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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

**Tuesday, April 19, 2022**

**6:30 p.m.**

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

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

**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 the meeting of the Select Board to order when a quorum was present. T. Fay announced each member by full name and that A. Gutbezahl was expected to arrive late. T. Fay announced that the meeting would be recorded for re-broadcast and the ways in which the public could view and participate. T. Fay reviewed the agenda.

**A2. 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:**

At 6:34 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.

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. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Adopted 4-0.

Chair, T. Fay invited attendance by Assistant Town Manager John Bugbee, Public Buildings Director Ben Keefe and Robin Stein, K-P Law, P.C. T. Fay noted that the Board would return from the Executive Session to resume its meeting in open session after approximately thirty minutes.

A. Gutbezahl joined the Executive Session at 7:00 p.m. At 7:04 p.m., the Board returned to open session.

**A2. Announcements and Public Comment:** A. Gutbezahl announced that there would be a musical festival planned for May 21, 2022. There was no public comment.

**A4. Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements: review and discussion with town counsel; potential vote to join settlement:** R. Stein, K-P Law, P.C. described the settlement agreement and its benefits. R. Stein reviewed that there had been a settlement reached in the national litigation involving the big three opioid distributors in Johnson & Johnson, and Massachusetts is slated to receive about \$500 million of that settlement. R. Stein further added that there was an allocation agreement with the Massachusetts Attorney General in which municipalities would receive 40% of the settlement funds, the remaining 60% will be placed in a statewide recovery and remediation fund that the Attorney General will administer. R. Stein informed the Board that in order to benefit from the settlement and receive an allocation of the municipal settlement proceeds the Town would have to execute and submit the state-subdivision agreement to the Attorney General.

C. Karlson moved, seconded by D. Watkins, that the Board vote to authorize the Acting Town Manager to sign the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlement. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

**A11. 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 to authorize the Town Manager to execute and award all contracts up to \$100,000 in annual value pursuant to Section 6 (f) of Chapter 33 of the Acts of 2022 (the Select Board-Town Manager Act).
4. Vote the question of approving the Proposed Request for Proposals (RFP) document-Town Manager Recruitment Services. The appropriation number is 10122002-52100, and the line item is Select Board Expenses, Contractual Service.

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

**A12. Minutes: Review and vote to approve the minutes of April 4, 2022 and April 12, 2022:** No action was taken on the minutes of April 4, 2022 and April 12, 2022.

**A6. Massachusetts School Building Authority (MSBA) Statement of Interest Letter: discussion with School Superintendent; vote to authorize submission letter:** Superintendent of Schools, Dr. Omar Easy, School Department Business Manager, Ellen Whittemore and School Committee member, Jeanne Downs, joined the meeting in person to discuss the Statement of Interest Letter. O. Easy reviewed the intent of the document. E. Whittemore described the process for partnering with Massachusetts School Building Authority (MSBA) for future capital projects. O. Easy described the determination to prioritize the Claypit Hill School. C. Martin summarized that this would be for elementary school feasibility study, and there was already funding in the FY2022 and the FY2023 budget.

C. Martin moved, seconded by D. Watkins, that the Board vote to sign the statement of interest. C. Martin withdrew the motion, seconded by A. Gutbezah.

C. Karlson moved, seconded by A. Gutbezah, to vote to sign the Statement of Interest Vote Authorization resolved, having convened and an open meeting on April 19, 2022, prior to the Statement of Interest submission closing date, the Select Board of the Town of Wayland, in accordance with its charter, bylaws and ordinances has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement Of Interest form dated April 2022, for the Claypit Hill Elementary School located at 40 Adams Lane Wayland Massachusetts 01778, which describes and explains the following deficiencies in the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: elimination of existing severe overcrowding, prevention of severe overcrowding expected to result from increased enrollments, replacement renovation or modernization of school facilities systems such as roofs, windows, boilers, heating and ventilation systems to increase energy conservation and decrease energy related costs in school facilities, and therefore, and to hereby further specifically acknowledges that by submitting the Statement of Interest form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Wayland Public School District to filing an application for funding with the Massachusetts School Building Authority. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

Superintendent of School Dr. Omar Easy, School Department Business Manager Ellen Whittemore and School Committee member Jeanne Downs left the meeting.

**A5. Committee Appointments: Interview, discuss and potential vote to appoint:**

| Committee  | Appointee         | Term End Date |
|--|-------------------|---------------|
| <b>Community Preservation Committee</b>                | Doug Stotz        | June 30, 2022 |
| <b>Human Rights, Diversity, Equity &amp; Inclusion</b> | Mei-Ling Ellerman | June 30, 2022 |

D. Stotz, Sherman's Bridge Road, joined the meeting via video-conference and expressed his intent to join the Community Preservation Committee and reviewed his related background. The Board interviewed D. Stotz.

