

TOWN OF WAYLAND

Massachusetts

TOWN MANAGER

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



SELECT BOARD

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

Meeting Minutes

Select Board Meeting

Monday, February 26, 2024 at 7:00 p.m.

Wayland Town Building, Council on Aging Room / Hybrid
41 Cochituate Road, Wayland, MA 01778

Present: Anne Brensley, Thomas J. Fay, Carol B. Martin, William D. Whitney

Present, participated remotely: Adam G. Gutbezahl

Personnel present: Town Manager Michael McCall

A1. Call to Order, Review Agenda for Public: At 7:01 p.m., pursuant to Chapter 2 of the Public Acts of 2023, Chair W. Whitney called the meeting of the Select Board to order when a quorum was present. W. Whitney announced that the meeting may be live-broadcast and/or recorded for re-broadcast. W. Whitney announced that the meeting would be conducted in-person and via remote means and that the public could also participate remotely via teleconference. W. Whitney reviewed the agenda and announced each member by full name. He noted A. Gutbezahl would participate remotely.

A2. Announcements and Public Comment: There were no announcements and no public comment.

A3. Appointments to Committees: Vote to confirm appointment of the following volunteers:

Committee	Appointing Board	Appointee	Term End Date
Permanent Municipal Building Committee	Board of Library Trustees	Aida Gennis	Duration of Wayland Free Library Rehab Project
Permanent Municipal Building Committee	Board of Library Trustees	Judy Dion	Duration of Wayland Free Library Rehab Project
Permanent Municipal Building Committee	Council on Aging	Greg Lusky	Duration of Council on Aging/ Community Center building project
Wayland Housing Partnership	School Committee	Jacqueline Espiritusanto-Vega	June 30, 2026

T. Fay moved, seconded by C. Martin, to confirm the appointments of A. Gennis, J. Dion and G. Lusky to the Permanent Municipal Building Committee as appointed by the respective boards for the duration of the Wayland Free Library Rehab Project and the Council on Aging/ Community Center project, as set forth in the packet. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

T. Fay moved, seconded by C. Martin, to confirm the appointments Jacqueline Espiritusanto-Vega to the Wayland Housing Partnership as appointed by the School Committee for a term ending June 30, 2026. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

A4. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to: a) Review, insert and determine a position on articles, including but not limited to:

1. **B: Pay Previous Fiscal Year Bills:**

T. Fay moved, seconded by C. Martin, the Board vote to recommend approval of Article B: Pay Previous Fiscal Year Bills. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

2. **F: FY2025 Omnibus Budget:** M. McCall reported that the budget warrant article was still a work in progress. There was a discussion regarding the role of the Finance Committee in preparing the budget. The Board discussed the article and took no action.
3. **L: Capital Stabilization Fund Appropriation:** C. Martin noted that the submission was not in the warrant article request format and the Board needed to determine a funding source. C. Martin suggested changing Board policy to allow several funding sources, such as using any unused snow and ice removal funds. W. Whitney acknowledged the Finance Director's advice to commit some level of taxation annually. The Board discussed how the funds would be expended. The Board would revisit the topic at its next meeting.
7. **MM: Resolution in Support of Changing the State Flag and Seal of Massachusetts:** A. Gutbezahl reported that the Finance Committee would not provide a write-up on the article.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article MM: Resolution in Support of Changing the State Flag and Seal of Massachusetts. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

5. **T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing – invite attendance by Anette Lewis, Chair of Planning Board:** Anette Lewis, Claypit Hill Road, Chair of the Planning Board joined the meeting in person. A. Lewis provided an update on the work of the Planning Board over the last year in order to comply with new state law. A. Lewis described the law which requires the Planning Board to define zoning districts in which multi-family housing would be permitted as of right. A. Lewis described all the areas of the Town website where one could find the Planning Board's proposal to comply with the law. A. Lewis described some of the challenges the Planning Board faced when drafting the zoning districts and how other communities were complying. M. McCall reported that the Governor was imposing consequences for non-compliance.

The Board discussed the Tuesday, March 12, 2024 public hearing. A. Lewis recommended that the Board support the Planning Board's proposal. A. Brensley expressed concern that residents felt unheard and may not be supportive of the article if compromises were not made. T. Fay suggested all residents be notified about the public hearing, W. Whitney concurred.

