

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 11, 2024 at 7:15 p.m.
Wayland Town Building, Council on Aging Room / Hybrid
41 Cochituate Road, Wayland, MA 01778

Present: Anne Brensley, Adam G. Gutbezahl and Carol B. Martin.

Absent: Thomas J. Fay and William D. Whitney.

Personnel present: Town Manager Michael McCall

A1. Call to Order, Review Agenda for Public: At 7:15 p.m., pursuant to Chapter 2 of the Public Acts of 2023, Vice Chair C. Martin called the meeting of the Select Board to order when a quorum was present. C. Martin announced that the meeting may be live-broadcast and/or recorded for re-broadcast. C. Martin announced that the meeting would be conducted in-person and via remote teleconference and that the public could also participate remotely. C. Martin announced each member by full name and reviewed the agenda.

A2. Announcements and Public Comment: C. Martin announced that there would be a Council on Aging/Community Center (COA/CC) ceremonial ground-breaking event on Wednesday, March 13, 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). A. Brensley 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. at the Wayland High School Field House.

Michael Lowery, Lakeshore Road, joined the meeting to inform that Board that the boat launch project that was approved at a previous Annual Town Meeting had experienced delays and had still not yet been completed as it waited for permits. M. Lowery expressed the importance of the boat launch for public safety reasons.

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:

- **S. Revise Town Code Chapter 43: Personnel – Invite attendance by MaryAnne Peabody, Chair of Personnel Board:** C. Martin described that the Personnel Board, Town Manager and Town Counsel had all proposed a variety of updates to the Town Code in consideration of the Select Board - Town Manager Act. MaryAnne Peabody, Bayfield Road, Chair of the Personnel Board joined the meeting in person and reviewed the redline changes she had proposed which amended the draft previously reviewed by Town Counsel. K. Ryan, Human Resources Manager also joined the meeting. There was discussion about whether the role of the Personnel Board was advisory or policy-making. There was a discussion about the definitions of “guidance,” “advice” and “recommendations.” A. Brensley suggested the Town Code include definitions of the terms. M. McCall reported that Town Counsel had recommended the use of the word “advise” and made other revisions which eliminated any conflict between the Town Code and the Select Board-Town Manager Act, which the Personnel Board then further amended. A. Gutbezahl had concerns about some of the language in the proposed draft. K. Ryan added that the language highlighted in yellow was proposed by Town Counsel and then stricken by the Personnel Board.

M. Peabody asked for the Board’s advice on the existing checks and balances and if the Personnel Board should continue to provide policy-direction as is written in the Town Code, even when it conflicts with Select Board-Town Manager Act. The Board requested the Personnel Board determine if there were any

other communities in the Commonwealth that had veto power over the Town Manager. The Board requested a clean redline version of the document to support further discussion at the next meeting.

- **D: Other Post-Employment Benefits (OPEB) Funding:** The Board requested updated budget values from the Finance Director before taking any action.
- **E: Enterprise Fund Budgets:** A. Gutbezahle reported that the Transfer Station budget had increased from \$6.1 million to \$6.2 million.

A. Gutbezahle moved, seconded by A. Brensley, to recommend approval of Article E: Enterprise Fund Budgets. Vote: YEA: A. Brensley, A. Gutbezahle and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **L: Capital Stabilization Fund:** C. Martin noted that B. Keveny previously recommended to fund this with \$250,000 from free cash and not by taxation.

A. Gutbezahle moved, seconded by A. Brensley, to recommend approval of Article L: Appropriate to Capital Stabilization Fund. Vote: YEA: A. Brensley, A. Gutbezahle and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **N: Hear Reports:** A. Brensley would confirm the number of boards and committees intending to give reports, up to including from the Board of Assessors, Community Preservation Committee, Planning Board, Public Ceremonies Committee, and the Human Rights, Diversity, Equity and Inclusion Committee (HRDEIC). The Board agreed that the Select Board would not provide a report.

A. Gutbezahle moved, seconded by A. Brensley, to recommend approval of Article N: Hear Reports with leave to modify the article language solely to delete the listed boards and committees that do not issue reports. Vote: YEA: A. Brensley, A. Gutbezahle and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

Public Comment (cont'd): Richard Turner, Nob Hill Road, joined the meeting via teleconference and as Chair explained that the Public Ceremonies Committee planned to give awards at Annual Town Meeting rather than give a report.

- **W: Loker Elementary School Solar Agreement:** The Board acknowledged that this article was recommended by the Energy & Climate Committee.

A. Gutbezahle moved, seconded by A. Brensley, to recommend approval of Article W: Loker Elementary School Solar Agreement and presented with abbreviated procedures. Vote: YEA: A. Brensley, A. Gutbezahle and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **Q: Special Education Reserve Fund:** M. McCall confirmed that Finance Director B. Keveny recommended to fund the Special Education Reserve Fund by free cash and not taxation at the prior meeting.

