

2022 Annual Town Meeting				
Saturday, May 14, 2022 & Sunday, May 15, 2022				
#	ARTICLE NAME	Vote	Result	
	1a. Recognize Citizens and Employees for Particular Service to the Town Motion 1.....	91-0	Passed	
	1b. Recognize Citizens and Employees for Particular Service to the Town- Motion 2	92-0	Passed	
	1c. Recognize Citizens and Employees for Particular Service to the Town- Motion 3	n/a	Passed	
*	2. Pay Previous Fiscal Years Unpaid Bills	87-4	Passed	
*	3. Current Year Transfers	82-6	Passed	
*	4. OPEB Funding	84-10	Passed	
	5. Enterprise Fund Budgets.....	93-5	Passed	
*	6. FY 2023 Revolving Funds.....	93-10	Passed	
*	7. Personnel Bylaws and Wage & Classification Plan.....	94-12	Passed	
*	8. Surface Water Quality Committee (SWQC) Budget	109-6	Passed	
*	9. Wastewater Capital Budget	92-22	Passed	
	10. FY23 Omnibus Budget - Motion 1	103-44	Passed	
	FY 23 Omnibus Budget – Motion 2	125-29	Passed	
	11. Fund Capital Stabilization	129-14	Passed	
*	12. Community Preservation Fund General Budget: Set Asides and Transfers	135-6	Passed	
	13. Outdoor Seating Bylaw	108-21	Passed	
	14. Amended Lease Agreement for Space on Reeve’s Hill	150-4	Passed	
	15. CPA Open Space: Acquisition of 27 Sherman's Bridge Road	155-21	Passed	
	16. Amended Oxbow Meadow Field ADA Accessibility Funding	118-8	Passed	
	17. Local Historic District Bylaw Amendment	111-1	Passed	
	18. Amend By-Law on Finance Committee Reports	121-13	Passed	
	19. Amend Conservation Cluster Bylaw	133-15	Passed	
	20. Appointment of Finance Committee	n/a	Not passed	
	20a Motion for Further Study by the Select Board with written report to 2023 Annual Town Meeting	144-100	Passed	
	21. Council on Aging/Community Center Construction	270-33	passed	
	22. CPA Housing: Launcher Way Acquisition	268-31	passed	
	23. New Stonebridge Resolution	59-236	Not passed	
	24. Rescind Appropriation for Framingham Bridge	255-34	Passed	

	25.	Loker Grass Field Construction	254-69	Passed
*	26.	Amend Town Code for the Municipal Affordable Housing Trust Fund	87-5	Passed
	27.	CPA Housing: 89 Oxbow Fire Sprinkler System	130-11	Passed
	28	CPA Historic Preservation: Library Documents	131-0	Passed
	29	Town Acceptance of Whittemore Lane as a Public Way	97-3	Passed
*	30	Choose Town Officers	95-2	Passed
*	31	Hear Reports	93-2	Passed
*	32	Sell or Trade Vehicles and Equipment	85-2	Passed

*Article proceeded under the Abbreviated Presentation Procedure.

TOWN OF WAYLAND
MINUTES
FOR
2022 ANNUAL TOWN MEETING

Saturday, May 14, 2022, 12:30 p.m.
&
Sunday, May 15, 2022, 12:30 p.m.
Football Field
Wayland High School

Town Moderator, Dennis Berry, opened the Annual Town Meeting, held on the football field at Wayland High School, at 12:45 p.m. with a quorum, 100 in attendance on May 14, 2022 and on May 15, 2022 at 12:32 p.m. with a quorum, 100 in attendance. The Annual Town Meeting was posted on April 28, 2022, more than 7 days before May 14, 2022 and in accordance with the Town By-Law, posting at the Town Building, Wayland Public Library in Wayland Center, Cochituate Post Office or Cochituate Fire Station, and the Happy Hollow School by Constable Lou Gaglini; a copy of the warrant addressed and mailed to each residence on April 22, 2022; and, publication in the Town Crier on April 14, 2022 and April 21, 2022.

On May 14, 2022, the Moderator disposed of the following Articles: number 1 through 17, 26, 29, 30, 31, and 32.

On May 15, 2022, the Moderator disposed of the following Articles: number 18 through 25, 27, and 28.

Article 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN

Proposed by: Select Board

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees:

1. To recognize citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. To recognize employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2022, subject to a minimum of 20 years of service;
3. To request Town Meeting observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2021 Annual Town Meeting.

The following citizens are recognized for their extensive service to the Town:

Richard Turner Cable TV Advisory Committee (11 years), Public Ceremonies Committee (20 years), Veterans Grave Office (19 years)

The following town and school employees have retired since the 2021 Annual Town Meeting or will retire before June 30, 2022 and have or will have served the Town for over 20 years:

Lynne Sullivan Teaching Assistant 20 years

The following elected or appointed volunteers or employees with 10 years of service have passed away since the 2021 Annual Town Meeting:

Robert Vivlamore	June 15, 2021	Custodian
Charlotte Johnson	June 30, 2021	School Department
Colleen Cappellucci	July 10, 2021	Teaching Assistant
Deirdre Gollop	July 20, 2021	Teacher
John Phylis	July 31, 2021	Police Chief
John Dyer	August 7, 2021	50 year volunteer including: Planning Board, Veterans Memorial Committee, Wayland Historical Commission, Septage Committee
Mary Davis	October 20, 2021	Teaching Assistant
Ann Flowers	October 20, 2021	Children's Librarian
Louise Reed	October 30, 2021	Teacher
Eugene Graff	November 1, 2021	Teacher
Arnold Bennett	November 27, 2021	Road Commissioner
Aaron Wasserman	December 21, 2021	Teacher
Elizabeth LeBaron	December 28, 2021	Teacher
Victor Prokopovich	January 14, 2022	Police Officer
George Butler	January 17, 2022	Firefighter
Robert Haran	January 23, 2022	Teacher
Cynthia Hill	February 17, 2022	Board of Health
Philp Schneider	April 10, 2022	Personnel Board

Article No. 1 - Motion #1:

Thomas J. Fay, 1 Happy Hollow Road, as chair of the Select Board moved that the Town recognize the following citizen who has served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive):

Richard Turner Cable TV Advisory Committee (11 years), Public Ceremonies Committee (20 years), Veterans Grave Office (19 years)

VOTE on Article No. 1 - Motion #1

Votes in favor: 91
Votes in opposition: 0
PASSED (majority vote required)

Article No. 1 – Motion #2:

Mr. Fay moved that the Town recognize the following town and school employees who have retired since the 2021 Annual Town Meeting, or intend to retire prior to June 30, 2022, and have served the Town for over 20 years:

Lynne Sullivan Teaching Assistant 20 years

VOTE on Article No. 1 - Motion #2

Votes in favor: 92
Votes in opposition: 0
PASSED (majority vote required)

Article No. 1 – Motion #3:

Mr. Fay moved that the Town recognize and observe a moment of silence in remembrance of the following elected or appointed volunteers or employees with 10 years of service who have passed away since the 2021 Annual Town Meeting:

Robert Vivlamore	June 15, 2021	Custodian
Charlotte Johnson	June 30, 2021	School Department
Colleen Cappellucci	July 10, 2021	Teaching Assistant
Deirdre Gollop	July 20, 2021	Teacher
John Phylis	July 31, 2021	Police Chief
John Dyer	August 7, 2021	50 year volunteer including Planning Board, Veterans Memorial Committee, Wayland Historical Commission, Septage Committee
Mary Davis	October 20, 2021	Teaching Assistant
Ann Flowers	October 20, 2021	Children’s Librarian
Louise Reed	October 30, 2021	Teacher
Eugene Graff	November 1, 2021	Teacher
Arnold Bennett	November 27, 2021	Road Commissioner
Aaron Wasserman	December 21, 2021	Teacher
Elizabeth LeBaron	December 28, 2021	Teacher
Victor Prokopovich	January 14, 2022	Police Officer
George Butler	January 17, 2022	Firefighter
Robert Haran	January 23, 2022	Teacher
Cynthia Hill	February 17, 2022	Board of Health

VOTE on Article No. 1 - Motion #3

The Moderator had everyone in favor rise for a moment of silence. The overwhelming majority rose.

PASSED (majority vote required)

The Moderator declared the Article disposed of.

Article 2: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Select Board

Estimated Cost: \$11,438.34

To determine whether the Town will vote to:

- (a) pay the bills of the prior fiscal years,
- (b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and
- (c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

Fiscal Year 2021 liabilities to be paid using Fiscal Year 2022 appropriations:

Amazon Business	\$ 1,717.66	FY22 Town Manager Expense Budget
Schwaab Inc.	\$ 58.25	FY22 Building Department Expense Budget
Fire Chief's Association of Massachusetts	\$ 50.00	FY22 Fire Department Expense Budget
BP Trucking	\$ 954.85	FY22 School Budget
Signet	\$ 443.00	FY22 School Budget
Embree Elevator	\$ 120.00	FY22 School Budget
Northeast Record Retention	\$ 390.70	FY22 Facilities Department Expense Budget
Air Cleaning Specialist	\$ 307.80	FY22 Facilities Department Expense Budget
KP Law	\$ 4563.46	FY22 Legal Services
Landry's Bicycles	\$ 1000.00	FY22 School Budget

Fiscal Year 2020 liabilities to be paid using Fiscal Year 2022 appropriations

Eversource	\$ 97.16	FY22 Facilities Department Expense Budget
Verizon	\$ 1,222.46	FY22 Facilities Department Expense Budget
Regan Septic	\$ 360.00	FY22 Facilities Department Expense Budget

Fiscal Year 2019 liabilities to be paid using Fiscal Year 2022 appropriations:

WB Mason	\$ 153.00	FY22 Building Department Expense Budget
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Total \$ 11,438.34

Article No. 2 Motion

Adam Garrett Gutbezahal, 48 Rice Spring Lane, as Select Board moved that Article 2 be adopted under the Abbreviated Presentation Procedure. He indicated that the motion was substantially the same as the warrant text except that the motion was revised to include a reference to a page number, specifically page 26.

VOTE on Article No. 2 Motion

Votes in favor: 87
Votes in opposition: 4
PASSED (4/5 vote required)

The Moderator declared the Article was disposed of.

Article 3: CURRENT YEAR TRANSFERS

Proposed by: Select Board

Estimated Value: \$275,400

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, otherwise; and to determine which Town officer, board, or committee or combination of them, shall be authorized to expend the money or monies appropriated therefor.

CURRENT YEAR TRANSFERS FY 2022

PURPOSE:	AMOUNT
1) Building Department Personnel Services	\$ 17,000
2) Town Office Personnel Services	\$ 18,000
3) Information Technology Personnel Services	\$ 40,000
4) Treasury Expense	\$ 25,000
5) Treasury Personnel Services	\$ 5,900
6) Board of Health Personnel Services	\$ 68,000
7) Recreation Personnel Services	\$ 14,000
8) Parks Department Personnel Services	\$ 15,000
9) Town Clerk Personnel Services	\$ 2,500
10) Facilities Personnel Services	\$ 35,000
11) FY2022 Ambulance Capital	\$ 35,000
TOTAL:	\$ 275,400

FUNDING SOURCES:

1) Information Technology Expense	\$ 17,000
2) Assessing Personnel Services	\$ 18,000
3) Information Technology Expense	\$ 40,000
4) Unclassified Water Charges	\$ 25,000
5) Engineering Personnel Services	\$ 5,900
6) Unclassified Reserve for Salary Adjustment	\$ 68,000
7) Assessors Personnel Services	\$ 14,000
8) Engineering Personnel Services	\$ 15,000
9) Engineering Personnel Services	\$ 2,500
10) Unclassified Reserve for Salary Adjustment	\$ 35,000
11) Ambulance Revolving Fund	\$ 35,000
TOTAL:	\$ 275,400

Article No. 3 Motion

Adam Gutbezhal of 48 Rice Spring Lane, as Select Board moved that Article 3 be adopted under the Abbreviated Presentation Procedure. He indicated that the motion was substantially the same as the warrant text except that the motion was revised to include a reference to a page number, specifically page 27.

VOTE on Article No. 3:

Votes in favor: 82
Votes in opposition: 6
PASSED (4/5 vote required).

The Moderator declared the Article was disposed of.

Article 4: OPEB FUNDING

Proposed by: Select Board

Estimated Cost: \$530,254

To determine whether the Town will vote to:

- a) appropriate an aggregate amount of \$30,254 to be deposited in the Town’s Other Post-Employment Benefits Trust Fund which amount shall be provided by transferring the following sums of money from the enterprise and revolving funds:
 - 1) Food Service \$ 6,163
 - 2) BASE \$ 5,551
 - 3) Children’s Way \$ 8,364
 - 4) Full Day Kindergarten \$ 0
 - 5) Water \$ 7,694
 - 6) Wastewater \$ 827
 - 7) Recreation \$ 1,655; and
- b) Appropriate \$500,000 to be deposited in the Town’s Other Post-Employment Benefits Trust Fund; and that said appropriation be provided by taxation.

Article No. 4 Motion

Adam Gutbezhal, 48 Rice Spring Lane, as Select Board member moved that Article 4 be adopted under the Abbreviated Presentation Procedure. He indicated that the motion was substantially the same as the warrant text except that the motion did not specifically identify the water enterprise fund.

VOTE on Article No. 4

Votes in favor: 84
Votes in opposition: 10
PASSED (majority vote required)

The Moderator declared the Article was disposed of.

Article 5: ENTERPRISE FUND BUDGETS

Proposed by: Select Board

Estimated Cost: \$5,610,982

To determine whether the Town will vote to raise, appropriate or transfer from available funds an aggregate amount of \$5,610,982 for the operation and expenses of the Water Enterprise Fund, Wastewater Enterprise Fund, and Transfer Station Enterprise Fund as set forth in the Finance Committee’s Budget for Fiscal Year 2023, which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town, with such appropriation being raised in the respective departmental receipts as follows:

1) Water Revenue	\$	4,184,227
2) Wastewater Revenue	\$	692,451
3) Wastewater Certified Retained Earnings	\$	230,362
4) Transfer Station Revenue	\$	428,942
5) General Fund Subsidy	\$	75,000

Article No. 5 Motion:

Adam Gutbezhai of 48 Rice Spring Lane, member of the Select Board, moved that that the Town vote to appropriate an aggregate amount of \$5,610,982 for the operation and expenses of the Water Enterprise Fund, Wastewater Enterprise Fund, and Transfer Station Enterprise Fund as set forth in the Finance

Committee’s Budget for Fiscal Year 2023, which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town, with such appropriation being raised in the respective departmental receipts as follows:

1) Water Revenue	\$	3,984,227
2) Water Certified Retained Earnings	\$	200,000
3) Wastewater Revenue	\$	692,451
4) Wastewater Certified Retained Earnings	\$	230,362
5) Transfer Station Revenue	\$	428,942
6) General Fund Subsidy	\$	75,000

He indicated that the motion was substantially the same as the warrant text except that the water revenue was reduced by \$200,000 (from \$4,184,227 to \$3,984,227) and an additional line for water certified retained earnings was inserted for \$200,000 (which comes from the water revenue line). This is reflected in the errata.