A5. OriginCell Presentation: invite attendance by Wayne Wang, CEO: Wayne Wang, CEO OriginCell Instruments joined the meeting in person and presented information about his company, a manufacturer of equipment systems for automatic cryogenic sample storage. M. McCall described that the company was looking for a commercial property, possibly in Wayland. OriginCell was interested to discuss incremental financing options, which would require Annual Town Meeting voter approval. T. Fay suggested the Board develop a memorandum of understanding as a first step. A. Brensley asked if the company had begun to negotiate the purchase and sale agreement for the property in Wayland, to which W. Wang confirmed it had.

At 8:53 p.m., A. Gutbezahl left the meeting.

A4. 2024 Annual Town Meeting (ATM): discussion of ATM topics, including but not limited to: a) Review, insert and determine a position on articles, including but not limited to, continued:

6. **Z: Appropriation for Engineering Rt. 20 Corridor Roadway Improvements:** T. Fay acknowledged that the article aligned with the Board's goals, but that the Finance Committee had a strong degree of opposition because the expenditure was not in the capital plan. T. Fay advised that the Board may want to refrain from inserting the article and attempt to find existing funds to keep the project moving forward. The Board concurred. A. Brensley stressed the importance of continuing to move forward.

T. Fay moved that the Board re-visit its previous vote to insert Article Z: Appropriation for Engineering Rt. 20 Corridor Roadway Improvements and reconsider its vote to insert. There was no second. C. Martin moved, seconded by T. Fay, to insert and support Article Z: Appropriation for Engineering Rt. 20 Corridor Roadway Improvements. Roll Call Vote: YEA: A. Brensley. NAY: T. Fay, C. Martin and W. Whitney. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 1-3-0.

4. **S: Revise Town Code Chapter 43: Personnel:** C. Martin provided a summary of the Personnel Board meeting discussion and the revisions to Town Code to make it comport with the Select Board - Town Manager Act. C. Martin stated that someone suggested to reduce the term length for Personnel Board members from 5 years to 3 years. C. Martin would follow-up with the Personnel Board.

A6. FY 2024 Select Board Goals: review and discussion: M. McCall described how he and the staff were actively working toward the Boards goals. C. Martin reiterated the importance to periodically review how the Board was meeting the goals.

A7. Town Manager Evaluation: discussion and presentation of evaluation, next steps: The Board praised M. McCall and presented his evaluation with an overall score of 4.7 out of 5. T. Fay read an excerpt “Mr. McCall embodies what a public servant should be. He is communicative. He is thoughtful. He acts in the best interest of the community in mind.” C. Martin commended the Board for getting the evaluation done on time. W. Whitney acknowledged the need to evaluate and adjust M. McCall’s compensation, T. Fay would assist. Each Board member signed M. McCall’s evaluation.

A8. Town Manager’s Report:

a) **Events:**

- **Police Chief Swearing-in Ceremony:** M. McCall reported that there would be a ceremony Thursday February 29, 2024 at 1:00 p.m. to swear in the Chief of Police, Ed Burman.
 - **Council on Aging/Community Center Groundbreaking:** M. McCall announced that there would be a groundbreaking event on Thursday, March 7 between 11:00 a.m. and 1:00 p.m.
- b) **Mill Creek (MCRT Trust) Project Update:** M. McCall reported that the Mill Creek developers had withdrawn its appeal and the case would be dismissed as they were no longer interested in the property. M. McCall also noted that the extensive public records requests related to the project were also dropped.
- c) **Council on Aging/Community Center Project Update:** M. McCall provided an update on the project and some issues that may impact the costs of the project. W. Whitney requested more information about the contingency funds.
- d) **Budget Update regarding Health Insurance:** M. McCall reported that he met with the West Suburban Health Group regarding health insurance rates which would have a slight impact on the budget.
- e) **Town Manager Office Hours:** M. McCall reported that he held open office hours last week and would again on March 25, 2024 prior to the opioid-settlement public input session.
- f) **4-Day Work Week Update:** M. McCall announced that the Town would institute a four-day work week for some Town employees from June 24, 2024 to August 30, 2024.
- g) **Recap since last meeting:** M. McCall reported that he had met with the West Suburban Veteran’s District to evaluate the effectiveness of Veteran’s Services. M. McCall also announced that there was an open Registrar position and the Town was accepting letter of intent for appointment.

