

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, March 4, 2024 at 7:00 p.m.
Wayland Town Building, Council on Aging Room / Hybrid
41 Cochituate Road, Wayland, MA 01778

Present: Thomas J. Fay, Adam G. Gutbezahl, Carol B. Martin, William D. Whitney

Present, participated remotely: Anne Brensley.

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 that A. Brensley would participate remotely.

A2. Announcements and Public Comment: A. Gutbezahl announced that there was Presidential Primary Election on Tuesday, March 4, 2024 between 7:00 a.m. and 8:00 p.m. at all polling locations. C. Martin announced that there would be a Council on Aging/Community Center (COA/CC) ceremonial ground-breaking event on Thursday, March 7, 2024 at 11:00 a.m. at Andrew Avenue. A. Brensley reminded the Board that it would soon co-sponsor a Town-SPIRIT program (Site Problem Identification and Resolution of Issues Together) event in collaboration with the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC). M. McCall added that the S.P.I.R.I.T. event would be held on April 28, 2024 from 1:00 p.m. to 7:00 p.m. A. Brensley reported that there were several communities in which voters have rejected the Massachusetts Bay Transportation Authority (MBTA) Communities Zoning. W. Whitney announced two public hearings before the Planning Board on March 12, one with respect to 193 Commonwealth Road and another regarding the MBTA Zoning proposed bylaw and maps.

D. Bernstein, Glezen Lane, as lead petitioner for Article OO. Establish Athletic Fields Planning Committee joined the meeting in person and described changes in the article text since the Board last heard the petition at the petitioners' workshop. D. Bernstein stated that athletic field improvements moved at a glacial pace. He provided counter arguments to the Finance Committee's arguments against, stating that a staff working group would not provide transparency to the public and would not get the job done. D. Bernstein encouraged the Board to support the article.

R. Turner, Nob Hill Road, joined the meeting via teleconference and reported that he attended the Police Chief's swearing in ceremony with his brother and it was well done.

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 b) Discussion of articles not yet voted on by Select Board:

- **OO: Establish Athletic Fields Planning Committee:** W. Whitney noted that the Finance Committee had voted to support the article and would reconsider its vote in the event the Board acted to not support the article. W. Whitney reported that the Recreation Commission and the Board of Public Works had not taken a position on the article W. Whitney also reported the Department of Public Works

(DPW) Director and the Recreation Director did not recommend approval of the article. T. Fay asked if there were any costs associated with the article, W. Whitney answered that the Finance Committee did not discuss funds. M. McCall acknowledged the need for a Capital Planning Committee with a larger scope and his willingness to form a working group to which he invited D. Bernstein to participate. A. Gutbezahel preferred the transparency of a committee versus a working group, but acknowledged the need for a Capital Planning Committee. C. Martin acknowledged the need for the work to be completed and trusted that M. McCall would establish a working group and a future Long-term Capital Meeting Committee. A. Brensley expressed continued concern for a lack of mechanism for the community to get involved to move stalled projects forward. T. Fay noted that the fields issue was long-standing and there was a need to prioritize it. T. Fay stated that he was comfortable supporting the article. W. Whitney preferred to try a working group before an established committee.

A. Gutbezahel moved, seconded by C. Martin, to recommend approval of Article OO: Establish Athletic Fields Planning Committee. Roll Call Vote: YEA: T. Fay. NAY: A. Brensley, A. Gutbezahel, C. Martin and W. Whitney. ABSENT: None. ABSTAIN: None. Motion did not pass. 1-4-0.

- **PP: Extension of Moratorium on Synthetic Fields/Artificial Turf:** Lead Petitioner, Paul Dale, Grace Road was present at the meeting to answer questions, if any. C. Martin reviewed the background of the article which stemmed from the expiration of the current three-year synthetic turf moratorium.

A. Gutbezahel moved, seconded by C. Martin, to recommend approval of Article PP: Extension of Moratorium on Synthetic Fields/Artificial Turf. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahel, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

- **Y: To Adopt the Massachusetts Specialized Energy Code:** A. Gutbezahel described the intent of the article. C. Martin noted that the article submission was not in the correct font.