VOTE on Article No. 5 Motion

Votes in favor: 93

Votes in opposition: 5

PASSED (majority vote required)

The Moderator declared the Article was disposed of.

Article 6: FISCAL YEAR 2023 REVOLVING FUND EXPENDITURE LIMITS

Proposed by: Select Board

To determine if the Town will vote to set the following enumerated dollar figures as the total amount to be expended from the respective authorized revolving funds for Fiscal Year 2023, or take any action relative thereto:

1. Council on Aging:	\$ 34,000
2. School Department / Professional Development:	\$ 4,000
3. School Department / Curriculum:	\$ 0
4. Recreation:	\$ 900,000
5. Recreation Athletic Fields:	\$ 400,000
6. Conservation Community Gardens:	\$ 3,000

Article No. 6 Motion

Adam Gutbezahl, 48 Rice Spring Lane, as Select Board member moved that Article 6 be adopted under the Abbreviated Presentation Procedure. He indicated that his motion was substantially consistent with the warrant text but was revised to provide the page in the Warrant, which is page 32.

VOTE on Article No. 6 Motion

Votes in favor: 93

Votes in opposition: 10

PASSED (majority vote required)

The Moderator declared the Article was disposed of.

Article 7: UPDATE PERSONNEL BYLAWS AND WAGE & CLASSIFICATION PLAN AND FUND UNION AGREEMENTS

Proposed by: Select Board

Estimated Cost: \$205,883

To determine whether the Town will vote to:

- a) amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix B) previously adopted by the Town to amend the wage schedule for recreational and seasonal positions and adjust selected positions affected by the Massachusetts minimum wage;
- b) transfer from FY22 budgeted Unclassified: Reserve for Salary Settlement account the sum of \$32,441 for the purpose of funding FY21 and FY22, the first and second years of the collective bargaining agreements for the period of July 1, 2020 through June 30, 2021 and July 1, 2021 through June 30, 2022, reached between the Town of Wayland and the Library Union and to authorize the Town Accountant to allocate said amounts to be distributed to

and among the department personnel and line items affected thereby in such amounts as are proper and required; and

- c) transfer from FY22 budgeted Unclassified: Reserve for Salary Settlement account the sum of \$173,442 for the purpose of funding the cost items of FY22 in the collective bargaining agreement reached between the Town of Wayland and AFSCME 1 & 2 for the period of July 1, 2021 through June 30, 2022, and to authorize the Town Accountant to allocate said amounts to be distributed to and among the department personnel and line items affected thereby in such amounts as are proper and required.

Motion Article No. 7:

Cherry Karlson, 91 Lincoln Road, as Select Board member moved that Article 7 be adopted under the Abbreviated Presentation Procedure and was substantially in accordance with the warrant.

VOTE on Article 7 Motion

Votes in favor: 94

Votes in opposition: 12

PASSED (majority vote required)

The Moderator declared the Article disposed of.

Article 8: SURFACE WATER QUALITY COMMITTEE BUDGET

Proposed by: Select Board

Estimated Cost: \$51,000

To determine whether the Town will vote to appropriate the sum of \$51,000, or any other sum, for the expenses of the Surface Water Quality Committee to be spent under the direction of the Select Board

Article No. 8 Motion

Carol B. Martin, 42 Lake Road, as Select Board member moved that Article 8 be adopted under the Abbreviate Presentation Procedure. She indicated that her motion was the same as the warrant text.

VOTE on Article No. 8 Motion

Votes in favor: 109

Votes in opposition: 6

PASSED (majority vote required)

The Moderator declared the Article was disposed of.

Article 9: WASTEWATER FY2022 BUDGET REQUEST

Proposed by: Select Board, Wastewater Management District Commission

Estimated Cost: \$170,000

To determine whether the Town will vote to increase the Wayland Wastewater Management District Commission's FY2022 budget in the amount of \$170,000 and appropriate said sum from Wastewater revenues for the purchase of membranes for the Wastewater Treatment Plant.

Motion on Article No. 9

Cherry C. Karlson, 91 Lincoln Road, as Select Board member moved that Article 9 be adopted under the Abbreviated Presentation Procedure. She indicated that her motion was the same as the warrant text.

Anette Seltzer Lewis, 33 Claypit Hill Road asked where the funds for this Article will come from as there not yet been a rate hearing this year. Ms. Karlson responded that the funds are coming from waste water district commission. The commission receives revenues from the Alta Oxbow Project, \$150,000 connection privilege fee that is being used to fund the bulk of the \$170,000 request. The remaining \$20,000 is coming from fiscal year 2022 revenues.

VOTE on Motion on Article No. 9

Votes in favor: 92

Votes in opposition: 22

PASSED (majority vote required)

The Moderator declared the Article disposed of.

C. PETER R. GOSSELS AWARD FOR GOOD GOVERNANCE

Richard P. Turner, 7 Nob Hill Road: I would like to invite the members of the Gossels family to join me at the podium.

I rise as the Chair representing Wayland's Public Ceremonies Committee. I am also a 20-year veteran of the United States Navy and a Purple Heart recipient.

Would you please join me in opening your warrant to page number 139.

Many of you will instantly recognize the face in the photo on page 139 as Wayland's former Town Moderato, Peter Gossels. Peter presided over Wayland's Town Meeting from 1982 until 2011.

I am privileged to be here today to introduce a new award, to be presented annually, in honor of Peter's remarkable and esteemed volunteer service t the Town of Wayland over a period of 50 years.

Peter first served on Wayland's Finance Committee, and later as Wayland's Town Counsel, before serving as Wayland's Moderator for 30 consecutive years.

To say that Peter touched countless lives is an understatement. Those who had the pleasure to know him – and I suspect there are many of you here today – hold dear memories that will live in our hearts forever.

Even after Peter’s passing in 2019, he remains a beacon of great hope and optimism. Peter dedicated his life to serving the needs of others.

Peter exemplified civic duty. His great admiration for our nation’s Founding Fathers – and the effort that began at Lexington and Concord to establish our independence – inspired Peter’s life-long commitment to the preservation of good government.

The Public Ceremonies Committee is honored to announce the C. Peter R. Gossels Good Governance award:

-to be bestowed upon a long-time resident of Wayland who has served as a volunteer for 20 years or more with generosity of spirit to improve and support operation of good town government. This award will honor unpaid, secular service that promotes positive citizen engagement with town government; provides information to voters and officials to enhance fairness and well-informed decisions; and may recognize innovative initiatives that enhance operation of the Town of Wayland. The award will annually recognize an individual who exemplifies Peter’s passion for justice, civility, and high standards of conduct.

Peter epitomized goodness, justness, fairness, and kindness. We thank the Gossels family for permitting us to commemorate the memory of such a remarkable person – and his exceptional accomplishments – through this annual award.

I would now like to invite members of the Wayland’s Russell family to the podium. The winner of the annual C. Peter R. Gossels Good Government Award is proudly given – posthumously – to another outstanding Wayland resident, Lewis Russell.

Lewis Russell – of Wayland’s famed Russell’s Garden Center, which was started by his grandfather in 1876 – was known by all for his gracious civility, both at his business and in his many volunteer roles for the Town of Wayland. He was also a welcoming presence to Wayland’s newcomers.

Lewis first served on Wayland’s Board of Road Commissioners in 1975. He went on to serve on the CAN/Raytheon Committee, the Town Center Committee, Measurer of Wood and Bark, the MBTA Advisory Board, and as an elected member of the Board of Selectmen from 1982 to 1991. He was also a faithful participant at Wayland’s Town Meeting, who spoke eloquently on many of the articles presented.

Wayland lost two esteemed members of our community in 2019 – Lewis passed away just one month after Peter’s passing. Lewis Russell and Peter Gossels were classmates at Harvard and held each other in high regard.

The Wayland Public Ceremonies Committee voted to honor Lewis Russell as the first recipient of the annual C. Peter R. Gossels Good Government Award, as he more than qualified for every category enunciated in the criterion for this celebrated distinction.

Congratulations to the Russell family, and thank you to the Gossels family, for your participation in today’s award ceremony. We are proud to have know Peter and Lewis, and grateful that their volunteer contributions to the Town of Wayland will be forever remembered through this award.

Article 10: FISCAL YEAR 2023 OMNIBUS BUDGET

Proposed by: Finance Committee

Estimated Cost: \$92,678,613

To determine what sum of money the Town will appropriate for the operation and expenses of the Town including capital expenses for equipment, improvements or other purposes, and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise.

MOTIONS UNDER ARTICLE 10:

1). That each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2023 be voted, granted and appropriated as an expenditure for several purposes and uses set forth in said budget establishing a total budget of \$92,678,613 which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated \$91,257,563 shall be raised by taxation, \$374,400 shall be provided by transfer from Ambulance receipts, \$1,046,650 shall be transfer from other funds.

2). That each and every numbered item set forth in the Finance Committee’s capital budget of Fiscal Year 2023 listed on pages 47-57 in the total amount of \$9,215,600 be appropriated for equipment and vehicles acquisitions and projected for the listed departments, each of which shall be an appropriation, and of the total sum so appropriated, the Treasurer, with the approval of the Select Board, is authorized to borrow \$6,211,000 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, \$625,000 to be raised from taxation, \$1,974,600 shall be provided by transfer from Unreserved Fund Balance, \$180,000 shall be provided from Ambulance Receipts and \$225,000 from Water Fund Revenue.

Motion No. 1 on Article 10

Pamela Claire Bronson Roman, 44 Griscom Road, as chair of the Finance Committee, moved that each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2023 listed on Pages 38-46 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$92,678,613 which sum shall be expended only for the purposes shown under the respective Boards, Committees and offices of the Town; and, of the total sum so appropriated, \$91,257,563 shall be raised by taxation, \$374,400 shall be provided by transfer from Ambulance receipts, and \$1,046,650 shall be provided by transfer from the following funds:

\$ 1,674	from the Council on Aging Revolving Fund
\$372,734	from the Water Enterprise Fund
\$ 34,927	from the Wastewater Enterprise Fund
\$ 47,794	from the Recreation Revolving Fund
\$ 10,465	from the Recreation Field Revolving Fund
\$205,779	from BASE Revolving Fund
\$200,908	from the Children’s Way Revolving Fund
and	
\$172,369	from the Food Service Revolving Fund

Ms. Roman stated that her motion was substantially the same as the warrant text with the

addition of detail regarding other revenue.

Ms. Roman spoke to her motion.

Steven M. Glovsky, 36 Shaw Drive, spoke as a designated opponent to the motion arguing that taxes in Wayland are already too high. His comments included noting that families move to Wayland willing to pay high taxes for schools with the intent to leave when their last child graduates. He noted that towns should be more than school campuses. He questioned building a senior center when seniors are driven away from town due to high taxes long before they become seniors. The budget request is more than double than FY 2003. He urged elected officials consider the needs of the town, not the wants of the community as a whole.

Stan Curtis Wohlfarth, of 29 Woodland Road, also spoke in opposition to the motion. He expressed his concern about staff turnover and the school budget which is half of the entire budget. He was concerned about the director of student services in charge of special education services who is paid and a consultant being paid for the same job which is not fiscally responsible.

The Moderator began to walk through the budget.

Anette Seltzer Lewis, 33 Claypit Hill Road, asked where the waste water revenue that are used to fund the budget, what line item they fall under.

Ms. Karlson responded the FY'23 enterprise funds budgets was approved, possibly Article 5, waste water is one of the enterprise funds. The water revenues, Article 9, had to do with the FY'22 budget. Ms. Lewis clarified for payment of this budget, there is \$34,927 from the waste water enterprise fund and where that money comes into play.

The Moderator began to walk through the budge by reading departments.

Ellen M. Grieco, 14 Mellen Lane, vice chair of the School Committee, spoke to the School Department operating budget. Her presentation included that the \$47,164,771 request to educate 2,764 students. This is \$1,930,000 increase from FY2022duget and an increase of 4.0 FTEs. Of this increase, the amount of \$1,680,000 is driven by contractual obligations, enrollment, and federal and state mandates. The remaining \$258,000 reflects the addition of an elementary school level math coach, a psychologist and guidance position at Loker Elementary School, and an increase of each assistant elementary principal to 1.0 FTE. The positions were filled and funded (except the math coach) with grant funds to address issues related to the pandemic, social and emotional health crisis. The Committee responded to the finance committee request to decrease the budget. The school still has large list of unmet needs including full time kindergarten and significant deferred maintenance which over time will severely impact future education and the plant.

Thomas V. Maglione, 29 Rice Road, asked how much money is spent per student and the student to staff ratio. Ms. Grieco responded that the per student cost is \$17,063.95.

Mary Ellen Castagno, 49 Dean Road asked regarding the regional vocational education budget, what school are students are sent, how many to each school, how many SPED and what tier are we paying.

Michael B. Delman, 192 Stonebridge Road, spoke in support of the school department budget. He noted that schools are the best in the state and an asset. Mental health challenges have recently been significant and the town needs to make sure they are cared for.

Ms. Roman responded to regional vocational education question that there are 5 students attending Minute Man Regional Vocational School at a cost of \$214,000, as noted on page 43 of the warrant. Ms. Grieco responded staff to student ratio 10:1 which include special educators, aides, and one to one contractual required relationship. It is not 10:1 for all students.

Adam Garrett Gutbezahl, 48 Rice Spring Lane, Select Board member stated in response to a prior question regarding the waste water appropriation that Article 5, which was approved, appropriated \$692,451 for waste water revenue and the FY2023 budget for the waste water enterprise fund. He also noted that Article requests an appropriation from that enterprise fund.