C. Karlson moved, seconded by A. Gutbezahl, that the Board vote to appoint D. Stotz to the Community Preservation Committee for a term ending June 30, 2022. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

Mei-Ling Ellerman, Woodridge Road, joined the meeting via video-teleconference and expressed her intent to join the Human Rights, Diversity, Equity & Inclusion Committee and reviewed her related background. The Board interviewed M. Ellerman.

C. Karlson moved, seconded by A. Gutbezahl, that the Board appoint M. Ellerman to the Human Rights, Diversity, Equity & Inclusion Committee for a term ending June 30, 2022. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

Stephen Crane, Acting Town Manager joined the meeting at 8:00 p.m.

**A7. Discussion and potential vote to authorize the Town Manager to execute and award all contracts up to \$100,000 in annual value pursuant to Section 6 (f) of Chapter 33 of the Acts of 2022 (the Select Board-Town Manager Act):** S. Crane and J. Bugbee explained the procurement process for awarding contracts.

A. Gutbezahl moved, seconded by C. Karlson, that the Board, authorize the Town Manager to execute and award all contracts up to and including \$100,000, pursuant to section 6F of Chapter 33 of the Acts of 2022. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0.

**A10. Twenty Wayland Settlement: Discussion and potential vote to accept proposed deeds regarding parcels at the Wayland Town Center, as mentioned within the January 2022 Settlement Agreement involving the Town of Wayland and Twenty Wayland, LLC, and its related companies, including potential vote to authorize the Select Board chair to finalize the deeds for eventual execution by Select Board members:** Katharine Klein of K-P Law, P.C. joined the meeting via video-teleconference. T. Fay provided background on the topic, and stated that a settlement agreement between the Town and Twenty Wayland LLC regarding the municipal parcels located at Town Center had been previously reached and voted by the Board in January 2022. T. Fay added that as part of the closing process there were deeds that needed to be filed. The deeds, which had been agreed to by both the Town and Twenty Wayland LLC, were in the packet.

T. Fay noted that his preference was for the Board to accomplish the closing ahead of the Annual Town Meeting, and added that the Conservation Commission would vote on several parcels on April 27, 2022. T. Fay recommended the Board vote to accept the proposed updates to the deeds. There was a discussion about the studies commissioned to determine if there were environmental concerns on the property.

C. Karlson moved, seconded by D. Watkins, that the Select Board by virtue of and in accordance with the authority of votes taken at Town Meetings and pursuant to the Settlement Agreement dated January 20, 2022, with Twenty Wayland LLC and its related entities, including Twenty Wayland infra LLC, and Twenty Wayland Other LLC, vote to 1) approve the acceptance by the Select Board of Lot 4-1, Lot 8-1, Lot 3-1, Lot R-20, and Lot 9-1B located within the Town Center for municipal purposes, 2) approve the acceptance by the Conservation Commission of Parcel 14, Parcel 15 and Parcel 16 located within the Town Center for Conservation and Open Space purposes; 3) authorize the Acting Town Manager in consultation with Town Counsel and the Chair of the Select Board to work with Twenty Wayland, LLC, Twenty Wayland Infra LLC and Twenty Wayland Other LLC and their counsel to finalize the deeds for said parcels 4) authorize the Acting Town Manager at such time as the deeds are satisfactory to the Acting Town Manager, Town Counsel and the Chair of the Select Board to secure the signatures of at least a majority of the Select Board members on the deed acceptances; 5) authorize the Chair of the Select Board to execute any and all documents in connection with the closing including but not limited to IRS Form 8283 IRS charitable gift. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin, D. Watkins. NAY: None. ABSENT: None. ABSTAIN: None. Adopted 5-0. K. Klein of K-P Law, P.C. left the meeting.

**A8. Request for Proposals (RFP) -Town Manager Recruitment Services: Discussion of specifications and potential vote to approve issuance:** J. Bugbee provided some background on the draft RFP proposal for recruitment services to fill the position of Town Manager. There was a discussion about the role of the Personnel Board, the public at large and a screening committee in the hiring process. D. Watkins expressed his preference for the Board not to relinquish its responsibility to a firm or a committee, and that the responsibility rested with the Board. J. Bugbee described the procurement process for the RFP. D. Watkins recommended adding a restrictive clause to prevent a recruiter from re-recruiting a recently appointed Town Manager. There was a discussion regarding the addition of the clause to the firms' contract.

C. Karlson moved, seconded by A. Gutbezahl, that the Board vote to authorize the issuance of the Request for Proposal for Town Manager Recruitment Services, presented in the packet as amended. Roll Call Vote: YEA: T. Fay, A. Gutbezahl, C. Karlson, C. Martin. NAY: D. Watkins. ABSENT: None. ABSTAIN: None. Adopted 4-1-0.

