

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, March 22, 2024 at 10:30 a.m.
Wayland Town Building, Council on Aging Room / Remote
41 Cochituate Road, Wayland, MA 01778

Present, participated remotely: Thomas J. Fay, Adam G. Gutbezah, Carol B. Martin and William D. Whitney.

Absent: Anne Brensley.

Also present: Town Manager Michael McCall and Town Counsel, Attorney Carolyn Murray, K-P Law, P.C.

A1. Call to Order, Review Agenda for Public: At 10:31 a.m., pursuant to Chapter 2 of the Public Acts of 2023, Chair W. Whitney called the meeting of the Select Board to order when a quorum was present. W. Whitney announced that the meeting would be conducted via remote means and that the public could also participate remotely via teleconference, he added that the meeting may be live-broadcast and/or recorded for re-broadcast. W. Whitney reviewed the agenda and announced each member by full name.

A2. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to:

a) Review, insert and determine a position on articles, including but not limited to:

- 1. S. Revise Town Code Chapter 43: Personnel:** W. Whitney invited Human Resources Manager, Kate Ryan to discuss the revisions to Town Code Chapter 43: Personnel. K. Ryan highlighted the changes in the most recent draft being reviewed by the Personnel Board. K. Ryan indicated that the Personnel Board unanimously opposed the recent changes that the Town Manager had sent that morning and advocated for different language. K. Ryan reported that the Personnel Board did vote to approve the existing draft, in the packet, with proposed revisions. K. Ryan reported that the Attorney C. Murray had reviewed a draft in early March and then the Personnel Board provided further revisions on March 19, shortly after the Board had met on March 18.

Attorney Murray and K. Ryan reviewed the draft again and provided comments to the Board. The Board discussed the proposed revisions with M. McCall. M. McCall explained that Chapter 43 currently is in conflict with the Select Board - Town Manager Act and the Personnel Board is trying to further amend the Chapter in ways that changes its scope.

A. Gutbezah suggested that the article was not ready for Annual Town Meeting, and it should be withdrawn. Attorney C. Murray reported there was no urgency to bring this to the 2024 Annual Town Meeting, but it would eventually be necessary to reconcile Chapter 43 of the Town Code with the Select Board -Town Manager Act. The Board agreed to allow M. McCall, K. Ryan and Attorney C. Murray prepare and present a final draft to the Personnel Board and then the Board would decide whether to include the article in the warrant or withdraw it.

- b) Discuss and potential vote to refer revised petitioned zoning article (Article KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial use in a New Business B Zone Subdistrict B-1) to the Planning Board for review, pursuant to M.G.L. Chapter 40A § 5:**

2. **KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business B Zone Sub-district B-1:** Attorney C. Murray opined on the Article KK which was recently amended by its petitioners. Attorney C. Murray reported that when an amendment to a zoning article is submitted, it must be referred to the Planning Board regardless of the nature or extent of the amendments. T. Fay noted that petitioners submitted amendments at their own peril, because doing so re-started the lengthy referral to the Planning Board. Town Counsel acknowledged that the petitioners could withdraw the amendments, but heard that the lead petitioner preferred to move forward with the Planning Board referral.

T. Fay moved, seconded by A. Gutbezah, to refer the revised petitioner's Article KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business B Zone Sub-district B-1 to the Planning Board for review and report pursuant to M.G.L. Chapter 40A § 5. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Martin and W. Whitney. NAY: None. ABSENT: A. Brensley. ABSTAIN: None. Approved. 4-0-0.

The Board discussed which version of the petitioner's article should be included in the warrant. Attorney C. Murray advised that the amended petition be printed in the warrant and further suggested the original version and its Planning Board report be included. Attorney C. Murray suggested the Board indicate in the warrant the amendments, public hearings and Planning Board report were pending. C. Martin noted that pursuant to Town Code the petitioner's comments on the revised version may not be included in the warrant if the Finance Committee did not have time to review and provide substantive comments on the amended version.

Attorney C. Murray noted it would be helpful but possibly confusing for voters to include the required Planning Board report on the original version. When asked how this situation could be avoided in the future, Attorney C. Murray acknowledged that Wayland's bylaw was unique compared to other communities as it allows petitioners to withdraw or amend a petition up until the finalization of the warrant. Attorney C. Murray suggested to repeal that provision of the Town Code and/or change the deadline for citizens' petitions to a date that allows more time for amendments to be heard by the Planning Board.

3. **NN: Solar Compact Development for Wayland:** W. Whitney noted that there was a hearing scheduled by the Planning Board to hear the original petitioner's zoning article. C. Martin noted that the revised text exceeded the word count allowed in the warrant. M. McCall added that the petitioners were considering withdrawing one or both versions of the petitioner's article.

A. Gutbezah moved, seconded by C. Martin, to defer its recommendation on Article NN: Solar Compact Development for Wayland until Annual Town Meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Martin and W. Whitney. NAY: None. ABSENT: A. Brensley. ABSTAIN: None. Approved. 4-0-0.

A3. Topics not reasonably anticipated by the Chair 48 hours in advance, if any: There were none.

A4. Executive Session: At 11:20 a.m., W. Whitney moved, seconded by C. Martin, that the Select Board enter into Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel, the Town Manager.

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

W. Whitney noted that the Board would convene in Executive Session without Town Manager M. McCall but announced the Board may invite his attendance from Executive Session. The Board would reconvene in open session in approximately fifteen minutes.

A5. Return to Open Session: Announcement of possible vote taken to approve agreement with non-union personnel (Town Manager): At 12:03 p.m. the Board resumed the meeting in open session. W. Whitney reported that the Board had been delighted with M. McCall's performance and as such the Board had approved an amendment to the Town Manager's contract with adjusted compensation and other terms.

A6. Announcements and Public Comment: There were no announcements from the Board.

Richard Turner, Nob Hill Road, joined the meeting via teleconference and commended M. McCall on his first year as Town Manager. R. Turner informed the Board that the Moderator had agreed to present the Gossel's

Award at Town Meeting after the budget article. R. Turner also expressed his opposition to any storage facilities in Wayland.

MaryAnne Peabody, Bayfield Road, Chair of the Personnel Board joined the meeting via teleconference and read a statement on behalf of the Personnel Board. M. Peabody reported that the Personnel Board had approved the draft, with revisions and provided explanation for the proposed revisions. M. Peabody reminded the Board that Annual Town Meeting had previously approved an article that appropriated funds to hire a consultant to re-write the bylaw to comport with the Select Board-Town Manager Act.

A15. Adjourn: At 12:09 p.m., T. Fay moved, seconded by A. Gutbezah, to adjourn the meeting. Roll Call Vote: YEA: T. Fay, A. Gutbezah, C. Martin and W. Whitney. NAY: None. ABSENT: A. Brensley. ABSTAIN: None. Approved. 4-0-0.

Items included in the packet for the Select Board Meeting of March 22, 2024:

1. Revised Agenda I posted 03/20/2024 at 1:17 p.m. revises agenda posted on 03/20/2024 at 10:27 a.m.
2. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel
3. Draft: Town Code, Chapter 43, Personnel, redline version, undated, included Personnel Board comments and revisions from March 19, 2024
4. Draft: Town Code, Chapter 43, Personnel, highlighted version, undated
5. Draft ATM Warrant Article KK: Amend Zoning Bylaw to Add Retail Self-Storage as Additional Commercial Use in a New Business B Zone Sub-district B-1, petitioners
6. Draft ATM Warrant Article NN: Solar Compact Development for Wayland, petitioners