Ms. Lewis asked again where in the budget is the \$34,927 from waste water enterprise fund being used. Mr. Gutbezahl responded it would be spent on in-directs, such as health care costs or OPED.

Mr. Maglione asked why youth services is listed a separate line item and not part of school budget. Mr. Gutbezahl responded because it is a separate department, Youth and Family Services.

VOTE on Motion No. 1 on Article 10

Votes in favor: 103

Votes in opposition: 44

Motion **PASSED** (majority vote required)

Motion No. 2 on Article 10

Ms. Roman moved that each and every numbered item set forth in the Finance

Committee's capital budget of Fiscal Year 2023 listed on Pages 47-57 of the Warrant for the 2022 Annual Town Meeting in the total amount of \$9,215,600 be appropriated for equipment and vehicle acquisitions and projects for the listed departments, each of which shall be a

separate appropriation, and, of the total sum so appropriated, the Treasurer, with the approval of the Select Board, is authorized to borrow \$6,211,000 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, or any other enabling legislation, \$625,000 shall be raised from taxation, \$1,974,600 shall be provided by transfer from Unreserved Fund Balance, \$180,000 shall be provided from Ambulance Receipts, and \$225,000 shall be provided by transfer from Water Fund Revenue.

Ms. Roman stated that her motion is substantially the same as the warrant text. Ms. Roman spoke to her motion.

Ms. Grieco spoke to the capital request of the school department.

VOTE on Motion No. 2 on Article 10

Votes in favor: 125
Votes in opposition: 29
PASSED (2/3 vote required)

The Moderator declared the Article disposed of.

Article 11: CAPITAL STABILIZATION FUND APPROPRIATION

Proposed by: Select Board

Estimated transfer: \$1,000,000

To determine if the Town will vote to appropriate from Unreserved Fund Balance, or transfer from other available funds, the sum of \$1,000,000, or any other sum, to the Capital Stabilization Fund; or to take any other action relative thereto.

Motion on Article 11

Dave V. Watkins, 20 Forty Acres Drive, as Select Board member moved that the Town vote to appropriate from the Unreserved Fund Balance the sum of \$1,000,000 to the Capital Stabilization Fund.

Mr. Watkins indicated the motion was substantially as in the warrant and he spoke to the motion.

VOTE on Motion on Article 11

Votes in favor: 129
Votes in opposition: 14
PASSED (majority vote required)

The Moderator declared the Article was disposed of.

Article 12: FY 2022 BUDGET

Proposed by Community Preservation Committee

Estimated Cost: \$800,733

To determine:

- a) Whether the Town will vote to set aside from the Community Preservation Fund’s (CPF) Uncommitted Fund for later spending \$135,834 for open space, but not including land for recreational use, \$135,834 for historic preservation, and \$135,834 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6 for FY 2023; \$20,000 for administrative expenses; and
- b) whether the Town will vote to set aside from the CPF for later spending \$373,231 from the Uncommitted Fund for annual debt service obligations for the purchase of the conservation restriction on Mainstone Farm, as previously approved by Town Meeting;
- c) Further, whether the Town will vote to transfer funds in the amount of \$135,834 from the Community Housing Fund of the CPF to the Wayland Municipal Affordable Housing Trust Fund.

Motion on Article No. 12

Gretchen G. Schuler, 126 Old Connecticut Path, as chair to the Community Preservation Committee, moved that Article 12 be adopted under the Abbreviated Presentation Procedure.

Ms. Schuler indicated the motion is identical to the warrant except for section c which Ms. Schuler stated reads “that the Town vote to transfer \$135,834 from funds set aside in the Community Preservation Fund for community housing to be deposited in the Wayland Affordable Housing Trust Fund.

VOTE on Article No. 12 Motion

Votes in favor: 135
 Votes in opposition: 6
 Motion **PASSED** (majority vote)

The Moderator declared the Article was disposed of.

Article 13: AMEND OUTDOOR SEATING ZONING BYLAW

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town’s Zoning Bylaw, by inserting the underlined text and deleting existing text that is struck through, as shown below, or take any action related thereto:

SECTION ONE:

Amend § 1102 ~~Permitted Uses in Business District A~~ and replace with § 1102 – Permitted Uses in Business Districts

SECTION TWO:

Amend Section 1102.1. as follows:

§ 1102.1. See Article 7, Area, Yard and Bulk Regulations; and Article 8, Dimension and Use Tables. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein.

SECTION THREE:

Amend Section 1102.1.1.1 as follows: ~~§ 1102.1.1.1. The ZBA may permit~~ The Planning Board may allow, by site plan approval, food or beverages to be served or consumed on the premises outside the a building that contains a lawfully-existing Restaurant in any zoning district, where such service or consumption is incidental to such service and consumption inside the building, subject to such safeguards and limitations as it may impose in its approval of a site plan pertaining thereto, as long as such use shall be incidental to such consumption inside the building. Sections 604 through 609 of this Zoning Bylaw shall apply to this subsection, provided however that the Planning Board may waive in its discretion any submittal or procedural requirement that it deems excessively burdensome, unnecessary or redundant to a particular application.

SECTION FOUR:

Amend the first sentence of Section 1102.1.2.1 as follows:

~~§ 1102.1.2.1. Automobile sales shall be permitted in those districts as described in the Table of Principal Uses by District, § 198-802, and subject to the following:~~

SECTION FIVE:

Amend the first sentence of Section 1102.1.4.1 as follows:

~~§ 1102.1.4.1. Automobile service stations and automobile service garages shall be permitted in those districts as described by the Table of Permitted Uses by District.~~

SECTION SIX:

Delete Section 1103 in its entirety:

~~**§ 1103. Permitted uses in Business District B**~~

~~§1103.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. The ZBA, in accordance with §198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein.~~

SECTION SEVEN:

Amend ~~§ 802 Table of Permitted Principal Uses by District, Attachment 3, by~~ Adding footnote “3” to Table of Permitted uses, after “Restaurant” as follows: “See, Section 1102.1.1.1 applicable to outdoor dining and Section 603.1.3.”

SECTION EIGHT:

Add the following subsection to Section 603.1:

603.1.3. Whenever there is an application for SPA for outdoor seating under 1102.1.1.

SECTION NINE:

ARTICLE 4 Nonconforming Structures and Uses

§ 198-401. Continuance; conditions.

Amend the first sentence of Section 198-401.1.2. as follows:

Preexisting nonconforming buildings, structures, or uses may be changed, extended or altered by a special permit issued by the ZBA pursuant to the provisions of § 198-201 and § 198-203 of this Zoning Bylaw, provided that no such change, extension or alteration shall be permitted unless there is also a finding by the ZBA that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming building, structure or use to the neighborhood; provided, however, that the Planning Board shall serve as the special permit granting authority for changes, extensions and/or alterations to nonconforming buildings, structures, and uses (a) in the Senior and Family Housing Overlay District pursuant to Article 21 of this Zoning Bylaw, and (b) in connection with a site plan approval application to provide outdoor table service at a restaurant pursuant to § 198-1102.1.1.1. of this Zoning Bylaw; and further provided, however, that a single- or two-family dwelling may be changed, extended, or altered so long as the change, extension or alteration does not increase the nonconforming nature of the dwelling. The Building Commissioner shall determine if a change, extension or alteration to a single- or two-family dwelling increases the nonconforming nature of the structure.

Motion on Article No. 13:

Larry R. Kiernan, 17 Concord Road, as Planning Board member, moved that the Town vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by amending Sections 1102, 1102.1, 1102.1.1.1, 1102.1.2.1, 1102.1.4.1, 1103, 802 – Attachment 3, 603.1 and 198-401 as printed on pages 61-62 of the 2022 Annual Town Meeting Warrant.

The Moderator noted that there is an appendix C in the warrant that indicates there was a planning board hearing on the Article.

Mr. Kiernan noted that there is a deletion on page 61 of the warrant under section 1103. He noted that section 1103 was deleted in its entirety. The Moderator indicated that there is an errata in that the planning board director, Sarkis Sarkisian, was replaced by the acting town manager, Steven Crane.

Mr. Kiernan spoke to his motion. He comments included that the amendment would allow outdoor dining by site approval administered by the planning board to allow food and beverages to be served on premise and consumed on premises outside the building containing a lawfully existing restaurant in any zoning district. The amend will stream line permitting process for existing restaurants to create outdoor dining and eliminate ambiguity in article 11 of the zoning bylaw governing uses in the town's business districts. He further noted that the article provides design standards for restaurants under section (a) and not design standards under (b), the article eliminates unintentional inconsistencies.

Mr. Kiernan stated that his motion is substantially consistent with the warrant text.

MOTION TO AMEND

Molly R. Upton, 23B Bayfield Road, moved to amend the motion to add any lawful restaurant in any zoning district and noted there is a restaurant in a residential district.

Ms. Upton moved to amend the motion to state: any law existing restaurant in any business district.

The motion was seconded.

Thomas J. Fay opposed the amendment as the restaurant in the residential district has been properly licensed and has existed for many years. He further noted that the Article does not remove any Planning Board oversight. He also noted that the Motion to Amend unduly harms and existing business.

Ms. Upton responded, when pandemic began and the Board of Selectmen permitted outdoor seating, it was with the caveat that the total population of a restaurant could not could not exceed that for which the license was issued. She further noted that the provision has seemed to have disappeared as traffic in the residential neighborhood is blocked Thursdays through Sundays.

Gretchen Schuler, supporting the amendment, noted that the restaurant could appear before the Zoning Board of Appeals for an exemption.

VOTE on the Motion to Amend to Article No. 13

Votes in favor: 67
Votes in opposition: 86
NOT PASSED

VOTE on Article No. 13 Motion

Votes in favor: 108
Votes in opposition: 21
Motion **PASSED** (majority vote required)

The Moderator declare the Article was disposed of.

Article 14: LEASE AGREEMENT FOR SPACE ON REEVE’S HILL CELL TOWER

Proposed by: Select Board

Estimated Cost: \$21,000 Annually

To determine whether the Town will authorize the Select Board, with approval of Town Counsel as to form, to enter into a lease agreement, for such price and on such terms as the Select Board deems appropriate, with Horizon Towers, LLC, to lease space on the telecommunications tower facility located at 139 Old Connecticut Path and 0 Old Connecticut

Path, for use by the water department for its Automated Meter Reading system for a period up to twenty (20) years, with all lease payments to be paid from Water Enterprise Fund revenue.

Motion on Article No. 14

Tom J. Fay, 1 Happy Hollow Road, as Select Board chair moved that the Town vote to authorize the Select Board, with approval of Town Counsel as to form, to enter into a lease agreement, for such price and on such terms as the Select Board deems appropriate, with Horizon Towers, LLC, to lease space on the telecommunications tower facility located at 139 Old Connecticut Path and 0 Old Connecticut Path, for use by the water department for its Automated Meter Reading system for a period up to twenty (20) years, with all lease payments to be paid from Water Enterprise Fund revenue.

Mr. Fay stated that the motion was consistent with the warrant text.

Mr. Fay spoke to his motion and included the following comments the town needs to lease space from the communication tower from Horizon Towers LLC (doing business as Glover Management). At the 2019 annual town meeting, residents voted to fund \$1,300,000 for an automatic water meter system. In implementing the system, it became apparent that the town would need to lease back space on the communication tower from Horizon Tower. Up to now, the town has used the tower for public safety reasons and has not had to pay anything under the lease agreement. This new use is different. With passage of this Article, will modify the amount of revenue from tenant. Under the lease agreement, the town would pay about \$31,476 annually for the increase in space use of the tower space, but it would also cause Horizon Tower to pay the Town more for increased vertical use in the tower, about \$10,000 annually. Overall, the cost to the town for use town is \$21,000 annually.

Motion to Amend

Edward J. Collins, 6 Fox Hollow, moved to amend the motion to add: provided however that the representations made by the Finance Committee of the Article 12 of the 2012 annual town meeting warrant will be deemed accepted here, namely for those who wish to have their meter read, there will be an opt out provision at the cost of approximately \$20 per manual read and town hardship allowances will be available.

Mr. Collins spoke to his motion. He wanted to ensure the provisions remain in effect as previously voted for by the town.

The Moderator approved an amended motion and read it aloud.

The motion was seconded.

Michael Price Lowery, of 120 Lakeshore Drive and Department of Public Works member, asked if the amendment was within the scope of the Article. The Moderator deemed it within the scope.

Mr. Fay noted that, according to the Department of Public Works director, the language was part of the 2019 article and may not be an amendment, but a reminder and request that the language in the 2019 article be followed. Mr. Collins stated that is not what the record shows and what the warrant says.

VOTE ON MOTION to Amend on ARTICLE No. 14

Votes in favor: 100
Votes in opposition: 51
Motion **PASSED**

Mr. Fay indicated that the automatic meter read communications would not interfere with the public safety communications.

VOTE ON MOTION on ARTICLE No. 14 AS AMENDED

Votes in favor: 150
Votes in opposition: 4
Motion as Amended **PASSED** (majority vote required)

Article 15: CPA OPEN SPACE: ACQUISITION OF 27 SHERMAN’S BRIDGE ROAD
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Proposed by: Community Preservation Committee

Estimated Cost: \$1,500,000

To determine whether the Town will vote to:

- a. Authorize the Select Board, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a parcel of land located at 27 Sherman’s Bridge Road, Wayland, Massachusetts containing 8.34 acres, more or less, as shown on Wayland Assessors Map 7, Parcel 23F. A sketch map is attached to the Warrant for the Annual Town Meeting 2022 in Appendix__; (or a revised lot showing 27 Sherman’s Bridge Road lot minus 11,000 and 37 feet of frontage at the southeast corner) and,
- b. appropriate the sum of \$1,500,000, or such other sum of money, to be expended by the Select Board for the acquisition of said parcel, of which the sum of \$475,000 shall be from the Community Preservation Fund Open Space Fund and the sum of \$1,025,000 shall be from the Uncommitted Fund in the Community Preservation Fund and,
- c. *further to authorize the Select Board to grant a permanent conservation restriction on said property pursuant to G.L. c. 44B Section 12 and G.L. c. 184 Sections 31-33, or take any other action relative thereto.*

Motion on Article 15

Gretchen G. Schuler, 126 Old Connecticut Path and as chair to the Community Preservation Committee moved that the Town vote to:

- a. authorize the Select Board, with the approval of Town Counsel as to form, to acquire by purchase, gift, or eminent domain a parcel of land located at 27 Sherman's Bridge Road, Wayland, Massachusetts containing 8.34 acres, more or less, as shown on Wayland Assessors Map 7, Parcel 23F and as shown on a sketch map attached to the Warrant for the Annual Town Meeting 2022 at Appendix D; and
- b. appropriate the sum of \$1,500,000 to be expended by the Select Board for the acquisition of said parcel, of which the sum of \$475,000 shall be from the Community Preservation Fund Open Space Fund and the sum of \$1,025,000 shall be from the Uncommitted Fund in the Community Preservation Fund and,
- c. further to authorize the Select Board to grant a permanent conservation restriction on said property pursuant to G.L. c. 44B Section 12 and G.L. c. 184 Sections 31-33.

