

TOWN OF WAYLAND

Massachusetts

TOWN MANAGER

Michael McCall
Town Building
41 Cochituate Road
Wayland, Massachusetts 01778
www.wayland.ma.us



SELECT BOARD

Anne Brensley
Thomas J. Fay
Adam G. Gutbezah
Carol B. Martin
William D. Whitney

Meeting Minutes Select Board Meeting Monday, February 12, 2024 at 7:00 p.m. Wayland Town Building, Council on Aging Room / Hybrid 41 Cochituate Road, Wayland, MA 01778

Present: Thomas J. Fay, Carol B. Martin

Present, participated remotely: Anne Brensley, William D. Whitney

Absent: Adam G. Gutbezah

Personnel present: Town Manager Michael McCall

A1. Call to Order, Review Agenda for Public: At 7:02 p.m., pursuant to Chapter 2 of the Public Acts of 2023, Vice-Chair C. Martin called the meeting of the Select Board to order when a quorum was present. C. Martin announced each member by full name and noted that W. Whitney and A. Brensley would participate remotely. C. Martin announced that the meeting would be conducted in-person and via remote means and that the public could also participate remotely via teleconference. C. Martin announced that the meeting may be live-broadcasted and/or recorded for re-broadcast. C. Martin reviewed the agenda.

A2. Announcements and Public Comment: There were no announcements from the Board. M. McCall reported that the Town Building would close the next day due to the snow forecast. M. McCall introduced Jailyn Bratica, new Executive Assistant to the Town Manager.

Gretchen Dresens, Main Street, joined in person and asked the Board to intervene regarding an alleged conflict of interest for the Chair of the Economic Development Committee (EDC) who also served as the lead petitioner for the zoning warrant article related to 193 Commonwealth Road. G. Dresens asked that the Board remove information regarding the storage facility proposed for 193 Commonwealth from the Town website. G. Dresens asked that the Board investigate the actions of the chair of the EDC and stop any action by Town Council to prepare a legal opinion on the matter.

A3. Town Clerk: Brief update from Town Clerk, Trudy Reid, on early voting, Presidential Primary: T. Reid joined the meeting in person and provided a brief update to the Board regarding the Presidential Primary Election, the option for early voting and the distribution of mail-in ballots.

A5. Appointments to Committees: Interview, discuss and potential vote to appoint: M. Lowery, Lakeshore Drive, joined the meeting in person and described his qualifications and intent to serve on the Community Preservation Committee (CPC).

Committee	Appointee	Term End Date
Community Preservation Committee	Mike Lowery	June 30, 2025

T. Fay moved, seconded by W. Whitney, to appoint M. Lowery to the Community Preservation Committee for a term ending June 30, 2025. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezah. ABSTAIN: None. Approved. 4-0-0.

A12. Consent Calendar: a) Review and vote to approve listed items:

1. Vote the question of approving the request of Broomstones, Inc., 138 Rice Road (One Curling Lane), for an extension of the hours during which alcoholic beverages may be sold until 1:00 a.m. on Saturday, January 27, 2024, for the Francis Dyke Memorial Tournament (Five and Under).
2. Vote the question of accepting a grant (FY24 Firefighter Safety Equipment Grant) from the MA Department of Fire Services, for the Fire Department in the amount of \$19,000.00.
3. Vote the question of approving Town Manager, Michael McCall, as signatory for approving the contract for the Wayland Town Beach Reconstruction Project from M.E. O'Brien & Sons Inc. (of Medway, MA), in the amount of \$299,839.04.
4. Vote the question of approving a One Day Liquor License (Beer and Wine) to Edward Hebert for an event (Family Feud) at Good Shepherd Parish, 99 Main Street, Wayland, MA 01778 on Saturday, March 16th, 2024 from 5:00 p.m. to 10:00 p.m.

T. Fay moved, seconded by A. Brensley, to adopt the Consent Calendar. In discussion, W. Whitney asked to remove Item #1. T. Fay withdrew the motion. T. Fay moved, seconded by W. Whitney to approve the Consent Calendar Items #2, #3 and #4. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

b) Discuss, consider, and potentially act on items removed from Consent, if any: W. Whitney noted that the date on the agenda did not match the date of the application for Item #1.

T. Fay moved, seconded by W. Whitney, to adopt the Consent Calendar Item #1 with the date of February 24, 2024 rather than the listed date of January 27, 2024. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

A13. Minutes: a) Review and approve the minutes of January 22 and February 5, 2024: The Board took no action on minutes.

A14. Review Correspondence: The Board reviewed the correspondence.

A5. Executive Session: At 7:28 p.m., C. Martin moved, seconded by T. Fay, 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 collective bargaining, relating to a Step 3 grievance with the International Association of Firefighters, AFL-CIO Local 1978 and b) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to MCRT Investments, LLC vs. Wayland Zoning Board of Appeals, HAC 2023-5 and c) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation: the Board will discuss strategy regarding the national opioid multi-district litigation settlement allocation of funds and d) Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 5, 2024 with the intent to hold said minutes.