A. Gutbezahel moved, seconded by C. Martin, to recommend approval of Article Y: To Adopt the Massachusetts Specialized Energy Code. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahel, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

Finance Director, B. Keveny joined the meeting in person to provide more information about the funding and the use of free cash to fund several articles.

- **Article G. Fiscal Year 2025 Revolving Fund Expenditure Limits:**

A. Gutbezahel moved, seconded by C. Martin, to recommend approval of Article G. Fiscal Year 2025 Revolving Fund Expenditure Limits, as set forth in the supplemental packet. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahel, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

- **D: Other Post-Employment Benefits (OPEB) Funding:** B. Keveny recommended that the funding source be changed.
- **C: Current Year Transfers:**

A. Gutbezahel moved, seconded by C. Martin, to remove Article C. Current Year Transfers from the 2024 ATM warrant. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahel, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

- **E: Enterprise Fund Budgets:** B. Keveny provided updated budget values and recommended to fund the Transfer Station by free cash and not taxation.
- **L: Capital Stabilization Fund:** B. Keveny provided updated budget values and recommended to fund this by free cash and not taxation. C. Martin noted that the submission was not in the proper warrant article format and suggested the Board determine a funding source.
- **Q: Special Education Reserve Fund:** B. Keveny recommended to fund the Special Education Reserve Fund by free cash and not taxation.
- **U: Fire Department Staffing Study:** B. Keveny recommended the use of \$39,000 of free cash. There was a discussion if it would be appropriate to include the expenditure in the operating budget rather than

a separate warrant article, to which the Board deferred to the Finance Committee. There was a discussion about funding the study with ambulance receipts. The Board deferred its vote to a future meeting.

- **V. Classification and Compensation Study for All Town Wage Scales:** B. Keveny recommended that Article V. Classification and Compensation Study for All Town Wage Scales also be funded by free cash.

B. Keveny summarized that there was a recommended total of \$2.7 million in free cash which was aligned with the certification from Department of Revenue.

- **K: Accept Gifts of Land:** It was not known if any gifts of land were expected, the Board tabled its vote.
- **M: Choose Town Officers:** A. Brensley acknowledged the tradition of the standard article and noted that there were no funds required.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article M: Choose Town Officers. T. Fay recommended the list be confirmed with the individual officers. 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.

- **N: Hear Reports:** A. Brensley made a correction to the text, "Town Code Chapter 53, Section 3", should read "Chapter 53 Section 4". The Board wanted to confirm the number of boards and committees with reports before acting on the article. The Board discussed the various boards and committees that might present a report, including: the Board of Assessors, Community Preservation Committee, Planning Board, Public Ceremonies Committee, Select Board, and the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC).
- **O: Sell or Trade Vehicles and Equipment:** M. McCall would confirm the details of the article.
- **S. Revise Town Code Chapter 43: Personnel:** M. McCall reported that he was working on a compromise with the Personnel Board on the draft language.
- **AA: To Reaffirm Remote Participation at Town Meeting:** T. Fay described that the intent of the article was to reaffirm a prior vote by Annual Town Meeting, and added that the matter was still pending state legislation.

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article. AA: Reaffirm Remote Participation at Town Meeting. 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.

- **BB. Revise Town Code 91-1 and CC. Revise Town Code 91-2:** W. Whitney acknowledged that the Finance Committee voted to support both articles submitted by the Town Clerk. The Board would discuss the article at its next meeting.
- **II – Community Preservation Act – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool:**

A. Gutbezahl moved, seconded by C. Martin, to recommend approval of Article. II – Community Preservation Act – Recreation Projects: Improvements at Cochituate Ball Fields and Wayland Community Pool. 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.

- **NN. Solar Compact Development for Wayland:** M. McCall reported that the petitioner was working on some outstanding legal issues.
- **A. Recognize Citizens & Employees for Particular Service to Town:** W. Whitney noted the need to establish better records for the service of citizens and employees to the Town.

A5. Outstanding Capital Appropriations a) Invite attendance by John Bugbee, Assistant Town Manager: J. Bugbee joined the meeting via teleconference and reported that he would provide an update at the next meeting.

A6. American Rescue Plan Act (ARPA) Funds Update: Review, Discussion and possible vote on project funding allocation: M. McCall noted the need to periodically review the spending ahead of the 2026 deadline. B.