Ms. Schuler's comments in speaking to her motion included that the property is worthy of preservation of open space and provides connection to other conservation space. It is a keystone parcel that would link 210 acres of already conserved land, connect trails, and provide needed parking for conservation land. The land is important to protect and is located near Trout Brook and Campbell drinking water wells. A conservation restriction is required. The purchase would not impact the tax rate. The property owner is willing to give the town the opportunity to purchase it below the appraised value.

Ms. Schuler stated that her motion was substantially the same as the text in the warrant except that Massachusetts General Laws for the permanent conservation restriction was referred to in the motion.

The Moderator stated that it was brought to his attention that the Article in the warrant was not sufficient under the Moderator Rules to permit discussion or motion on the Article because it did not represent metes and bounds or reference to a recordable plan. The Moderator used his discretion under Rules to permit the motion and discussion and noted that the metes and bounds and recordable plan was placed on the Town website.

Mr. Lowery, speaking for himself, asked questions and concerns about the Article. The land is across the street from Alpine Fields Recreational Facilities and there has been consideration using part of this land for parking, and his question is whether proposed parking could be used for recreational purposes also. He further noted that the Campbell drinking well is 1,370 feet at its closest to the land, it is not in Zone 1 and not in the capture zone of the well. As such, that should not be considered in support of the Article. As to connectivity, it would have been useful to have had a map. Finally, four to five homes would be removed from the tax rolls. The money could be used to pay down debt on the conservation restriction at Hamlin Farms.

Shawn Patrick Fair of 30 Rice Spring Lane, chair of the Conservation Commission, speaking on his behalf, spoke in support of the motion. The land is an asset to the town. It is a keystone land as it will connect conservation and land Sudbury Valley Trust land.

Alexia S. Obar, 18 Dean Road, asked how many projects is the town interested in that Community Preservation Committee money could be used and was the land looked at for development. Ms. Schuler responded to the questions by Mr. Lowery and Ms. Obar. She stated that it is unknown presently if the parking could be shared, the Conservation Commission would make the determination. To purchase property, the Community Preservation Committee needs to know about land available to purchase. She did not know the plans for development of the property except that plans ended and the property owners decided to preserve the land in honor of their parents.

Michaela Kanarek, 183 Oxbow Road, also spoke in support of the motion. She stated that she is a neighbor to the property. The property land is beautiful and the parents believed strongly in conservation. Developing the land would result in degradation of conservation land.

Anne R. Harris, 38 Rich Valley Road, asked what other money is in the Community Preservation fund and how much would be left if the money was spent on this Article. Ms. Schuler responded, chart in the back of the warrant, on page 138 appendix K, if the Community Preservation Articles in the Warrant all passed, the goal of having \$500,000 remain in the Community Preservation Fund would be met. The fund would be replenished over the next year so that there would then be \$1.5 million in the fund.

Steven M. Glovsky, 36 Shaw Drive, asked about \$1.5 million figure was derived from by an independent appraiser. Ms. Schuler indicated that appraisal done indicated that the property appraisal was more than \$1.5 million.

Susan Sarin Garfield, 24 Shermans Bridge Road, addressed a prior question about Alpine Field and spoke in support of the Article. The property is not adjacent to the Alpine Field. There is adequate parking on Alpine Road for the field. The land has the highest peaks and lowest valleys. Geologically the space is different in beauty and the way animals interact. Development of the land would have required cutting down 1,000 trees.

Larry R. Kiernan, of 17 Concord Road, asked is the allocation in the cost to demolish the existing house. Ms. Schuler responded that it is not in the cost and neighbors have committed some funds for it. Steven Mark Myerow, of 14 Red Barn Road, stated fundraising effort with Sudbury Valley Trustees has raised \$35,000 to demolish and improve the property and owners would cost share demolish, \$38,000 raised as of May 12, 2022.

Mr. Kiernan spoke in opposition of the motion. He indicated that he did not believe there is any additional access to conservation land being provided. There is a trail that he has walked. The developer that looked at the land would have given the town 3 plus acres that would have

preserved a kettle pond. He did not believe only a couple hundred of trees would have been taken down.

Mr. Lowery mentioned that, according the National Heritage and Endangered Species Mapping System, there are no rare or endangered species on or near the parcel.

Ms. Kanarek spoke in support of the motion. She noted that leveling the land and building homes will result in chemical run off roofs, de-icing agents, pollution homes can create, will make their way to the kettles and vernal pools and harm wild life. She further noted that at a prior town meeting, the town voted in favor of climate action to consider protecting conservation land before moving forward with projects.

Motion to Terminate Debate

Susan Reed, 58 Glezen Lane, moved to terminate the debate.

Mr. Myerow spoke in support of the motion regarding vernal pools were found that could be state certified.

The Moderator indicated that he would not take a vote on the motion to terminate debate as he allowed the one remaining speaker to speak.

VOTE ON MOTION on ARTICLE No. 15

Votes in favor: 155
Votes in opposition: 21
Motion as Amended **PASSED** (majority vote required)

The Article was disposed of.

Motion to Advance Articles

Cherry C. Karlson, of 91 Lincoln Road, as Select Board member moved that Articles 29, 30, 31, and 32 be advanced to be considered after the closing of Article 17.

She spoke to her motion noting that, while it is cloudy and there is a breeze, the day would be shorter tomorrow.

The motion was seconded.

Thomas V. Maglione, 29 Rice Road, asked to complete the entire town meeting today since there is a motion to advance. The Moderator asked for a show of hands and noted a substantial show of hands.

The Moderator noted that he would accept Ms. Karlson's motion, but noted that he would accept other like motions to advance other Articles as residents expected them to be addressed tomorrow.

Motion to Amend the Motion to Advance Articles

Motion to Amend the Motion to Advance

Anette Seltzer Lewis, 33 Claypit Hill Road, moved to Amend the Motion to Advance to include Article 26.

The motion was seconded.

Ms. Karlson accepted Ms. Lewis’ motion as a friendly motion.

Mr. Maglione spoke to a point of order that Ms. Lewis’ motion required a vote first. The Moderator found that Ms. Lewis’ motion was included as part of Ms. Karlson’s motion.

Vote to Advance
110-28
PASSED (2/3 vote required)

Article 16: OXBOW MEADOW FIELD ADA ACCESSIBILITY FUNDING

Proposed by: Select Board

Estimated Cost: \$70,000

To determine whether the Town will vote to authorize the Select Board, with approval of Town Counsel as to form, to perform various improvements to the walkways in and around the area of Oxbow Recreational Field for the purpose of complying with the Americans with Disabilities Act related to the accessibility of public property from Oxbow Road on such terms and conditions as the Select Board deems appropriate, but at a price not to exceed \$70,000, as shown in Appendix E and to authorize the Select Board to execute any and all documents as may be necessary or convenient in relation thereto, and further to authorize the Select Board to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, transfer from available funds already appropriated for another purpose, transfer from the real estate fund, transfer from the recreation activity fund, or otherwise.

Motion on Article 16

Dave V. Watkins, 20 Forty Acres Drive, as Select Board member, moved that the Town vote to authorize the Select Board, with approval of Town Counsel as to form, to perform various improvements to the walkways in and around the area of Oxbow Recreational Field for the purpose of complying with the Americans with Disabilities Act related to the accessibility of public property from Oxbow Road on such terms and conditions as the Select Board deems appropriate, and further to appropriate the sum of \$70,000 to be provided by taxation for such purpose, as shown in Appendix E and to authorize the Select Board to execute any and all documents as may be necessary or convenient in relation thereto.

Mr. Watkins noted that his motion is consistent with the warrant text except that the scope of the funding sources has been reduced to specifically taxation.

Mr. Watkins spoke to his motion. He noted the Article acquire fourteen-acre decommissioned NIKE site on Oxbow Road in 2004. He noted that four acres were allocated for 40B housing, which was completed in 2009 and ten acres, known as the Meadows, were set aside for active

and passive recreation. The Meadows supported wheelchair accessible trails. In 2017, the town approved the construction of an athletic field. The athletic field required the wheelchair accessible trails be re-routed around the field. The project required that the trails support the ADA standards. In 2018, when the project was being completed there was concern that the effort to re-route the trail was non-compliant with the ADA. In 2018, there was a settlement agreement that requires the town make the trails ADA compliant.

Anette Seltzer Lewis, 33 Claypit Hill Road, asked who would oversee the project. Dave Watkins responded the Town Manager's Office would oversee the project.

Lorraine M. Greiff, 2 Cameron Road, asked who in the town offices is s the ADA coordinator and if that person is integral to the project. Mr. Watkins responded that town employee, Jason Adams, is the coordinator. The capital budget did include a \$70,000 appropriate at one point.

Motion to Amend

Thomas V. Maglione, 29 Rice Road, moved that funding by taxation be removed and placed with transfer from the recreation revolving fund.*

*Mr. Maglione initially moved that the funding by taxation be removed and replaced with transfer from the recreation activity fund (as printed in the warrant, page 67 second from the bottom of the page).

The motion was seconded.

Mr. Maglione spoke to his motion and noted that the recreation commission was responsible of the Oxbow Fields and required at the time for ADA accessibility. Since it was not done, it should be recreation commission responsibility.

Mr. Watkins noted that the sources of funding listing in the warrant are not the official names of funds. He asked if there is an official fund name that Mr. Maglione is referring to. He suggested that Mr. Maglione meant the revolving fund for the recreation department. Mr. Maglione noted fund is available from the Recreation Department. The moderator asked if there is another phrase to recreation activity fund. Mr. Watkins stated suggested recreation revolving fund. Mr. Maglione would accept the language: transfer from the recreation revolving fund.

Alexia S. Obar, of 18 Dean Road, asked about payment and the purpose of the recreation revolving fund. Tonya Cunningham, of 9 Williams Road, responded that the litigation was between residents and the town of Wayland and, as such, the town is responsible for making sure the property is ADA compliant.

VOTE on Motion to Amend Article 16

Votes in favor: 88

Votes in opposition: 32

Motion **PASSED**

Ms. Greiff, 9 Williams Road, asked who to specifically identify Jason Adams. Mr. Watkins responded he is a management analyst who responded to the facilities director. Lorraine spoke in favor of the motion and asked an ADA coordinator of a higher level within the town.

VOTE on Article 16 Motion as Amended

Votes in favor: 118
Votes in opposition: 8
Motion **PASSED** (majority vote required)

The moderator declared the motion disposed of.

Article 17: LOCAL HISTORIC DISTRICT BYLAW AMENDMENT

Proposed by: Historic District Commission

To determine whether the Town will vote to amend its General Bylaws by amending Section 196-6, of the Town Code by striking the text ~~struck through~~ and inserting the underlined text, as shown below, or take any other action relative thereto:

§196-6 Procedures for review of applications for certificates of appropriateness, nonapplicability and hardship. 196-106.2. If the application involves any exterior architectural features which are subject to review and approval under this bylaw, the Commission shall hold a public hearing within 45 days after the filing of a completed application for a certificate of appropriateness of a certificate of hardship unless additional time is agreed to by both the applicant and the Commission or unless such hearing is dispensed with as provided in §196-106.3 of this bylaw. At least fourteen (14) days before said public hearing, public notice shall be given by posting in the Town Building and on the Historic District Commission webpage of the Town website. ~~in a newspaper of general circulation in Wayland.~~ Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and to other property owners deemed by the Commission to be materially affected thereby, and to any person filing written request for notice of hearings and to such other persons as the Commission shall deem entitled to notice.

Motion on Article 17

Gretchen G. Schuler, 126 Old Connecticut Path, as chair of the Historic District Commission moved that the Town vote to amend its General Bylaws by amending Section 196-6 of the Town Code, the Local Historic District Bylaw, as printed on pages 68-69 of the 2022 Annual Town Meeting Warrant.

Ms. Schuler noted that her motion was the same as the warrant text. She spoke wo her motion.

Thomas V. Maglione, of 29 Rice Road, asked if the sign boards could be added to notice. Ms. Schuler responded she was not in favor of that.

VOTE on Article 17 Motion

Votes in favor: 111
Votes in opposition: 1
Motion **PASSED** (majority vote required)

The moderator declared the motion disposed of.

Article 18: AMEND BYLAW ON FINANCE COMMITTEE REPORTS

Proposed by: Select Board

To determine whether the Town will vote to amend its General Bylaws, Section 19-3 of the Town Code, by deleting Section 19-3 in its entirety and replacing it with the following new text, or take any other action related thereto:

Section 19-3. Finance Committee reports.

After drawing a Town Meeting warrant, the Select Board shall forward a copy to the Finance Committee. Upon receipt, the Finance Committee shall consider all articles and make written recommendations per article to Town Meeting as it deems for the best of the Town. If the Finance Committee's written recommendation for an article exceeds 150 words in length, then the recommendation shall conclude with a summary of arguments in favor and in opposition that were considered by the Finance Committee in its deliberations. The Finance Committee is not required to include a summary of arguments in favor and in opposition of an article requesting approval of the Town's omnibus operating budget for the ensuing fiscal year or any article the Finance Committee, in consultation with the Finance Director, deems to represent a negligible financial impact on the Town. In gathering information to prepare its recommendations, if any, the Finance Committee shall review and consider the report submitted by the article sponsor and meet with the sponsor during a public meeting.

The Finance Committee shall also make an annual report which shall be published as part of the Annual Town Report. Said report shall include appropriation recommendations for the ensuing year, forward-looking statements regarding the finances of the Town and any recommendations the Finance Committee deems necessary and appropriate.