**A9. Acting Town Manager Update: a. Review and discuss Town voting precincts map b. Update on bus parking issue c. Community electricity aggregation update d. Property/liability insurance cost reduction:** J. Bugbee reported that the new precinct maps were in the GIS system, and posted on the website. S. Crane reported that work to resolve the bus parking issue was ongoing and he would provide a better status update soon. J. Bugbee reported that the Community Aggregation contract was finalized with MassPower LLC, and the next step would be to hold a kickoff meeting. J. Bugbee and S. Crane reviewed the rewards program offered by the insurance provider which would provide credits against the insurance premiums, for employees to take trainings.

**A13. Correspondence:** The Board reviewed the correspondence in the packet.

**A14. Select Board's Reports and Concerns:** D. Watkins recommended two topics for discussion at a future meeting, the Complete Streets Grant and the Capital Planning Subcommittee. T. Fay recommended also discussing the next five goals for the Board. C. Martin recommended the Board discuss the assignment of movers for the warrant articles. C. Martin requested coordination of the electronic signboards to inform residents of the Election and Annual Town Meeting. There was discussion with reference to the sign policy. A. Gutbezahl also requested to discuss the Capital Planning Committee and requested the use of the signboards for the music festival. C. Karlson updated the Board on the vacancy list for appointed boards and committees, and reported that she had been preparing Executive Session minutes. C. Karlson requested the Board discuss the role of Board liaisons at a future meeting. T. Fay reported that the Economic Development Committee chair had hosted an impressive tour of the new development at River's Edge/Alta Oxbow.

**A15. Topics Not Reasonably Anticipated by the Chair 48 Hours In Advance, If Any:** There were none.

**A16. Executive Session II. Pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel (Acting Town Manager):**

At 9:25 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) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel, Acting Town Manager.

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

T. Fay announced that the Board would adjourn from the Executive Session with no other public business to be held in open session.

**A15. Adjourn:** At 10:33 p.m., C. Karlson moved, seconded by A. Gutbezahl, 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 April 19, 2022:**

1. eUpdate: To: From: KP Law, P.C. re: Allocation of Recoveries from Statewide Opioid Settlements, Sent: Wednesday, April 6, 2022 4:04 PM with attachments
2. Town of Wayland Board/Committee Appointments Status as of March 22, 2022
3. Application for Community Preservation Committee from D. Stotz
4. Application for Human Rights, Diversity, Equity & Inclusion Committee from M. Ellerman
5. Draft Statement of Interest Vote Authorization Form, dated April 19, 2022
6. Required Form of Vote To Submit A Statement Of Interest
7. Session Laws, Acts of 2022 Chapter 33, An Act Creating Select Board-Town Manager Form of Government in the Town of Wayland, enacted March 16, 2022, 2022; HB4315
8. Draft: Request For Qualifications RFQ # 22-1022: Request For Proposals Town Manager Recruiting Services, Issued: Date 03/22/2022
9. Town of Wayland Precinct Map 2022
10. Town of Wayland Form of Motion Town Center Deed Acceptances, with four Quitclaim Deed attachments with Twenty Wayland Infra LLC, Twenty Wayland Other LLC, and Twenty Wayland LLC, for Lot 4-1, Lot 8-1, Lot 3-1, Lot R-20 and Lot 9-1B located within the Town Center, for municipal purposes; and acceptance by the Conservation Commission of Parcel 14, Parcel 15 and Parcel 16.

**Supplemental Packet:**

1. Title Report Property: 400-440 Boston Post Road, Wayland, MA from Marsh, Moriarty, Ontell & Golder, P.C. MMOG No. 53097 Assessor Map 23 Lots/Parcels: 052P; 052O; 052Q; 052L; 052M; 052K; 052I and 052S and attached correspondence.
2. Draft: Select Board Minutes for the meeting of Monday, April 4, 2022
3. Draft: Select Board Minutes for the meeting of Tuesday, April 12, 2022

**Items Distributed For Information and Use By the Board during the Meeting of April 19, 2022 Otherwise Not Included In The Packet (Handouts):**

1. There were none.

**Correspondence**

1. Correspondence from Jerry Tempesta to Select Board dated April 10, 2022 re: status of Rice Road Dam and Gate House removal of sand bags.
2. Correspondence from Dev Kaplan to Select Board dated April 12, 2022 re: potential Proclamation for Children's Mental Health Awareness Week.
3. Correspondence from Kathy Cleaver to Select Board dated April 13, 2022 re: MA fencing regulations.
4. Correspondence from Marcy Eckel to Select Board dated April 15, 2022 re: Wayland's annual running competition entitled "Pam's Run".
5. Correspondence from Linda Murtagh to Select Board dated April 15, 2022 re: Metrowest Regional Transit Authority Finance & Audit Committee Meeting