A9. Consent Calendar: a) Review and vote to approve listed items b) Discuss, consider, and potentially act on items removed from Consent, if any:

1. Vote the question of accepting a donation (American Biotech Supply, model # ABT-HC-SLS-72, 72cf capacity refrigerator) from Greg Malone, Stearns Scientific, for the Police Department.
2. Vote the question of signing the warrant for the March 5th Presidential Primary from Trudy Reid, Town Clerk.

T. Fay moved, seconded by C. Martin, to adopt the Consent Calendar. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

A10. Minutes: a) Review and approve the minutes of January 22, February 5, 2024 and February 12, 2024: The Board took no action on minutes of February 5, 2024 and February 12, 2024.

C. Martin moved, seconded by T. Fay, to approve the minutes of January 22, 2024, as amended. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved that the Board vote to approve the minutes of February 5, 2024, as amended. T. Fay withdrew the motion to allow the Board more time to review the draft.

A11. Review Correspondence: The Board reviewed the correspondence. C. Martin and M. McCall discussed the scope of legal advice and access to Town Council for petitioners who submit warrant articles.

A12. Select Board Members' reports and concerns: T. Fay acknowledged the Department of Public Works for beginning to clear the former Route 20 South Landfill, he added that the Route 20 South Landfill Visioning Committee would hear a presentation from the consulting firm next week. T. Fay reported that he was still struggling to support the Planning Board's proposal to comply with the MBTA Communities Multi-Family Housing compliance. C. Martin announced that the Board of Public Works requested the removal of items stored on the vacant lot at 195 Main Street and requested the Board's help to influence the lackluster response. C. Martin commended the Board of Public Works for assessing the water models. A. Brensley renewed her request to improve communication with the community. A. Brensley concurred with T. Fay's hesitations related to the Planning Board's proposal and wanted more information.

A13. Topics not reasonably anticipated by the Chair 48 hours in advance, if any: There were none.

A14. Executive Session: At 10:03 p.m., W. Whitney moved, seconded by T. Fay, that the Select Board enter into Executive Session a) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Library Staff Association MET, AFT, AFL-CIO and possible vote on collective bargaining agreement, also b) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA) Local 176 and c) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 12, 2024 with the intent to hold said minutes.

T. Fay suggested the phrase "and possible vote on collective bargaining agreement" be added to the motion part b). W. Whitney withdrew the motion.

At 10:04 p.m., W. Whitney moved, seconded by T. Fay, that the Select Board enter into Executive Session a) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Wayland Library Staff Association MET, AFT, AFL-CIO and possible vote on collective bargaining agreement, and b) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association (NEPBA) Local 176 and possible vote on collective bargaining agreement, and c) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 12, 2024 with the intent to hold said minutes.

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

W. Whitney invited attendance by Town Manager M. McCall and announced that the Board would reconvene in open session in about fifteen minutes.

A15. Return to Open Session: Announcement of possible vote taken to approve collective bargaining agreement with the Wayland Library Staff Association MET, AFT, AFL-CIO and New England Police Benevolent Association (NEPBA) Local 176: At 10:28 p.m., the Board returned to open session.

T. Fay moved, seconded by C. Martin, to approve the memorandum of agreement between the Town of Wayland and the Wayland Library Staff Association MET, AFT, AFL-CIO as set forth in the document dated February 16, 2024 in the packet. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved, seconded by C. Martin, to approve the memorandum of agreement between the Town of Wayland and the New England Police Benevolent Association (NEPBA) Local 176 dated February 26, 2024, as amended concerning the promotional process. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

T. Fay moved, seconded by C. Martin, to approve the memorandum of agreement between the Town of Wayland and the New England Police Benevolent Association (NEPBA) Local 176 concerning private details. Roll Call

Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

A16. Adjourn: At 10:31 p.m., T. Fay moved, seconded by C. Martin, to adjourn the meeting. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: A. Gutbezahl. ABSTAIN: None. Approved. 4-0-0.