Motion on Article 18

Carol B. Martin, 42 Lake Road, as Select Board member moved that the Town vote to amend its General Bylaws, Section 19-3 of the Town Code, by deleting Section 19-3, Finance Committee reports, in its entirety and replacing it with the new text as printed on page 70 of the 2022 Annual Town Meeting Warrant.

Ms. Martin spoke to her motion.

VOTE on Article 18 Motion

Votes in favor: 121

Votes in opposition: 13
Motion **PASSED** (majority vote required)

The Moderator declared the Article was disposed of.

Article 19: AMEND CONSERVATION CLUSTER BYLAW

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions to Section 1803.1: [Key to changes: underlining denotes additions; ~~strikethroughs~~ denote deletions]

1803.1.

After notice and public hearing in accordance with law, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission, Historical Commission, and the Board of Health, grant such a special permit, provided that:

1803.1.1.

It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.

1803.1.2.

The area of the tract of land is not less than 5 acres.

1803.1.3.

The total number of dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed ~~the larger of the following:~~

~~(a) The number of building lots that could be created in the tract shown on such plan without a special permit hereunder through a conventional subdivision in full conformity with the dimensional requirements of this Zoning Bylaw and the Planning Board's Subdivision Rules and Regulations, plus one lot for each 10 of such building lots that could otherwise be created;~~
~~or~~

~~(b) The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land identified as a protected resource area under the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones), by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.~~

1803.1.3.1.

For purposes of demonstrating the number of lots under Subsection 1803.1.3~~(a)~~ above, an applicant under this Bylaw shall submit a dimensioned lotting plan signed and stamped by a registered professional engineer ~~or~~ and land surveyor ("Proof Plan") showing the layout of lots and roadways for a development tract that fully complies with the requirements of the Zoning

Bylaw and the Planning Board Subdivision Rules and Regulations for a conventional subdivision and is a feasible development plan under state and local environmental statutes and regulations..

~~shows the maximum number of lots which can be created on a conventional subdivision plan meeting all dimensional and other requirements of the Zoning Bylaw and being in compliance with the Subdivision Rules and Regulations, which submittal shall include a list of requested waivers necessary to implement the subdivision plan, which the Planning Board shall review and consider.~~

1803.1.3.2.

Within the Residence Districts, the Planning Board may allow by special permit structures to be constructed containing more than one dwelling unit, but not more than four dwelling units per structure. The total number of dwelling units shall not exceed the total that is allowed under § 198-1803.1.3.

1803.1.3.3.

Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may ~~permit~~ allow by Special Permit attached and detached dwelling units to be erected on single lot(s).

1803.1.4.

Each of the building lots shown on the site plan shall have adequate frontage, but no less than 50 feet, on a public or private way.

1803.1.5.

Each of the building lots shall be of a size and shape as shall provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet ~~as shown on the plan.~~

1803.1.6.

The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built. All dwellings, accessory buildings, driveways and roadways shall be set back at least 50 feet from the perimeter of the tract except that the Planning Board may reduce this setback to not less than 15 feet if it furthers the interests of this bylaw, and 15 feet from any open land, except for that portion of a driveway or roadway that intersects a public or private way for access to the development.

1803.1.7.

For Conservation Cluster Developments consisting of at least a majority of single-family detached dwellings, at least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Land. For Conservation Cluster Developments consisting of at least a majority of single-family attached dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Land. For the purpose of this article, "Open Land" is defined as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or

ways, whether public or private, The Open Land shall be reserved for open space, conservation, agriculture, passive recreation, park purposes or some combination of the foregoing.

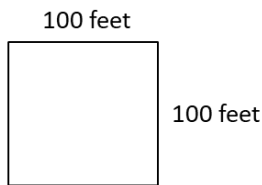
1803.1.7.1

The minimum required Open Land shall not contain a greater percentage of wetlands as defined in the Wayland Wetlands and Water Resources Protection Bylaw (excluding buffer zones), than the percentage of wetlands found in the overall tract of land on which the cluster development is located.

1803.1.7.3

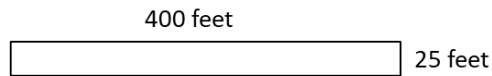
In order to limit the degree to which the Open Land may have an irregular shape, and to optimize the public and ecological value of the Open Land, the following Lot Shape Factor formula shall be used: Lot perimeter squared ÷ Actual Lot area = Lot Shape Factor. Eighty-five percent (85%) of the area of the minimum required Open Land shall not have a Lot Shape Factor greater than 50. See examples below:

Illustration #1
Conforming Lot Shape Factor



Perimeter = 400 feet
Perimeter²= 160,000 feet
Area = 10,000 square feet
Lot Shape Factor = Perimeter²/ Area
Lot Shape Factor = 16

Illustration #2
Non-Conforming Lot Shape Factor



Perimeter = 850 feet
Perimeter²= 722,500 feet
Area = 10,000 square feet
Lot Shape Factor = Perimeter²/ Area
Lot Shape Factor = 72.25

~~1803.3.~~

~~If the tract of land proposed for the Conservation Cluster development is located in two or more residential districts, the entire tract, for all purposes of this, shall be considered as lying entirely within the district having the largest area and frontage requirements, except that if 75% or more of the total area shown on the plan as building lots lies within one residential district, all of the land shall be considered as lying within that district.~~

Motion on Article 19

Albert I. (Ira) Montague Jr., 9 Erwin Road, member of the Planning Board moved hat the Town vote to amend Chapter 198 of the Code of the Town of Wayland, the Town’s Zoning Bylaw, by revising the Conservation Cluster Bylaw sections as printed on pages 71-73 of the 2022 Annual Town Meeting Warrant.

Mr. Montague stated that his motion was substantial to the warrant text. He spoke to his motion.

Vote on Article 19 Motion

In Favor: 133
Opposed: 15
PASSED (2/3 vote required)

The Moderator declared the Article disposed of.

Motion to Move Article 21 to After Article 25

Theodore S. Harding, 11 Kelsey Road, moved that consideration of Article 21 be moved to after the vote on Article 25.

The motion was seconded.

In speaking to his motion, Mr. Harding noted that there has been a lack of fields over the past several years. He would like to see that support before he votes on the Council on Aging/Community Center Article. Mr. Fay opposed the motion as residents should have a sense residents should have a sense of what to expect. He further noted that the Article is a substantive Article not a minor Article.

Vote on Motion to Move Article 21 to After Article 25

In Favor: 33
Opposed: 139
NOT PASSED

Article 20: APPOINTMENT OF FINANCE COMMITTEE

Proposed by: Town Moderator

To determine whether the Town will vote to amend Town Code §19-1 of its General Bylaws, by inserting underlined text and deleting text that is ~~struck through~~ as follows:

19.1 Finance Committee

There shall be a committee called the "Finance Committee" appointed by the ~~Board of Selectmen~~ Finance Committee Appointing Board as hereinafter provided. The Finance Committee shall consist to seven registered voters who shall serve without pay and none of whom during his or her service on such committee shall hold elective or appointed Town Office having to do with the appropriation or expenditure of Town money. Members shall serve terms of three years, such that the terms of two or three members shall expire each year. Appointments to fill unexpired terms shall be made by the ~~Board of Selectmen~~ Finance Committee Appointing Board as vacancies occur. The Finance Committee Appointing Board shall consist of the Moderator and the Chair of the Board of Selectman, who shall serve in a personal capacity. Any incumbent member of the Finance Committee serving at the time of approval of this bylaw by Town Meeting shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was appointed or until said individual otherwise vacates such office.

This bylaw shall take effect at the next election of a Moderator.

The Moderator asked, if there was no objection, that Miranda Jones act as Temporary Moderator as he is petitioner of Article 20. No objection being made, Miranda Jones stepped in at Temporary Moderator.

Motion on Article 20

Dennis J. Berry, 15 George Street and Town Moderator, moved that the Town vote to amend Town Code §19-1 of its General Bylaws, Finance Committee, as printed on page 75 of the 2022 Annual Town Meeting Warrant.

Mr. Berry stated that his motion substantially the same as the warrant text. However, he noted that there is a minor misprint in the bylaw text of the warrant: the finance shall consist to seven. The text should read as: the Finance Committee shall consist of seven.

The motion was seconded.

Mr. Berry spoke to his motion. He comments included separation of power is a cornerstone principal of American government. The executive branch is represented by the Select Board and the legislative branch by town meeting. This article separates the powers with the appointment of a Finance Committee. The Finance Committee handbook supports the separation and establishes that the role as an independent advisor to town meeting. The Finance Committee can not represent the town meeting (legislative branch) when members owe their appointment and continuation of office solely of the executive branch. This is addressed by the appointment of the Finance Committee by the Moderator or a hybrid process. Peer towns appoint the Finance Committee members either solely by the Moderator or a hybrid process. In survey by the Massachusetts Moderators Association, out of 102 towns responding, 69 were appointed solely by the Moderator, 18 by a hybrid process, and 15 by the Selectmen. In the hybrid process, the Moderator is always involved. Wayland is in the distinct minority of towns where the Moderator has no input in appointment process. Section 3.2 of the 2018 Collins report suggested that the appointment of the Finance Committee be made by the Moderator or a hybrid process. With a town manager acting as chief financial officer, it increases the budgetary authority of the town manager and, thereby, the Select Board to whom the manger reports. To install a measure of separation of powers is prudent curtail Select Board executive branch authority by including the Moderator as part of the appointment process till take a step toward the balance of the executive and legislative branches. A two-person appointing committee can make, and often does make, decisions and will bring a better perspective as they will represent different sections of government. And, and will bring a better appointment process.

William Steinberg, speaking on behalf of himself, spoke as the designated opponent. His comments included that the Finance Committee in Wayland is not set up the same way as other towns. Regarding conflict between, the Finance Committee and Select Board, in his years on the Finance Committee he has not seen this occur.

Thomas V. Maglione, 29 Rice Road, asked has there ever been consideration to having elected finance committee members. Mr. Berry responded that the issue has been raised in 2012 at town meeting which did not pass.

Motion to Amend Article 20

Adam Garret Gutbezahl, 48 Rice Spring Lane and. Select Board member, but speaking on his individual capacity, moved to add the chair of School Committee as a member of the Finance Committee.

Speaking to his motion, Mr. Gutbezahl, while supporting the Article, expressed his concern about having a two-member Finance Committee if there is a deadlock there would not be an appointment of a member of Finance Committee and, given the size of the School Department budget, having a School Committee chair member on the Finance Committee, who understands the School Committee and school budget, would benefit the community.

The Motion was seconded.

Mr. Berry spoke in opposition to the motion to amend. He indicated that having the SC chair acting as a member who have a School Committee perspective. It takes away from the general perspective.

Mr. Gutbezahl, again in favor of his motion to amend, spoke in favor of having a School Committee member, sitting in their personal capacity, preferably the chair, sitting on the Finance Committee. He noted that the school department budget represents a significant portion of the overall budget. A School Committee member on the Finance Committee would bring detailed knowledge about the schools which would be a benefit to the community.

David Watkins asked what towns have a similar structure in the Commonwealth.

Mr. Gutbezahl, speaking individually, did not know.

George H. Harris, 8 Holiday Road, spoke in opposition. Adding the School Committee would be adding to executive branch members and one member of the legislative branch. That balance would dominate the Finance Committee.

Jonathan Smith of 10 Old Farm Circle, spoke in support of the amendment. He noted that the Moderator has run opposed in town elections as long as he has lived in town. If looking to spread a broad sloth of democracy, putting more power that putting more power into an unopposed candidate year after year accomplishes the opposite.

Anette Seltzer Lewis, 33 Claypit Hill Road, spoke in opposition to the motion to amend. She preferred the Moderator make all of the Finance Committee appointments. She noted that appointees: be independent; have no relationship with a Board; understand finances; understand what the town can afford; understand long term planning; and, do what town wants in a legislative fashion. She felt it inappropriate to add a School Committee member as an appointment when it the

Finance Committee's responsibility to make recommendations on what we can and cannot afford.

Michael A. Henrick, 192 West Plain Street, spoke in opposition. In wanting to ensure that the Finance Committee is not beholden to the Select Board, this base Article has the chair of the Select Board as one of the two people choosing the Finance Committee. The Finance Committee is still beholden to the executive branch regardless of how this article shapes up. The founders did not set up a system that who result in a stalemate. A third person is necessary for his vote.

VOTE ON MOTION TO AMEND ARTICLE No. 20

Votes in favor: 105

Votes in opposition: 125

NOT PASSED

Motion to Refer the Article for Further Study

Cherry C. Karlson, 91 Lincoln Road and Select Board member, speaking individually, moved to refer the Article for a further study by the Select Board with a written report to Town Meeting by Annual Town Meeting 2023.

The motion was seconded.

Ms. Karlson spoke in support of her Motion noted that the Article needed more study, rather than more debate. Putting together a report regarding questions raised would be helpful to all in informing an opinion.

Donna F. Bouchard, 72 Concord Road, member Public Ceremonies member, speaking personally, spoke against of the motion to refer the matter for further study. She called attention to the Select Board's guiding principles, page 2, which indicates board members must abide by decisions of the Board. That is, action taken at each meeting is binding even when contrary to an individual members vote. She also noted that the Board of Selectmen has voted to support the Article.

George Harris, 8 Holiday Road, asked, given the Article was before town meeting last year, why did not Select Board discuss the issues related to this Article over the past year. Ms. Karlson could not provide a reason, but noted that at Town Meeting last year the Article was a Petitioner's Article and, over this past year, the Select Board was not tasked on working on the Article. She further noted that there were many other items before the Select Board. She further stated that motion would now task the Select Board.

Jeff Lawson Burt, 10 Brackett Road, spoke in support of the motion for further study because there should be more discussion about separation of powers.

Opposing Ms. Karlson’s motion, Michael Price Lowery, 120 Lakeshore Drive, stated that the motion remove discussion at Town Meeting the ability to vote at Town meeting for the warrant Article. The Select Board would stand to benefit.

VOTE on Motion to Move the Article for Further Study

In favor: 144
In Opposition: 100
PASSED (majority vote required)

The Moderator declared Article was disposed of.

