_SC11_MA, 295 Concord Road, Pole #15, dated July 25, 2022 with attachments, public comment and maps
3. Public Comment: Email from Corey and Steve MacGregor to Select Board dated August 10, 2022
4. Public Comment: Email from Corey and Steve MacGregor to Select Board dated August 11, 2022
5. Public Comment: Email From Stan Robinson (with attachments) to Select Board dated August 11, 2022
6. Slide deck: Wayland Town Water, BoPW, August 12, 2022, Version 1
7. Memorandum To: Select Board From: C. Costello, Management Analyst Cc: S. Crane, Acting Town Manager Date: August 10, 2022 Re: 2023 Annual Town Meeting Proposed Dates with attached calendars
8. Certificate of Municipality Bidder: Launcher Way:
9. Memorandum: To: Stephen Crane, John Bugbee, et al From: Elizabeth Rust RE: Regional Housing Services Office – FY22 Q4, Status Report
10. Open Meeting Law Complaint: From: George Harris Date: July 13, 2022 To: Karlson, C. Cc: Town Clerk , Select Board Members Subject: New OML Complaint with attachments and exhibits
11. Executive Session Minutes: Released with Redactions: July 26, 2021 7:00 p.m.
12. Executive Session Minutes: Released with Redactions: October 4, 2021 7:00 p.m.
13. Executive Session Minutes: Released with Redactions: December 13, 2021 7:00 p.m.
14. Settlement Agreement and Release re: Duane Galbi v. Town of Wayland, dated November 24, 2021
15. Memorandum: 2022 State Primary Warrant

Items Distributed For Information and Use By the Board during the Meeting of August 15, 2022 Otherwise Not Included In The Packet (Handouts):

1. Revised Agenda: Select Board Meeting August 15, 2022 at 7:00 p.m. revised 8/12/22 at 12:16 p.m.
2. GovHR Town Manager Search materials: Proposed Recruitment Timeline, Draft Position Profile Survey, Recruitment Brochure Discussion Outline
3. Slide deck: Wayland Town Water, BoPW, August 12, 2022 Rev 2

Correspondence:

1. Correspondence from Christine McKenna Lok to Select Board dated August 7, 2022 re: suggested edits for the July 18 minutes.
2. Correspondence from Brian O'Herlihy to Select Board dated August 9, 2022 re: resignation from the Municipal Affordable Housing Trust.
3. Correspondence from Cherry Karlson to Anette Lewis dated August 9, 2022 re: 202 Glezen Road Scenic Application.
4. Correspondence from Christine McKenna Lok to Select Board dated July 27, 2022 re: Volunteering to vet Mill Creek Residential.