Items included in the packet for the Select Board Meeting of February 26, 2024:

1. Revised Agenda I posted 02/23/2024 at 8:37 a.m. revised agenda posted on 02/22/2024 at 4:12 p.m.
2. Email: To: K. Power-Spirelet From: B. Keefe Re: New PMBC Members, dated February 15, 2024
3. List: Warrant Article list for 2024 Annual Town Meeting, dated February 22, 2024
4. Draft ATM Warrant Article B: Pay Previous Fiscal Years Unpaid Bills
5. Draft ATM Warrant Article F: Fiscal Year 2025 Omnibus Budget
6. Draft ATM Warrant Article L: Capital Stabilization Fund Appropriation
7. Draft ATM Warrant Article MM: Resolution in Support of Changing the State Flag & Seal of Massachusetts
8. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel
9. Draft ATM Warrant Article T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing
10. Draft ATM Warrant Article Z. Appropriation for Engineering Rt. 20 Corridor Roadway Improvements
11. List: Select Board Goals 2023-2024
12. Letter: From: M. Quinn Counsel, Goulston & Storrs for MCRT Investments LLC via email To: V. Barros, Clerk, Housing Appeals Committee Executive Office of Housing And Livable Communities 100 Cambridge Street, Suite 300 Boston, MA 02114 Re: MCRT Investments LLC v. Town of Wayland Zoning Board of Appeals Housing Appeals Committee Docket No. 2023-05, dated February 20, 2024 with enclosed MCRT Investments LLC’s Notice of Withdrawal
13. Draft: Select Board Meeting Minutes: January 22, 2023

Supplemental Packet

14. Revised Agenda II posted 02/26/2024 at 1:32 p.m. revised initial agenda posted 02/22/2024 at 4:12 p.m.
15. Email: To: K. Power-Spirelet From: B. Keefe Re: New PMBC Members, dated February 15, 2024
16. List: Warrant Article list for 2024 Annual Town Meeting, dated February 22, 2024
17. Draft ATM Warrant Article B: Pay Previous Fiscal Years Unpaid Bills
18. Draft ATM Warrant Article F: Fiscal Year 2025 Omnibus Budget
19. Draft ATM Warrant Article L: Capital Stabilization Fund Appropriation
20. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel, with redline draft Town Code dated February 20, 2024
21. Draft ATM Warrant Article T: Amend Zoning Bylaws and Town Zoning Map – MBTA Communities Multi-Family Housing
22. Draft ATM Warrant Article Z. Appropriation for Engineering Rt. 20 Corridor Roadway Improvements
23. Email: Fwd: From: Whitney, W. To: Roman, P. Cc: Fay, T. Subject: Re: A couple of Capital-related topics discussed by the Finance Committee, Date: February 19, 2024 at 9:12:35 AM EST
24. Draft ATM Warrant Article MM: Resolution in Support of Changing the State Flag & Seal of Massachusetts
25. List: Select Board Goals 2023-2024
26. Town of Wayland Town Manager Performance Evaluation Form March 2023 – February 2024
27. Letter: From: M. Quinn Counsel, Goulston & Storrs for MCRT Investments LLC via email To: V. Barros, Clerk, Housing Appeals Committee Executive Office of Housing And Livable Communities 100 Cambridge Street, Suite 300 Boston, MA 02114 Re: MCRT Investments LLC v. Town of Wayland Zoning Board of Appeals Housing Appeals Committee Docket No. 2023-05, dated February 20, 2024 with enclosed MCRT Investments LLC’s Notice of Withdrawal
28. Draft: Select Board Meeting Minutes: January 22, 2023
29. Draft: Select Board Meeting Minutes: February 5, 2023
30. Draft: Select Board Meeting Minutes: February 12, 2023

Correspondence:

1. Correspondence from Ellen Tohn, Wayland Energy and Climate Committee to Select Board dated February 14, 2024 re: Photo Opportunity with Senator Eldridge February 6, 2024 re: St. Ann's Senior Village, Wayland, MA
2. Correspondence from Gretchen Dresens, to Select Board dated February 14, 2024 re: Public Comment – EDC and 193 Commonwealth
3. Correspondence from Gretchen Dresens, to Select Board dated February 15, 2024 re: Public Comment – EDC and 193 Commonwealth
4. Correspondence from Anette Lewis, Planning Board to Select Board dated February 15, 2024 re: Milton Voters Reject MBTA Zoning