Article 21: COUNCIL ON AGING AND COMMUNITY CENTER CONSTRUCTION

Proposed by: Select Board

Estimated Cost: \$11,000,000

To determine whether the Town of Wayland (“Town”) will vote to:

- 1) raise and appropriate, or borrow the sum of eleven million dollars (\$11,000,000) for the design, engineering, construction, equipping, and furnishing of a new Wayland Council on Aging/ Community Center (“CoA/CC”) to be located at the Municipal Parcel and adjacent parcels of land located on and off Boston Post Road and Andrew Avenue in Wayland, Massachusetts shown as Lot 4-1, Lot 8-1, Lot 9-1B, Parcel R-20-1, among others, shown on a plan prepared by the Town Surveyor entitled “Plan of Land Wayland, Massachusetts Showing Proposed Municipal Parcels” dated July 21, 2015, and recorded at the Middlesex South Registry of Deeds as Plan 616 of 2015, a copy of which plan is on file in the Office of the Town Clerk, and any and all incidental and related costs, including but not limited to, site evaluation, engineering and schematic and final design services, and project management services for the design, bidding and construction, site preparation, paving, and landscaping, and to authorize the Select Board to expend these funds, without further appropriation, but with the approval of the Permanent Municipal Building Committee;
- 2) determine whether such appropriation shall be funded by taxation, by transfer from unappropriated funds, transfer from available funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise;
- 3) authorize the Treasurer, with the approval of the Select Board, to borrow said sum pursuant to G.L. c. 44, sections 7 or 8, or any other enabling authority, and issue bonds or notes of the Town therefor;
- 4) authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with G.L. c. 44, section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs;
- 5) authorize the Town Manager to take any action necessary to carry out this program; and
- 6) provided, however, that no construction funds appropriated under this article be expended until the Town of Wayland acquires control of the named parcels.

MOTION on ARTICLE No. 21

Thomas J. Fay, 1 Happy Hollow Road, as Select Board chair moved that:

- 1) the Town vote to appropriate the sum of eleven million dollars (\$11,000,000) for the design, engineering, construction, equipping, and furnishing of a new Wayland Council on Aging/ Community Center (“CoA/CC”) to be located at the Municipal Parcel and adjacent parcels of land located on and off Boston Post Road and Andrew Avenue in Wayland, Massachusetts shown as Lot 4-1, Lot 8-1, Lot 9-1B, Parcel R-20-1, and Parcel 3-1, shown on a plan prepared by the Town Surveyor entitled “Plan of Land Wayland, Massachusetts Showing Proposed Municipal Parcels” dated July 21, 2015, and recorded at the Middlesex South Registry of Deeds as Plan 616 of 2015, a copy of which plan is on file in the Office of the Town Clerk, and any and all incidental and related costs, including but not limited to, site evaluation, engineering and schematic and final design services, and project management services for the design, bidding and construction, site preparation, paving, and landscaping, and to authorize the Select Board to expend these funds, without further appropriation, but with the approval of the Permanent Municipal Building Committee;
- 2) And to provide for said appropriation by borrowing under Massachusetts General Laws Chapter 44 or any other enabling legislation;
- 3) authorize the Treasurer, with the approval of the Select Board, to borrow said sum pursuant to G.L. c. 44, sections 7 or 8, or any other enabling authority, and issue bonds or notes of the Town therefor;
- 4) authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with G.L. c. 44, section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs;
- 5) authorize the Town Manager to take any action necessary to carry out this program;
- 6) provided, however, that no construction funds appropriated under this article be expended until the Town of Wayland acquires control of the named parcels; and
- 7) provided, further, that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G.L. Chapter 59, Section 21C (Proposition 2 ½).

Mr. Fay indicated his motion is substantially consistent with the warrant text except that his motion is more specific as to parcels. Specifically, he deleted “among others” that is in the warrant on line 5 paragraph 1 and he inserted parcel 3.1.

Mr. Fay spoke to his motion. In remarks included that the need for a Council on Aging space is acute and has been for far too long. The current space consists of a hallway and 772 feet of office space. More 33% of town residents are 55 year or old. Over 18% are over age 65, a higher proportion than most comparison communities. For example, there is no small meeting space for many types of confidential counseling such as personal health counseling, professional tax related advice, Medicare enrollment, and fuel assistance. Residents are sent to other communities for these services or hold confidential meeting in unheated closet size space. Senior activities are scattered throughout the town and other activities not scheduled. State guidelines recommend providing 5 to 6 square feet of space per senior. Wayland provides .74 square feet of space per senior. Community Centers enable people space to work, play, and gather and strengthen connections especially in the years ahead due to changing work habits due to COVID-19. Essentially a renovation of an approximate 20-year vacant building in the western part of town, at the town center. The closing on the property, took place last week. The facility will serve residents of all ages, seniors on week days and others on night and weekends. The building will be a net zero carbon building with no fossil fuels used on site and include solar panels. The area will include trails. After study, the site was deemed optimal.

Motion to Refer the Article to the Select Board for Further Study

Steven M. Glovsky, 36 Shaw Drive, moved that Article 21 be referred to the Select Board for further study to report to the next annual town meeting for specific planning for the Community Center/Council on Aging Center.

Mr. Glovsky spoke to his motion. He recommended a specific plan be presented to the Town Meeting next year. He expressed his concern about putting the decision in the Select Board given the amount of money at stake.

Mr. Fay opposed the motion. He noted that the process to create a new space for the Council on Aging and a facility to serve all residents dates back many years including input from residents, staff, and the Council on Aging Advisory Committee, at the 2015 annual town meeting voters supported the acquisition of municipal parcels and supporting putting the facility at the proposed site, at the 2018 annual town meeting voters supported funding for design documents. An appropriate amount of money spent for the Municipal Building Committee to support the budget for the project.

Susan R. Flicop, 4 Lillian Way, spoke in favor of the motion for further study. She expressed her concern that the bulk of the planning has taken place January and there are a number of questions by abutters. Mr. Fay responded to the concerns. He and met with the condo association to discuss the project. The Planning Board will do a site review and there will be other reviews including the Conservation Commission.

Melvin Norris, of 6 Green Way, apartment 105, spoke in favor of having a good facility.

Vote on Motion to Refer the Article for Further Study

In favor: 64

In Opposition: 218
NOT PASSED

Clifford W. Lewis, 33 Claypit Hill Road and chair of the Board of Public Works, personally, asked regarding the Select Board agreement with the current owners of the municipal parcel if there is any cost, potential liability, indemnification, or unforeseeable costs associated. Mr. Fay responded there are costs associated with Twenty Wayland that came with the deed, the deeds mention indemnity to Raytheon. He asked if there were more particulars about costs involved.

Paul B. Dale, of 12 Grace Road, spoke in favor of the motion because the community center will be a net zero construction and the operating costs will be lower than conventional construction. The cost of net zero construction is the same or very minimally more. The operating costs will be lower than conventional operating costs and is a commitment to climate action.

Molly R. Upton, 23B Bayfield Road, spoke in opposition to the motion as the building will be too small and not expandable.

Betty J. Salzburg, 28 Grove Street, for Conservation Commission member, noted that the proposed building and parking lot is in a river front area. She stated that any paving in the area is illegal and asked what has the committee doing about that. Sean Patrick Fair, of 30 Rice Spring Lane, as chair of the Conservation, of responded that the conservation commission met with the Select Board to ensure there is compliance.

David B. Pearlman, 34 Pequot Road, member of the Recreation Commission, speaking on behalf of himself, voiced his opinion that good for seniors and town.

Alan J. Reis, 463 Old Connecticut Path, spoke in opposition. He noted that the building will not have the earth. Residents need lower taxes so they can afford stay in Wayland. If \$11,000,000 in debt is incurred, taxes will increase. Some seniors on fixed incomes will leave town.

Carole Plumb, 17 Bald Rock Road, asked an amendment of Twenty Wayland that came several days. The Twenty Wayland agreement amendment says the Select Board will developer get certificates for parcels 16 and 17. Mr. Fay responded the amendment passed this week did not contain a reference to those parcels.

Penelope (Penny) Smith Wilson, 167 Glezen Lane, a SHINE volunteer at the Counsel on Aging, spoke in support of the motion. The Council on Aging hosts SHINE, confidential and HIPPA protected conversations, but the space is inadequate including meeting in closets.

Igor Kuklin, 14 Rice Spring Lane, spoke in opposition because families primarily move to town for the schools, safety, and nature. Most people move out seem to be due to high property taxes.

Mike Lowery, member of the Department of Public Works, asked relative to storm water capacity to accommodate the buildings studies and is there a fee with using the town center storm water management system. Also, he asked if there is landscape irrigation planned. Mr. Fay responded that there are no problems with the plan set fee, but did not know about fees. William Sterling, member of the Finance Committee, there is no need to study the site regarding storm drainage, septic, electrical power, and other utilities as it was addressed in the original master plan.

Mr. Lewis asked for an estimate of costs associate with the project. Tom Fay stated costs were not significant.

Scott A. Walters, 100 Draper Road, speaking individually and for Wayland Dads, in support of the Article noted that the Community Center Article was initially spurred by Wayland Dads.

Motion to Terminate Debate

Ellen R. Tohn, 5 Fields Lane, individually moved to terminate debate.

VOTE on Motion to Terminate Debate

In Favor: 270

In Opposition: 33

PASSED

VOTE ON MOTION on ARTICLE No. 21

Votes in favor: 230

Votes in opposition: 71

Motion as Amended **PASSED** (2/3 vote required)

The Article was disposed of.

Article 22: CPA - HOUSING: LAUNCHER WAY ACQUISITION

Proposed by: Community Preservation Committee

Estimated Cost: \$4,100,000

To determine whether the Town will vote to:

- a. authorize acquisition of a parcel of land located on Launcher Way, off Oxbow Road, Wayland, Massachusetts containing 5.6 acres, more or less, with 12 housing units along Oxbow Road and Launcher Way, as shown on Wayland Assessors Map 01 Parcel 001, by the Select Board or the Town of Wayland Municipal Affordable Housing Trust Fund, with the approval of Town Counsel as to form, by purchase, gift or eminent domain. A sketch map is attached to the Warrant for the Annual Town Meeting 2022 in Appendix H.
- b. appropriate a sum of money to be (i) expended by the Select Board for the acquisition of said parcel or (ii) transferred to and expended by the Town of Wayland Municipal Affordable Housing Trust Fund for the sole purpose of acquiring said parcel; and,

- c. determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, transfer from the real estate fund, by borrowing, or otherwise, provided:
 - i. not more than \$100,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted Fund for Community Housing purposes; and,
 - ii. not more than \$4,000,000 of the funds to be borrowed from Community Preservation Fund future receipts;
- d. authorize the Town Treasurer, with the approval of the Select Board, to borrow up to said sum in accordance with Massachusetts General Laws Chapter 44, section 7 and Chapter 44B and any other enabling authority, and issue bonds or notes of the Town therefor, or take any other action related thereto; and
- e. provided, in accordance with G.L. Chapter 44B, §5(d), no Community Preservation Act funds shall be borrowed or expended to acquire this property for a price in excess of its value as determined through procedures customarily accepted by the appraising profession as valid.

Motion on Article 22

Gretchen G. Schuler, 126 Old Connecticut Path and as chair to the Community Preservation Committee moved that the Town vote to:

- a. authorize acquisition of a parcel of land located on Launcher Way, off Oxbow Road, Wayland, Massachusetts containing 5.6 acres, more or less, with 12 housing units along Oxbow Road and Launcher Way, as shown on Wayland Assessors Map 01 Parcel 001 and as shown in Appendix H to the 2022 Annual Town Meeting Warrant, by the Select Board, with the approval of Town Counsel as to form;
- b. provide for said appropriation by transferring the sum of \$100,000 from the Community Preservation Fund's Uncommitted Fund for Community Housing purposes and appropriate the sum of \$4,000,000 to be borrowed from Community Preservation Fund future receipts to be (i) expended by the Select Board for the acquisition of said parcel or ii) transferred to and expended by the Town of Wayland Municipal Affordable Housing Trust Fund for the sole purpose of acquiring said parcel;
- c. authorize the Town Treasurer, with the approval of the Select Board, to borrow \$4,000,000 in accordance with Massachusetts General Laws Chapter 44, Section 7 and Chapter 44B, Section 11 and any other enabling authority, and issue bonds or notes of the Town therefor;
- d. provided, in accordance with G.L. Chapter 44B, §5(d), no Community Preservation Act funds shall be borrowed or expended to acquire this property for a price in excess

of its value as determined through procedures customarily accepted by the appraising profession as valid.

Ms. Schuler indicated that her motion is substantially similar to the warrant text except that sections (b) and (c) in the warrant were combined to section (b) in the motion, and section (d) became (c) and section (e) became (d) in the motion.

Ms. Schuler spoke to her motion. Her comments included that on the parcel, located on Oxbow Road and Launcher Way (5.62 acres), contains twelve (12) individual homes owned by the United States Army. The price will be determined competitive bid process overseen by Army Corps of Engineers. The Municipal Affordable Housing Trust Fund or the Select Board would bid on the property on behalf of the Town. The amount of the bid is not yet known. As a result, the Article is requesting up to \$4,000,000 based on borrowing capacity of the Community Preservation Committee fund. The Department of Defense made the property available to purchase two days ago, with bids due by August 22 2022 to acquire the property. Community Preservation Committee will determine how much to borrow, not more than \$4,000,000 to be borrowed against future Community Preservation receipts. The third-party appraisal value and fair market value of the property is being kept confidential to enable the Town to make its most competitive bid without enabling other interested parties surpassing the Town's bid by even \$1.00. This is because law prohibits the Town from bidding over the appraised value. On the property are twelve (12) vacant housing units, each consisting of three (3) bedrooms and one bathroom. Ms. Schuler noted that there is a chance that the Town has a competitive opportunity to acquire the property. She noted that the zoning laws favor the Community Preservation Committee. Acquisition of the property would be used to support affording housing efforts. She also noted that no final decision made yet as to which town entity would purchase the property, but according to the recent Housing Production Plan, the town should add about 26 housing units to maintain the 10% goal of affordable housing.

The Moderator noted that motion to appropriate \$4,000,000 in borrowing from the Community Preservation Committee to acquire the property. Like Article 15, the descriptions in the warrant were insufficient. However, he was given material regarding this Article that he posted on the website along with a memo by the Moderator.

Carol Martin, Select Board member, rose to apprise the town that the Select Board previously voted 5-0 to support the Article.

Steven M. Glovsky, 36 Shaw Drive, asked how much would be recovered from the sale of these units. Ms. Schuler responded the town plans to rent the units and not sell them.