C. Martin declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating and/or bargaining position of the Town. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

C. Martin invited attendance by Town Manager M. McCall, Attorney David Jenkins, K-P Law, P.C., Fire Chief Neil McPherson, Human Resources Manager Katherine Ryan, Benefits Manager Donna Lemoyne, Taylor Ziegler-Miller, Vice President International Association of Firefighters, AFL-CIO Local 1978, Nourhene Chtourou, Barrault and Associates, Tim Dempsey, firefighter, Jeff McCloud, firefighter.

W. Whitney and A. Brensley participated in the Executive Session remotely. C. Martin announced that the Board would reconvene in open session in about ninety minutes.

A6. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to: a) Invite attendance by Susan Weinstein, Chair of Community Preservation Committee to discuss the following articles below: b) Review, insert and determine a position on articles, including but not limited to:

1. J: Surface Water Quality Committee Budget:

T. Fay moved, seconded by A. Brensley, to recommend approval of Article J: Surface Water Quality Committee Budget. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

2. P: CPA: Set Asides and Transfer: S. Weinstein noted it was needed to set aside 10% by law.

T. Fay moved, seconded by W. Whitney, to recommend approval of Article P: CPA: Set Asides and Transfer for the 2024 Annual Town Meeting. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

3. DD: CPA – Affordable Housing Consultant Services: S. Weinstein noted that the Town Planner requested two years of consulting services for affordable housing.

T. Fay moved, seconded by W. Whitney, to recommend approval of Article DD: CPA – Affordable Housing Consultant Services for the 2024 Annual Town Meeting. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

4. EE: CPA – Open Space Projects: Improvement at Pine Brook Conservation Area; Biocontrol of Purple Loosestrife at Cow Common; and Conservation Restriction, House Demolition, and Trail Construction for 27 Sherman's Bridge Road with Archaeological Monitoring: S. Weinstein described the intent of the articles and noted there was an outstanding question related to the House Demolition.

T. Fay moved, seconded by W. Whitney, to recommend approval of Article EE. CPA – Open Space Projects: Improvement at Pine Brook Conservation Area; Biocontrol of Purple Loosestrife at Cow Common; and Conservation Restriction, House Demolition and Trail Construction for 27 Sherman's Bridge Road with Archaeological Monitoring up to \$65,846. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

5. FF: CPA – Historic Preservation Projects: Preservation Materials for Town's Historic Collection; Preservation of Town Permanent Records and HVAC System at Grout-Heard House:

T. Fay moved, seconded by W. Whitney, to recommend approval of Article FF. CPA – Historic Preservation Projects: Preservation Materials for Town's Historic Collection; Preservation of Town Permanent Records and HVAC System at Grout-Heard House. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

6. GG: CPA – Historic Preservation Project: Restoration of Stone's Bridge:

T. Fay moved, seconded by A. Brensley, to recommend approval of Article GG: CPA – Historic Preservation Project: Restoration of Stone's Bridge. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

7. HH: CPA – Recreation Project: Improvements at Cochituate Ball Fields: C. Martin noted the intent to combine Article HH and Article II into one warrant article. The Board did not act on the articles.

8. II: CPA – Recreation Project: Wayland Community Pool Rehabilitation:

A8. Energy Choice/Community Aggregation: Discuss and vote to adopt guidance from Peregrine Energy Group and Energy and Climate Committee and to authorize the Town Manager to establish Renewable Energy Certificates:

T. Fay moved, seconded by W. Whitney, to authorize the Town Manager to establish Renewable Energy Certificates and to adopt guidance from Peregrine Energy Group and Energy and Climate Committee. A. Brensley provided clarifying information about opting out of the program. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

A9. Talbot Mills Dam: Discussion and potential vote to authorize the Town Manager to compose a letter to support the removal of the Talbot Mills Dam in Billerica, MA:

T. Fay moved, seconded by A. Brensley, to authorize the Town Manager to compose a letter to support the removal of the Talbot Mills Dam in Billerica, MA. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

A10. MBTA Communities Zoning: Discussion and possible vote to authorize the Town Manager to refer the draft MBTA Zoning by-law article back to the Planning Board for further revision:

C. Martin reported that the Board referred the petitioned zoning articles to the Planning Board for review. The Board received a response from the Planning Board Chair that pursuant to M.G.L Chapter 40A § 5 the Board needed to delegate to the Town Manager that the proposed zoning by-law amendment be sent to the Planning Board for the MBTA Zoning by-law.

T. Fay moved, seconded by C. Martin, to delegate that the proposed zoning by-law be sent to the Planning Board for review, pursuant to M.G.L Chapter 40A § 5. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved, seconded by A. Brensley, delegate to the Town Manager the proposed zoning by-law be sent to the Planning Board for review, pursuant to M.G.L Chapter 40A § 5. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

At 9:50 p.m., W. Whitney left the meeting.

