



Town of Wayland Massachusetts

Finance Committee

Carol Martin (Chair)
Steven Correia (Vice Chair)
Adam Gutbezahl
Kelly Lappin
Pamela Roman
Dave Watkins

FINANCE COMMITTEE

August 10, 2020

Remote

6:15 P.M. Minutes

Attendance: C. Martin, S. Correia, K. Lappin, P. Roman, A. Gutbezahl (6:23pm), and D. Watkins (6:41pm)

Absent: None

Also in Attendance: B. Keveny, J. Adams, Moderator

Call to Order: The meeting was called to order by Chair C. Martin at 6:15pm when a quorum was present. C. Martin stated all members were participating remotely, and opened the meeting with the following:

In compliance with the revised Open Meeting Law requirements, this meeting will be live streamed via WayCAM. The meeting may be viewed live on the WayCam Educational Channel (Comcast 8, Verizon 37). Public Comment will be received by phone at 508-358-6814 for this meeting. The phone number will be active during the public comment portion of the meeting. All calls will be addressed. Thank you for your patience.

In addition to being live streamed, WayCam will record the meeting and the recording will be made available to the public as soon after the meeting as is practicable. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

C. Martin reviewed the agenda and stated that, as the meeting is being held remotely, all votes will be by roll call. She stated that the meeting is being videoed for live and future broadcast.

Public Comment and Members' Response: None

Review, Discuss and Possibly Vote STM Recommendations for: River's Edge Development: Access and Drainage; Return Unused Fund; Repeal Chapter 53 of the Acts of 2010:

- Repeal Ch. 53

Due to his holding an elected position in the Town, A. Gutbezahl recused himself from the discussion and vote on this article.

This article seeks to repeal Chapter 53 of the Acts of 2010, which is a special act for Wayland stating that newly elected officials begin their term of office after Annual Town Meeting (“ATM”). According to petitioners, this special act has caused issues due to the delay of ATM in response to the COVID-19 pandemic. Discussion ensued regarding the original purpose of the special act, and its original intent. The Committee discussed adding more detail to arguments in favor and opposed to clarify the purpose and use of the act, as well as a review of the process through which the special act came into effect.

K. Lappin expressed concern about making changes to the special act without full discussion and understanding of the purpose of holding elections before ATM. She said Wayland is unusual both in this practice and in the practice of having elected officials taking office only after ATM. She suggested that the arguments against repeal of Ch. 53 should include acknowledgment of the former.

D. Watkins expressed the belief that this article has no direct financial impact, but also stated a need for change. S. Correia disagreed that the article has no financial impact, due to the Board of Selectmen’s (“BoS”) ability to influence finances before officials take office. He suggested that D. Watkins’ pending legal action against the town has bearing on this issue, that this should be noted in the Committee’s comments, and that he believes D. Watkins should not be allowed to vote on this Article. D. Watkins responded by stating he was not involved in a lawsuit, but rather filed a verified complaint which will be heard by a judge.

Lead petitioner Gretchen Schuler, Old Connecticut Path, said she’s seen no need for the special act. She said there are many towns that hold elections before ATM, and that, out of these, Wayland is the only town where officials cannot then take office.

P. Roman moved that the Finance Committee recommend approval of Article A, Repeal of Chapter 53 of the Acts of 2010. Seconded by K. Lappin. Motion passed 4-1-0 (by roll-call vote): D. Watkins- yes, K. Lappin- yes, P. Roman- yes, S. Correia- no, C. Martin- yes, and A. Gutbezahl- recused.

S. Correia requested clarification from A. Gutbezahl, in his capacity as a lawyer, regarding D. Watkins’ pending legal action. A. Gutbezahl reminded the committee of his recusal and declined to give an opinion, but noted that a verified complaint is a complaint, signed by a plaintiff, which initiates a lawsuit.

• **River’s Edge Easement & Drainage**

A. Gutbezahl rejoined discussion and voting.

This article would allow access off of Rte. 20 to the River’s Edge parcel.

D. Watkins questioned whether the article presents an issue for a lender if it is not approved. Select Board member Doug Levine, Graybirch Lane, responded that he believed it presented an issue but that he was not positive. He said he would seek verification.