Margaret T. Patton, 43 Plain Road, noted that she and her husband lived in unit two of the complex and hopes that the town makes the purchase. Elaine K. Donnelly, of 36 Hampshire Road and Board of Library Trustees member personally, supports the motion. The units have been affordable housing for decades and a fabric of our community. It is a one-time opportunity to add to the portfolio of affordable housing. The homes are vacant, but maintained, which are currently vacant, to affordable housing. Karen Blumfeld, 113 Oxbow

Road and member of the Human Rights, Inclusion and Equity Committee member, speaking personally, supported the property and echoed Ms. Donnelly's comments.

Ms. Schuler noted that application was submitted to the Community Preservation Committee by the Board of Selectmen.

Rebecca Mattson Stanizzi, 14 Winthrop Road and chair of the Economic Development Committee member, speaking personally, stated that, if the Town were to acquire the property and later sell it, it would find that the property was not overpaid for. She further noted that the Economic Development Committee discussed believes that it is highly unlikely the Town would lose money as cannot pay more than appraised value. Betty J. Salzburg, of 28 Grove Street, supported the motion. Nearby is affordable housing that has worked out well.

Susan Fae Koffman, 68 Shermans Bridge Road, asked how much is the interest on the \$4,000,000 and why would the units be rented and not sold. Ms. Schuler responded that the Committee Preservation Committee looked at the payment which would be principal and interest that would be within the \$4,000,000 range.

Christina McKenna Lok, 11 Holdbrook Road, personally, in support of the need for 10% of affordable housing that Wayland is below, need to add 26 units by May 2023.

Michael Lowery asked the Finance Committee's recommendation, which was deferred until Town Meeting. Pamela Roman, of 44 Griscom Road, chair Finance Committee, responded that no quorum present today to vote.

VOTE ON MOTION on ARTICLE No. 22

In favor: 268
In opposition: 31
PASSED (2/3 vote required)

The Moderator declare the Article disposed of.

The Moderator indicated that he would allow discussion regarding Article 23 and Article 24 together.

Article 23: RESOLUTION ON EXPENDITURE OF FUNDS FOR STONEBRIDGE ROAD BRIDGE

Proposed by: Select Board

To determine whether the Town will vote to affirm its previous vote under Article 9 of the 2020 Annual Town Meeting vote, which authorized borrowing the sum of \$450,000 to finish the design work and perform the reconstruction of the Potter/Stonebridge Road Bridge.

Motion of Article 23

The Moderator indicated that, theoretically, voters at Town Meeting could vote to pass both Article 23 and Article 24, which would in effect rescind Article 23. As a result, the Moderator will allow the proponents of both Articles each 7 minutes now for their full presentation as well discussion of both Articles together. However, each Article will be voted on separately

Dave V. Watkins, 20 Forty Acres Drive, as Select Board member, moved that the Town vote to affirm its previous vote under Article 9 of the 2020 Annual Town Meeting vote, which authorized borrowing the sum of \$450,000 to finish the design work and perform the reconstruction of the Potter/Stonebridge Road Bridge.

Mr. Watkins indicated that the motion is congruent in substance with the warrant except for a few words. He noted that the motion does not mention a Board of Public Works vote. He further noted that the change is reflected in the errata.

In speaking in support of his motion, Mr. Watkins' comments included that there are new facts that Town Meeting should consider; specifically, with respect to who owns the bridge and, therefore, whether that should determine who pays for the much-needed maintenance and safety related work. Mr. Watkins stated that a majority, if not all, of the bridge is in Framingham, the ramp leading up to the bridge, but not the part over the water, is in Wayland. In 2018, the Town of Wayland, recognizing that Town Meeting may not appropriate funding, signed a contract to repair the bridge and split the cost in half with the City of Framingham. In 2019, Town Meeting approved \$100,000 appropriation for design of the bridge. In 2020, Town Meeting approved \$450,000 to complete the design and construction which was scheduled to begin this summer. The Town of Wayland has a contract and ability to break the contract is "not a slam dunk." If Town Meeting rescinds the appropriation, it will inevitably create ill will with the City of Framingham with whom the Town of Wayland shares a border and with whom the Town of Wayland may need future cooperation with, such as possible Town of Wayland's future connection to the Massachusetts Water Resources Authority (MWRA) in addition to creating financial liabilities for the Town of Wayland. Mr. Watkins also noted that while the bridge is right over the town line, Wayland residents rely on the bridge and it is about their safety and the safety of the repairs.

Thomas Sciacca, 31 Rolling Lane, lead petitioner on Article 24, which aims to rescind the bridge appropriation. His comments included that the bridge is entirely in Framingham and Wayland should not have agreed to pay for any of it. There is no ramp leading to the bridge, just the road whose paving stops where the bridge deck starts, about 20 feet beyond the Town of Wayland line. The City of Framingham has shown no interest in being neighborly. He explained that the old Stone's bridge, about 100 feet north of the current bridge, was destroyed by a hurricane in 1955. The State decided not to restore the Stone's Bridge as a bridge, but replace it with a causeway and the current bridge at issue, it turned Stone's Bridge into a historic monument and recreational site. Because the old Stone Bridge was half in each Wayland and half in Framingham, and jointly maintained by both towns for 100 years, Town of Wayland appropriated \$400,000 to repair its half, assuming that the City of Framingham would do the same. When Framingham failed to do so, Wayland appropriated another \$400,000 to fix Framingham's side. Mr. Sciacca believes that Framingham will fix the bridge

currently at issue because it primarily benefits Framingham residents even without money from Wayland. Regarding good will, he noted that Wayland may never need Framingham to connect to the MWRA because Wayland can connect through the Hultman Aqueduct right of way which would not involve the City of Framingham. While towns can legally pay for work completed in another town, towns do not do so. For example, Wayland did not ask Sudbury to fix the route 27 bridge by Sudbury because the bridge connecting the two towns is entirely in Wayland. He further noted that the warrant incorrectly states the Board of Public Works supports affirming the payment, and mistakenly, and allegedly illegally, inserted the words "the proponents believe" in the Article 24 wording.

George Harris, 8 Holiday Road, opposed Article 23 and in favor of Article 24. He noted that no legal consequences to the Town of Wayland if the Town does not vote to appropriate \$450,000 to repair the bridge. He noted that the 2018 interdisciplinary municipal agreement between Wayland and Framingham states that states Wayland's commitment to share costs for funding the bridge project is contingent upon receipt adequate funds or appropriation of adequate funds under its Town Meeting.

Philip Leon Radoff, 21 Fox Meadow Lane, asked what Framingham is expecting of Wayland. Mr. Watkins responded that there has not been recent conversations with Framingham which anticipates the work will start, and the costs have increased to \$1,100,000 and that Chapter 90 money to supplement the overall cost of the project which would keep Wayland's liability at \$450,000.

Michael Price Lowery, 120 Lakeshore Drive, as member of the Department of Public Works, stated, as indicated in the errata, that the Department of Public Works did not take a position on the Article.

Clifford W. Lewis, 33 Claypit Hill Road and chair of the Department of Public Works member, but speaking for himself, stated that the water was purposely moved in 1955 when the bridge was reconstructed so the river could flow more properly and prevent a flood back up. At the time had it been intended that the liability move, it would have been negotiated then. the intent to move the water was not to move the liability. Wayland has an obligation to pay for half the repair of the bridge.

Duane E. Galbi, 190 Stonebridge Road, opposed paying give Framingham money to pay for the bridge as it is a Framingham bridge. He also noted that Framingham did not assist paying to fix the old Stone Bridge.

Anette Seltzer Lewis, 33 Claypit Hill Road, asked if any new bids have been received so that the Town will know what the cost is. She also stated that Wayland receives so little Chapter 90 money that Wayland can use for its own roads that it makes no sense to spend that money on the bridge. Mr. Watkins responded Wayland not yet received bids yet, but Wayland received \$294,000 from the Governor received, and that Wayland's liability according to the contract is 50%, and that Wayland has funds to offset future liabilities to keep tax payer liability at \$450,000.

Donna E. Bouchard, 72 Concord Road, opposed to spending money on the bridge and supported the money be spent on the schools and much better use.

Mr. Lowery, again speaking personally, stated that the Department of Public Works has not discussed using any Chapter 90, money that fixes Wayland streets, for the bridge. Any Chapter 90 money spent on the bridge means there will not be money not spent in Wayland streets.

Mr. Watkins stated Massachusetts Department of Transportation has said that there is severe deterioration to the bridge and that the repair should be a priority.

Mary Alice Boelter, of 106 Lakeshore Drive, stated opposed Article 23 as there is already financial demands in Wayland and the bridge is in Framingham. Using the bridge does not mean that Wayland is responsible for the bridge.

Mr. Lowery asked if the Finance Committee had a recommendation. The Moderator indicated that the Finance Committee does not have a position.

VOTE ON MOTION on ARTICLE No. 23

In favor: 59
In opposition: 236
NOT PASSED (majority vote required)

The Moderator declare the Article disposed of.

Article 24: RESCIND APPROPRIATION FOR FRAMINGHAM BRIDGE

Proposed by: Petitioners

To determine whether the Town will vote to rescind the \$450,000 appropriated under the capital budget of article 9 of the 2020 Annual Town Meeting warrant for design/construction of the so-called Potter/Stonebridge Road bridge, which proponents believe lies wholly within the boundaries of the City of Framingham

Motion on Article No. 24:

Thomas Sciacca, 31 Rolling Lane, moved that the Town vote to rescind the \$450,000 appropriated under the capital budget of Article 9 of the 2020 Annual Town Meeting warrant for design/construction of the so-called Potter/Stonebridge Road Bridge.

Mr. Sciacca noted that he deleted superfluous words, which lies wholly within the boundaries of the City of Framingham.

VOTE on Article No. 24 Motion

Votes in favor: 255
Votes in opposition: 34

Motion **PASSED** (majority vote required)

The Moderator declared the Article was disposed of.

Article 25: LOKER GRASS FIELD CONSTRUCTION

Proposed by: Select Board, Recreation Commission

Estimated Cost: \$3,000,000

To determine whether the Town of Wayland (“town”) will vote to:

1. Appropriate a sum of money of not more than \$3,000,000 to be expended under the direction of the Permanent Municipal Building Committee for designing, permitting, engineering and constructing a multi-purpose natural grass athletic playing field at the Loker Conservation & Recreation Area including playing surfaces, lighting, drainage, landscaping, recreational amenities, access and parking areas; and any and all other costs incidental or related thereto;
2. Provide for said appropriation by borrowing, taxation, transfer from unappropriated funds, transfer from available funds appropriated for other purposes, or otherwise, provided not more than \$189,160.59 of the funds appropriated shall be transferred from the Recreation Stabilization Fund;
3. Authorize the Town Treasurer, with the approval of the Select Board, to borrow up to said sum in accordance with Massachusetts General Laws Chapter 44, section 7 and 8 and any other enabling authority, and issue bonds or notes of the Town therefor; and
4. Authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder in accordance with Massachusetts General Laws Chapter 44, section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Motion of Article 25

David B. Pearlman, 34 Pequot Road, and member of the Recreation Commission, noted that his motion is substantially the same to the warrant text except that his motion included section 5: provided, further, that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G.L. Chapter 59, Section 21C (Proposition 2 ½) because the town election had not taken place when the warrant was written.

Mr. Pearlman spoke to his motion. His comments included that there is united support for the grass fields which are needed. It has been designed by license architects and engineered and peer reviewed by an independent third party and holds the necessary permits for the project to begin now. Boards and Committees reviewed and supported by Zoning Board of Appeals, Conservation Commission, Finance Committee, Historical Commission, Permanent Municipal Building Committee, Recreation Commission, and Select Board. It has also been

the subject of more than one hundred meetings. Many opponents of artificial turf filed support the grass field. A thorough site assessment was done and this site was found optimal for many reasons including its considerable distance from abutters so that lighting. Because there is PFAS is present on the site, regardless of the vote today, the town will need to remediate the soil. The remediation will be done as part of the project. The design has been vetted and peer reviewed for nearly a decade. The field will cost each family monthly based on borrowing will cost each family monthly the equivalent cost of a Starbuck's latte or a bagel and cream cheese. Currently, the site is an unsightly vacant lot. A vote in favor of this Article will allow the contractor to begin the project.

Thomas V. Maglione, 29 Rice Road, spoke as a designated opponent to the Article. His comments included that the site is poorly planned, too expensive, in a bad location with PFAS contaminated soil. In 1993, Department of Environmental Protection identified it as a tier 1A hazardous waste site at its location 412 Commonwealth Road. The address has been changed to 414 Commonwealth Road by the town and questioned what the Town is trying to hide. In addition, he noted that PFAS levels are above acceptable levels and there is no known plan for PFAS remediation. Given the history of chemicals used, burned, and buried by Dow Chemical, the Recreation Commission should embrace, and publicly present, the additional due diligence recommended, in a February 26, 2021, memorandum by Planning Board member, Daniel Hill, Esq., an environment attorney. He further noted that, has happened outside of the Town of Wayland, a prior hazardous waste site can be reopened by the Department of Environment Protection. Additionally, the Recreation Commission did not include PFAS remediation as a condition it asked to amend its permit from turf to natural grass. Recent bid documents show that sod might be used, instead of grass seed, which would contain chemical pesticides, herbicides, and fungicides. He urged proper scrutiny is necessary. The site has a high slope an uneven topography, and has no sidewalks and insufficient access. He noted that there are more suitable identified areas, less difficult, and less expensive sites available.

David H. Bernstein, 25 Glezen Lane, chair of the Electronic Voting Implementation Subcommittee (ELVIS), spoke on behalf himself, supported the motion due to the shortage of fields. He noted that the Loker field is a first step in addressing the field shortage. Having previously opposed the use of artificial turf, he is assured with a natural grass field that state-of-the-art irrigation and drainage techniques will be used and that the probability of encountering ledge is quite low. Regarding PFAS remediation, he noted that whether or not the field is built on the site, the Town will have to remediate the site.

Mary Josephine Seibel, 55 Country Corners Road, opposed the motion due to environmental degradation. She understands that 343 trees will be cut down. She noted that the field maintenance will require chemicals, a lot of water, and constant maintenance with gasoline powered machines. She further noted that it is currently a beautiful walking area.