Keveny provided a summary regarding the \$4.1 million American Rescue Plan Act (ARPA) funds and encouraged the Board to consider using some ARPA funds to fund full-day kindergarten.

A. Gutbezahle moved, seconded by C. Martin, to adjust its prior allocation for the Massachusetts Water Resource Authority (MWRA) connection to \$864,231 and insert a new allocation of ARPA funds for Full-Day Kindergarten for \$535,769 resulting in total allocated ARPA funds of \$4,076,700. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahle, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

A7. 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 in the amount of \$27,000 from the Wayland Youth Lacrosse Program to construct a lacrosse bounce back wall at Wayland High School.
2. Vote the question of signing a Bond Anticipation Note (BAN) through the State House Note program for the purposes of funding Water Enterprise Capital Projects in the amount of \$489,000.
3. Vote the question of approving Town Manager, Michael McCall, as signatory for approving the contract for the Wayland Cochituate Field Improvement Project, from Vintage Properties Inc., (of Weston, MA), in the amount of \$268,000.

T. Fay moved, seconded by A. Gutbezahle, to adopt the Consent Calendar. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahle, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

A8. Minutes: a) Review and approve the minutes of February 5, 2024, February 12, 2024 and February 26, 2024, if available: The Board did not act on the minutes of February 26, 2024.

T. Fay moved, seconded by A. Gutbezahle, to approve the minutes of February 5, 2024, as amended. Roll Call Vote: YEA: A. Brensley, T. Fay, A. Gutbezahle, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

T. Fay moved, seconded by C. Martin, to approve the minutes of February 12, 2024, as amended. Roll Call Vote: YEA: A. Brensley, T. Fay, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: A. Gutbezahle. Approved. 4-0-1.

A9. Town Manager's Report:

- a) Equity Audit Update:** J. Bugbee reported that the selection committee was still assessing the twelve (12) total proposals that the Town received in response to the RFP for an equity audit. He described the next steps in the selection process and projected that the equity assessment should be complete twelve months after a firm is selected, likely from April.
- b) Board of Registrars:** M. McCall announced that there was an open Registrar position for elections and the Town Clerk was accepting letters of intent for appointment.
- c) Council on Aging/Community Center (COA/CC) Project Sign:** No update was given on item A9.c and A9.d because there was an acronym on the agenda and the Town Manager did not want to trigger an Open Meeting Law violation.
- d) Status of the Council on Aging COA Owner's Contingency Fund:** No update was given, see A9.c.
- e) Recap since last meeting:** M. McCall reported that the Town hosted a ceremony Thursday, February 29, 2024 to swear in the Chief of Police, Ed Burman. M. McCall announced that he recently confirmed that the COA/CC project was not delayed by 6 months, as was falsely reported in Wayland Voter's Network (WVN), a moderated email subscription service that is authored by voters of Wayland.

A10. Review Correspondence: The Board reviewed the correspondence.

A11. Select Board Members' reports and concerns: A. Gutbezahle thanked M. McCall for a commendable first year. A. Gutbezahle expressed disappointment with the fact that M. McCall must refrain from discussion of the COA/CC project to appease one or two people who are concerned with menial Open Meeting Law technicalities such as acronyms, which deprived the rest of the community from an important update. A. Gutbezahle reported that the Trust Fund Commission continued to receive requests for expenditures from the Millennial Fund from

the Library. A. Gutbezahl recommended a joint meeting among the Trust Fund Commission, the Board of Library Trustees and the Select Board.

C. Martin suggested a press release regarding the availability of Narcan® (naloxone) from the Health Department in Town Building. C. Martin also noted that she would attend a presentation by Michele Fronk Schuckel, MBA, BSN, RN of the Wayland Health Department. A. Brensley commented on the American Rescue Plan Act (ARPA) funds and recommended the Board periodically review how it is being spent.

T. Fay reported that he attended the swearing-in ceremony for Ed Burman as Police Chief and commended M. McCall for hosting the ceremony. T. Fay reported that the Route 20 South Landfill Visioning Committee would hear a presentation from the consulting firm next week.