A7. Capital Budget Presentation: discussion of FY2025 Capital Budget, Five-Year Capital Plan and list of current capital appropriations a) Invite attendance by Brian Keveny, Finance Director and John Bugbee, Assistant Town Manager: J. Bugbee and B. Keveny joined the meeting and presented a slide deck summarizing the FY2025 capital budget and the FY2025 - FY2029 five-year capital plan that was delivered to the Finance Committee in mid-November. B. Keveny described the process for developing the budgets and the specific challenges faced by the Town for FY2025 through FY2029 including capital needs in Town and School buildings as well as the potential Massachusetts Water Resources Authority (MWRA) Connection. B. Keveny noted that there was a need to reduce open capital to a manageable and acceptable level. B. Keveny described the various departmental capital requests, including grass fields and new climate initiatives totaling \$11 million dollars which were not included in the final plan. The Board discussed the plan with B. Keveny. J. Bugbee discussed open capital projects.

A11. Town Manager's Report: a) Town Manager Review/Evaluation – next steps b) Facilities update c) Recap since last meeting: M. McCall reported that the lights in the parking lot had been repaired. M. McCall reported that he was monitoring changes in state revenues that could impact local municipalities. M. McCall presented a slide deck to review his accomplishments over the last year which included resolving some high-profile public relations matters, slowing a high employee turnover rate, negotiating collective-bargaining agreements, and appointing a permanent Police Chief. He added that he had been supporting several ongoing projects like the Council on Aging/Community Center project, several affordable housing initiatives and two Town Meetings. He noted his oversight over several complicated financial and legal matters as well as continued professional development. C. Martin reminded the Board of the deadline to submit the evaluation forms.

A15. Select Board Members' reports and concerns: T. Fay acknowledged public comments from G. Dresens and invited the Town Manager to consult with Town Counsel regarding the claim of conflict of interest. T. Fay asked that the Board discuss a potential new business at a future meeting, as well as the legal issues associated with 212 Cochituate Road. C. Martin acknowledged that the Town would soon be fully staffed.

A16. Topics not reasonably anticipated by the Chair 48 hours in advance, if any: There were none.

A17. Adjourn: At 10:34 p.m., T. Fay moved, seconded by A. Brensley to adjourn the meeting. Roll Call Vote: YEA: A. Brensley, T. Fay, and C. Martin. NAY: None. ABSENT: A. Gutbezahl and W. Whitney. ABSTAIN: None. Approved. 3-0-0.

Items included in the packet for the Select Board Meeting of February 12, 2024:

1. Town of Wayland Board/Committee Appointments Status as of February 9, 2024
2. Community Preservation Committee Application Materials: Michael Lowery.
3. List: Warrant Article list for 2024 Annual Town Meeting, dated January 18, 2024
4. Draft ATM Warrant Article J: Surface Water Quality Committee Budget
5. Draft ATM Warrant Article P: Community Preservation Act (CPA) - Set Asides and Transfer
6. Draft ATM Warrant Article DD: Community Preservation Act (CPA) – Affordable Housing Consultant Services, redline version
7. Draft ATM Warrant Article EE: Community Preservation Act (CPA) – Open Space Projects: Improvements at Pine Brook Conservation Area; Biocontrol of Purple Loosestrife at Cow Common; and Conservation Restriction, House Demolition, and Trail Construction for 27 Sherman's Bridge Road with Archaeological Monitoring
8. Draft ATM Warrant Article FF: Community Preservation Act (CPA) – Historic Preservation Projects: Preservation Materials for Town's Historic Collection; Preservation of Town Permanent Records; and HVAC system at Grout-Heard House
9. ATM Warrant Article Request Form: Article GG: Community Preservation Act (CPA) – Historic Preservation Project: Restoration of Stone's Bridge
10. ATM Warrant Article Request Form: Community Preservation Act (CPA) – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool Rehabilitation
11. ATM Warrant Article Request Form: Community Preservation Act (CPA) – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool Rehabilitation
12. Slide Deck: Capital Project Plan Fiscal 2025 – Fiscal 2029 Town of Wayland February 12, 2024, presented by B. Keveny and J. Bugbee
13. Town of Wayland Five – Year Capital Improvement Plan FY2025 - FY2029 by Michael McCall, Town Manager Brian Keveny, Finance Director November 15, 2023
14. Slide Deck: Potential Select Board guidance
15. Letter: To: M. McCall Town Manager From: Paul Gromer MassPowerChoice RE: Background information regarding Wayland Electricity Choice Date: February 7, 2024
16. Slide Deck: An Introduction To Wayland Electricity Choice, Presentation delivered at a public information session for Wayland residents on October 17, 2022
17. Handout: Wayland Electricity Choice, developed and distributed by the Wayland Energy and Climate Committee as part of initial program outreach
18. Slide: Illustrative program prices
19. FAQ: Wayland Electricity Choice Frequently Asked Questions, WaylandElectricityChoice.com
20. Report: Green municipal aggregation published by Green Energy Consumers
21. Draft Resolution: Potential Select Board resolution regarding Wayland Electricity Choice

Items distributed for information and use by the Board during the meeting of February 12, 2024 otherwise not included in the packet (Handouts):

1. Slide Deck: Town Manager M. McCall presented a slide deck to review his accomplishments as part of his self-assessment.