Carole Plumb, 17 Bald Rock Road, asked were the bidders informed that the work could include a state mandated PFAS remediation and who will pay for it, now or later. Steven

Crane, Acting Town manager, responded that the PFAS exceedances are still being analyzed and that part the base bids include a significant soil removal to level the site. He further noted that there will be additional conversations regarding the costs of remediating the PFAS, but the costs should also be minimized given the favorable bids and \$300,000 in the base contract for soil removal.

Paul B. Dale, 12 Grace Road, the lead petitioner of the synthetic surf moratorium for three years in the fall special town meeting, supported the motion. He noted that the Town must not miss the opportunity to prove that a natural grass field is a win for play time and environment. He further noted that given high use, a grass field will require a proper construction which he was concerned about. He is convinced about the merits of the construction design and that the cost will be less than a synthetic field. There should not be a delay because construction costs are increasing. The real is need and the design better than previous.

Thomas Maglione, 29 Rice Road, asked when will the town report the PFAS findings using the correct address 412 Commonwealth Road address and when will the correct 412 Commonwealth Road address be released to bidders along with information about PFAS. Mr. Crane responded that there are range of addresses associated with the site and that the obligations for compliance

Clifford Lewis, 33 Claypit Hill Road, chair of the Board of Public Works, spoke individually, in support of the motion. He noted that no data is needed to see that conditions of the fields in August are overused. There is nothing that the Board of Public Works can do to compensate for this. Wirth regard to water, this is highly regulated by the Department of Environmental Protection and that water used for fields is a necessary use.

Molly Upton, 23B Bayfield Road, asked if there is a life span difference between seeded grass or sod. Thruston Wright III, 16 Jeffrey Road, co-chair of the Recreation Commission, but speaking personally, responded that sod is being considered to get the field up and running sooner. He also noted that sod is being considered in front of the goal mouth of the athletic field which would get heavy use during use of certain sports.

Anette Lewis, 33 Claypit Hill Road, asked about use of money used to subsidize the project, \$500,000 mentioned by the mover or \$180,000 in the warrant and there is already about \$250,000 identified for remediation can the Town expect money to be returned from the \$2,500,000 borrowed. Acting Town Administrator, Steven Crane, responded that authorization for full amount is important to ensure project is completed due to unforeseen circumstances, the amount borrowed will be the amount needed to complete the project. He hopes there will be money returned from the borrowing authorization is returned. Another speaker indicated that there is \$118,000 Community Preservation funds not noted in the warrant that will be used for the project that is part of the \$500,000.

Mr. Maglione, 29 Rice Road, opposed the motion. He noted that the Department of Environmental Protection (DEP) lists the site as a hazardous waste site at 412 Commonwealth Road which is not the present address for the site. A Google search of 414 Commonwealth Road provides no indication that the site is a hazardous waste site. In addition, he warned that the site could be identified again by DEP at as a some level declared a toxic waste site due to PFAS as remediation may not be as simple as anticipated. He reiterated that there is poor planning regarding the project on this site and a lack of continued oversight.

Motion to Terminate Debate

Adam I. Hirsch, of 7 Highgate Road, moved to terminate debate.

VOTE to Terminate Debate

In Favor: 301

In Opposition: 12

PASSED

VOTE ON MOTION on ARTICLE No. 25

In favor: 254

In opposition: 69

PASSED (2/3 vote required)

Steven M. Glovsky, of 36i Shaw Drive, asked consideration of a name to field sponsor.

The Moderator declare the Article disposed of.

Article 26: AMEND TOWN CODE FOR THE MUNICIPAL AFFORDABLE HOUSING TRUST FUND

Proposed by: Board of Selectman; Municipal Affordable Housing Trust Fund

To determine whether the Town will vote to amend Town Code Chapter 77, Municipal Affordable Housing Trust Fund, by making the following revisions thereto

[Key to revisions: underlining = additions]

Chapter 77. Municipal Affordable Housing Trust Fund

§ 77-1. ESTABLISHMENT; PURPOSE.

There shall be a trust to be known as the Municipal Affordable Housing Trust Fund, referred to in this chapter as the Trust. The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Wayland for the benefit of low-and moderate-income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL c. 44B, in the Town of Wayland.

§ 77-2. BOARD OF TRUSTEES; APPOINTMENT; TERMS.

The Trust shall be governed by a board consisting of seven trustees (the Board). At least one trustee shall be a member of the Select Board of Selectmen. In making appointments to fill the remaining positions, the Select Board of Selectmen shall give preference to the following: (i) a member of the Wayland Housing Authority; (ii) a member of the Planning Board; (iii) a member of the Housing Partnership; (iv) a real estate law specialist licensed to practice law in the Commonwealth of Massachusetts; and (v) two residents. The Trustees shall be appointed by the Select Board of Selectmen and shall serve for terms of two years beginning on July 1 and expiring on June 30, except as hereinafter provided. The initial terms of four of the Trustees shall be for one year and three of the Trustees shall be for two years. The Select Board of Selectmen shall strive for geographical diversity for the benefit of the entire Town. Thereafter, the terms of all Trustees shall be for two years, except for Trustees who are appointed to fill the unexpired term of a Trustee whose position has become vacant before the end of the term. There shall be no limit on the number of terms served by an individual.

§ 77-3. POWERS; AUTHORITY.

The Board shall have the powers set forth herein for the Trust which is on file in the office of the Town Clerk, and the following powers, all of which shall be carried out as fiduciaries through the exercise of due diligence and prudence and in furtherance of the purposes of MGL c. 44, § 55C:

- A) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any by-law or any general or special law or any other source, including money from said Chapter 44B, provided, however, that any such money received from said Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and, provided further, at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the community preservation committee of the Town for inclusion in the community preservation initiatives report, Form CP-3, to the department of revenue; except that transfers of Town- owned real property to the Trust shall be approved by a two-thirds supermajority vote of a Town Meeting pursuant to MGL c 40, § 15A;
- B) To purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;
- C) To sell, lease, exchange, transfer or purchase real property. The purchase and/or development of more than two dwellings must be approved jointly by the Select Board of Selectman and Planning Board;
- D) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, loan agreements, promissory notes, releases, grant agreements

and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

- E) To employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- F) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- G) To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- J) To carry property for accounting purposes other than acquisition date values;
- K) To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral, except that (i) the Board shall not mortgage or pledge as security an amount greater than the total current assets of the Trust, unless such greater amount is approved by the Select Board ~~of Selectmen~~ and by the Planning Board by a majority vote and (ii) no money borrowed and no debt issued by the Board shall be an obligation of the Town of Wayland.
- L) To make distributions or divisions of principal in kind;
- M) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
- N) To manage or improve existing real property; and to abandon any property which the Board determined not to be worth retaining;
- O) To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- P) To extend the time for payment of any obligation to the Trust.

**Article 28 CPA – HISTORIC PRESERVATION:
LIBRARY DOCUMENT PRESERVATION**

Proposed by: Community Preservation Committee

Estimated Cost: \$19,765

To determine whether the Town will vote to appropriate the following sums of money not to exceed \$19,765 from the Community Preservation Fund’s Historic Preservation Fund to be expended by the Wayland Free Public Library Trustees to conserve and digitize irreplaceable historic documents owned by the Wayland Free Public Library.

Motion on Article No. 28

Elisa J. Scola, 184 Glezen Lane, as member of the Community Preservation Committee moved that the Town vote to appropriate the sum of \$19,765 from the Community Preservation Fund’s Historic Preservation Fund to be expended by the Wayland Free Public Library Trustees to conserve and digitize irreplaceable historic documents owned by the Wayland Free Public Library.

Ms. Scola stated that her motion was substantially the same as the warrant text except that the words “not to exceed” was removed from the motion.

Ms. Scola spoke to her motion.

VOTE on Article 28 Motion

Votes in favor: 131

Votes in opposition: 0

Motion **PASSED** (majority vote required)

The Moderator declare the Article disposed of.

Motion to Re-Open Article 25

Thomas V. Maglione of 29 Rice Road moved to rei-open Article 25.

The Moderator denied the request.

Article 29: TOWN ACCEPTANCE OF WHITTEMORE LANE AS A PUBLIC WAY

Proposed by: Petitioners

To determine whether the Town will vote to accept Whittemore Lane, part of the completed three house subdivision Whittemore Place, as a town way.

Motion on Article No. 29

Cherry C. Karlson, 91 Lincoln Road, as Select Board member moved that Article 29 be passed over.

Ms. Karlson spoke to her motion.

VOTE on Article 29 Motion

Votes in favor: 97

Votes in opposition: 3

Motion **PASSED**

The Moderator declared the Article disposed of.

Article 30: CHOOSE TOWN OFFICERS

Proposed by: Select Board

To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot:

Trustees of the Allen Fund	The Select Board
Fence Viewers	The Select Board
Field Drivers	The Constables
Measurers of Wood and Bark	Paul Doerr
	Gary Slep
	John R. Sullivan
Surveyors of Lumber	Judy Currier
	Richard Hoyt
	Susan W. Pope

Motion on Article No. 30

Adam Garrett Gutbezahl, 48 Rice Spring Lane, as Select Board member moved that Article 30 be adopted under the Abbreviated Presentation Procedure.

Mr. Gutbezahl noted his motion was substantially consistent with the warrant except, as reflected in the errata, it removed Gary M. Slep as a Measurer of Wood and Bark at his request.

VOTE on Article 30 Motion

Votes in favor: 95

Votes in opposition: 2

Motion **PASSED**

The Moderator declared the Article disposed of.

Thomas V. Maglione, 29 Rice Road, questioned the quorum, and the Moderator found that there was a quorum present.

Article 31: HEAR REPORTS

Proposed by: Select Board

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees.

- Board of Assessors
- Community Preservation Committee
- Public Ceremonies Committee

Planning Board

Motion on Article No. 31

Adam Garrett Gutbezahl, 48 Rice Spring Lane, as Select Board member moved that Article 31 be adopted under the Abbreviated Presentation Procedure, and indicated that his motion is identical to the warrant text.

VOTE on Article 31 Motion

Votes in favor: 93

Votes in opposition: 2

Motion **PASSED** (majority vote required)

Richard Turner, 7 Nob Hill Road, as chair of the Pubic Ceremonies Committee gave the following report:

With appreciation and admiration for the many exceptional individuals who enhance and enrich our Wayland community, the Public Ceremonies Committee each year makes the Lydia Maria Child Award for outstanding public service. The award is given to the person(s) or group who the Committee determines best represents the concern and care that Lydia Maria Child demonstrated for making her community a better place. The recipient of the 2022 Lydia Maria Child Award is Anette Lewis. The presentation will take place at the next meeting of the Public Ceremonies Committee in the Town Building at 7:00 p.m. on June 8, 2022.

Article 32: SELL OR TRADE VEHICLES AND EQUIPMENT

Proposed by: Select Board

To determine whether the Town will vote to authorize the Select Board to sell or otherwise dispose of surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property. Department Vehicle/Equipment Year Fire SUV 2011 DPW Dump Truck 2002 DPW Dump Truck 2005 DPW Dump Truck 2008

Motion on Article No. 32

Adam Garret Gutbezahl, 48 Rice Spring Lane, as Select Board member moved that Article 32 be adopted under the Abbreviated Presentation Procedure, and indicated that his motion is identical to the warrant text.

VOTE on Article 31 Motion

Votes in favor: 85
Votes in opposition: 2
Motion **PASSED** (majority vote required)

On May 14, 2022, the Moderator suspended the Annual Town Meeting to 12:30 p.m., May 15, 2022.

On May 15, 2022, the Annual Town Meeting adjourned sine die at 3:38 pm. The vote on the Motion to Adjourn was voted upon by leaving the Meeting.

Errata

Article 1: Recognize Citizens

Page 26, line 5

Changed “Philp Schneider” to “Philip Schneider”

Article 5: Enterprise Fund Budgets

Page 31, line 9 Water revenue

changed from 4,184,227 to \$3,984,227

Page 31, line 10 Water Certified retained earnings

added to the table under item 2). In the amount of \$200,000.

Adjusted Table:

1) Water Revenue	\$ 3,984,227
2) Water Certified Retained Earnings	\$ 200,000
3) Wastewater Revenue	\$ 692,451
4) Wastewater Certified Retained Earnings	\$ 230,362
5) Transfer Station Revenue	\$ 428,942
6) General Fund Subsidy	\$ 75,000

Article 13: Amend Outdoor Seating Zoning Bylaw

Page 64, Line 20

Strike: Sarkis Sarkisian, Town Planner at ssarkisn@wayland.ma.us

Replace with: Stephen Crane, Acting Town Manager at scrane@wayland.ma.us

Article 15: CPA Open Space: Acquisition of 27 Sherman's Bridge Road
Page 66, line 7
Add Appendix D;

Article 19: Amend Conservation Cluster Bylaw
Page 74, Line 36
Strike Sarkis Sarkisian, Town Planner at ssarkisn@wayland.ma.us
Replace with: Stephen Crane, Acting Town Manager at
scrane@wayland.ma.us

Article 22: CPA- Housing: Launcher Way Acquisition
Page 85, line 10
Strike: Acting Town Administrator
Replace with: Acting Town Manager

Article 23: Resolution on Expenditure of Fund for Stonebridge Road Bridge
Page 87, line 39
Strike: The Board of Public Works recommends approval. Vote 5-0-0.

Article 24: Rescind Appropriation for Framingham Bridge
Page 88, Line 5
Strike: proponents believe

Article 25: Loker Grass Field Construction
Page 92, line 21
Strike: Loker
Replace with: Loker Conservation & Recreation Area

Page 92, line 23
Strike: Loker
Replace with: Loker Conservation & Recreation Area

Page 93, line 2
Strike: Loker
Replace with: Loker Conservation & Recreation Area

Page 93, line 9
Strike: Loker
Replace with: The Loker Conservation & Recreation Area

Page 93, line 27
Strike: Loker
Replace with: Loker Conservation & Recreation Area

Page 93, line 42
Strike Loker
Replace with: Loker Conservation & Recreation Area

Page 94, line 10
Strike: Loker
Replace with: Loker Conservation & Recreation Area

Article 26. Amend Town Code for the Municipal Affordable Housing Trust Fund

Page 95, line 2

Strike Board of Selectmen

Replace with "Select Board"

Article 30: Choose Town Officers

Page 101, Line 9

Strike: Gary Slep