A. Gutbezahle moved, seconded by A. Brensley, to recommend approval of Article Q: Special Education Reserve Fund, subject to the article language explicitly stating that the funding source was free cash. Vote: YEA: A. Brensley, A. Gutbezahle and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **V. Classification and Compensation Study for All Town Wage Scales:** M. McCall confirmed that Finance Director B. Keveny recommended to fund the study by free cash and not taxation at the prior meeting.

A. Gutbezahle moved, seconded by A. Brensley, to recommend approval of Article V. Classification and Compensation Study for All Town Wage Scales, subject to the article language be clarified to state that the funding source is free cash. Vote: YEA: A. Brensley, A. Gutbezahle, C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **X: Solar Agreements for Town Properties, renamed for Council on Aging Facility:**

A. Gutbezahl moved, seconded by A. Brensley, to recommend approval of Article X: Solar Agreements for Council on Aging Facility. Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **BB: Revise Town Code 91-1:**

A. Brensley moved, seconded by Gutbezahl, to recommend that the Select Board approve Article BB: Revise Town Code 91-1 Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **CC: Revise Town Code 91-2:**

A. Brensley moved, seconded by Gutbezahl, to recommend approval of Article CC: Revise Town Code 91-2. Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **U: Fire Department Staffing Study:** M. McCall reported that Finance Director B. Keveny recommended the use of \$39,000 from ambulance receipts.

Public Comment (cont'd): M. Lowery, Lakeshore Drive, asked if the topic was on the agenda, to which the Board confirmed it was properly posted on the agenda.

A. Gutbezahl moved, seconded by A. Brensley, to recommend approval of Article U: Fire Department Staffing Study. Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- **NN: Solar Compact Development for Wayland:** C. Martin questioned whether the Board could accept the new version of the article given the timeline and the change in scope, she recommended an opinion from Town Counsel. M. McCall added that a zoning matter would need to be referred to the Planning Board for a public hearing. C. Martin expressed concern that the changes would not meet the deadline.

A5. Surface Water Quality Committee: c) Invite attendance by Thomas Klem, Surface Water Quality Committee Chair Outstanding Capital Appropriations:

- a) **Discussion and possible vote to accept the use of the Dudley Pond Association (DPA) gift account funds:** Thomas Klem, Chair of the Surface Water Quality Commission joined the meeting in person and requested the Board release \$4,000 of the approximately \$27,000 DPA gift funds to pay SOLitude Lake Management for additional work the company had completed last year without prior approval.

A. Gutbezahl moved, seconded by C. Martin, to disperse \$4,000 from the Dudley Pond Association (DPA) gift account funds for the purposes of paying \$4,000 to SOLitude Lake Management per SOLitude's express agreement on the balance of the related outstanding invoices. Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

- b) **Discussion and possible vote to approve additional budget request for Fiscal Year 2024:** T. Klem requested an additional \$3,750 budget to hire SOLitude to obtain a permit that would allow the future management of the invasive water chestnuts at Heard Pond. The Board discussed the request. A. Gutbezahl suggested the Town Manager find a funding source and the Board would consider the matter via the Consent Calendar at the next meeting.

A4. Grant Agreement: Discussion and possible vote to honor a grant agreement of American Rescue Plan Act (ARPA) funds to the School Department to fund Full-Day Kindergarten, and to authorize Town Manager, Michael McCall, to sign all necessary and related documents: M. McCall respectively requested the Board table the topic until the Board's March 18 meeting.

A6. 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 Municipal Energy Technical Assistance Grant from the Department of Energy Resources (DOER) for the purposes to pay a consultant to design a solar PV battery energy storage system, in the amount of \$13,050.00.

2. Vote the question of approving a sandwich board request by Creative Arts Parents Association (CAPA) for advertising the Wayland Middle School's 'College A Cappella Concert on Saturday, April 6th to support arts and programming at Wayland High School during the dates of March 23rd thru April 6th at Fire Station Two, Town Center (corner of Routes 20 & 27), Old Connecticut Path and Cochituate Road (Five Paths), and Route 20/Old Connecticut Path by Coach Grill.
3. Vote the question of approving Town Manager, Michael McCall, as signatory for approving the contract for Wayland Town Copiers, Printers & Related Devices Contract, from Xerox Corporation, in the amount of \$106,182.72.

A. Gutbezahl moved, seconded by A. Brensley, to adopt the Consent Calendar. Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

A7. Minutes: a) Review and approve the minutes of February 26, 2024 and March 4, 2024, if available:

The Board did not act on the minutes of March 4, 2024.