Cliff Lewis, Vice Chair of Board of Public Works (“BoPW”), said that the BoPW conducted an analysis of drivers queueing on the Transfer Station roadway to get onto Rte. 20 and said a possible adjustment to the egress there is under review. He said that the concern of discharging water into wetlands is a Conservation Committee (“ConCom”) issue. He stated that the

BoPW needs to see the easement itself, which it has not done. He said the BoPW plans to have a vote next week. C. Lewis clarified that ConCom voted 6-0-0 in favor of approving the easement and appear to have no outstanding issues with said easement.

A. Gutbezahl asked about who is financially responsible for maintenance of the easement and related costs. D. Levine stated that he believed the responsibility lay with the purchaser rather than the Town. He further stated that the BoS had just voted unanimously, 5-0, in favor of inserting and supporting the article.

Rebecca Stanizzi, Winthrop Road, Chair of the Economic Development Committee and Member of the River's Edge Advisory Committee, offered to supply documents. She stated the original bid was based on 109 units, but units have more than doubled, hence increased tax revenues.

K. Lappin stated that Cherry Karlson, Chair of BoS, had reported via email that the building permit fee was estimated at \$795,000, and that this would be reflected in the article.

K. Lappin moved that the Finance Committee recommend approval of the River's Edge Easement Article. Seconded, S. Correia. Motion passed 6-0-0 (by roll-call vote): A. Gutbezahl- yes, K. Lappin- yes, S. Correia- yes, D. Watkins- yes, P. Roman- yes, and C. Martin- yes.

• Return of Funds

This article proposes the return of \$545,583 to the General Fund. The Committee engaged in a discussion which reviewed the original purpose of the appropriated funds, why all of the funds were not used, and any potential use of the funds for the Town's response to the COVID-19 pandemic. The Committee also discussed the proposed arguments in favor and arguments opposed.

S. Correia stated that, although the article states that the funds were originally designated for a multi-use community center, they were originally designated for the Council on Aging ("CoA"), which later expanded into discussion of a community center. He said discussion of how to use these funds is ongoing, and \$75,583 has already been spent. D. Watkins expressed concern about the appropriations process and how it differed from the original intent. The Chair stressed that the CoA/community center project is still on the Five Year plan for the town but that there's been a lack of information about what specific parcels of land are being recommended, and that the original settlement for 8 specific parcels of land fell through.

Lead petitioner Nancy Funkhouser, Rice Spring Lane, clarified that the petition is not intended to express disapproval of the CoA project. Rather, Ms. Funkhouser stated the article addresses concerns about the appropriations process, including the length of time to use the funds and the uncertainty surrounding their use. She expressed that, due to COVID-19, there may be a more pressing need for that money. She objected to the inclusion in the write-up of the Committee's comments about the public desire for a CoA/community center, claiming public opinion is irrelevant to the question of how long the money has gone unused. She further objected to the suggestion that petitioners did not know what they were signing when signatures were collected for the article.

The Committee discussed how this article might relate to ATM Article 11 and whether it's appropriate to consider that relation. The Committee also discussed the appropriate amount of time for a project, including how much time should be permitted to complete a project. The Committee also debated whether potential COVID-19 expenses are relevant to consideration

of this and other articles, including the potential usefulness of CoA after the pandemic ends versus other possible uses of the funds.

During the discussion of the River's Edge Easement & Drainage article, D. Levine stated that the BoS voted unanimously, 0-5-0, against this article.

S. Correia moved that the Finance Committee recommend approval of Article B, Return of Unused Funds. Seconded by K. Lappin. Motion failed, 2-4-0 (by roll-call vote): S. Correia- no, K. Lappin- no, A. Gutbezahl- no, P. Roman- no, D. Watkins- yes, and C. Martin- yes.

Chair update including Schedule: C. Martin stated that once all of the language for the Special Town Meeting articles is finalized, S. Correia will submit the articles to the Town Administrator.

Members' Reports, Concerns; Topics, Unanticipated 48 Hours Before Meeting:

None

Adjournment: K. Lappin moved to adjourn the meeting at 9:14p.m. Seconded by P. Roman. Motion passed 6-0-0 (by roll-call vote): S. Correia- yes, K. Lappin- yes, A. Gutbezahl- yes, P. Roman- yes, D. Watkins- yes, and C. Martin- yes.

Documents: available at <https://www.wayland.ma.us/sites/g/files/vyhlf4016/f/agendas/08102020fincompkt.pdf>

Respectfully Submitted,

Lauren Lorentz