W. Whitney acknowledged a request for smaller projects related to the COA/CC project from Bill Sterling and recommended further discussion at a future meeting. W. Whitney reported that he was contacted by Chris Reynolds who recommended to move soil from the COA/CC project to the Town Green at Town Center to improve drainage.

A12. Topics not reasonably anticipated by the Chair 48 hours in advance, if any: There were none.

A13. Executive Session: At 9:04 p.m., W. Whitney moved, seconded by C. Martin, that the Select Board enter into Executive Session a) pursuant to Massachusetts General Laws 30A, Section 21 (a) (2) to conduct strategy sessions in preparation for negotiations with non-union personnel i.e., the Town Manager b) pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (7) to review and approve the executive session minutes of February 12 and February 26, 2024 if available 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, A. Gutbezahl, C. Martin and W. Whitney. NAY: None. ABSENT: None. ABSTAIN: None. Approved. 5-0-0.

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

A14. Return to Open Session: Announcement of possible vote taken to approve agreement with non-union personnel (Town Manager): At 9:45 p.m., the Board returned to open session and did not take any action.

A15. Adjourn: At 9:45 p.m., T. Fay moved, seconded by C. Martin, to adjourn the meeting. 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.

Items included in the packet for the Select Board Meeting of March 4, 2024:

1. Revised Agenda I posted 03/01/2024 at 9:19 a.m. revises agenda posted on 02/29/2024 at 4:08 p.m.
2. Revised Agenda II posted 03/01/2024 at 1:07 p.m. revised agenda posted on 02/29/2024 at 4:08 p.m.
3. List: Warrant Article list for 2024 Annual Town Meeting, dated February 25, 2024
4. Draft ATM Warrant Article D. OPEB Funding
5. Table: OPEB Funded Status Reconciliation June 30, 2022 to June 30, 2023
6. Draft ATM Warrant Article E. Enterprise Fund Budgets, redlined version
7. Draft ATM Warrant Article K: Accept Gifts of Land
8. Draft ATM Warrant Article L: Capital Stabilization Fund Appropriation
9. Draft ATM Warrant Article M: Choose Town Officers
10. Draft ATM Warrant Article N: Hear Reports
11. Draft ATM Warrant Article U. Fire Department Staffing Study
12. Draft ATM Warrant Article Y. To Adopt the Massachusetts Specialized Energy Code, redlined
13. Draft ATM Warrant Article AA. Reaffirm Remote Participation at Town Meeting
14. Draft ATM Warrant Article OO. Establish Athletic Fields Planning Committee
15. Draft ATM Warrant Article PP. Extension of Moratorium on Synthetic Fields/Artificial Turf
16. Document: Need For A Master Plan For Cochrutuate
17. Draft: Select Board Meeting Minutes: February 5, 2024
18. Draft: Select Board Meeting Minutes: February 12, 2024

Supplemental Packet

1. Revised Agenda III posted 03/04/2024 at 3:16 p.m. revised agenda posted on 02/29/2024 at 4:08 p.m.
2. Draft ATM Warrant Article E: Enterprise Fund Budgets
3. Draft ATM Warrant Article G. Fiscal Year 2025 Revolving Fund Expenditure Limits
4. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel, with redline draft Town Code dated February 20, 2024
5. Draft ATM Warrant Article II: Community Preservation Act – Recreation Projects: Improvements at Cochrutuate Ball Fields and Wayland Community Pool

Correspondence:

1. Correspondence from Henry Stimpson, to Select Board dated February 23, 2024 re: Anti-Idling Signs- More action needed.
2. Correspondence from Becky Stanizzi, to Select Board dated February 26, 2024 re: MBTA Communities – Rt. 20 West-25 Acre Contiguous District Option.
3. Correspondence from Anette, Lewis, Wayland Planning Board Chair to Select Board dated February 26, 2024 re: MBTA Communities Act Zoning Bylaw Town Meeting.
4. Correspondence from Anette Lewis, Wayland Planning Board Chair to Select Board dated February 27, 2024 re: A.G. sues Milton.
5. Correspondence from Patrick J. Shearns, Sr. Manager, Xfinity to Select Board dated February 27, 2024 Re: 2023 License Fee Payment; Changes to Xfinity.
6. Correspondence from Christine McKenna Lok, to Select Board dated March 1, 2024 re: Options for 212 Cochrutuate.