A. Gutbezahl moved, seconded by A. Brensley, to approve the minutes of February 26, 2024, as amended. Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

A8. Town Manager's Report:

- a) **Status of Boat Launch at Dudley Pond:** M. McCall acknowledged M. Lowery's comments about the public safety need for the boat launch at Dudley Pond. M. McCall reported there was a need for Conservation to provide an Order of Conditions that would permit a boat launch for public safety and conservation and maintenance purposes. M. McCall noted there may be a permit required from a state agency.

Public Comment: M. Lowery asked the Town Manager to clarify which state agency would have to permit the launch. M. McCall noted there was an outstanding question if the Division of Fisheries and Wildlife (MassWildlife) would need to be notified.

- b) **Council on Aging/Community Center (COA/CC) Project Update:** M. McCall announced that the COA/CC project was not delayed further, as was incorrectly reported in Wayland Voter's Network (WVN), a moderated email subscription service that is authored by voters of Wayland. M. McCall added that there would be a Council on Aging/Community Center (COA/CC) ceremonial ground-breaking event on Wednesday, March 13, 2024 at 11:00 a.m. at Andrew Avenue.
- c) **Recap since last meeting:** M. McCall reported he had attended a legislative breakfast with the state representatives and Library Trustees, which was a nice event that showcased the Wayland Library.

A9. Review Correspondence: The Board reviewed the correspondence.

A10. Select Board Members' reports and concerns: C. Martin acknowledged recent correspondence from H. Stimpson, Maiden Lane, regarding new state vehicle idling laws.

A11. Topics not reasonably anticipated by the Chair 48 hours in advance, if any: There were none.

A12. Executive Session: At 9:35 p.m., C. Martin moved, seconded by A. Brensley, that the Select Board enter into Executive Session a) 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 with the intent to hold said minutes and b) pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a) (3), to discuss strategy with respect to a New England Police Benevolent Association Local 176 American Arbitration Association Case Number: 01-23-0001-7213 and vote on proposed resolution.

C. Martin declared that a public discussion of this matter may have a detrimental effect on the litigating, negotiating and/or bargaining position of the Town. Roll Call Vote: YEA: A. Brensley, A. Gutbezahl and C. Martin. NAY: None. ABSENT: T. Fay, W. Whitney. ABSTAIN: None. Approved. 3-0-0.

C. Martin invited attendance by Town Manager M. McCall, Human Resources Manager Kate Ryan and Attorney David Jenkins, K-P Law, P.C. C. Martin announced that the Board would not reconvene in open session.

A13. Adjourn: The Board adjourned in Executive Session.

Items included in the packet for the Select Board Meeting of March 11, 2024:

1. List: Warrant Article list for 2024 Annual Town Meeting, dated February 25, 2024
2. Draft ATM Warrant Article D: OPEB Funding
3. Draft ATM Warrant Article E: Enterprise Fund Budgets, redlined version
4. Draft ATM Warrant Article L: Appropriate to Capital Stabilization Fund
5. Draft ATM Warrant Article N: Hear Reports
6. Draft ATM Warrant Article Q: Special Education Reserve Fund
7. Draft ATM Warrant Article S: Revise Town Code Chapter 43: Personnel, with redline draft Town Code dated March 4, 2024
8. Draft ATM Warrant Article V: Classification and Compensation Study for All Town Wage Scales, redlined
9. Draft ATM Warrant Article W: Loker Elementary School Solar Agreement
10. Draft ATM Warrant Article X: Solar Agreements for Council on Aging facility, redlined
11. Draft ATM Warrant Article BB: Revise Town Code 91-1
12. Draft ATM Warrant Article CC: Revise Town Code 91-2
13. Letter: From T. Klem, Chair, Surface Water Quality Committee to W. Whitney Chair, Select Board re: request use of Dudley Pond Association (DPA) gift account funds for work on Dudley Pond, dated March 4, 2024
14. Letter: From T. Klem, Chair, Surface Water Quality Committee to J. Bugbee Assistant Town Manager re: request additional budget to support the SWQC Committee's work in FY24, dated March 4, 2024
15. Draft: Select Board Meeting Minutes: February 26, 2024

Supplemental Packet:

1. Revised Agenda I posted 03/08/2024 at 12:10 p.m. revises agenda posted on 03/07/2024 at 3:56 p.m.
2. Annual Town Meeting Citizen Petition Article Form: From Petitioner: Windsor Mallett, Waltham Road re: Town of Wayland Zoning Amendment for Solar Conservation Cluster, dated March 8, 2024, with signature pages
3. Grant Agreement between Town Of Wayland and Wayland Public Schools, dated March 11, 22024

Second Supplemental Packet:

1. Revised Agenda II posted 03/11/2024 at 1:50 p.m. revises agenda posted on 03/07/2024 at 3:56 p.m.
2. Draft ATM Warrant Article U: Fire Department Staffing Study